

READING BOROUGH COUNCIL
REPORT OF DEPUTY CHIEF EXECUTIVE

TO:	POLICY COMMITTEE		
DATE:	23 SEPTEMBER 2021		
TITLE:	CEMETERY AND CREMATORIUM RULES AND REGULATIONS		
LEAD COUNCILLOR:	CLLR RUTH MCEWAN	PORTFOLIO:	CORPORATE AND CONSUMER SERVICES
SERVICE:	REGISTRATION & BEREAVEMENT SERVICES	WARDS:	BOROUGHWIDE
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To present the results of the Bereavement Services Public Consultation which took place following the Policy Committee in June 2021 and, to obtain approval of the recommended actions.
- 1.2 Appendix 1 - Cemetery and Crematorium Rules and Regulations Sept 2021
Appendix 2 - Consultation Summary Report
Appendix 3 - Equality Impact Assessment Report

2. RECOMMENDED ACTION

- 2.1 To approve the revised Cemetery & Crematorium Rules & Regulations as set out in Appendix 1.
- 2.2 To approve the changes to the Service provision as summarised in Section 4.2.4.
- 2.3 To approve the proposal to review the Cemetery & Crematorium Rules and Regulations every 3 years, to ensure they remain fit for purpose. The next review to be September 2024.
- 2.4 To approve the Council's position, in respect of one-off requests which sit outside of the Rules and Regulations, namely that no further ad hoc changes are permitted. If any request is received that sits outside the Rules and Regulations, it must be either declined or submitted formally as a Policy change and proceed through the formal decision-making processes.
- 2.5 To delegate authority to the Assistant Director for Corporate Improvement and Customer Services to make non-material changes to the Rules & Regulations, to ensure the Service can act swiftly to implement any essential operating changes.

3. POLICY CONTEXT

- 3.1 Local Authorities are required to publish Regulations that set out their service offer for burials within Council owned cemeteries. The Council operates 3 cemeteries and has adopted a further 5 closed churchyards.
- 3.2 The Cemetery and Crematorium Rules & Regulations (Rules and Regulations), attached at Appendix 1, will apply to the 3 cemeteries under the Council's full control - Henley Road Cemetery, Reading Cemetery and Caversham Cemetery. They also apply to the Reading Crematorium and Gardens of Remembrance based in Henley Road Cemetery.
- 3.3 In September 2010 the Council adopted the Charter for the Bereaved which sets out a best practice model for cemetery operations and an inclusive service provision for all faiths, where possible. In summary, the Charter:
- seeks to generate interest in and educate people about bereavement. It also helps to influence the expansion of services and clarify the various roles and responsibilities of those involved.
 - is a commitment to improving the service by confronting rather than disguising or ignoring death.
 - is intended to define the rights of every individual who experiences bereavement. In achieving this aim, it also sets standards of service related to burial, cremation, and funerals. It is a written statement of what can be expected and enables people to judge the quality of the service received.
 - seeks to increase the range of choice and options available to the bereaved.
 - seeks to enable the bereaved to arrange a meaningful funeral service with a content that meets with their own specific needs and requirements.
- 3.4 In October 2020 the Council committed to reviewing its existing operating practices and Rules and Regulations following representations made by some of the Borough's Muslim community that the service currently offered did not fully meet their faith needs. Following completion of an equalities impact assessment and meetings with both Mosque leaders and representatives of the community, new Rules and Regulations were drafted and presented to Policy Committee in June 2021.

4. THE PROPOSAL

4.1 Current Position:

4.1.2 Operating Practices:

There have been numerous additions and changes to operating practices across Henley Road Cemetery (the Cemetery) over the past 40 years. Both in response to customer need/request, as well as changes to regulations. This has resulted in many areas of the Cemetery that were intended to be Lawn Graves, having been mounded or marked out with fences over time. It has also resulted in memorials and adornments being placed on graves which are not permitted under the current Rules and Regulations.

- 4.1.3 Over the years, ad-hoc decisions/agreements have been made in response to customer requests that have contravened the Rules and Regulations. These decisions have created an inconsistency in approach and set new precedents that have been challenging to manage. Within a cemetery environment, these

decisions have long term implications. For example, a decision made regarding a memorial stone or grave type will have an impact in perpetuity or at least for the 75 years a grave lease can be granted for. These ad hoc decisions have been made in good faith, to assist individual customers, but contrary to the effective long-term management of the Cemetery. Over time this inconsistency in approach has negatively impacted on the safe, efficient and cost-effective operation of the Service and resulted in upset and distress to many other customers who have been denied their request. The consultation feedback indicates strong support for the enforcement of the Rules and Regulations to ensure consistency and fairness for all customers.

4.1.4 The proactive enforcement of the Rules & Regulations has not been routinely applied for several years. Enforcing our policies is a sensitive issue for families especially those that wish to adorn or mark out graves with items that contravene the Rules & Regulations. Prior to taking any action (e.g the removal of adornments) the Bereavement Service contact the grave owner to notify them of the contraventions. On occasion, and as a last resort the grounds maintenance teams have needed to act, for example where grave adornments encroach on neighbouring graves, are dangerous or where plants are overgrown etc. The revised Rules & Regulations allow for stricter enforcement by the service management.

4.1.5 The projected burial provision in Reading is for a further 5 years in the Westfield area of the Cemetery, together with 3 years in the area known as Mayfield. Given this limited land supply, the strict enforcement of the Rules & Regulations is essential, if the projected lifespan is to be protected.

4.2 Options Proposed

4.2.1 The proposed operations and service provision are set out in the Rules and Regulations attached at Appendix 1. They have been updated in light of the consultation feedback and to ensure the Council can provide a service that meets the needs of the communities of Reading, where it is reasonable and practical to do so. The changes address both faith and non-faith needs. All changes must ensure the operation remains efficient and cost effective. The proposed changes to current operational practices are shown in section 4.2.4 below.

4.2.2 The proposed changes are within the context of a national burial land shortage and will provide a predicted burial provision as stated in 4.1.5

4.2.3 Several non-material changes have been made to the Regulations document, these include layout, showing both metric and imperial measurements and updates to legislation.

4.2.4 Additionally, following the consultation, a number of changes have been made to the Rules and Regulations, these are detailed where appropriate below, together with the rationale for the changes.

Service Proposal	Double Depth Graves Graves dug to a depth of 6ft 6' (1.98m) to accommodate 2 standard depth coffins no more than 18' (457mm) each.
Conclusion	No Change to Initial Proposal - proceed as stated. There were no objections within the Consultation indicating this was not an acceptable policy

Proposal	Double Grave Sets. Double size Traditional Grave kerb sets are not permitted in any area of the cemetery.
Conclusion	No Change to Initial Proposal - proceed as stated.

Proposal	Adjacent Plot Graves Plots which are side by side. - Adjacent plots are not available for purchase. Reserving of any plots across the site will not be allowed.
Conclusion	No Change to Initial Proposal - proceed as stated.

Proposal	Extended Opening Times Normal opening hours extended to cover 6 days a week: Monday - Saturday. Late night opening on Thursdays in the summer months
Conclusion	Change to Initial Proposal - Proceed on revised basis: <ul style="list-style-type: none"> • Provide 6 days (Monday to Saturday) for all customers. • Provide an out of hours/on call service for ALL bank holidays excluding: <ul style="list-style-type: none"> ○ Christmas Day and Boxing Day ○ New Year's Day ○ Good Friday • No services will be provided on Sundays. <p>Feedback from the consultation and through the community meetings indicated that removing the out of hours service may impinge on the requirements of the Muslim faith to bury loved ones as soon as possible. This would be particularly challenging around extended bank holiday periods. Having taken the feedback into consideration, the service will now provide an out of hours/ on-call facility for Muslim burials to cover bank holidays on the basis above.</p>

Proposal	Out of Hours Service: Cease 'out of hours' services for weekends										
Conclusion	Minor Change to Initial Proposal - Proceed on revised basis: <p>Due to the proposed extended opening hours (see above for further details) and the lack of demand for out of hours burials* the out of hours service will be limited to bank holidays only as shown in the section above. The table below demonstrates very little demand for out of hours/on call services (see below)</p> <p>*Weekend/Bank Holiday Call outs:</p> <table border="1"> <thead> <tr> <th>21/22</th> <th>20/21</th> <th>19/20</th> <th>18/19</th> <th>18/17</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>3</td> <td>2</td> <td>3</td> <td>2</td> </tr> </tbody> </table>	21/22	20/21	19/20	18/19	18/17	0	3	2	3	2
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Proposal	Grave Types <ul style="list-style-type: none"> • Lawn Graves will be available in Mayfield and Westfield and for 2nd interments in Park. • Traditional Graves will be available in the multi-faith area of Mayfield only. • Mounded graves will be available in the Muslim section of Westfield only. Mounded graves will be permitted to have a memorial stone
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	<p>or plaque if required. This policy can be retrospectively offered to any family with a loved one previously buried in a lawn grave in the Westfield area only. The change of grave type is subject to a fee.</p> <ul style="list-style-type: none"> • Traditional graves will not be permitted in Westfield. • Vault graves are subject to availability. Every effort will be made to ensure vault graves are readily available. However, they will not be available if it is deemed unsafe to build or the integrity of the grave would be compromised due to the weather or other unforeseen circumstance.
Conclusion	<p>Change to Initial Proposal: Proceed on revised basis</p> <p>Traditional graves to be permitted in the Muslim section of Westfield.</p> <p>Please note impacts to cemetery layout and operations.</p> <p>58% of the Muslim community who responded stated the grave types available were either acceptable or did not apply to them.</p> <p>36% of respondents stated the grave types were not acceptable, however on further scrutiny of the data, these respondents had stated that both mounded or traditional were acceptable. Only 5 individual respondents specifically stated traditional graves were the only grave type that was acceptable to them.</p> <p>The Muslim faith requires the grave to be mounded to prevent anyone/anything from walking /driving over the deceased. The mounded grave meets this requirement. However, there was still a small demand from families to have the traditional grave option. Although during the consultation sessions with the Muslim community many indicated that a traditional grave was cost prohibitive.</p> <p>The shape of the Westfield area of the cemetery means we are restricted on how we layout graves to allow maximum capacity. It is usual to place like with like graves together (e.g traditional graves together, lawn graves together, mounded graves together) this allows for the efficient maintenance of the site. This practice also ensures the aesthetic of the cemetery is tidy, uniform and peaceful and has a positive impact on the overall experience of visitors to the cemetery. This should not be underestimated as part of the overall service offer.</p> <p>The service offer to the Muslim community also provides an option for a family to have a vaulted grave. Although vaulted graves are not in high demand, these graves must be pre dug and built. To provide vaulted graves in each area of the Muslim sections (mounded, lawn and traditional) would further impact on space and design of the cemetery, and it is not practical or a cost-efficient management of the site.</p> <p>Therefore, it is recommended that Traditional and Mounded graves are located together in the Muslim section of Westfield, as they have similar maintenance requirements. This will ensure the needs of the Muslim faith are met, the cemetery is managed effectively, and the preparation of vault graves can be managed more effectively in the</p>

	<p>Traditional/Mounded section. This will impact slightly on the aesthetic and uniformity of this area of the cemetery.</p> <p>Those with loved ones already buried in Westfield will be offered the opportunity to change grave type to traditional or mounded.</p>
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Proposal	<p>Quran Graves Quran Graves will still be provided, but accessible by appointment only. A member of the cemetery team will discreetly escort the family to the grave to open and lock the grave</p>
Conclusion	<p>No Change to initial proposal - Proceed as stated</p> <p>There were no objections within the consultation feedback that indicated this was not an acceptable policy</p>

Proposal	<p>Access All new burial areas will allow a 900mm grassed walkway between rows to allow access for a wheelchair/pushchair. Concrete pathways will not be installed</p>
Conclusion	<p>No Change to Initial Proposal - Proceed as stated.</p> <p>There were no objections within the consultation feedback that indicated this was not an acceptable policy.</p>

Proposal	<p>Proactive enforcement of the Rules & Regulations The revised Rules and Regulations provides the bereavement services management additional enforcement authority without the need for further referral to the grave/memorial owners.</p>
Conclusion	<p>No Change to Initial Proposal - Proceed as stated</p> <p>84% of the respondents in the public consultation stated the proposed Rules & Regulations were easy to understand</p> <p>78% stated they were balanced and fair.</p> <p>Customer comments within the consultation feedback requested enforcement of the Rules and Regulations should be stricter and consistently applied, thereby supporting the policy.</p>

- 4.2.5 The revised Rules & Regulations allow for stricter enforcement by the cemetery management. Through the public consultation feedback, customers commented that the inconsistent or lack of enforcement was unfair, caused issues for other users and was potentially discriminative. The approval of the revised Rules and Regulations, in their entirety, will enable the cemetery management to address some of the historic issues and attempt to mitigate some of the impact.
- 4.2.6 The approval of the Rules and Regulations will also ensure the cemeteries can be managed safely, effectively and efficiently. However, it is accepted that over time some changes may need to be made and therefore the Rules & Regulations will be subject to a formal review every 3 years.
- 4.2.7 On this basis, it is recommended that no further ad hoc changes are permitted. If any request is received that sits outside the Rules and Regulations, it must be either declined or submitted formally as a Policy change and proceed through the formal decision-making processes.

4.2.8 On occasion, it is possible a non-material change may need to be made to the Rules and Regulations to ensure the Service can act swiftly to implement any essential operating/legislative changes. It is therefore recommended that authority is delegated to the Assistant Director responsible for the service to make these changes. All changes will be included at the front of the Rules & Regulations document to provide an audit trail of non-material decision making. These changes will be applied universally. Examples of non-material changes could include temporary changes due to health and safety requirements or prevention of use of drones for example.

4.3 Other Options Considered

4.3.1 Other options were considered and discarded as presented to Policy Committee in June 2021 - The document can be found using this link:

<https://democracy.reading.gov.uk/ieListDocuments.aspx?CId=138&MId=4571&Ver=4>

4.3.2 The output from the Consultation indicates broad support for the proposed new Rules and Regulations.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The purpose of this section is to ensure that proposals contained in reports are in line with the overall direction of the Council by meeting at least one of the Corporate Plan priorities:

- Healthy Environment
- Thriving Communities
- Inclusive Economy

5.2 The proposals within this report support the Council's priority of Thriving Communities:

- Committed to tackling inequality in our society, to ensure everyone has an equal chance to thrive whatever their economic, social, cultural, ethnic, or religious background.
- Prioritising the needs of the most marginalised groups and the most vulnerable adults and children in our communities.
- To promote equality and social inclusion for all.

5.3 Throughout the pandemic and more than ever before, our communities have felt the impact of losing loved ones. The Council has been able to respond to their needs through this period and prior. However, the current Rules and Regulations do not fully reflect our commitment to promoting an equal and inclusive community. The revised Rules & Regulations (September 2021) set out an inclusive service offer for bereaved families in Reading; balancing faith, non-faith, and accessibility needs, with the ongoing management of a cemetery for at least 75 years.

5.4 The output from the consultation is extremely valuable and has not only aided the decision making on the four key issues on which the consultation focused, but it has also provided a level of detail which allows the Bereavement Services Management to make more informed decisions on how to improve all aspects of the Service. One such improvement will be to consider ways in which the Rules and Regulations can be made easier to understand and be more accessible to all. Feedback showed that some people found the Regulations difficult to understand and some found the length of the document challenging.

5.5 The introduction of the new grave types for our Muslim community, the extended hours to assist all communities and the new Rules & Regulations, all provide the foundation on which to build closer relationships with our communities.

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers). There are no climate change or environmental impacts relating to the changes made to the Rules & Regulations:

- The changes predominantly relate to the service provision and the manner in which it is delivered.
- There are no changes to the burial procedures which would impact on the environment.

7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 In March 2021 a Reading Mosque leaders meeting was convened to begin discussions in relation to Muslim Burials. Following this a Muslim community meeting was held with around 70 Reading residents attending.

7.2 A commitment was made to review the Service and a full public consultation on the draft Cemetery Rules and Regulations commenced on 28 June 2021 for a period of 45 days, ending 12 August 2021. The launch of the consultation was publicised as follows:

- Press release
- RBC Policy and Voluntary Sector Manager issued a formal launch email to all the relevant contacts and their network. The emails went to
 - Traveller community contacts
 - Older people and Physical Disability and Sensory Needs Network (PDSN) community groups
 - Religious, faith and diverse ethnic and cultural communities
 - Accessibility and Disability Working Group
- Reminder requests were issued to the above within 14 days of the consultation close date.
- Posters were displayed throughout Henley Road cemetery and at the gates to Caversham Cemetery and Reading Old Cemetery.
- Posters were displayed in local library windows.
- A reminder / prompt message was issued using RBC Twitter & Facebook accounts 4 days prior to the consultation closing date.

In addition, two presentations were delivered to the Muslim Community. One on 22 July 2021 to mosques leaders and representatives from the Pakistani Community Committee and one on 28 July 2021 to members of the Muslim community previously invited to the original meetings in March 2021. A presentation opportunity was offered to the Chair of ACRE for other BAME communities, but this was not taken up.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 An equality impact assessment (EIA) was undertaken and submitted in June 2021. The Regulations set out in Appendix 1 reflect the findings of the assessment. The EIA specifically considers:
- Faith Burials (Muslim, Christian, Hindu, and Sikh)
 - Traveller and Gypsy Burials
 - BAME
 - Access to the cemetery
- 8.3 The EIA identified the revised service provision and operational practices at the cemetery will meet the needs of our Muslim and Disabled communities. In summary this includes:
- Extended standard hours to include a Saturday and select Bank Holidays, as defined in the Rules & Regulations, reduces the need for staff to be on call.
 - The introduction of the mounded and traditional grave with the Muslim sections of the cemetery now provides a grave type which meets the needs of the Muslim faith. Allowing Traditional graves will also meet most personal preferences.
 - Accessibility on site, specifically for wheelchair users, will be improved in all areas where existing graves do not obstruct the area. As a result of the consultation, some additional improvements have potentially been identified. These will be investigated and addressed separately.
- 8.4 Since the public consultation, the EIA submitted in June 2021 has been revisited and updated accordingly.

9. LEGAL IMPLICATIONS

- 9.1 Under the Local Authorities' Cemeteries Order 1977 (LACO) Legislation the Council must set out its Cemetery Regulations and publish them.

10. FINANCIAL IMPLICATIONS

- 10.1 The changes to the service will require a restructure of the Bereavement Services Team and additional resource. However, the changes allow the service to address many of the issues raised in the public consultation and provide an opportunity to better meet the needs of the diverse communities across Reading, including the Sikh & Hindu community with the introduction of Saturday cremation services.
- 10.2 The changes also provide several additional income generating opportunities. The additional opening hours will enable more services to be available, such as scattering of ashes on a Saturday and access to the team to discuss potential memorial options which can be purchased from the Council. The feedback from

the consultation has also provided additional income generating ideas which will also be explored.

10.3 A restructure business case is in the process of being drafted and this will include a financial analysis. Initial calculations show any additional costs can be offset against the ability to generate more income.

10.4 Implementation of some of the following proposals will have an impact on costs and income generation:

- Traditional Grave areas and Mounded grave areas of the cemetery will result in an increased cost of maintenance. Typically, a Mounded or Traditional grave costs around 3 times more to maintain than a Lawn grave area. This is because grass cutting for Lawn graves areas can be done with drive on grass cutters, whereas traditional or mounded graves require a hand pushed mower and strimmer. In addition to the mowing, mounded graves will require a 'shell' or covering to ensure the mound remains in place. It is anticipated a sedum mat would be used for this purpose. These mats cost approximately £35 each. Manual weeding & tending of the mats will be required.
- Currently the cost of burials is held artificially low. The cost does not currently reflect the cost for maintenance of a grave over the 75-year lease period. Depending on the type of full body burial it can cost between £1075 to £3225. This cost covers: the grave digging fee, the dressing of the grave (e.g, grass matting, shoring, shovels for families to fill if they wish), admin costs such as staff salaries, concrete plinths on which the memorial stone is placed, memorial testing every 5 years (this would occur 15 times for a 75-year lease), and general maintenance of the grounds over the 75 years.

The impacts proposed in this report therefore will increase the maintenance costs over the life of the cemetery. Although this cannot yet be fully costed. A review of the current ground's maintenance costs will be undertaken to identify opportunities to control costs.

11. BACKGROUND PAPERS

- ICCM Charter for the Bereaved:
<https://www.iccm-uk.com/iccm/charterforbereaved/>
- Guide for Burial Ground Managers (Department for Constitutional Affairs):
<https://www.gov.uk/government/publications/burial-grounds-guidance-for-managers>
- GardensofPeace.org:
<https://gardens-of-peace.org.uk/>
- Cemeteries and Burial Culture and Traditions for people from the Traveller communities:
<https://www.gypsy-traveller.org/resource/cemetery-culture-and-traditions-for-people-from-the-traveller-communities-with-regards-to-cemeteries-and-burying-the-dead/>