

ASHFIELD DISTRICT COUNCIL



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

Agenda

Scrutiny Panel A

Date: **Thursday, 10th November, 2016**

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

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 13th September, 2016. 5 - 10
4. Introduction to New Scrutiny Review - Cemeteries and Home-Made Kerb Side 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 Tuesday, 13th September, 2016 at 6.30 pm

Present: Councillor Amanda Brown in the Chair;
Councillors Rachel Bissett, Ben Bradley,
Tony Brewer, Glenys Maxwell, Lauren Mitchell
and Helen Smith.

Apology for Absence: Councillor Helen Hollis.

Officers Present: Lynn Cain, Carol Cooper-Smith, Mike Joy and
Paul Thomas.

SA.4 Declarations of Disclosable Pecuniary and Non-Disclosable Pecuniary/Other Interests

There were no declarations of interest made.

SA.5 Minutes

RESOLVED
that the minutes of the meeting of the Panel held on 26th July, 2016, be received and approved.

SA.6 Introduction to New Scrutiny Review - Encouraging Small/Medium Businesses into Ashfield and Filling Empty Shop Units

The Chairman introduced the item and explained that the topic had been placed on the Scrutiny Workplan to enable the Panel to explore and understand what actions the Council already had in place to encourage the local economy through supporting and assisting small to medium businesses. There would also be the opportunity for the Panel to consider what more could be done to ensure that empty shops and units continue to be occupied.

Carol Cooper Smith, the Council's Interim Service Director for Planning and Economic Development and Paul Thomas, the Council's Shared Service Regeneration Manager, were also welcomed to the meeting.

The Scrutiny Manager proceeded to give a brief overview of the values identified in the Council's Corporate Plan for Ashfield to be "Enterprising, Ambitious and Innovative." The Council already had an excellent track record for providing high quality business support through the "Ambition for Ashfield and Mansfield" programmes and the overall aim had always been to create

vibrant town centres that offered a variety of destinations for quality goods and service.

When the item was initially placed on the Scrutiny Workplan, Members had indicated that they were interested in the following:-

- What main challenges were being faced by the Council with regard to filling empty shops and units;
- How were small/medium business being encouraged to set up within Ashfield;
- What the Council was currently doing regarding ongoing high street issues;
- How the Portas funding had been spent;
- How many empty shops/units were there currently within the Ashfield District?

Prior to establishing the remit for the review, Members were asked to consider what they wanted to gain from the exercise, what information was required and if they would wish to speak to any new business representatives or market stall holders/shop owners to gather any additional data to inform any outcomes.

At this point the Scrutiny Manager handed over to the Regeneration Manager who undertook a presentation to the Committee.

Current town centre challenges being faced by the Council fell into the following categories:-

- Changing shopping habits including the shift towards online shopping;
- Vacant premises and their long term impact on town centre viability;
- Balance of uses/arrangement of shops to encourage shoppers to visit both ends of a town centre;
- Accessibility in relation to public transport, private transport and car parking facilities;
- Appearance of the town centre to encourage footfall and facilitate an enjoyable experience;
- Disposable income within the local economy and providing a range of shops that appealed to the local demographic.

The Council's Regeneration Team continued to encourage and attract businesses into the District in a variety of ways:-

Invest Ashfield and Mansfield

Invest Ashfield & Mansfield was an initiative aimed at promoting the area as a place to do business, both helping existing businesses grow and attracting

new ones into the area. The website offered commercial property searches for potential new businesses or existing businesses looking to expand or relocate, promoted business events and provided ambassadors to celebrate success and showcase the area as a place to do business championed by local businesses.

Account Management/Signposting

The Regeneration Team currently provided an account management service whereby a designated officer, assigned to a new business, would provide support, guidance and problem solving solutions to assist with their integration into the Ashfield business community.

Entrepreneurs Forum

An Entrepreneurs' Forum had been established to assist new businesses with key issues and provide a mentoring service. Regular seminars provided an opportunity for new start businesses and those thinking of starting a business to meet like-minded individuals in similar situations to share ideas, learn from each other, provide peer support and encourage inter-trading in an informal setting.

Women Who Do

The 'Women Who Do' programme continued to give women access to a range of support mechanisms, including 'one to one' mentoring and expert help with creating personalised development plans for making business ideas a reality.

Retail/Market Grants

The Retail Improvement Scheme had been set up to help small businesses in retail areas to improve or repair the fabric and appearance of their qualifying properties. The grant could be used for a range of improvements, including external repairs, improving internal shop fittings, displays or facilities, developing IT or painting exterior shop fronts. Under the terms of the scheme, applicants can receive up to 50% of the total cost of the project up to a maximum of £5,000.

In relation to market stall holders, the scheme offered grants of up to £1,500 to provide support to new start-up market traders moving into the Idlewells Indoor Market or up to £500 for new start-up traders looking to locate to the outdoor markets in Sutton-in-Ashfield; Kirkby-in-Ashfield or Hucknall.

To date, 72 enquiries had been received by the Regeneration Team for both schemes and 9 applications for improvements to vacant shops had since been approved.

Empty Shops

The Regeneration Team continued to locate empty shops and endeavour to identify the owner(s) via land property searches etc. Once identified, the owner(s) were contacted and in the first instance advised about the grant opportunities available for improving the shop appearance and endeavouring to make the property a viable rental prospect for the future. If the owner(s) were not forthcoming and their particular properties were in a bad state of repair, the Council would proceed to notify them as to possible enforcement action that could be taken should the property fall any further into disrepair and

continue to have a negative impact on the street scene.

High Street Improvements

The Council continued to encourage and facilitate high street improvements to improve the appearance of town centres and attract businesses to the area. Town Centre Masterplans were in place for Sutton, Kirkby and Hucknall and local planning policy continued to regulate the quality and balance of uses/businesses locating within the town centres. Key improvement projects has taken place including the inner relief road and planned pedestrianisation at Hucknall, the plaza and highways improvements at Kirkby and the relocation of the outdoor markets at Sutton.

Business Grants – Update

The Panel were advised that the ‘Portas’ funding was now completed and the remaining funds had been utilised to upgrade the Council owned shops on Broomhill Road, Hucknall. The new retail improvements scheme (as outlined above) offered similar grant funding to shops and new market stall holders and would be running for as long as the £190,000 funding lasted. The scheme had already been advertised in the local press and the Town Centres and Markets Manager continued to promote the initiative during any visits to shops/local businesses within the town centres.

Following the presentation the Committee debated the issues raised and considered the following:-

- the possibility of enabling more local businesses to advertise through the Council’s various publications;
- the possibility of offering retail improvement scheme funding to established (off the high street) town centre shops/retail businesses to enable them to set up temporary ‘pop up’ shops/market stalls on the high street for organised events and/or weekend market days;
- landlords renting out shop units to multiple concessions/franchises to make rental costs more attainable to smaller businesses attempting to expand within the local economy;
- whether the Council had any powers to curtail the number of ‘same use’ shops occupying local high streets (i.e. fast food outlets, hairdressers);
- the reasons for the limited take up of retail improvement scheme funding and the reservations experienced by many local businesses in relation to ‘match-funding’ criteria;
- the selection process for allocation of the retail improvement scheme funding;
- the reasons why the underground car park at the Idlewells Shopping Centre has been closed for such a long period;
- the plans for development of Hucknall town centre following completion of the inner relief road scheme;

- the importance of the Council improving its communication/advertising skills to ensure that all plans/improvements/events are properly marketed and publicised to reach its optimum audience at all times;
- the improvement plans for the Council's indoor market hall at the Idlewells Centre, Sutton;
- the possibility of publishing an array of small/medium business 'case studies' on the Council's website (via the 'Youtube' search engine) to offer some additional promotion for the businesses and provide educational snapshots of the services and support offered by the Regeneration Team.

On conclusion of the debate, the Scrutiny Manager took the opportunity to thank Carol Cooper-Smith and Paul Thomas for attending the meeting and providing an in-depth and informative presentation.

RESOLVED that

- a) the work currently being undertaken by the Regeneration Team to encourage small/medium businesses into Ashfield and filling empty shop units, be received and welcomed;
- b) the Interim Service Director for Planning and Economic Development be requested to investigate the possibility of extending the retail improvement scheme to allow funding to be offered to established (off the high street) town centre shops/retail businesses to enable them to set up temporary 'pop up' shops/market stalls on the high street for organised events and/or weekend market days;
- c) the Scrutiny Manager be requested to take into account the suggestions/responses raised at the meeting and formulate a set of suitable draft recommendations for consideration by Members at the next meeting of the Panel in November 2016.

(During consideration of this item, Councillor Ben Bradley left the meeting at 7.45 p.m.)

The meeting closed at 8.10 pm

Chairman.

This page is intentionally left blank

Report To:	SCRUTINY PANEL A	Date:	10 NOVEMBER 2016
Heading:	INTRODUCTION REPORT – SCRUTINY REVIEW OF CEMETERIES (HOME-MADE KERB SETS)		
Portfolio Holder:			
Ward/s:	ALL WARDS		
Key Decision:	NO		
Subject To Call-In:	NO		

Purpose Of Report

The topic of cemeteries (home-made kerb sets) was added to the Scrutiny workplan in October 2016. The reason for its addition relates to the potential impacts 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.

This report provides an overview of the current position, problems, enforcement and options relating to cemeteries and home-made kerb sets.

Recommendation(s)

Members are requested to;

- **Consider and discuss the information contained within this report**
- **Consider the options available as detailed in the report**
- **Establish appropriate timelines and any further information required to consider this topic.**

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 its 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

Cemeteries have always been and always will be an emotive area, as such any changes or options considered must be done with extreme care and extensive planning. However this must not mean that innovation should not occur. Options relating to cemeteries and home-made kerb sets must be considered in order to improve maintenance and modernise processes where necessary.

For the past few years there has been a noticeable increase in the appearance of home-made kerb sets within Ashfield Cemeteries. These often consist of stone, wire or plastic fencing with chippings and decorations. There has been a ban on home-made kerb sets since April 2007, 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.

Current Levels

Within Ashfield's five working cemeteries, the number of grave plots with home-made kerb sets and additional decorations has increased dramatically, creating issues for both staff and public.

Site	Number of Home-Made Kerb Sets
Sutton	450
Kingsway New	115
Huthwaite	20
Hucknall	80

Currently if cemetery staff witness the erection of a kerb-set they speak to the public stating the rules and regulations. However this is regularly being ignored with residents returning at weekends or even on occasion being met with aggressive responses. As such, it has now become ineffective to tackle solely the new erections as they occur as grave owners often refer to the high number of other kerb sets already present.

Issues

There are a number of issues relating to home-made kerb sets, these are detailed below;

Maintenance

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 and messy. This is especially prevalent within the children's areas where kerb sets have been erected but then the grave left unvisited and subsequently deteriorate

Other councils have also experienced similar issues, Glasgow City Council received negative press relating to the upkeep of baby's graves. This upkeep had been impacted on by the presence of homemade kerb sets.

Health and Safety

In addition to the external environment there are internal pressures influencing the need for an alternative approach to be considered. In the past cemetery staff have been 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.

Injuries have been sustained within other councils caused by homemade kerb sets. In West Dunbartonshire Council a cemetery worker suffered broken bones due to prohibited decorations. Currently it has become a major task in minimising risk which has resulted in areas being untouched.

Funeral Operations

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. In a month's period cemetery keepers were 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 instead.

An incident earlier this year in Kilwinning cemetery, North Ayrshire, highlights the need for proactive action. The Council were forced to move kerb set decorations from a neighbouring grave in order to carry out burials, this resulted in the family being upset and the involvement of the press.

Current Enforcement

Although it is in the current regulations that these are not allowed the current method of enforcement has proven to be ineffective. Presently cemetery staff are approaching members of the public who they see erecting kerb-sets sensitively refer them the rules and regulations. However this often results in them either contesting, stating that others still have them up or return at weekends.

Options Considered

In order to consider this topic fully a wide variety of methods have been considered, discussed and evaluated. There are a range of techniques and actions that have already been undertaken, these include;

- Staff and stakeholder meetings,
- Consultations with specialists
- Peer reviews of other councils.

These have enabled all stakeholders in relation to cemeteries to be consulted and a range of priorities and objectives to be considered. Page 13

All of the ideas generated were considered and the core three have been scored against the following SMART objectives:

- To reduce the number of home-made kerb sets on all council cemetery sites.
- To reduce the amount of time it takes to maintain the grass in cemetery sites.
- To minimise accident and hazardous risks within cemetery sites
- To reduce the number of complaints received from members of the public regarding the maintenance of the grass on the cemetery sites.

Option One

To allow grave deed holders to have an area of one foot in front of the headstone to erect kerb sets and have ornaments.

Strengths	Weaknesses
<ul style="list-style-type: none"> • Less time taken to remove • Mowers will be able to go between the rows 	<ul style="list-style-type: none"> • Hard to measure the allowances • Cemetery staff would still be unable to mow near the headstones • Cemetery staff would still be unable to trim near to the fences • High health and safety risk regarding hidden ornaments. • May still impact operational processes for funerals • Stonemasons will still have difficulty in accessing headstones and will continue to be a safety risk to them. • Still increase the time needed to mow the sites
Opportunities	Threats
<ul style="list-style-type: none"> • Grave owners with kerb sets may be more willing to remove a portion of the kerb set rather than the whole. 	<ul style="list-style-type: none"> • In other comparable cases members of the public have reacted negatively to having to remove elements of their decorations. • Issues may still arise when people start to take more space than allowed. • Still can be classed as an eye sore and impact of neighbours' graves.

The financial impact of this option would be the cost of sending the letters and the staff time required to manage the changes. However the results would not benefit the health and safety and maintenance of the sites. As such it would fail to meet the majority of the objectives.

Option two

To enforce current regulations and organise the removal of current homemade kerb sets.

Strengths	Weaknesses
<ul style="list-style-type: none"> • Mowers will be able to go between the rows • Cemetery staff will be able to trim near to the headstones • A minimised health and safety risk regarding hidden ornaments. • Operational processes will no longer be impacted • Stonemasons will be able to carry out work without impediment or risk • Reduce the amount of time needed to maintain the sites 	<ul style="list-style-type: none"> • Staff will face confrontation from members of the public unable with the decision. • Letter send outs will have an initial time and financial cost.
Opportunities	Threats
<ul style="list-style-type: none"> • The public will be happier with the level of maintain being attained on the sites. • A clear consistent approach will be easier to enforce. 	<ul style="list-style-type: none"> • In other comparable cases grave owners with kerb sets have reacted negatively to having to remove elements of their decorations.

Through evaluating the option of enforcing current regulations and organising the removal of current homemade kerb sets it is clear that it would be both a feasible and viable option. The financial impact of this option would be the cost of sending the letters and the staff time required to manage and enforce the changes, however the results would meet the majority of the objectives.

The only risk and possible negative outcome from this approach would be negative feedback from grave owners with home-made kerb sets. This has been seen within other districts who have also enforced the regulation strictly however so far no authority has gone back on their decision.

Option three

To take no action and allow current kerb sets to remain and new to be erected.

Strengths	Weaknesses
<ul style="list-style-type: none"> • No conflict with members of the public 	<ul style="list-style-type: none"> • Cemetery staff would still be unable to mow near the headstones • Cemetery staff would still be unable to trim near to the fences • High health and safety risk regarding hidden ornaments. • Will continue to impact operational processes for funerals

	<ul style="list-style-type: none"> • Stonemasons will continue to have difficulty in accessing headstones and will continue to be a safety risk to them. • Still increase the time and resources needed to mow the sites • Will not be able to maintain a high level of site quality and thus will continue to receive complaints regarding this • The number of kerb sets will in no doubt increase thus increase the maintenance time and possibly render some of the current machinery unusable.
Opportunities	Threats
<ul style="list-style-type: none"> • Grave owners with kerb sets will be happy that they get to keep their kerb sets. 	<ul style="list-style-type: none"> • Neighbouring graves will continue to complain regarding the upkeep and encroachment of kerb sets. • Pressures from external stakeholders regarding the issues that kerb sets have will continue.

There would be no direct financial impact of this option, however the results would not benefit the health and safety and would increase the cost of maintenance of the sites. As such it would fail to meet the majority of the objectives.

Conclusions and Considerations

Through conversations and seminars with other councils it is clear that it is the industry standard is to enforce regulations banning homemade kerb sets. This has had the expected positive impacts improving maintenance standards as well as reducing complaints and health and safety risks.

The SWOT analysis of each option for innovation clearly indicates that option two: to enforce current regulations, is the only option which successfully meets the most objectives. Members will need to consider the analysis of all the options in the consideration of this issue.

Next Steps

Members of the Panel will need to consider what further information, if any, is required in order to provide its views for Cabinet consideration. This may include;

- Any further best practice / benchmarking information?
- Any further consultation?
- Site Visits?
- Policy / enforcement information?

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:

No kerb sets, bell glasses, ornaments, wind chimes nor decorations of any kind will be permitted from April 2007. This is set out clearly within the Cemetery Rules and Regulations booklet given out with every deeds. Further legal advice will be obtained before any recommendations are submitted for consideration.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	No direct financial implications are contained within this report. Any considerations that may have financial impacts will be advised by Finance.
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

Jo Hall, Cemetery Development Officer

Email: j.hall@ashfield-dc.gov.uk

Tel: 01623 457887

Rob Mitchell
CHIEF EXECUTIVE