

Report To:	CABINET	Date:	26th January 2021
Heading:	PUBLIC FUNERALS		
Portfolio Holder:	CLLR D MARTIN, PORTFOLIO HOLDER FOR STREETS, PARKS AND TOWN CENTRES		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

The Council has a responsibility for Public Health Funerals under the Public Health (Control of Diseases) Act 1984 section 46 which has historically been delivered by Mansfield District Council on behalf of Ashfield District Council. The reports sets out the new arrangements and policy for this service to be transferred to Ashfield District Council for its own residents.

Recommendation(s)

Cabinet is requested to:

- 1) Approve the proposed policy relating to Public Health Funerals under the Public Health (Control of Diseases) Act 1984 section 46.
- 2) Recommend that Council approves (as part of the 2021/22 Annual Budget Report to Council in March 2021) the revised budget to accommodate this statutory responsibility resulting in an additional budget of £9,100 (giving a total budget of £15,000). This revised budget will be kept under review with any required variation being brought back for Cabinet approval.

Reasons for Recommendation(s)

The policy sets out the Council's commitment to carry out Public Health Funerals and allow the Council to fulfil its statutory obligations with regards arranging the burial process of anyone who passes on the District without anybody willing or able to make the appropriate arrangements.

The Council has a legal duty in regards to Public Health Funerals and the recommendations provide the Council with the best opportunity to ensure that anyone who passes away in the District is buried with respect and dignity.

Alternative Options Considered

Ashfield Council has approached Nottingham City Council, as they have a dedicated Public Health Funeral Manager who manages Public Health Funerals and they also facilitate Public Health Funerals on behalf of Gedling Borough Council.

Due to the high number of Public Health Funerals Nottingham City Council manages (approx. 150 per year), plus any Gedling referrals, they do not have capacity or resources to take on Public Health Funerals on behalf of Ashfield District Council. **Not adopted**

Detailed Information

A Public Health Funeral, also known as an Environmental Funeral, is a funeral arranged under the Public Health (Control of Diseases) Act 1984 section 46. This Act places a statutory obligation on local authorities to make funeral arrangements for those who die without anybody willing or able to make the arrangements. Although this is a statutory duty, authorities must ensure that the funeral service is appropriate and indistinguishable from any other, treating such cases with the utmost dignity and respect.

The law states it shall be the duty of Ashfield District Council to bury or cremate the body of any person who has died in the District, in cases where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made.

Mansfield District Council has historically managed the public health funeral process on behalf of Ashfield District Council. However in recent years there has been an increase in the number of such cases across both districts, which has greatly impacted on the resource required to facilitate this agreement and therefore this arrangement is no longer sustainable.

Although the law is relatively simple and allows the Council to reclaim any costs it incurs while dealing with any cases, the process for dealing with cases can be time consuming and complex with many potential challenges. It is important therefore that any policy and processes are robust. Effectively the Council becomes next of kin for anyone who dies on District and has no means to pay for a funeral. There are a number of duties to consider: such as carrying out property searches, delivering death messages, recovering costs for funerals and registering deaths, along with the actual burial or cremation of the deceased.

To manage the process and to accommodate the increase in cases, the existing budget will need to be amended and has not been reviewed for several years. The Council does not know what demand there will be for this service so the budget will need to be kept under review. It is proposed that the current annual budget of £5,900 is increased to £15,000. In the event that the proposed revised budget needs to be varied, this will be brought back to Cabinet for consideration. Costs of funerals are shown in the table below:

	Costs
Internment (Burial for one)	£700
Cremation	£490 non Peak times
Cremation	£778 Peak times
Interment of Ashes	£200
Funeral Director	£499
Admin and process management	£1000

Mansfield District Council will be administrating any historic outstanding cases prior to 1 December 2020. Any new case from 1st December 2020 has fallen to Ashfield District Council to administer and to the Cemeteries team to investigate and complete, ensuring burial or cremation is carried out lawfully. 2021/22 will be a benchmark year.

Through the legislation the Council is able to take ownership of assets and some if not all of the funeral costs will be recouped from the estate of the deceased; however there are no guarantees of this so an appropriate budget is required.

The Cemeteries team is a small team. They are responsible for administering all funerals and allotments (approx. 700 plots). As duties in the cemeteries and allotments department cover office based duties and operational site based tasks, there will be an increased pressure on resource with the added responsibility of public health funeral as cases can be time consuming and complex.

The cemeteries and allotment service is currently being reviewed to assess working practices, digital transformation and staffing resource.

Implications

Corporate Plan:

Legal:

Public Health (Control of Diseases) Act 1984 section 46

- 1) It shall be the duty of a local authority to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority.
- 2) Any Council which is the local authority for the purposes of the Local Authority Social Services Act 1970 may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under part III of the National Assistance Act 1948 by, or by arrangement with, the council or was living in a hostel provided by the council under section 29 of the act.
- 3) An authority shall not cause a body to be cremated under subsection 1 or 2 above where they have reason to believe that cremation would be contrary to the wishes of the deceased.
- 4) Subsections 1 and 2 above do not affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person.
- 5) An authority may recover from the estate of the deceased person ... expenses incurred under subsection 1 or subsection 2 above.
- 6) Without prejudice to any other method of recovery, a sum due to an authority under subsection 5 above is recoverable summarily as a civil debt by proceedings brought within three years after the sum becomes due.
- 7) The Secretary of State may cause such inquiries to be held as he may deem necessary or desirable for the purposes of this section.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	Revenue – Current budget is £5,900, proposed budget is £15,000 from 2021/22 and will be reflected in the 2021/22 Annual Budget Report to Council in March.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
<p>Legal risks The Council has a statutory duty to carry out Public Health Funerals under the Public Health (Control of Diseases) Act 1984 section 46.</p> <p>Reputational risks should any challenges be made against the Council and evidence cannot be produce.</p>	<p>Ensure there is a robust process in place to allow the Council to lawfully carry out its duties and cases to be managed sensitively.</p> <p>Ensure records and procedures are accurately recorded so any challenges can be mitigated through clear and transparent processes.</p>

Human Resources:

HR comments - there are no direct HR implications contained within the report. However the report details that the Cemeteries and Allotments service is currently under review. Depending on the outcome of the review any affected posts will need to be considered under the JE process and a full consultation period with employees will be required.

Environmental/Sustainability
(to be completed by the author)

Equalities:

There is sometimes a stigma around public health funerals that these are paupers' funerals; however this is an outdated opinion and the reality is that anyone who passes away in the District will be treated with respect and dignity regardless of wealth and will receive a full burial service as provided by the allocated funeral director.

Other Implications:

n/a

Reason(s) for Urgency

n/a

Reason(s) for Exemption

n/a

Background Papers

n/a

Report Author and Contact Officer

Philip Bennett
Cemetery Team Leader
p.bennett@ashfield.gov.uk
01623 457887

Theresa Hodgkinson
Director of Place and Communities
t.hodgkinson@ashfield.gov.uk
01623 457374