

Report to: Communities Scrutiny Committee

Date of Meeting: 12th May 2016

Lead Member/Officer: Lead Member for Public Realm/
Head of Highways and Environmental Services

Report Author: Head of Highways and Environmental Services

Title: The Council's Cemetery Rules and their Enforcement

1. What is the report about?

The rules that are applicable across the council's cemeteries, and how those rules are managed and enforced.

2. What is the reason for making this report?

There are increasing levels of complaints from cemetery users, about the growing tendency for displays and decoration to be placed on graves, and also about the use of cemeteries as dog recreation areas. Officers are therefore seeking support for a more robust response to any breaches of the cemetery rules. The committee is also being asked to endorse the way that demands for memorial benches are now being dealt with.

3. What are the Recommendations?

That members consider the report, comment accordingly and endorse the:

- 3.1 measures being proposed to improve compliance with cemetery rules;
- 3.2 operational controls that are now in place relating to the use of memorial benches; and
- 3.3 need for legally enforceable Dog Control Orders in our cemeteries, and note that there will be a further consultation on the proposed scheme, later this year.

4. Details.

a) The "Lawned cemetery" rule

The rules governing the council cemeteries are included in Appendix One (extract from the 1999 Cemetery Rules). The fundamental principle, applicable in all of our cemeteries since 1999, is that they are "lawned cemeteries". That means that; the only monuments allowed, are properly constructed headstones, usually set on a small plinth, where a vase or similar can be placed. No structures or adornments are permitted above the grave itself, and there are signs in all of the cemeteries confirming this. The purchasers of all graves since that time have agreed to abide by these rules, i.e. as a term in the purchase contract.

b) Normal operational procedures

Flowers are normally placed on graves at/around the time of burial, and these are left untouched for a period of about 3 weeks, i.e. until the flowers die. They are then removed. The area above the grave then comprises a small mound of loose soil.

Graves are subsequently checked, every 6 weeks or so, to make sure that they are in a tidy condition. After about 9 months the grave is “finished off”, to suit the surrounding ground level, and the grave is seeded. Headstones cannot be erected until roughly 12 months after burial. These timescales are necessary because there is a natural period of settlement after a burial.

c) Breaches of the lawned cemetery rule

Unfortunately, there appears to be a growing tendency for new grave owners to ignore the lawned cemetery rule, and to construct small gardens of remembrance over the graves. Sometimes the embellishments are of questionable taste, with low quality materials being used, e.g. cheap solar lights and garden edgings purchased from high street discount stores etc. Very often football and sports memorabilia is deployed. These embellishments detract from the generally tranquil appearance of our cemeteries, and they also make them more difficult to maintain. The presence of the embellishments can upset adjacent grave owners, who then complain. The area where the problem is most evident is section 12 of Prestatyn cemetery, i.e. the newest area in our busiest cemetery.

Cemetery officers routinely instruct grave owners to remove embellishments, and most people comply with the council's requests, however some people do not. When they do not, the justification for non-removal is often along the lines *“I will move mine when you get them to move theirs”*.

d) Actions to be taken

In order to resolve this problem, and satisfy the demands of the majority of grave owners, cemetery officers intend to write to the owners of all of the offending graves. The owners will be told that, unless the items are removed, the council will remove them (and return the grave to lawn). The intention is to undertake a programme of such work in September because this will be the optimum time for sowing grass seed. Owners should therefore have roughly 6 months' notice of the intention to remove. After that enforcement will proceed as/when required.

A small minority of grave owners are likely to actively resist the enforcement of the lawned cemetery rule, even though they have all signed contracts agreeing to comply with it. Members should therefore expect some press coverage of the issue, if/when the removals take place. Obviously people can become very emotional about the grave of a loved-one, so the council is likely to be portrayed as an uncaring organisation.

e) Use of cemeteries as dog recreation areas.

There appears to be an increasing tendency for people to use cemeteries as dog recreation areas. Many visit the cemetery on a regular basis, solely for that purpose, sometimes arriving by vehicle. Signs are displayed saying “no dogs”, but these are routinely ignored. Unsurprisingly; dog mess, and urinating on headstones, has now become a significant problem. It is the single largest subject area for complaints. The council's Public Protection department will be going out to consultation later this year on a proposed Public Space Protection Order, that will exclude dogs from certain types of land i.e. enclosed children's play grounds, sport pitches etc., and will require

dogs to be on a lead on other areas of land. Cemeteries will therefore be included in this consultation.

It is the view of the cemetery service that dogs should be banned from cemeteries completely (except registered guide dogs). The problem with a "leads only" rule, is that many dog walkers have long, extendable leads, so the dogs can still urinate freely on gravestones, and relatives can see the stain marks afterwards (and naturally get upset).

f) Other matters that are also being addressed

i) In Prestatyn cemetery graves have been damaged by road vehicles that have been using footways to access the graveside. Officers installed removable bollards to stop this happening, but the bollards were subsequently damaged, presumably by people who still wanted to obtain the vehicular access. The bollards will now be replaced by a far stronger version, concreted into position. Mobility scooters will still be able to pass freely, but cars will not.

ii) The absence of handrails in steep sections of Prestatyn cemetery has been identified as an issue, so handrails are now going to be provided.

iii) Grave owners often ask whether they can erect memorial benches in cemeteries. In the past; people were allowed to provide their own memorial benches, and this resulted in a series of different styles and qualities being used. The service has now undertaken to provide all of the necessary benches itself, and each bench will have provision for three memorial plaques, issued to grave owners on a first come first served basis. The owners will pay the full cost of the plaques. The procedures are shown on the council's website, and the first three of the new benches have already been installed in Prestatyn (see Appendix Two).

5. How does the decision contribute to the Corporate Priorities?

In 2013, the Council adopted a Public Realm Strategy, and its purpose was to deliver on the Council's Corporate Priority of producing an attractive environment. The Public Realm Strategy included a commitment to *"maintain our public realm areas in a neat and tidy condition, and take enforcement action against people who damage, deface or spoil it"*. The issue of dog fouling in public open space areas was identified by the council as one of its top priority issues when this strategy was being developed.

6. What will it cost and how will it affect other services?

Costs can be fully contained within current budget levels. Cemetery officers will liaise with Public Protection officers prior to the launch of the consultation on Dog Control Orders.

7. Equality Impact Assessment (EqIA) – See appendix Three

The main conclusion is that every reasonable effort has been made to ensure that people with protected characteristics are not affected disproportionately by the proposed actions. The controls on vehicular access are necessary for health and safety reasons, and to avoid damage to graves. Mobility scooters will still be able to gain access, and benches and handrails are to be provided to assist people with movement and/or rest.

8. What consultations have been carried out

- a) Undertakers were consulted when the cemetery rules were drafted.
- b) Service staff members have been consulted about the initiatives outlined in this report, and are fully behind the proposal, because they are increasingly bearing the brunt of complaints from upset grave owners.
- c) There will be a full consultation later this year on the issue of Dog Control Orders.

9. What risks are there and is there anything we can do to reduce them?

There is a risk of reputational damage due to adverse reactions from affected cemetery users. There is also a risk that staff may be threatened. Any threats against staff will be treated very seriously, with police involvement if/when necessary.

10. Power to make the Decision

These are operational matters, and are therefore delegated to the appropriate Head of Service. Any subsequent applications for Dog Control Orders will be subject to the normal statutory procedures.

Scrutiny's powers in respect of examining the Council's performance in relation to the Authority's policy objectives is outlined in Article 6.3.4(b) of the Constitution.

APPENDICES:

1. *Extract from DCC Cemetery Rules*
2. *Photographs of benches in Prestatyn Cemetery*
3. *Equality Impact Assessment*

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