

10th September 2008

Dear Councillor,

I hereby give you Notice that a Meeting of the **COMMUNITY SERVICES COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **THURSDAY 18th SEPTEMBER 2008** at **6.00 P.M.**

AGENDA

1. Apologies for absence.
2. To consider the Minutes of the last Meeting of the Committee held on 9th July 2008 as a true record. Copies attached
3. Declarations Of Interest

Members are invited to declare any personal and/or prejudicial interests in matters appearing on the agenda and the nature of their interest.

Members should use either of the following declarations:

Personal Interest – to be used where a Member will be remaining and participating in the debate and any vote:

I have a personal interest in agenda item (....) regarding the report on (....) because I am (....)

Personal and Prejudicial Interest – to be used where a Member will be withdrawing from the room for that item:

I have a personal and prejudicial interest in agenda item (....) regarding the report on (....) because I am (....)

Officers are also invited to declare any interest in any matters appearing on the agenda.

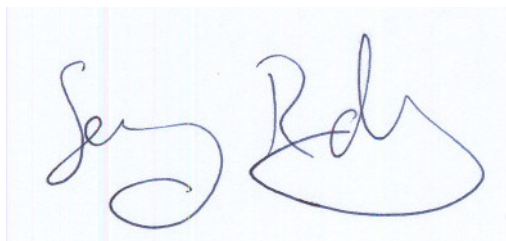
NOTE: Members are requested to complete the enclosed declarations form and, after declaring interests verbally, to hand the form in to the Committee Administrator.

4. To consider the Council's existing Cemetery Strategy in 1 - 4

relation to kerbed surrounds on graves in Council owned cemeteries.

5. To consider such other items of business which, by reason of special circumstances so specified, the Chairman of the meeting is of the opinion should be considered as a matter of urgency.

Yours faithfully

A handwritten signature in blue ink on a light blue background. The signature is cursive and appears to read 'Sey R d'.

Acting Chief Executive

Members of this Committee: Councillors Mrs Bolam, Mrs Carrick, Ferguson*, Gale, Mrs Hardaker, Hayton, Kay, Kingston, Laurie, Miss Ord, Perkins, Mrs Pinkney, J Shuttleworth, Taylor, Mrs Todd, Ward and Zair.

*ex-officio, non-voting capacity.

Chair: Councillor Perkins

Deputy Chair: Councillor Hardaker

TO: All other Members of the Council for information
Management Team

DECLARATIONS OF INTEREST FORM

NAME AND DATE OF COMMITTEE	AGENDA ITEM NUMBER	NATURE OF INTEREST AND REASONS	PRINT NAME	SIGNATURE



COMMUNITY SERVICES COMMITTEE

18 SEPTEMBER 2008

Report of the Strategic Director for the Community
PROVISION OF KERBED SURROUNDS WITHIN CEMETERIES

purpose of the report

- 1 To consider the Council's existing Cemetery Strategy in relation to kerbed surrounds on graves in Council owned cemeteries.

background

- 2 The Council Cemetery Strategy was approved by Community Services Committee on 7 November 2007.
- 3 Community Services Committee held on 9 July 2008 requested a report be brought to Committee on the issue of kerbed surrounds.
- 4 Since the Strategy was adopted a number of issues have arisen. There have been a number of requests to install kerbed surrounds as well as the unauthorised installation of both makeshift and permanent surrounds within our cemeteries.
- 5 Members will be aware that this is an emotive issue. In some cases, the erection of surrounds can cause difficulties for other cemetery users, for example a recent unauthorised surround has been installed over an adjoining separate grave.
- 6 As a result of these issues it is deemed necessary to request that Committee consider the provision of kerbed surrounds on graves in Council owned cemeteries.

policy context

- 7 The Council's Cemetery Strategy states that,

"The design and construction of kerbed sets for graves result in high maintenance costs and inherent health and safety risks due to their potential instability. The Authority by adoption of this strategy will cease to allow new or replacement kerb sets on graves in all its cemeteries. Any unauthorised or home made structures placed on graves after the adoption of this strategy within cemeteries will be removed.

Any established unauthorised or home made kerb sets will be required to be removed by the owner following 4 weeks written notice from the Authority. If the owner does not remove the kerb sets, the Authority will remove and store them for a 12 month period after which time they may be destroyed.”

consultation

8 Other Councils in the Durham County area act as follows :-

Derwentside	no new kerbed surrounds are allowed, decision made 2 years ago.
Teesdale	does not allow kerbed surrounds, no current problem with installation of illegal surrounds.
Durham City	no new surrounds installed since April 2008.
Chester le Street	no new permissions granted, illegal surrounds and decorations removed, decision made in the late 1970's.

9 Sedgefield, Easington and Durham County Council are not burial authorities.

financial implication

10 Costs would be incurred in the removal of any kerbed surrounds or unauthorised embellishments and reinstatements to the grave spaces. The Local Authority Cemeteries Order 1977 does allow for us to re-coup any outlay from the owners of the Exclusive Rights of Burial.

11 There would be an additional revenue income from the granting of permission to erect kerbed surrounds however this would be countered by an increase in the ground maintenance budget, as this would affect both the time taken for grass cutting in the cemeteries and the memorial inspection programme.

human resource implications

12 The increase in administration, if kerbed surrounds were to be introduced could not be absorbed by the existing Burials Officer. Additional staff time would be required to administer approved surrounds. This includes extensive checking of records to ascertain the owner of the Exclusive Rights, checking the application from stonemasons, and monitoring the insurance liability for embellishments on Council land as well as ensuring installations are carried out in accordance with Council's specification.

legal implications

- 13 The Local Authority Cemetery Order 1977 states under para 3(1) headed, General powers of management,

“Subject to the provisions of this order, a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery.

health and safety implications

- 14 The Health and Safety implications around this issue are those dealing with the maintenance of the grounds and slip, trip and fall hazards to members of the public. In addition to this there is an increased risk of grounds maintenance contractors causing damage to machinery or the raised kerb when grass cutting.
- 15 The kerb surrounds would require monitoring on a period determined by an suitable expert in order to ensure that they were not in an intrinsically unsafe state. If Wear Valley District Council did not carry out this duty they would be liable in the event that the raised kerb caused an accident resulting in injury to a member of staff, contractor, or any member of the public.

equalities and diversity implications

- 16 Adopting the recommendations enables a clear policy to be agreed for all Council owned cemeteries and provides the public with a standard procedure on this emotive issue.

lgr implications

- 17 Paragraph 8 of this report illustrates clearly that none of the other burial authorities within the Durham area allow the installation of kerbed surrounds to their cemeteries.

conclusion

18. The Council’s Cemetery Strategy identifies the approach adopted in relation to kerbside surrounds. The approach has taken account of health and safety, financial and human resource implications. It is important that this issue is given appropriate publicity to bring it to the attention of the public.

RECOMMENDED

1. Committee confirms that no amendments be made to the existing Cemetery Strategy.
2. Committee notes that appropriate publicity will be given to raise public awareness.

Officer responsible for the report

David Milburn
Acting Strategic Director for the Community
Ext 379

Author of the report

Sue Hocking
Burials Officer
Ext 309
