

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.

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

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