

**ASHFIELD DISTRICT COUNCIL**



Council Offices,  
Urban Road,  
Kirkby in Ashfield  
Nottingham  
NG17 8DA

## Agenda

### **Scrutiny Panel A**

Date: **Tuesday, 10th January, 2017**

---

Time: **6.30 pm**

---

Venue: **Committee Room, Council Offices, Urban Road,  
Kirkby-in-Ashfield**

---

For any further information please contact:

**Lynn Cain**

[l.cain@ashfield-dc.gov.uk](mailto:l.cain@ashfield-dc.gov.uk)

01623 457317

---

# SCRUTINY PANEL A

## Membership

**Chairman:** Councillor Amanda Brown

**Vice-Chairman:** Councillor Rachel Bissett

**Councillors:**

Ben Bradley

Joanne Donnelly

Glenys Maxwell

Helen-Ann Smith

Tony Brewer

Helen Hollis

Lauren Mitchell

## FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

## SUMMONS

You are hereby requested to attend a meeting of the Scrutiny Panel A to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



**R. Mitchell**  
**Chief Executive**

## **AGENDA**

**Page**

1. To receive apologies for absence, if any.
2. Declarations of Disclosable Pecuniary and Non-Disclosable Pecuniary/Other Interests.
3. To receive the minutes of the meeting of the Panel held on 10th November, 2016. 5 - 10
4. Scrutiny Review of Cemeteries (Home Made Kerb-Sets). 11 - 18

This page is intentionally left blank

## SCRUTINY PANEL A

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Thursday, 10th November, 2016 at 6.30 pm

**Present:** Councillor Amanda Brown in the Chair;

Councillors Lee Anderson (substitute for Joanne Donnelly), Rachel Bissett, Tony Brewer, Helen Hollis, Lauren Mitchell, Paul Roberts (substitute for Glenys Maxwell) and Helen-Ann Smith.

**Apologies for Absence:** Councillors Ben Bradley, Joanne Donnelly and Glenys Maxwell.

**Officers Present:** Lynn Cain, Sam Dennis, Joanne Hall and Mike Joy.

### **SA.7 Declarations of Disclosable Pecuniary and Non-Disclosable Pecuniary/Other Interests**

No declarations of interest were made.

(During consideration of this item, Councillors Tony Brewer and Helen-Ann Smith entered the meeting at 6.33 p.m.)

### **SA.8 Minutes**

RESOLVED

that the minutes of the meeting of the Panel held on 13th September, 2016, be received and approved.

### **SA.9 Introduction to New Scrutiny Review – Cemeteries and Home-Made Kerb Side Sets**

The Chairman introduced the item and advised the Panel that as part of the Scrutiny Workplan consultation, Members had approved cemeteries maintenance as a topic that would benefit from scrutiny consideration. In addition, the topic had become even more relevant following recent concerns regarding the installation of home-made kerb sets (adjoining gravestones/plots) which have become increasingly popular in recent years.

The Council's Service Lead for Waste and Environment, Sam Dennis and the Cemetery Development Officer, Joanne Hall, were in attendance at the meeting to give an overview of the Council's current procedures for managing

kerb sets within the Council's cemeteries and to enlist Members views regarding options in the future for the future to ensure that the current procedures are adhered to.

The Service Lead for Waste and Environment advised Members that there had been a ban on home-made kerb sets since 2007 and this restriction was highlighted within the Cemetery Rules and Regulations booklet that was currently given out to any purchasers of burial plots.

However, over the past few years there had been a noticeable increase in the installation of home-made kerb sets within the Council's cemeteries. They mostly consisted of stone, wire or plastic fencing with chippings and a range of decorations (i.e. bell glasses, ornaments, wind chimes). The kerb sets often encroached on land beyond their allocated burial plots and caused ongoing difficulties for staff trying to maintain the cemetery grounds to an acceptable standard.

The Council currently try to enforce the regulations as follows:-

- speak sensitively to relatives/friends in person at the cemetery site and ask for the kerb set(s) to be removed within one calendar month;
- send a letter to relatives/owners of the burial plot(s) requesting removal of the kerb set(s) within one calendar month.

However, removal of the kerb sets was not currently undertaken by Council staff and they had also been advised to leave a gap around the decorations and not attempt to maintain them following previous injuries being sustained due to hidden ornaments, glass, fences and decorations becoming caught up in the machinery and the risk of future incidents.

The Cemetery Development Officer informed the Panel that the maintenance difficulties were increasing due to the prevalence of the kerb sets within the Council's cemeteries. There were risks to staff and visitors alike with uneven grass levels, hidden kerb sets and decorations (due to deterioration from relatives ceasing to tend the graves) and a lack of defined paths and walkways.

Complaints were increasing (and occasionally featuring in the press) from members of the public and burial plot owners who believed that the over decoration of some plots was encroaching on their relatives/friends' plots, making them and the overall cemetery site look messy. This issue seemed to be more prevalent within the children's areas where kerb sets had been erected but then left unvisited over a period of time resulting in deterioration and disrepair. On the opposite side, complaints were also being received from owners of the kerb sets regarding breakages to their fences and array of decorations following efforts to mow the grass around the grave sites by cemetery staff. Furthermore, as the grass cutting machinery was unable to access some areas, complaints were also being received in relation to maintenance of the cemeteries.

The presence of kerb sets was also having an impact on the running of funerals resulting in staff being unable to gain access for machinery to dig the graves and erect the necessary spoil boards thus creating a hazardous environment. In addition, the public were often left unable to stand in proximity to the grave site throughout the funeral service which was upsetting and distressing for families of the deceased.

The Panel acknowledged that the increase in kerb sets was a problem being experienced by many local authorities nationally and various incidences had highlighted the need for proactive action to be taken to endeavour to address this emerging issue.

The Service Lead for Waste and Environment reiterated the importance of establishing viable options for tackling the issue as the Council's current methods of enforcement were proving to be ineffective. Speaking sensitively to burial plot owners or relatives/friends at grave sides regarding the removal of kerb sets was resulting in many contesting the regulations, pointing out that other kerb sets still remained and returning at weekends to erect their displays whilst cemetery staff were not on duty.

At this point in the presentation, Members were shown a variety of photos and newspaper articles which represented the range of issues being experienced by the Council (and other authorities) as a result of the increase in hand-made kerb sets.

A debate ensued whereby Members and officers discussed the following:-

- the importance of dealing with any enforcement issues sensitively and compassionately whilst liaising with grieving relatives/friends;
- the possibility of including photos of kerb sets in any information packs (for the purchase of burial plots) to highlight the problems associated with deterioration of kerb sets, their encroachment onto adjacent plots and the difficulties being experienced by staff to maintain the site around them;
- the problems associated with negative newspaper/press interest should any enforcement efforts be seen as too forceful or disrespectful to grieving relatives/friends;
- the current procedures undertaken by the Council (during purchase of burial plots) and the guidance offered by funeral directors regarding the prohibited erection of home-made kerb sets on cemetery sites;
- why home-made kerb sets bring great comfort to grieving relatives/friends and how this seems to overtake any desire to comply with the Council's current restrictions regarding their assembly;
- the current complaints being received in relation to the condition of the Council's cemetery sites (grassed areas, footpaths etc.) and how the presence of home-made kerb sets is exacerbating the problem;

- the Council's responsibilities for maintenance of a plot once funeral services are over (and flowers have been removed by relatives/friends);
- a new method of installing 'rafts' (long concrete plinths) within cemetery sites; with gravestones being located onto the plinth and any ornaments displayed on the concrete gaps in-between the gravestones;
- the possibility of cemetery staff being equipped with smaller grass trimmers and gardening equipment to enable the grass to be better maintained between graves;
- the potential, or otherwise, of cemetery staff offering a service to install kerb sets thus enabling the Council to control the standard, uniformity and quality of such sets should a decision ever be taken to relax the restrictions currently contained in the Council's Cemetery Rules and Regulations booklet;
- the scale of the current problem with over 665 kerb sets currently existing within the Council's cemetery sites;
- should more robust enforcement procedures for the removal of kerb sets be commenced, to investigate the possibility of offering alternatives to relatives/friends for visiting and mourning their loved ones i.e. a memorial garden or a memorial wall with designated plaques.

At the conclusion of the debate, the Chairman thanked Sam Dennis and Joanne Hall for being in attendance at the meeting and assisting the Panel with their deliberations.

#### RESOLVED

that the Service Lead for Waste and Environment be requested to undertake the following in readiness for the next Panel meeting in January, 2017:-

- a) to arrange a site visit to the Sutton and Kirkby cemetery sites (late November/early December 2016) to enable Panel Members to view and understand the impact of increasing home-made kerb sets and the reducing ability for the Council to maintain the cemetery sites to an acceptable standard;
- b) an initial evaluation exercise to ascertain the potential costs for the Council providing a service to install kerb sets within cemetery sites on behalf of plot owners should a decision ever be taken to relax the restrictions currently contained in the Council's Cemetery Rules and Regulations booklet;
- c) to investigate the possibility of equipping cemetery staff with smaller grass trimmers and gardening equipment to enable the grass to be better maintained in-between graves and to provide an estimated cost for providing and maintaining this additional equipment;



- d) to consider options for receiving feedback/views from visitors (local and out of district) to the Council's cemeteries in relation to the increasing presence of home-made kerb sets and their impact, either positive or negative, on the quality of the setting as a place of mourning and remembrance of loved ones.

(During consideration of this item, Councillor Lee Anderson left the meeting at 7.08 p.m.)

The meeting closed at 7.47 pm

Chairman.

This page is intentionally left blank

<b>Report To:</b>	SCRUTINY PANEL A	<b>Date:</b>	10 JANUARY 2017
<b>Heading:</b>	SCRUTINY REVIEW OF CEMETERIES (HOME MADE KERB-SETS)		
<b>Portfolio Holder:</b>			
<b>Ward/s:</b>	ALL WARDS		
<b>Key Decision:</b>	NO		
<b>Subject To Call-In:</b>	NO		

## **Purpose Of Report**

Scrutiny Panel A first considered the topic of cemeteries (home-made kerb sets) in November 2016. The topic was added to the Scrutiny workplan to consider the impact that home-made kerb sets have in reducing the ability to maintain the sites to a high standard, thus increasing the number of complaints and potential health and safety risks.

The Panel considered a variety of information from the Council's Service Lead for Waste and Environment and the Cemetery Development Officer regarding the Council's current procedures for managing kerb sets within the Council's cemeteries and options for the future to ensure that the current procedures are adhered to.

This report provides an update to some of the considerations that Panel Members requested officers to provide further information on.

## **Recommendation(s)**

**Members are requested to;**

- **Discuss the information contained within this report;**
- **Consider the options available as detailed in the report;**
- **Discuss potential recommendations for Cabinet consideration.**

## **Reasons For Recommendation(s)**

Topics added to the workplan for consideration should have expected outcomes to add value to the services delivered by the Council and it's partners and/or improve the quality of lives of Ashfield residents. Members are required to consider the information provided and discuss any further details necessary to review this topic appropriately.

## **Alternative Options Considered (With Reasons Why Not Adopted)**

As detailed in the report

### **Detailed Information**

At the last meeting of Scrutiny Panel A, Members discussed the current issues relating to problems associated with home-made kerb sets. These kerb sets have become increasingly common in Ashfield cemeteries over recent years resulting in 650 home-made sets being identified over 4 sites, with Sutton by far, having the most at 450. These often consist of stone, wire or plastic fencing with chippings and decorations.

A Cemeteries Strategy was approved at Council on the 22 April 2007. This Strategy is a strategic document for the Authority in maintaining and promoting its stewardship cemeteries and closed churchyards. The Strategy was further reviewed by Scrutiny in 2009. The Strategy states that;

“Any established unauthorised or home-made kerbed 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 kerbed sets, the Authority will remove them and store for a 12 month period after which they will be destroyed”.

This restriction on home-made kerb sets is highlighted within the Cemetery Rules and Regulations booklet given out with every deeds;

*3.1.23: No kerb sets, bell glasses, ornaments, wind chimes nor decorations of any kind will be permitted from April 2007.*

Any established unauthorised or home-made kerbed 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 kerbed sets, the Authority will remove them and store for a 12 month period after which they will be destroyed.

The kerb sets often encroach on land beyond their allocated burial plots and caused ongoing difficulties for staff trying to maintain the cemetery grounds to an acceptable standard. Council currently try to enforce the regulations as follows:-

- speak sensitively to relatives/friends in person at the cemetery site and ask for the kerb set(s) to be removed within one calendar month;
- send a letter to relatives/owners of the burial plot(s) requesting removal of the kerb set(s) within one calendar month.

At the last meeting of the Panel, The Service Lead for Waste and Environment reiterated the importance of establishing viable options for tackling the issue as the Council's current methods of enforcement were proving to be ineffective. Speaking sensitively to burial plot owners or relatives/friends at grave sides regarding the removal of kerb sets was resulting in many contesting the regulations, pointing out that other kerb sets still remained and returning at weekends to erect their displays whilst cemetery staff were not on duty.

The Panel recognise that this is a very emotive topic and considered reactions and outcomes to similar exercises undertaken by other Councils to remove home-made kerb sets. All Members agreed that the issue of enforcement should be dealt with sensitively and compassionately whilst liaising with grieving relatives/friends.

## **Issues Relating to Home-Made Kerb Sets**

The Panel discussed in detail the issues relating to home-made kerb sets which include;

- Maintenance
- Health and Safety
- Encroachment on to other plots
- Future funeral operations
- Visual (resulting in increased complaints and distressed relatives and friends)

The presence of home-made kerb sets reduce the ability to maintain the sites to a high standard thus increasing the number of complaints and even on occasion featuring in the press. In addition to this there have also been a number of complaints from members of public who feel that the over decoration of plots is encroaching on their relation's or friend's plot and making the cemetery look distasteful or messy. This is especially prevalent within the children's areas where kerb sets have been erected but sometimes over time, the grave is then left unvisited and subsequently deteriorates. Complaints were also being received from owners of the kerb sets regarding breakages to their fences and array of decorations following efforts to mow the grass around the grave sites by cemetery staff.

Furthermore, In addition to the external environment, there are internal pressures influencing the need for an alternative approach to be considered. In the past there has been instances of cemetery staff have being injured whilst carrying out maintenance tasks due to hidden ornaments, glass, fences and decorations getting caught by machinery.

As such staff are now instructed to leave a gap around these decorations, where visible, in order to try avoid incident. However this not only leaves the plots looking untidy but also increases the amount of time needed to maintain the site, impacting on its overall appearance.

The presence of these kerb sets also has an impact of the running of funerals, neighbouring kerb sets often mean that staff are unable to gain access for machinery to dig graves and are unable to erect a spoil board thus creating a hazardous working environment.

There is also a knock on impact for the public who are often left unable to stand in proximity to the grave site throughout funerals, which is often distressing for the family and friends. On such occasions cemetery keepers have been forced to remove homemade kerb sets for burials to take place. In these instances attempts were made to contact the family, sometimes without success, in order to notify them that the kerb sets needed to be removed. Due to the nature of the requirement the removals had to happen quickly thus families were at times unable to get there themselves forcing staff to remove items instead.

## **Panel Discussions**

In discussing these issues the Panel raised a number of issues for consideration as part of this review, these included;

- the potential, or otherwise, of cemetery staff offering a service to install kerb sets thus enabling the Council to control the standard, uniformity and quality of such sets should a decision ever be taken to relax the restrictions currently contained in the Council's Cemetery Rules and Regulations booklet;
- the possibility of cemetery staff being equipped with smaller grass trimmers and gardening equipment to enable the grass to be better maintained between graves;

- the Council's responsibilities for maintenance of a plot once funeral services are over (and flowers have been removed by relatives/friends);
- the current complaints being received in relation to the condition of the Council's cemetery sites (grassed areas, footpaths etc.) and how the presence of home-made kerb sets is exacerbating the problem;
- the current procedures undertaken by the Council (during purchase of burial plots) and the guidance offered by funeral directors regarding the prohibited erection of home-made kerb sets on cemetery sites;
- the possibility of including photos of kerb sets in any information packs (for the purchase of burial plots) to highlight the problems associated with deterioration of kerb sets, their encroachment onto adjacent plots and the difficulties being experienced by staff to maintain the site around them;
- why home-made kerb sets bring great comfort to grieving relatives/friends and how this seems to overtake any desire to comply with the Council's current restrictions regarding their assembly;

In response to some of these discussions the following information and responses have been provided;

**a) An initial evaluation exercise to ascertain the potential costs for the Council providing a service to install kerb sets within cemetery sites on behalf of plot owners should a decision ever be taken to relax the restrictions currently contained in the Council's Cemetery Rules and Regulations booklet;**

For any kerb set installed on site it would need to meet health and safety and insurance standards, therefore would need to abide by the BRAMM and NAMM accredited and only use materials approved for this purpose. The average cost of a basic kerb set is £2000-£2500.

As such the costs would be as follows:

Fixing Monoliths & Lawn Type Memorials to the NAMM Code of Working Practice (for experienced stone masons only)	£300 + VAT per person
Safety Inspection and Assessment of Memorials in Burial Grounds	£300 + VAT per person
Salary of 1 qualified stonemason	£26,000 av. (annual)
City & Guilds Advanced Diploma in Stonemasonry	£9,000
Branch Registration (NAMM)	£5.00
Fixer Registration (NAMM)	£25.00
Business Registration (NAMM)	£50.00 (annual)
Employee Liability £10 mill	
Public Liability £5 mil	

After consulting a local stonemason to gauge the expertise required they state that new trainees would shadow more experienced workers for around 2 yrs. before being trusted to create and install kerb sets on their own. In addition to this the average kerb set would cost around £2000-£2500 which would not be an affordable option for many people and would conflict with the current policy that we no longer allow any kerb sets which was established in 2007.

**b) to investigate the possibility of equipping cemetery staff with smaller grass trimmers and gardening equipment to enable the grass to be better maintained in-between graves and to provide an estimated cost for providing and maintaining this additional equipment;**

Having spent time researching with Lead Environment Officers the strimmers currently use are deemed to be the only type suitable. Although there are smaller models these do not come with the vibration minimising technology required in order to keep HAVs levels low. In addition to this the bulk of the size around the head is caused by the guard which does not decrease dramatically in size with smaller models.

Any cutting by hand would dramatically increase the time maintenance of plots would take. This would result in either the requiring of additional staff, which would incur high additional costs, or if carried out by staff on site would significantly impact on the site's overall maintenance level and would create issues of unmanaged areas especially during the summer months or at times of high funeral rates.

**c) to consider options for receiving feedback/views from visitors (local and out of district) to the Council's cemeteries in relation to the increasing presence of home-made kerb sets and their impact, either positive or negative, on the quality of the setting as a place of mourning and remembrance of loved ones.**

There are a number of methods for gathering feedback, letters to grave owners, notices on site etc. however general post outs would be extremely costly and could not guarantee answers. When residents take on ownerships of the Rights of Burial they are clearly made aware of the rules and regulations, including no homemade kerb sets, which apply to our sites. If the current regulations are to be more strictly enforced a more proactive approach through press to notify would show that the Council is taking every possible opportunity for families to remove any precious items themselves.

However there is feasibility to gather more public views and feedback relating to other cemetery decisions which has recently been demonstrated within the extension consultations. In addition to this there is the potential to consult on other topics such as the possibility of memorial gardens or areas for plaques (which in themselves would provide residents with more affordable memorial options).

### **Site Visit**

At the last meeting, Panel Members requested a site visit to the Sutton and Kirkby cemetery sites to enable Panel Members to view and understand the impact of increasing home-made kerb sets and the reducing ability for the Council to maintain the cemetery sites to an acceptable standard. This site visit has now been arranged to take place on the 6 January 2017.

### **Next Steps**

Members of the Panel will need to consider the additional information that has been provided in this report and discuss the options available to progress this review. At the last meeting Members were provided with a number of options with accompanying SWOT analysis, detailing the strengths and weaknesses of each option.

To conclude this review and provide Cabinet with appropriate recommendations for their consideration, Members will need to consider whether they have had sufficient information to make their conclusions.

These conclusions should provide proposals or details relating to;

- Enforcement (or alterations) of current Cemetery Rules and Regulations;
- Any alternative solutions to be considered.

## **Implications**

### **Corporate Plan:**

*Place and Communities* and the commitment that we will work with our partners to ensure we deliver services centred on the needs of people and places.

*Organisational Improvement* and the commitment to show value for money as well as being an employer people want to work for.

### **Legal:**

The current Cemetery Rules and Regulations booklet clearly sets out that no kerb sets, bell glasses, ornaments, wind chimes nor decorations of any kind are permitted. This is made clear to all plot owners within the Cemetery Rules and Regulations booklet given out with all deeds.

### **Finance:**

Maintenance of cemeteries is currently contained within the revenue budget. There is currently no capacity within this budget for any options relating to providing additional services for kerb set installation. Any growth in budget will require a separate report to Cabinet.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	Additional information in this report relating to the Council taking on increased roles in kerb set installation is for information purposes only.
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	Not applicable
Housing Revenue Account – Capital Programme	Not applicable

### **Human Resources / Equality and Diversity:**

This report details examples of potential health and safety risks to both employees, partners and members of the public from home-made kerb side sets.

### **Other Implications:**



No further implications have been identified at this stage of the review. Any identified will be supported with advice from relevant sections.

**Reason(s) for Urgency (if applicable):**

None

**Background Papers**

Cemetery Rules and Regulations booklet

**Report Author and Contact Officer**

Mike Joy, Scrutiny Manager  
Email: [m.joy@ashfield-dc.gov.uk](mailto:m.joy@ashfield-dc.gov.uk)  
Tel: 01623 457232

Jo Hall, Cemetery Development Officer  
Email: [j.hall@ashfield-dc.gov.uk](mailto:j.hall@ashfield-dc.gov.uk)  
Tel: 01623 457887

**Ruth Dennis**  
**Assistant Chief Executive (Governance)**

This page is intentionally left blank