

UPDATING EPSOM CEMETERY RULES AND REGULATIONS

Report of the:	Head of Housing & Community
Contact:	Rod Brown
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Annexes/Appendices (attached):	Annexe 1 - Epsom cemetery fees, charges and regulations 2018/19
Other available papers (not attached):	Epsom Cemetery fees, charges and regulations 2017/18

Report summary

This report proposes a revision to the Regulations relating to interment, memorials and inscriptions within the Council's cemetery.

Recommendation (s)

- (1) That the Committee approves the revised cemetery regulations as set out in Annexe 1 to this report.

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 This report links to our Key Priority of "Keeping our Borough clean and green". The management of the cemetery to ensure we continue to provide a sensitive and quality environment will rely on effective regulations.

2 Background

- 2.1 Epsom cemetery is owned and managed by the Council and regulated under the powers contained within the Local Authorities Cemeteries Order 1977.
- 2.2 The Council, as a burial authority for the purposes of section 214 of the Local Government Act 1972, is authorised by the Local Authorities Cemeteries Order 1977 to set regulations as it thinks proper.

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- 2.3 The existing regulations were published in 2009. It is considered appropriate to review cemetery regulations and advantageous to do so in order to reflect current operational issues encountered in the day to day management of the cemetery.
- 2.4 The cemetery provides a sensitive environment for those who have suffered bereavement and who wish to visit the grave or sit and reflect. Visitors and mourners include those who are experiencing the pain of a recent loss, as well as a significant number of people who visit to pay respect to and tend the graves of loved ones buried a period of time ago.
- 2.5 Given the sensitivities of those visiting the cemetery it is important that the council's cemetery staff, specifically the Cemetery Superintendent and Assistant Cemetery Superintendent, can sympathetically manage issues that might arise. The staff are experienced in the management of cemeteries and dealing with the bereaved as well as the need to approach matters sensitively for the benefit of all who use it.
- 2.6 The management of the cemetery is largely governed by the publicised cemetery regulations. The existing regulations, available on the council's cemetery webpage, are published as part of the Epsom Cemetery Information Booklet which details the fees, charges and regulations relating to the cemetery as well as the current cemetery regulations.
- 2.7 The current regulations include measures to manage behaviour within the cemetery, limit memorial size and that of their surrounds, as well as restrictions on types of materials used and other appropriate matters.
- 2.8 The cemetery staff are vigilant against inappropriate or disrespectful activity or behaviour within the cemetery. However, the operational experience from managing the cemetery suggests that an update to the regulations may assist in making management more effective.

3 Recent operational issues

- 3.1 Each year there are numerous occasions when cemetery staff need to address inappropriate or insensitive activities. Often, these are created by a small minority of cemetery visitors.
- 3.2 In some cases this is in response to complaints from other visitors or concerns about the health and safety of visitors and employees alike. The existing regulations have developed over many years of managing the cemetery and over that time have been amended to reflect changes in practice.
- 3.3 Since the last revision in 2009, there have been a number of issues that are not explicitly dealt with through existing regulations.

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- 3.4 A frequent issue that the cemetery staff are required to manage is the inappropriate use of fast growing or overgrown grave vegetation, such as large bushes or trees which are then not maintained by the family. This excessive growth not only gives rise to complaints from other visitors whose grave side access is impeded but also makes the council's routine grounds maintenance more difficult.
- 3.5 Over time the types of memorialisation and other materials available to visitors to use on graves changes, often as new technology emerges, becomes less expensive or as trends develop. The existing regulations have, on occasion, limited the action that cemetery staff can take in response to unforeseen items, as they are not specific enough or do not cover emerging patterns of behaviour.
- 3.6 In the lawned section of the cemetery, graves are usually marked with a headstone and the remaining area of grave is set to lawn. Consequently frequent access is required for regular grass cutting and maintenance. The growing use of solar powered lights and other similar items placed directly into these areas of grass make access difficult for our maintenance staff.
- 3.7 There has also been an increased trend for the use of artificial grass or astro-turf over some graves, in place of grass or other materials. Over a period of time, artificial grass/ astro-turf tends to lift and can become a tripping hazard both to our contractors working close to the grave but also to other visitors, some of whom are elderly or infirm. The current regulations do specify prohibited materials but do not mention artificial grass or astro-turf. This omission has hindered the cemetery staff in trying to remedy the use of this material.
- 3.8 In a few instances there have been occasions when a very large number of additional memorial pieces, including park benches, have been used around a grave. These items are often placed outside the boundaries of the intended grave. Such situations can be insensitive to other cemetery visitors, particularly to those visiting nearby graves. In addition, large numbers of grave side items makes effective grounds maintenance very difficult.
- 3.9 Cemetery staff are sensitive in trying to manage these situations but whilst there are provisions in the existing regulations for the removal of memorials and vegetation, they are silent on the management of memorialisation or grave side items.

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- 3.10 There has been occasion in the recent past where a request has been made to include an inscription of another person on an existing memorial. It is thought that this may be the result of unauthorised scattering of ashes or interment of cremated remains within the existing grave space. Such activity is unauthorised and is subject to the Superintendent's approval and payment of the appropriate fee. Such an unauthorised activity was not imagined when the existing regulations were drafted and there is no restriction on additional inscriptions.

4 Proposals

- 4.1 The proposal is to amend the cemetery regulations, in light of operational experience, to ensure the Council can continue to effectively maintain the peaceful and sensitive environment within the cemetery for the benefit of all users.
- 4.2 The Cemetery Information Booklet is attached as **Annexe 1**. The proposed cemetery regulations are included towards the rear of the information booklet, which also reproduces the fees and charges for the cemetery that were agreed by Council as part of the 2018/19 budget setting process and are not subject to change by this report. The changes proposed and set out below:
- 4.2.1 Limiting the addition of memorial inscriptions to those who are buried within the cemetery. This is to discourage the surreptitious interment of cremated remains within an existing grave, without due regard to appropriate process or payment.
- 4.2.2 To include concrete edging and astroturf to existing types of edging material not permitted in the cemetery. This is to avoid tripping hazards to visitors and contractors responsible for maintaining the grassed areas, and to maintain a sensitive, high quality environment within the cemetery.
- 4.2.3 To limit annual planting to specific locations within the cemetery and to control invasive vegetation. In addition, in the lawned section of the cemetery, there is explicit reference to prohibition of placing on the grass of lanterns, solar lights and windmills etc. although these are permitted if contained within a container. This change has been included to ensure access for grounds maintenance staff and safe walk ways between graves and to limit the encroachment upon neighbouring graves.
- 4.2.4 To give the Council discretion to remove excessive memorialisation or a proliferation of grave side items, and that this will specifically apply if they exceed the dimensions of the grave spaces or encroaches upon walkways. This is to protect the sensitivity for all cemetery users and to ensure that the grounds maintenance staff are not hindered.

5 Financial and Manpower Implications

- 5.1 There are no manpower or financial implications resulting from these proposals.
- 5.2 **Chief Finance Officer's comments:** there are no financial implications arising from the proposed revisions to the cemetery regulations contained within this report.

6 Legal Implications (including implications for matters relating to equality)

- 6.1 The cemetery regulations should be subject to regular review to ensure they enable the cemetery staff to manage and maintain the cemetery.
- 6.2 The Local Authorities Cemeteries Order 1977 permits the council to apply regulations as the council sees fit to manage the cemetery. The proposed updated regulations are considered necessary to ensure the cemetery is managed for the benefit of all those who use it, whilst also permitting a wide range of choice for those who have purchased burial rights.
- 6.3 The proposal will assist the council in meeting its statutory responsibilities under the Health and Safety Etc. Act 1973.
- 6.4 **Monitoring Officer's comments:** the updated regulations will enable the Council to protect the quality of the Cemetery's environment.

7 Sustainability Policy and Community Safety Implications

- 7.1 The safety of the cemetery relies on the effective management of those who visit and use the facility. The review of these regulations will enable cemetery staff to effectively manage the cemetery, including responding to concerns from other uses about anti-social or insensitive behaviour.

8 Partnerships

- 8.1 There are no relevant council partnerships associated with this proposal. However, when cemetery regulations are updated, copies of the new regulations are sent to all local or regular Funeral Directors for information and a copy given to all future purchasers of burial rights. Copies are also on notice boards within the cemetery and on the council's website.

9 Risk Assessment

- 9.1 There is a risk that not updating the cemetery regulations would make effective management of the cemetery more difficult and a lack of effective control may encourage anti-social and insensitive behaviour.
- 9.2 Failure to manage potential hazards to visitors within the cemetery from spreading grave side memorialisation and artificial grass may lead to liability under health and safety legislation and increase maintenance costs.

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- 9.3 Managing matters involving the bereaved is a particularly sensitive situation. There is a risk that enforcing these regulations in an officious or cold hearted manner could give rise to unnecessary upset, reputational risk and conflict between visitors and staff.
- 9.4 There is also a corresponding risk arising from not managing inappropriate behaviour effectively, leading to similar outcomes.
- 9.5 The Cemetery Superintendent and the Assistant Cemetery Superintendent are both highly skilled in helping with bereaved people and families. They both have many years' experience either in the funeral trade or managing the cemetery. The approach to enforcement is always carried out with the utmost respect and sensitivity, yet is focussed on ensuring the cemetery is a quality environment for all who use it.

10 Conclusion and Recommendations

- 10.1 It is appropriate to keep the cemetery regulations under review to ensure they enable cemetery staff to manage the cemetery and to ensure the area remains a sensitive and high quality environment for all those who use it.
- 10.2 The proposed amendments build on the existing cemetery regulations and reflect current operational experience of issues not included in the existing version.
- 10.3 The recommendation is that Committee agrees to update the cemetery regulations as set out in **Annexe 1**.

Ward(s) affected: (All Wards);