

Minutes

Community Service Scrutiny Panel

5th September, 2007

Present: Councillors Howarth (in the Chair) Crooks, Laverick, Lightley, Mavin, Moderate, Norman, Robinson, D Smith, and Young

Also Present: Councillors: Kelly, Lodge, Thompson,
Mr Roger Norris – Durham Diocese Vice Chair of Churches
Peter Lee – Street Scene Technical Officer,
Mrs Ann Boll – Parish Clerk to Belmont Parish
Mr Drinkwater – Member of St. Mary Magdalene PCC Belmont

1. Apologies for Absence

Apologies for Absence were received from Councillor Walton

2. Minutes

The Minutes of the meeting held on 3rd July, and 30th July 2007 were confirmed as a correct record. The Chair advised the Panel that the recommendations on Council Garages had been approved by Cabinet at today's meeting.

3. Scrutiny of Graveyards

Mr Roger Norris from Durham Diocese had been invited to give the Panel a Diocese perspective of closed graveyards. The Street Scene Technical Officer and was in attendance for discussions.

Mr Norris advised the Panel that he had read the draft report and thought that it would be useful if the Parochial Church Councils received a copy. Members also asked if a copy of the final report could be sent to the Parish Councils. This was agreed by the Panel. He went on to inform the Panel that City of Durham Council had led the way with closed graveyards.

Mr Norris advised of the procedure involved in gaining the diocese permission to repair or alter anything in a closed graveyard, e.g, gravestones, lighting, footpaths etc.

The relationship between the Diocese and City of Durham is good, however Mr Norris thought it would be useful if an informal meeting could take place with himself and the Street Scene Technical Officer to produce a short statement regarding the working Diocese/City Council relationship. It was suggested that Heritage and Design Manager and a representative from Legal Services should also be in attendance. This was agreed by the Panel.

A question was asked relating to closed graveyards being used as nature reserves. Mr Drinkwater advised that this was a delicate matter as researching family history was so popular now it is common for descendants of people to go to closed churchyards and expect to see the graves of their ancestors.

NOTE 6.18 p.m. Councillor Thompson left the meeting

A false impression may be given in graveyards where there are no markers in place and an appearance of open space is given. Questions were asked about the re-using of grave spaces. Mr Norris advised that the National Synod had discussed this but there was no clear direction. Thus the Diocese tries to avoid re using burial yards, even though this was the practice in the middle ages. However, At St. Mary's Church, West Rainton the north side of the church has dedicated an area for the burial of ashes.

War Graves

Questions were asked about repairs to War Graves and War Memorials. Councillor Lodge advised that repairs would only be undertaken by the Commonwealth War Graves Commission (CWGC) if the graves were in fact registered war graves, all war graves are made out of the same material.

The Chair thanked Mr Norris for coming along to the Panel meeting and for the information that he had given. Mr Norris, Mr Drinkwater and Mrs Boll left the meeting.

4. Review of Playing Pitch Strategy

The Panel agreed that subject to mentioning of the protective nets at Esh Winning Cricket Ground the report was agreed to be set to Scrutiny Committee and Portfolio Holders as laid out in the new instructions.

5 Any Other Business

The Chair advised the Panel that Anne Delandre – Strategy & Development Manager Housing would be at the next meeting to discuss homelessness together with Catherine Bleasdale, Durham PCT and a representative from Stonham Housing..

The Meeting terminated at 6.30 p.m.

SCRUTINY COMMITTEE

REPORT OF THE COMMUNITY SERVICES SCRUTINY PANEL

REVIEW OF SCRUTINY OF HOMELESSNESS

1. Background

The Council is legally obliged to assist anyone who presents themselves as homeless, whether by providing advice, housing or other support.

The Homelessness Strategy was prepared in 2003, and was one of the areas looked at when the Panel considered Homelessness in 2004. The Panel's report was approved and adopted by Cabinet, with a recommendation that it be reviewed within two years.

2. Aims

The Panel wished to consider what progress had been made towards the recommendations made in their last report on this topic, and also to consider any further recommendations that could be made in light of further information that was presented to them.

3. Actions

The Strategy and Development Manager, Homelessness Prevention Officer and Project Manager from DASH attended the Panel's meeting on 5 December 2006 to update Members with progress.

Members were advised that all local authorities were required to produce a Homelessness Strategy, and that this was to be revised every five years. City of Durham's was due for review in 2008 and work on this had already commenced. The Strategy was monitored on a monthly basis, and outstanding actions had been prioritised. Four focus groups had been set up to progress these actions.

(a) Domestic Violence

One focus group looked at issues to do with domestic violence. A Domestic Violence Co-ordinator had recently been appointed, and there was a multi-agency approach to dealing with this area. It was requested that the information leaflet on Domestic Violence be circulated to all Members for information.

(b) Moving-on Accommodation

The provision of 'moving-on' accommodation was considered by a second focus group. Problems occurred in providing this accommodation, particularly for people with additional needs e.g. people recently release from prison or young single mothers. Some limited floating support could be arranged. The introduction of starter properties was being investigated, however this would require intense revenue support. Some funding may be available from the Supporting People Fund, and there was ongoing dialogue with various partners to try to raise the necessary funding. The Council was in a position to provide properties, but there was a reliance on outside agencies e.g. DASH, DISC and DART to provide additional services and support.

The Council had a duty to provide accommodation for homeless people with priority need but advice and help might also be given to some people who did not have priority.

With regard to temporary accommodation, DASH could provide accommodation and support for up to 28 days. As properties were vacated, there were usually other occupants waiting to move in.

A number of properties were available in the Gillesgate area for this purpose, and therefore the property at Redwood, Brandon was no longer needed and had been closed. It had also become a target for vandalism.

A post of Homelessness Prevention Officer had been created by the Council, paid for using Government funding. This post was funded until March 2008. If at this time, the funding was no longer available, the Authority would have to decide whether to retain the post and fund it. This post had been filled in June 2006, and to date, 106 cases had been dealt with, or were currently ongoing.

Homelessness prevention relied on having time to prevent someone becoming homeless e.g. through rent arrears or inability to meet mortgage payments. It was noted that there was a difference between those who were unable to pay and those who were unwilling. There was a need to identify those who were potentially vulnerable to losing their tenancy to provide early advice and assistance.

The term 'repeat homelessness' is where a household makes a second homeless presentation to the same Local Authority within 2 years of the first homeless presentation.

- 35 households made a repeat homeless application to City of Durham Council in the Year April 05/06
- Of the 35 households only 18 accepted accommodation (15 accepted Council, and 3 accepted Housing Association properties)
- None of the 35 households were placed in supported accommodation.
- Of the 18 households who accepted accommodation, 5 had previously been accommodated by the Council.
- Of those 5 who had previously been accommodated by the Council, one household was homeless for the same reason as their previous homelessness presentation, which was Domestic Violence.

The reason for homelessness of the other 4 households was 'fleeing violence from a non associate.' This reason was different to the first homelessness presentation.

- Of the 35 households, none of these have reapplied.

(The above details relate to repeat homelessness in the City of Durham area in the Year 2005/2006. The data is collected from the P1e Quarterly returns which each Local Authority is required to submit to DCLG.)

The reasons for repeat homelessness were often complex and frequently related to domestic violence. Measures to prevent this relied on the combined working of Council Officers and support agencies.

(c) Private Rented Sector

A third focus group considered issues about the private rented sector, such as access to bonds, and where landlords requested say a month's rent in advance. It was noted that Housing Benefit did not always cover market rents being charged for some properties.

(d) Funding Opportunities

The fourth group were tasked with exploring funding opportunities. The skills and experience of the Council's Funding Officer was used for this.

4. Outcomes

In respect of the recommendations made in the previous report, the Homelessness Strategy was being monitored, reviewed and revised, measures to prevent repeat homelessness were being developed, particularly by the new Homelessness Prevention Officer, partnership working with DASH, DISC etc continued to be developed, an additional member of staff had been appointed at Housing specifically to deal with homelessness prevention, and additional emergency accommodation was provided via DASH.

It was felt that additional information was required by the Panel on mental health issues and homelessness, and it was suggested the Durham County Council and the PCT be invited to a future meeting to consider this area.

According to a previous survey the number of people said to be sleeping rough in Durham was recorded as nil. The Panel questioned whether this was the case and asked that this be reviewed.

The Panel agreed that the post of Homelessness Prevention Officer was of great benefit, and should be retained by the Council, and felt a review of this topic in 12 months would be appropriate.

5. Recommendations

- (i) That the Council continues to progress and monitor the Homelessness Strategy an Action Plan and works with Partners to provide support and prevent repeat homelessness.
- (ii) That the information leaflet on domestic violence be circulated to all Members for information.
- (iii) That the Council aims to retain the position of Homelessness Prevention Officer beyond the expiry of the fixed term contract in 2008.
- (iv) That the Review of Rough Sleeping be updated, possibly by the subject being brought to the attention of the county-wide Housing Action Partnership.
- (v) That representatives of Durham County Council and County Durham PCT be invited to attend a Panel meeting to discuss homelessness in relation to mental health issues and support provision, and that this be arranged for six months' time.
- (vi) That the Panel receives and update on the Homelessness Strategy and Action Plan after they have been reviewed by the Authority in 2008, the Panel's recommended review date being July 2008.

Community Services Scrutiny Panel
January 2007

Note:

Charities/Organisations providing services relating to Homelessness:

- DASH - Durham Action on Single Housing
DART - Discharge & Resettlement Team
DISC - Developing Initiatives for Support in the Community

COMMUNITY SERVICES SCRUTINY PANEL

REVIEW OF HOMELESSNESS

Repeat Homeless Households in the Year 05/06

The following details relate to repeat homelessness in the City of Durham area in the Year 2005/2006. The data is collected from the P1e Quarterly returns which each Local Authority is required to submit to DCLG.

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**Community Services Scrutiny Panel
1st Draft Report for Discussion:**

Scrutiny of Closed Graveyards

1. Background

- 1.1 The Panel were tasked with scrutinising closed Graveyards within the District with the purpose of obtaining an overview of the Council's responsibilities for closed church/graveyards.
- 1.2 Panel Members discussed and agreed the scope of the scrutiny and a scrutiny planning sheet was produced. Members agreed that War Graves be included within the scrutiny.
- 1.3 The Panel meetings were attended by the Street Scene Technical Officer, the Environmental Services Manager and Heritage and Design Manager.

2. Aims and Objectives

- 2.1 To determine what is a closed graveyard; how does a graveyard become closed; how the Council became responsible for closed graveyards/cemeteries and whether adequate attention is given to maintenance and standards of repair.
- 2.2 To establish who owns closed church/graveyards within the District and which other organisations/ individuals may have responsibility for maintenance.
- 2.3 To ascertain how much money the City Council allocates for the management, maintenance and upkeep of closed graveyards in comparison to the actual amount of works needed.

3. Actions

- 3.1 Members agreed that Officers from Environment & Leisure and Heritage & Design should be invited to attend the panel meetings.
- 3.2 The Council's Procedure for Closed Churchyard Memorial Management was made available to Members for their information. This procedure was adopted by Cabinet at their meeting on 20th September, 2006. *This report can be found at Appendix A in the Members' Room.*

4. Outcomes

- 4.1 The term "closed graveyards" generally means that the graveyard has been closed for burials by an Order in Council under the Burial Act 1853. Also, a graveyard is closed when there is insufficient space to provide a new grave and continued use would be a risk to public health or stopping further burials would prevent nuisance. People who have bought a grave-space and the graveyard then becomes closed would still be able to be buried in that graveyard.

- 4.2 When an Order in Council is made, Parish and District Councils may object to the closure if they believe there is sufficient space for additional graves or if the closure is being applied to avoid the cost of repairing and maintaining the graveyard.
- 4.3 When an order has been granted maintenance responsibilities remain with the Parochial Church Council unless they serve written notice on the Parish Council to transfer responsibility on to them. The Parish Council could then in turn serve written notice on the district council. However the parochial church council must ensure prior to the takeover that all walls and fences are in good condition.
- 4.4 Maintenance responsibilities particularly include health and safety aspects but also include grass, shrubs and trees. Headstones are the responsibility of the family and heirs but the council has the power to prevent dangers to graveyard users.
- 4.5 City of Durham is responsible for the maintenance of a number of closed graveyards across the district (*a comprehensive list can be found at Appendix B in the Member's room*), however, in some cases the responsibility is shared with the parish council. General Maintenance included grass cutting and visits take place every 10-14 days throughout the summer. Headstones at most closed churchyards are treated with herbicides around the base to control growth.
- 4.6 Vandalism or damage is reported by maintenance personnel, litter collection does not regularly take place, but it is removed as it accumulates or interferes with maintenance.
It was noted that closed graveyards are vulnerable to anti social behaviour and as a result Neighbourhood Wardens check on the graveyards.
- 4.7 Regular safety inspections are carried out by Heritage and Design together with the Council's Health and Safety Officer checking on headstones. Works identified as a result of the safety inspections are paid from capital works budget. Environmental Services hold budgets for grass cutting and some general maintenance.
- 4.8 It was suggested that some selective graveyards may become biodiversity sites. However, in most cases it would be inappropriate also communications with the Parochial Church Council would be required. The Diocese is reported to be happy with the levels of grounds maintenance currently carried out.
- 4.9 Officers explained that there is a budget of £25,000 set aside for repairs but if costs increase then the numbers of repairs being carried out will need to reduce. As the inspections of the graveyards have progressed there are fewer repairs needed. In some graveyards grounds maintenance and some minor works have been carried out by volunteers, for example dry stone walling at Quarrington Hill.
- 4.10 Proposals for any work to make safe, repair or install, including memorial stones, fences and walls, in a Church of England Churchyard have to be approved by the Diocesan Chancellor advised by the Diocesan Advisory Committee. The Durham Diocesan Registry at Smith Roddam Solicitors, 56 North Bondgate, Bishop Auckland, County Durham, DL14 7PG; Telephone

01388- 603-073, will be contacted to indicate this procedure, which will require a detailed schedule of proposed works to accompany the application.

War Graves

- 4.11 The majority of War Graves are marked by the Commonwealth War Grave Commission's (CWGC's) familiar standard war pattern headstone, however there are a significant number that are marked by private memorials in accordance with the wishes of relatives. Only the commission can verify whether memorials/headstones mark war graves or not.
- 4.12 All memorials failing the safety testing procedure, with inscriptions between 1914 and 1947, and requiring works to make them safe are checked against the register provided by the Commonwealth War Graves Commission in order to verify from the CWGC's own definitive records as to whether or not the memorial constitutes as a war grave.
- 4.13 If a memorial is found to be included on the CWGC's register and is therefore a war grave then the City Council will not carry out any works to it. The memorial will be recorded, photographed, its location plotted on to an ordnance survey plan and its condition reported in writing to the CWGC.
- 4.14 Once confirmed the Commission will obtain permission from Team Rector to undertake repair works and the works will be scheduled next time the travelling war graves caretakers are in the vicinity.
- 4.15 Details of all of the registered war graves within the City of Durham district can be found within the register published from records by the Commonwealth War Graves Commission. The register contains a list of all of the churchyards/cemeteries within the City Council's district containing registered war graves and also other burials in the care of the war graves commissions.
There are problems with subsidence at Brandon Cemetery and grounds maintenance is unable to tend the war graves due to health and safety.

The War Graves Current Procedure can be found at Appendix C which has been placed in the Members' Room

5. Recommendations

- 5.1 That City of Durham Council continue to work closely with Durham Diocese and that Heritage and Design department and The Council's Health and Safety Officer continue to inspect the graveyards.
- 5.2 That the good work of Environment Services, grounds maintenance team continue in closed graveyards.
- 5.3 That Neighbourhood Wardens continue to monitor graveyards and advise of any problems.
- 5.4 That Members be requested to check on the condition of any closed graveyard in their area and report litter problems to the Street Scene Officer and any evidence of anti-social behaviour to the Neighbourhood Wardens.

5.5 That a copy of the scrutiny report be sent to each PCC and Parish Councils for information and comment.