

Report

Cabinet Member for Streetscene

Part 1

Date: 16 May 2019

Subject Adoption of Newport Cemetery Management Guidance

Purpose This report is to advise members that the Cabinet Member for Streetscene is mindful to approve the attached management guidance document as the Council policy relating to the provision of bereavement services by Newport City Council (the Council).

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Ward All Wards

Summary The Cemetery Service wishes to have a clear guidance document that sets out the policies and regulations relating to the provision of bereavement services by Newport City Council (the Council). The policies and regulations contained within this document will apply to all cemeteries owned or managed by the Council. The cemetery sites include:

- St Woolos
- Christchurch
- Caerleon
- Llanmartin

The document intends to provide a guide to members of the public outlining and explaining management requirements and public expectation of the service. Whilst these regulations present the overall policy of the council, the Council reserves the right to make any amendments to the regulations as and when required.

Proposal That the Cabinet Member for Streetscene considers views on the attached guidelines and the options provided below and decides upon the most appropriate option

Action by Cabinet Member for Streetscene

Timetable Immediate

Signed

Background

The Newport Cemetery service is a high profile, public facing area of the Council that provides an invaluable service to the public often at a time of great need. The practical and operational requirements of the service are often misunderstood and due to the sensitivities of this service, can cause unnecessary distress. There are numerous council policies and guidance notes that relate to this area, covering aspects from memorialisation to operational activities. Most of the policies have been partially or wholly superseded, have not been altered following changes in legislation or are simply out of date, having being generated in response to a situation that may no longer be relevant. An audit of the service area that was carried out in 2017 found critical and significant failings within the service, in part due to the continued use of out dated policies and procedures.

This management guidance has brought all of these policies together, reviewed and updated them and considered best practice guidance from other local authority burial services, to provide a document that can inform and guide the public at what can be an extremely difficult time. It also provides clear information for associated partners such as funeral directors and memorial masons, regarding what the expectation is when they use one of our sites or require our services. Finally, it provides the cemetery staff with knowledge of policy and procedure which they can follow with assurance and devolve to members of the public or other professionals as and when required.

This document does not alter the service provision however it does identify where the Council will be undertaking reviews and potentially alterations service provision in the short to medium term. Where this has been alluded to or identified, further guidance is in progress and will be the subject of a separate report.

Financial Summary

There are no changes to the service or its operations therefore there is no specific financial implication or pressure on the existing revenue budget caused by the adoption of this document. We are not proposing new services within this management document. If changes are proposed to service provision following the adoption of these guidelines these will be the subject of a separate report.

Risks

There are no identified risks as the policies are in place and operational procedures' will not alter as a result of the adoption of this policy.

Links to Council Policies and Priorities

The management plan is part of achieving Resilient Communities and a Thriving City.

Options Available and considered

To accept the Newport Cemetery Management Guidance

To not accept the Newport Cemetery Management Guidance

Preferred Option and Why

To Accept the Newport Cemetery Management Guidance

Comments of Chief Financial Officer

There are no additional financial implications arising as a result of this proposal, which seeks approval of the Cemetery Management Guidance. There is a budget in place to deliver this service and so any changes to the level of provision will require appropriate funding to be identified.

Comments of Monitoring Officer

The proposed Management Guidance is in accordance with the Council's statutory powers under Section 214 of the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977, to make rules relating to the management, regulation and control of public cemeteries. The Guidance reflects current policy and procedure, including existing fees and charges, but will need to be reviewed periodically to reflect changes. The Guidance is also consistent with the Council's general statutory duties in relation to health and safety and the conduct of burials.

Comments of Head of People and Business Change

From an HR perspective, there are no staffing implications to this guidance.

The Well-being of Future Generations (Wales) Act 2015 has been fully considered when developing this guidance. Details of how the sustainable development principle of the Act has been considered is fully covered in the appropriate section of this report.

Comments of Cabinet Member

The report author is to confirm that the Cabinet Member has approved the report for consideration by cabinet.

Local issues

N/A

Scrutiny Committees

Not applicable.

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

It is considered that this management guidance would be in compliance with the Act 2010.

Children and Families (Wales) Measure

It is not considered to appropriate to consult children and young people on this management guidance.

Wellbeing of Future Generations (Wales) Act 2015

The following explains how we have considered and applied the five aspects leading to the formation of a sustainable development principle put into place by the Act.

- Long term: the management guidance explains what the council has in place to manage the public cemeteries. Where we have identified that the situation may be subject to change in the long to medium term we have included explanation to state that this may be subject to change. In addition we have identified where future guidance may be produced to explain a policy in greater detail or be necessary to help guide policy in the future.

- Prevention: problems encountered within the cemetery usually stem from misunderstanding of how the service operates and what is acceptable or appropriate in terms of the type and extent of memorialisation. Conflicts occur between grave owners who have not been aware of or have chosen not to follow guidelines and regulation which can cause distress to others and require careful resolution by the team. these guidelines will help to prevent this type of conflict occurring or getting worse and may help us meet our objectives
- Integration: the management of the cemetery sites is important for the community as these are regarded by the majority of people as places that one can visit safely which has an atmosphere of contemplation and respect. It is therefore imperative that the service and its infrastructure is of the highest standard and this can only be achieved if we have guidelines and regulation that explains what those standards are in order for our operatives to follow the guidelines and for the public to measure us.
- Collaboration: in the compilation of these management guidelines we have considered what we have in terms of existing policy and then measured these against both national UK guidance and also regulations within other local authorities. We have undertaken discussion with local undertakers and health professionals in addition to our in-house legal experts.
- Involvement: we have undertaken a number of meetings and discussions with representatives of different faith communities in order to establish how this services needs to change to accommodate the needs of the population of Newport today. We have also looked at the ward profile data and mapped the predicted change in the demographic of the city which has clearly shown that the city in 15-20 years will be home to faith groups who practice burial rather than creation and therefore there will be a continued reliance and need for this service to be provided to the public. This is particularly relevant where we have been asked to look at the provision of same day and weekend burials for , amongst others, the Muslim community. This will be a clear change to policy which has been identified in these guideline's as a service that we will seek to provide but requires further clarification and additional analysis in order to make any policy we provide fit for purpose and to ensure that it reflects the diversity of the City we serve.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Newport Cemetery Management Guidelines document

Dated: 14 May 2019