

Report of the Residents' and Environmental Services Policy Overview Committee 2012/13

Review of Regulations and Byelaws relating to Cemeteries and Burial Grounds within Hillingdon



Members of the Committee

Cllr Susan O'Brien (Chairman)
Cllr Mary O'Connor (Vice-Chairman)
Cllr Carol Melvin
Cllr David Payne
Cllr Michael White
Cllr David Yarrow
Cllr Lynne Allen
Cllr Kuldeep Lakhmana

CONTENTS

Chairman's Foreword	Page 3
Summary of Recommendations	Page 4
About the Review	Page 6
Background Information	Page 8
Sustainability	Page 11
Fairer Usage by All	Page 13
Resident Engagement	Page 16
Good Maintenance	Page 18



Chairman's Foreword

I am delighted to present this review on the Regulations and Byelaws relating to Cemeteries and Burial Grounds in Hillingdon. As a Borough, like London as a whole, we have a growing, ageing and increasingly diverse population requiring services that accommodate a vast range of cultural, religious and practical needs. Services provided by the Council's cemeteries and burial grounds are no exception.

This review looked at the Council's current Cemeteries Regulations and practices with a view to modernising and updating them so that they met the diverse needs of the Borough's communities as they paid their respects at the graveside. Of paramount importance, this review was ensuring that our recommendations would provide users of the Council's cemeteries with a safe, sensitive and fair environment in which the dignity of mourners was respected.

With only an estimated 15-20 years of burial capacity left in the Borough, the review also sought to redraft the Regulations to ensure that they led to sustainable and fair usage by all. This included reviewing the maintenance arrangements currently in place to ensure that cemeteries and burial grounds were kept to a high standard and that anti-social behaviour was acted upon swiftly and sensitively.

The review heard evidence on the issues relating to the Borough's own cemeteries and regulations as well as those of other London boroughs. Expert witnesses provided valuable information and offered their views on how to create a sustainable and culturally sensitive service for future generations.

I would like to thank the external witnesses and officers for participating in the review and ask that Cabinet kindly consider the recommendations contained in the report.

Councillor Susan O'Brien

Summary of Recommendations

On the Basis of the evidence received, the Committee made the following recommendations to Cabinet:

RECOMMENDATIONS

Sustainability / Fairer Usage by All

- 1) That Cabinet agree the revised set of Cemetery Regulations that have been updated to make the rules clearer and fairer for *all* residents and users of different religious beliefs. This includes the necessary promotion of the rules both to Funeral Directors and bereaved families in a suitable and sensitive manner.

Resident Engagement

- 2) Support any 'friends' groups that may wish to be established in relation to local cemeteries; additionally, that the Council continues to work closely with the Safer Neighbourhood Team (SNT) and ask officers to agree a local procedure on how to deal with anti-social behaviour, specifically within cemeteries.
- 3) Ask officers to investigate the reintroduction of leaflets and a pictorial booklet to summarise key elements of the regulations to be circulated to bereaved families via Funeral Directors.

Good Maintenance

- 4) Considers the best way for officers to inspect memorials in cemeteries and how to best achieve this in line with health and safety objectives;
- 5) Welcome Cabinet's decision to bring cemetery grounds maintenance back 'in-house' as part of the award winning Green Spaces team.
- 6) That Cabinet agree to the creation of a long-term (5 year minimum) rolling strategy for the Council's cemeteries, which should be published on the Council's website and at the cemeteries office. This should include in particular a winter rolling programme of works to cemeteries be publicised to residents so they are clear when essential works are taking place.
- 7) Having reviewed the grounds and facilities across the Borough and following evidence received from witnesses, to note three particular service improvements, which Cabinet may wish to

investigate further and consider as part of the service and budget planning process:

- **To explore more cost effective options of using machinery to break down clay soil used for graves;**
- **The lack of toilet facilities and a shelters for families to congregate at any of the Borough's cemeteries with the exception of Hillingdon, noting that there is also a lack of places of prayer;**
- **The condition of the Grade I arch at the entrance of Hillingdon & Uxbridge cemetery.**

About the Review

OBJECTIVES

The main objective of this review was to modernise and update the Council's Cemeteries Regulations, which were no longer seen to be fit for the purposes of providing a sustainable and culturally sensitive service to the Borough's diverse communities. The regulations, first produced in 1994, required redrafting to accommodate some of the specific needs of different cultural and religious groups as well as to ensure that they provided an equitable and enforceable usage policy throughout the Borough.

The review also sought to assess the maintenance of existing facilities at the Borough's Cemeteries that had, at times, received a service level below the high standards that the Council aimed to achieve in this area. One of the Committee's priorities was to ensure the safety of the Borough's memorial headstones, 60-70% of which were estimated to be in need of repair.

With this in mind, the Committee aimed to contribute to the redrafting of the regulations and, in so doing, sought to strike a sensitive balance in the Council's accommodation of the needs of a diverse population. In order to achieve this, Members were presented with evidence and research on the different ways in which various groups paid their respects at the graveside, current maintenance arrangements, information on existing regulations and the practices of neighbouring authorities.

In undertaking this review the Committee also aimed to contribute to the Council's policies by ensuring that:

- The needs of the Borough's diverse communities are put first.
- The Council's cemeteries are inclusive by promoting equality and diversity.
- There is a continued improvement of the Council's green and open spaces for the benefit of residents.

TERMS OF REFERENCE

The terms of reference of the review were as follows:

- To look at the cemeteries and burial grounds within the Borough, and to examine how they are maintained to ensure they are at a good standard.
- To review the existing Council policies, rules, regulations and byelaws as they relate to cemeteries and to look at their application and enforcement.
- To look at the different religious and cultural requirements for burials and memorials within the Borough and how the Bereavement Service provides this.
- To investigate best practice and experiences of other local authorities in relation to their cemeteries and burial grounds.
- To examine the long-term capacity and space, which will be required at the Borough's cemeteries and burial grounds.

- To make recommendations to Cabinet on the outcome of this review.

WITNESSES

This review was undertaken over 5 meetings from July to December 2012 and the following witnesses presented evidence:

- Council officers from Bereavement Services and the Civil Protection Service,
- The Council's Green Spaces, Sports and Leisure Senior Manager;
- Harrow Council's Green Spaces Sports and Leisure Manager;
- The Council's Anti-Social Behaviour Service Manager;
- A representative from the Metropolitan Police;
- The Borough Solicitor;
- Service users of some of the Council's cemeteries; and
- Representatives from local Funeral Directors.

In addition to its formal evidence collection, the Committee also conducted a site visit to some of the Borough's cemeteries on 4 September 2012.

Background Information

HILLINGDON'S CEMETERIES AND BURIAL GROUNDS

The London Borough of Hillingdon is London's second largest borough by area and has an estimated population of roughly 274,000 people. For the purposes of this review it is worth noting that roughly 34,000 (12.9%) of the population are over 65 and that it has been estimated that this age group will increase by 7.1% between 2012 and 2017.¹ As well as having an ageing population, the Borough also has a growing proportion of ethnic minority communities with rises from 20% of the total population in 2001, to 32% in 2011, to a predicted 38% in 2021.²

The significant changes to the demographics of the Borough have implications both on the sustainability of the Council's cemeteries and on the type of burials, graves and memorials that they are required to accommodate. The burial needs of this diverse population are partly met by the Council's 8 cemeteries and burial grounds which are detailed below:

Cemeteries at capacity	Cemeteries with space remaining
Harmondsworth Cemetery	Harlington Burial Ground
Hillingdon and Uxbridge Cemetery	Cherry Lane
Victoria Lane Cemetery	Northwood Cemetery
	West Drayton Cemetery
	Woodland Burial Ground <i>(Forming part of West Drayton Cemetery)</i>

With 3 of the Council's 8 cemeteries at capacity, the issue of sustainability is being considered and there are plans to expand the West Drayton Cemetery to provide more burial space. However, increases in the number of plots being purchased is leading to the overall capacity across the Borough rapidly diminishing. Taking this into consideration, it has been estimated that Hillingdon currently has burial capacity for only a further 15 to 20 years.

EXISTING REGULATIONS

The Council's Cemeteries are currently subject to Cemeteries Regulations drafted in 1994. These Regulations contain detailed information on many aspects of burials of which the Committee looked at the following key, outdated areas:

- The Council allowed graves to be leased for exclusive rights of burial and exclusive right to a memorial for 100 years.
- Individuals were able to purchase up to 5 graves at any one time.

¹ Office of National Statistics

² Joint Strategic Needs Assessment (JSNA) 2012

- The issues of enforcement, sanctions and prosecutions for non-compliance and/or anti-social behaviour were not explicit.
- Enforcement action on non-compliant headstones was difficult because there was no explicit information on the sizes and shapes allowed.
- There were aspects of the guidance provided that did not accommodate the needs of certain sections of the community.

Officers advised that these areas of the regulations were no longer fit for purpose and were contributing to some of the challenges that were faced at cemeteries by Bereavement Services and the Grounds Maintenance Team. It was also noted that work had to be undertaken on the Regulations document by consolidating information, reformatting, improving accessibility and simplifying the language used.

MAINTENANCE

Due, in part, to ambiguities in the current Regulations and poor communication, there is currently a degree of confusion with grave owners and their families over where responsibility lies for the maintenance of graves and cemeteries. It is important to be clear that the maintenance of cemeteries themselves (which includes the roads, communal areas, facilities, etc.) is the Council's responsibility and has been undertaken by the Grounds Maintenance Team as of 1 January 2013.

However, owners of graves or their families are responsible for the upkeep of the graves themselves in as much as they are required to ensure that nothing on the grave encroaches into communal areas.

Where this division of responsibility becomes more complex is in the maintenance of headstones and other memorials. Local Authorities are responsible for the health and safety of their cemeteries and, as such, have a vested interest in the safety of headstones and other memorials. However, importantly, ownership and maintenance of headstones and memorials lies with the owner of the grave or their families. This means that any action that the Council undertakes has to be done in conjunction with owners. This is an important area as unsafe headstones, caused by sub-standard masonry and memorials becoming unstable over time, is a major issues faced by the Council's cemeteries.

ENQUIRY

Based on this background information and the evidence provided by expert witnesses, the Committee was able to develop findings and recommendations that aimed to produce a more sensitive, sustainable and high-quality service founded on a set of relevant and up-to-date Regulations. For ease of reference, evidence, findings and recommendations are set out below under the following sections:

1. Sustainability

2. Fairer Usage by All
3. Resident Engagement
4. Good Maintenance

APPENDICES

Re-drafted Cemeteries and Burial Grounds Regulations

1. Sustainability

This review highlighted 3 main sustainability issues with the current arrangements for Hillingdon's cemeteries, all of which centred on the purchasing of burial plots. These are set out in detail below.

PURCHASING MULTIPLE PLOTS

The Committee heard that the existing Regulations, which had partly been drafted with a view to income generation in the early 1990s, allowed individuals to purchase up to 5 plots at any one time. This generous provision was noted to have serious implications on the long-term capacity of the Borough's Cemeteries and it was agreed that new regulations should be more sustainable and that there should be a reduction in the maximum purchase of plots from 5 to 2. Furthermore, the option to pre-purchase graves was to be removed in the redrafted Regulations in line with standard practice across London.

As each plot could have up to 3 interments and also the facility to have several cremated remains (ashes) interred within the plot, the Committee did not consider that this would have an unacceptable impact on residents when understood in the context of a diminishing burial capacity across the Borough. In fact, the Committee felt that this reduction would lead to more equitable usage and ensure that all residents, now and in the future, would have fair access to the Borough's cemeteries.

EXCLUSIVE RIGHTS OF BURIALS AND MEMORIALS

Similarly, the existing Regulations stipulated that an Exclusive Right of Burial and an Exclusive Right to a Memorial should be granted for 100 years in the first instance. Expert witnesses both from Hillingdon's and Harrow Council's cemeteries informed the Committee that this was not in line with common practice in London. Harrow Council had a maximum lease of 50 years with possible extensions on family request. Furthermore, a recent survey of other local authorities showed that most offered burial rights from between 50 and 70 years. For the Council to continue offering 100-year Exclusive Rights was deemed by the Committee to threaten the sustainability of the service.

To address this, the Committee suggested that the maximum period for Exclusive Right of Burial and the Exclusive Right to a Memorial were to be set at 30 years in the redrafted Regulations. The option to extend these Rights in 10-year blocks for up to 100 years from the date of grant was also provided for in the appended redraft. This timeframe would be in line with the introduction of Memorial Masons being required to agree to a Guarantee of Conformity for 30 years. More information on the Guarantee of Conformity is set out in the Good Maintenance section below and in the redrafted regulations themselves.

RESIDENTS AND NON-RESIDENTS

Unlike in many other boroughs, residents and non-residents of Hillingdon were able to purchase plots at the same price. Officers advised that new fees and charges had been introduced both to deal with the increasing number of non-residents buying up plots in the cemeteries and to bring the charges for non-residents in line with those charged by other local authorities. Since the introduction of these arrangements there has been a significant decrease in the number of non-residents buying plots in Hillingdon. In addition, it is important to note that, when compared to other local authorities, the Council still charges its own residents low fees and charges.

However, an issue that the Committee were keen to address was the definition of the term 'resident'. It was noted that there were many reasons why people who had lived in the Borough for most of their lives might leave towards the ends of their lives and still wish to be buried in Hillingdon's cemeteries. The redrafted Regulations therefore included the following qualification to the term, "resident":

The only exception being if the deceased person was a resident of the Borough prior to death, who was transferred outside the Borough due to ill health to reside in a hospice, nursing home or with relatives, or, in the case of a stillborn child, at least one parent was living in the Borough at the time of death.³

Given Members' concerns, the Committee welcomed the Cabinet's recent decision to amend cemetery fees and charges for non-residents to align them better with those of neighbouring local authorities.

Findings and Recommendations

In summary, the Committee found that:

1. The Cemeteries Regulations should be redrafted to reduce the number of plots an individual can purchase from 5 to 2.
2. The Cemeteries Regulations should be redrafted to amend the Exclusive Rights of Burial and the Exclusive Rights to a Memorial from 100 to 30 years.
3. That the Cabinet's decision to amend cemetery fees and charges for non-residents should be welcomed.

Recommendation 1

That Cabinet agree the revised set of Cemetery Regulations that have been updated to make the rules clearer and fairer for *all* residents and users of different religious beliefs. This includes the necessary promotion of the rules both to funeral directors and bereaved families in a suitable and sensitive manner.

^{3 3} Excerpt taken from the Hillingdon – Cemetery Regulations 2012

2. Fairer Usage by All

ANTI-SOCIAL BEHAVIOUR: FINES, ENFORCEMENT AND SANCTIONS

Throughout the review the Committee was reminded that one of the major issues with the current Cemeteries Regulations was that they were difficult to enforce and, throughout almost 20 years in operation, had not led to a single prosecution. This was of concern to the Committee given the rise in complaints received by the Council regarding anti-social behaviour at cemeteries. However, it should be noted that increasing prosecutions was not an aim of the review and that this would only be used as a means to improve services for residents.

The Council saw 3 categories of anti-social behaviour in cemeteries and burial grounds:

- Those relating to the building/erection of non-compliant headstones and other related structures;
- Acts of vandalism on the sites; and
- Issues with public order that were, at times, related to funeral ceremonies.

Witnesses provided information and examples on all of these types of Anti-Social Behaviour.

The Committee's approach to this issue was simple; Members requested that the redrafted regulations be made more explicit both in terms of what constituted a breach and how breaches were enforced. The redrafted Regulations therefore contain clear and explicit information on the "Behaviour of visitors", on the "Enforcement of the Regulations and associated penalties" and the details on what was allowed and was not allowed to be erected as a memorial. This was designed specifically to ensure that, when breaches do occur, appropriate and enforceable penalties could be incurred.

Specifically, the redrafted regulations make it clear that breaches of the expected behaviour of visitors would, as a last resort, be dealt with by a prosecution. If offences did not lead to prosecution they would attract a maximum fine of £100 and, in the case of a continuing offence, a fine not exceeding £10 per day during which the offence continued. The Regulations also made provisions for anti-social behaviour being dealt with by the Council and the Police under the relevant legislation should the need arise. Furthermore, the Regulations provide clear dimensions for acceptable memorials, the need to receive permission before erecting a memorial and the enforcement route the council will take for any breaches.

However, in order to enforce, the Council also needed to collect information on those who offended at cemeteries. Witnesses informed the Committee that most anti-social behaviour took place over the weekend and, as no officers were present, it was therefore difficult to find the perpetrators. As a way of combating this problem, the Committee suggested that a series of signs be put up around cemeteries providing information on who to notify if visitors experienced anti-social behaviour. This would provide the Contact Centre number to call. Officers in the Green Spaces Team would then be contacted to deal with any problems in conjunction with the Safer Neighbourhood Team (SNT).

It was felt that such revisions to the Regulations and the introduction of practical steps to enforce them would help to ensure that all users of the Council's cemeteries were provided with a sensitive environment in which the dignity of mourners was respected.

ACCOMMODATING OUR DIVERSE POPULATION

A variety of witnesses provided information on the different ways in which sections of the Borough's communities memorialise and mourn their dead. The existing Regulations did not accommodate these specific needs and there were certain issues that officers felt needed to be addressed to ensure that all religions and cultures were provided for fairly.

Although this report will not go into any great detail as to the different burial practices of sections of the community, it should be noted that over the past 20 years, Hillingdon, like many local authorities, has moved away from providing traditional graves and towards providing lawn graves. This decision was made, in part, due to the reduced costs involved and in the ease of maintaining a lawn grave. This reflected a national trend and has led to the vast majority of the Borough's burial areas not accommodating traditional graves. However, there are significant sections of the community who, for religious and cultural reasons, tend towards burials in traditional graves. This is currently only provided for in the Muslim Section of the Cherry Lane Cemetery.

The Committee felt that the predominance of lawn graves did not promote equality and fair usage for all of the Borough's residents as it was not sensitive towards the needs of minority groups. Consequently, it was recommended that all of the Borough's cemeteries and burial grounds have areas set aside for traditional graves.

To avoid any unnecessary segregation of different groups in cemeteries, the Committee suggested three further revisions to the Regulations as follows:

1. It should be possible for individual graves to be consecrated rather than whole sections of a cemetery.
2. Everyone should have the right to be buried in a shroud rather than only Muslims as is the current arrangement.
3. Greater flexibility for burials on a Saturday should be introduced. In particular this would accommodate the needs of Muslims who are required to bury their loved ones as soon as possible after death.

Findings and recommendations

In summary, the Committee found that:

1. Cemeteries Regulations needed to be redrafted in order to make more clear and explicit the expected behaviour of visitors to the cemeteries and the penalties that would be incurred should these expectations not be met.
2. Information should be collected from the grave owners and their families to ensure that, if and when breaches of Regulations occur, the Council is able to ensure swiftly and sensitively. This is currently only the case for grant holders.

3. The Regulations should explicitly state that all cemeteries should have areas set aside for use as traditional graves.

The recommendation to achieve the above is set out in Recommendation 1 under, Sustainability.

3. Resident Engagement

The Committee strongly believed that successful, well-maintained and sustainable cemeteries and burial grounds would only be fully realised with resident engagement. In the Committee's view this could be facilitated in three main ways; firstly, by raising awareness of the regulations amongst residents, secondly, by encouraging and supporting any local Friends' Groups that emerge and, thirdly, by the Council continuing to work closely with the Metropolitan Police's Safer Neighbourhoods Team (SNT) to combat anti-social behaviour.

DISSEMINATION OF INFORMATION

One of the ways in which the Committee felt that residents could be engaged in the ongoing improvement of cemeteries was through the clear communication of the Council's redrafted Regulations. Witnesses from local Funeral Directors highlighted a perception amongst users of the cemeteries that the rules and regulations that were in place were not enforced consistently or fairly. It was felt that, alongside the introduction of more explicit penalties for breaching the regulations, awareness should be raised amongst residents of what was expected of them and what they could expect of the Council. In making clear to residents that they are expected to behave in a certain manner and that the Council has begun to enforce regulations more strictly, it was hoped that there would be an increased level of compliance as well as renewed resident confidence, ownership and pride in the cemeteries.

One of the simplest ways to achieve that was felt to be through the reformatting and simplification of the Regulations to ensure that they could be accessed by all. It was suggested that the following revisions be made to the document itself:

- It should be brought in line with corporate branding.
- An improved contents page should be introduced for ease of navigation.
- The overall content should be reordered to improve accessibility.
- Language should be simplified language as much as possible whilst ensuring that the Regulations were still clear and enforceable.
- Any text which did not add value should be removed.
- There should be an extended and clearer set of definitions, including greater clarity on the term 'Resident'.

Furthermore, witnesses had noted that, in 2000, the Council stopped producing and circulating a booklet with extracts from the Regulations to funeral directors and families due to reasons that were unknown to current officers. The Committee agreed that officers should be asked to investigate the reintroduction of this information to be circulated to funeral directors and, through them, to bereaved families. This would be a pictorial booklet that depicted information on the changes to the regulations set out in this report, including details of the new 30-year Exclusive Burial Rights / Right to a Memorial and the introduction of a 2 grave purchase limit.

DEALING WITH ANTI-SOCIAL BEHAVIOUR

As set out above, the Committee has put forward a redrafted set of Regulations that are aimed to ensure that anti-social behaviour and breaches are taken seriously and

result in penalties and prosecutions. Yet this cannot simply be achieved by introducing Regulations and must also be dealt with by continuing to work with SNTs in the Borough to combat persistent problems with anti-social behaviour. SNTs are themselves local and seek to engage residents and deal with the concerns that they have in their local communities.

With this in mind, the Committee encouraged officers to continue to work closely with SNTs to develop a local procedure on how to deal with anti-social behaviour with a particular focus on cemeteries.

Furthermore, it was felt that the Council should seek to support actively any cemetery Friends' Groups that might emerge to reassure residents that their voices are heard and that the Council will take action on any areas that fall below the high standards that they expect.

Findings and Recommendations

In summary, the Committee found that:

1. The printing and dissemination of leaflets to funeral directors concerning expectations and a summary of what was and was not allowed should be explored.
2. These leaflets should be kept well stocked at all times to ensure that they are always made available to residents and funeral directors.
3. Resident engagement with cemeteries or burial grounds should be encouraged and the Council should support any local Friends' Groups that emerge.
4. All funeral directors should receive a full re-drafted version of the Cemeteries Regulations to ensure that they comply and pass such information on to bereaved families.
5. The excellent work that is already undertaken by the Council and the Metropolitan Police's Safer Neighbourhoods Team should continue.
6. Officers should agree a local procedure on how to deal with anti-social behaviour, especially in cemeteries.

Recommendation 2

Support any 'friends' groups that may wish to be established in relation to local cemeteries; additionally, that the Council continues to work closely with the Safer Neighbourhood Team (SNT) and ask officers to agree a local procedure on how to deal with anti-social behaviour, specifically within cemeteries.

Recommendation 3

Ask officers to investigate the reintroduction of leaflets and a pictorial booklet to summarise key elements of the regulations to be circulated to bereaved families via Funeral Directors.

4. Good Maintenance

CEMETERY MAINTENANCE

Until recently cemeteries in the Borough were maintained by a variety of contractors and, through the witness sessions, it was noted that a number of the maintenance issues at cemeteries were due to poor service from these contractors. However, following the Cabinet's decision to bring maintenance in house as of 01 January 2013, cemeteries will be maintained by the Green Spaces Team. It is believed that this will improve the level of service provided by the cemeteries and will deliver savings to residents.

On behalf of the Committee the Chairman has noted that *"the Committee welcomes Cabinet's confirmation that cemetery grounds maintenance has come back to an 'in-house' team and will be part of the award winning Green Spaces team. I believe that residents will welcome this too."*

LONG-TERM PLANNING

Currently, much of the work undertaken at the Council's cemeteries is done reactively. This leads to irregular investment and upkeep, with a focus on those cemeteries that have spare capacity. As a result, sometimes complaints are received from residents who attend graves at 'closed' cemeteries. Much of the maintenance work is seasonal and the overall scale of the work means it must be spread over a number of years.

To ensure investment, income, maintenance, safety inspections and general upkeep and improvements occur in a timely, cost-effective and transparent way a longer-term, planned strategy for the Council's cemeteries would provide great value.

As one of the major issues caused by this lack of long-term planning was seen to be maintenance during the winter months, the Committee emphasised that, alongside the production of a plan covering a minimum of 5 years, there should be a winter rolling programme of works to cemeteries. To ensure that the Council's activities are seen as transparent and fair, the Committee recommends that this information is published on the website in due course.

FACILITY IMPROVEMENTS

The Committee acknowledged in this review that the Council is currently operating within a difficult economic climate and that any expenditure must be considered in the light of this. With this in mind, the Committee did not wish to make specific suggestions as to what works should be undertaken on the cemeteries and instead sought to provide areas for improvement to be considered by the relevant officers and Cabinet Member.

Based on evidence provided by all witnesses there were three areas that were felt to be of particular importance.

- Considering the use of more cost effective machinery to break down clay soil used for graves;
- Considering solutions to the lack of toilet facilities and a shelter for families to congregate at Cherry Lane cemetery, noting that there is no place of prayer at this particular ground; and
- Considering the condition of the Grade I arch at the entrance of Hillingdon & Uxbridge cemetery.

HEADSTONES AND MEMORIALS

One of the major challenges faced by the Council in maintaining its cemeteries is the condition of headstones in the Borough and a lack of awareness by grave owners of their responsibilities. An officer from a neighbouring local authority had recently commented that approximately 60-70% of the headstones in the Council's cemeteries were deemed to be unsafe. It was identified that safety issues were related to the poor quality of masonry, the unsafe erection of memorials and lack of memorial maintenance by grave owners. As a way of combating the reoccurrence of this problem in the future, the Committee agreed that the redrafted Regulations should stipulate that no work could be carried out on any grave space except by a mason accredited to the British Registration of Approved Monumental Masons Scheme (BRAMM), or National Association of Memorial Masons (NAMM), or an equivalent scheme which will satisfy the Council's requirements. It was further agreed that all memorials installed in any cemeteries from the date of installation must be subject to a "Guarantee of Conformity" granted by the mason. Such a guarantee would given to confirm that the memorial has been fixed to the best standard set by NAMM at the date of fixing and should last for a minimum of 30 years.

Prior to undertaking any works to resolve safety issues, officers would be required to assess comprehensively the memorials across the Borough. As mentioned above, the Council is responsible for the health and safety of its cemeteries but, as it does not own memorials, any work must be undertaken in consultation with grave owners, this would therefore be likely to take a number of years. The Committee therefore felt that the most appropriate way to resolve these issues was to ask officers to consider the best way to inspect memorials and achieve improvements in line with health and safety objectives, linking to the long-term strategy.

Findings and Recommendations

In summary, the Committee found that:

1. The Cabinet's work to bring maintenance of the Borough's cemeteries in house should be welcomed as a decision that will improve services and benefit residents.
2. To ensure transparency, the winter programme of works should be published for residents.
3. Officers should investigate how best to assess the safety of the headstones in the Borough.
4. Options on how to improve the facilities and machinery used at cemeteries should be explored by officers with the relevant Cabinet Members.

Recommendation 4

Considers the best way for officers to inspect memorials in cemeteries and how to best achieve this in line with health and safety objectives;

Recommendation 5

Welcome Cabinet's decision to bring cemetery grounds maintenance back 'in-house' as part of the award winning Green Spaces team.

Recommendation 6

That Cabinet agree to the creation of a long-term (5 year minimum) rolling strategy for the Council's cemeteries, which should be published on the Council's website and at the cemeteries office. This should include in particular a winter rolling programme of works to cemeteries be publicised to residents so they are clear when essential works are taking place.

Recommendation 7

Having reviewed the grounds and facilities across the Borough and following evidence received from witnesses, to note three particular service improvements, which Cabinet may wish to investigate further and consider as part of the service and budget planning process:

- To explore more cost effective options of using machinery to break down clay soil used for graves;**
- The lack of toilet facilities and a shelters for families to congregate at any of the Borough's cemeteries with the exception of Hillingdon, noting that there is also a lack of places of prayer;**
- The condition of the Grade I arch at the entrance of Hillingdon & Uxbridge cemetery.**

HILLINGDON COUNCIL

CEMETERIES REGULATIONS

In accordance with the Local Authorities Cemeteries Order 1977

Published: 10th April 2013

Version: DRAFT 0.5.4 (for Cabinet)



HILLINGDON
LONDON

www.hillingdon.gov.uk

Contents

1. INTRODUCTION	4
2. ADMINISTRATION	4
3. DEFINITIONS	5
4. GENERAL	6
4.1. OPENING HOURS	6
4.2. FEES AND CHARGES	6
4.3. GRATUITIES	6
4.4. CHILDREN	6
4.5. ANIMALS	6
4.6. FLOWERS AND WREATHS	6
4.7. VEHICLES	7
4.8. LIABILITY OF THE COUNCIL	7
4.9. PHOTOGRAPHY AND FILMING	7
4.10. FIREARMS	7
4.11. BANNERS	7
4.12. RUBBISH	7
4.13. SALE OF GOODS AND SOLICITING OF ORDERS	8
4.14. BEHAVIOUR OF VISITORS	8
4.14.1. THE 1977 ORDER	8
4.14.2. EXPECTED BEHAVIOUR	8
4.15. ENFORCEMENT OF THE REGULATIONS AND ASSOCIATED PENALTIES	8
4.15.1. PENALTIES	9
5. BURIAL	9
5.1. EXCLUSIVE RIGHT OF BURIAL	9
5.1.1. THE PURCHASE OF EXCLUSIVE RIGHT OF BURIAL	10
5.1.2. TRANSFER OF GRANT OF EXCLUSIVE RIGHT OF BURIAL	10
5.2. PLAN OF THE CEMETERY	11
5.3. BURIALS IN THE MUSLIM SECTION (CHERRY LANE CEMETERY)	11
5.4. THE BURIAL PROCESS	11
5.5. REGISTER OF BURIALS	12
5.6. BURIALS IN PRIVATE GRAVES	12
5.7. BURIALS IN PUBLIC GRAVES	13
5.8. DIGGING AND OPENING OF GRAVES	13
5.9. TIMES OF BURIALS	13
5.10. REGISTRAR'S CERTIFICATE FOR DISPOSAL/CORONER'S ORDER FOR BURIAL	13

Hillingdon Council – Cemeteries Regulations

5.11.	COFFINS AND SHROUDS, AND CONTAINERS FOR CREMATED REMAINS	14
5.12.	ATTENDANCE OF MINISTERS OF RELIGION	14
5.13.	DURATION OF SERVICE IN THE CHAPEL	14
5.14.	INFECTIOUS DISEASE (PUBLIC HEALTH ACT 1984)	14
5.15.	POSTPONEMENT OR CANCELLATION OF INTERMENT	14
6.	<u>MEMORIALS</u>	<u>14</u>
6.1.	MEMORIAL AT A FULL ‘TRADITIONAL’ GRAVE	15
6.1.1.	DIMENSIONS	16
6.1.2.	PAVING, ROCKWORK AND CHIPPINGS	16
6.1.3.	VASES	16
6.2.	MEMORIAL AT A LAWN GRAVE	16
6.2.1.	DIMENSIONS	16
6.2.2.	VASES	17
6.2.3.	CHIPPINGS, KERBINGS AND PAVING	17
6.3.	MEMORIAL AT A GRAVE FOR CREMATED REMAINS	17
6.4.	MEMORIAL THAT IS NOT ASSOCIATED WITH A GRAVE	17
6.5.	MEMORIAL IN CHILDREN’S SECTION	17
6.5.1.	HILLINGDON & NORTHWOOD CEMETERIES	17
6.5.2.	CHERRY LANE CEMETERY	17
6.6.	MEMORIAL IN THE MUSLIM SECTION (CHERRY LANE CEMETERY)	18
6.7.	MEMORIAL MASONS	18
6.8.	THE SAFETY AND INSPECTIONS OF MEMORIALS	18
6.9.	REMOVAL OF UNAUTHORISED MEMORIALS	18
7.	<u>SCATTERING OF CREMATED REMAINS</u>	<u>19</u>
7.1.	APPLICATIONS FOR THE SCATTERING OF CREMATED REMAINS	19
7.2.	LOCATION FOR SCATTERING OF CREMATED REMAINS	19
7.3.	CERTIFICATE OF CREMATION	19
<u>APPENDIX A – ACCEPTABLE FORMS OF IDENTIFICATION TO PROVE RESIDENCY</u>		<u>20</u>

1. Introduction

We respect the rights and needs of the individual and have therefore prepared these Regulations with a balance that will enable us to manage the Cemeteries effectively and maintain the highest possible standards without placing unnecessary restrictions on individual choices.

The Regulations apply to those cemeteries that are owned or managed by Hillingdon Council (full addresses found in the appendices):

- Cherry Lane Cemetery
- Harlington Burial Ground
- Harmondsworth Cemetery
- Hillingdon and Uxbridge Cemetery
- Northwood Cemetery
- Victoria Lane Cemetery
- West Drayton Cemetery
- Woodland Burial Ground (at the rear of West Drayton Cemetery)

We aim to provide the highest possible standards of care, choice and dignity to those who suffer bereavement and to create and maintain an environment where the bereaved can pay their respects and remember loved ones in the ways they feel most appropriate.

To assist with this, all visitors to our Cemeteries must follow these Regulations.

Please be aware that the Council reserve the right to change these Regulations from time to time and that compliance with any change is required.

2. Administration

The Cemeteries Office is situated at:

Breakspear Crematorium,

Breakspear Road, Ruislip, Middlesex. HA4 7SJ

Telephone: (01895) 250650

Fax: (01895) 624209

e-mail: bereavement.services@hillington.gov.uk

website: www.hillingdon.gov.uk/bereavement

The office is open 9.00 a.m. to 5.00 p.m. Monday to Friday. The office is closed on Saturdays, Sundays and Public Holidays.

3. Definitions

The following terms are used throughout the document:

- “The 1977 Order” means the Local Authorities Cemeteries Order 1977, as amended by the Local Authority Cemeteries (Amended) 1986 Order.
- “Bereavement Services Manager” means the person holding office by that designation under the Council and the person who shall be acting for him in his absence.
- “The Borough” means the area in which The Council is the Local Authority.
- “The Cemetery, Cemeteries or The Site” means the cemetery site currently owned or managed by the Council.
- “The Council” means the Council of the London Borough of Hillingdon.
- “Cremated remains Grave” means a miniature grave which can hold up to X# caskets of cremated remains in which exclusive right of burial has been purchased.
- “Fees and charges table” means the list on which the costs for interment are listed, which is available from the Cemeteries Officer or the Council’s website.
- “Full ‘traditional’ grave” means a grave laid out where the whole of the surface area of the grave may be used to create a memorial (in line with the restrictions herein).
- “The Grant holder” means the owner of the Exclusive Right of Burial or Memorial.
- “Lawn grave” means a grave laid out on the lawn principle where there is a defined area in front of the headstone that may be planted, while the rest of the grave must be turfed and level
- “Memorial beam” means the concrete beam laid by the Council at the head of a grave which provides a stable base upon which a memorial can be placed.
- “Memorial” means the inanimate object upon which inscription about the deceased is often found; its dimensions and materials are restricted for safety and aesthetical reasons. Examples include headstones, pillars, crosses and open books.
- “Public Grave” means a grave in which the exclusive right of burial cannot be purchased.
- “Purchased Grave/Private Grave/Grave With Exclusive Rights” means a grave in which the Exclusive Right of Burial has been purchased.
- “Registrar” means the person appointed by the Council as the Registrar of the Cemetery or, in their absence, any person authorised by them.
- “Resident” means a person who permanently resides in the London Borough of Hillingdon and can demonstrate this with one of the forms of acceptable identification listed in Appendix A. The only exception being if the deceased person was a resident of the Borough prior to death, who was transferred outside the Borough due to ill health to reside in a hospice, nursing home or with relatives, or, in the case of a stillborn child, at least one parent was living in the Borough at the time of death.

4. General

The Cemeteries are managed under the terms of The 1977 Order, which forms the basis of these regulations. Extracts of this and other relevant legislation can be found in the appendices.

4.1. Opening hours

The opening hours for all the Cemeteries are Monday to Saturday:

Winter (1st October– 31st March) from 9am to 4pm

Summer (1st April – 30th September) from 9am to 8pm

Sundays, Good Friday, Bank Holidays, Christmas Day from 10am to usual time.

The Council may vary the above times without notice.

4.2. Fees and charges

The Council is granted the right¹ to levy fees and charges for costs in connection with burials, the grant of a right to place and maintain a tombstone or other memorial, and any grant of a right to put additional inscription to a tombstone or memorial. The fees are applicable to residents of the Borough, for all others the fees will be doubled. The only exception being in the case of a stillborn child, at least one parent was living in the Borough at the time of death.

A full breakdown of the Cemeteries' Fees and Charges is available from the Cemeteries Office, during opening hours, and the Council's website in the form of a table.

4.3. Gratuities

No employee of the Council, or its contractors, is allowed to ask for or receive gratuities, tips or any other gifts.

4.4. Children

For the purposes of safety, a child under 10 years of age is only allowed into the grounds of the Cemeteries when accompanied by and under the care of a responsible adult.

4.5. Animals

Dogs and horses (other than guide dogs for the blind or deaf and horses used in or as part of a funeral cortege) are prohibited in the cemeteries.

4.6. Flowers and wreaths

Flowers and wreaths placed upon a grave on the day of the interment may remain for 14 days only, after which time the Council will remove them. Subsequently, all flowers and wreaths shall be restricted to the area of the earth border at the head of the grave. Where flowers are

¹ The 1977 Order, Article 15 (1)

wilted/decayed, or where artificial flowers are faded, ground staff will remove and dispose of them.

Annual bedding plants or bulbs are permitted within the earth border at the head of the grave. Trees, shrubs, Conifers, Roses and any plants found to be other than the above will be removed and disposed of without notice.

4.7. Vehicles

Motor vehicles shall be driven in accordance with on-site signage and markings, keeping strictly to the roads and shall not be driven over any kerb, along any footpath, over grass, beds, shrubs, trees or over any grave, memorial or area designated for the scattering of cremated remains.

Vehicle engines must not be revved excessively and must not be left running or idling unnecessarily. Sound systems in vehicles must not be allowed to play loudly so as to disturb mourners, visitors or neighbouring properties.

Cycling is not permitted in any of the Cemeteries

4.8. Liability of the Council

No liability whatsoever is accepted by the Council for any injury to any person or damage to property arising out of anything existing at the Cemetery or done by the Council, its employees, agents or contractors or by any independent contractor at or in connection with the Cemetery.

However the Council acknowledges that it cannot by this clause or otherwise, exclude liability for negligence occasioning personal injury to any person.

The Council shall not be responsible or accept any liability for orders or documents sent by post. Neither will responsibility be accepted for errors following telephone instructions.

4.9. Photography and filming

Photographs, drawings, filming, etc of any grave or funeral procession will only be allowed with consent of the grave owner or Chief Mourner.

Furthermore, written permission from The Bereavement Services Manager must be obtained to undertake any filming, videoing or photography for commercial purposes. There may be a charge for use of the Cemetery for commercial purposes.

4.10. Firearms

Firearms shall not be discharged within the Cemetery with the exception of ceremonial salute and with the prior written consent of The Bereavement Services Manager.

4.11. Banners

Banners shall not be displayed within the Cemetery without the prior written consent of The Bereavement Services Manager.

4.12. Rubbish

Dead flowers and other rubbish must be put in the bins provided for this purpose.

4.13. Sale of Goods and Soliciting of orders

The sale of goods, services, plants or articles, the soliciting of orders for the erection or repair of monuments or memorials or for the work connected with the graves is strictly prohibited within the cemetery.

Memorial Masons and other people shall not distribute business cards, or ask of, or attempt to obtain from an employee, information concerning grave owners.

4.14. Behaviour of visitors

4.14.1. *The 1977 Order*²

No Person shall:

1. Wilfully create any disturbance in a cemetery;
2. Commit any nuisance in a cemetery;
3. Wilfully interfere with any burial taking place in a cemetery;
4. Wilfully interfere with any grave or vault, any tombstone or other memorial or any flowers or plants on any such matter; or
5. Play any game or sport in a cemetery

No unauthorised person shall enter or remain in a cemetery at any time when it is closed to the public.

4.14.2. *Expected behaviour*

Visitors to the Cemeteries must conduct themselves in a quiet, orderly manner. No person shall deliberately without good cause climb upon or over any full length or mounded grave, memorial, boundary fence or gate. No person shall cause or permit the playing of amplified music or consume alcoholic beverages at any time in the Cemeteries' grounds. It is prohibited for people to gather in any cemetery other than for purposes of remembrance or a funeral service.

While the Council realises the stressful circumstances of a bereavement, it cannot accept and shall not tolerate any violence or aggression, be it verbal, physical or psychological, towards its staff, contractors or other visitors to the Cemeteries. Any situation where someone is abused, threatened or assaulted in a cemetery will be treated seriously and, where appropriate, enforcement and penalties shall ensue.

4.15. Enforcement of the Regulations and associated penalties

To help ensure our standards are met and the dignity of the mourners and other visitors are respected, it is necessary to have clearly defined Regulations, and how they will be enforced and the associated penalties.

² Article 18 (1),(2)

4.15.1. Penalties

Behaviours listed in Regulation 4.14.1. shall, as a last resort, be dealt with by a prosecution which attracts a maximum fine of £100 and in the case of a continuing offence to a fine not exceeding £10 per day during which the offence continues.

Anti-social behaviour shall be dealt with under the powers given to the Council and the Police under anti-social behaviour legislation or any other relevant legislation.

5. Burial

There are 4 types of grave available at Hillingdon's Cemeteries, for which a Grant of Exclusive Right of Burial can be purchased for the first 3. All grave styles have restrictions in their size and type and size of memorial that can be included with them (detailed in the subsequent sections of the Regulations). Some grave styles are only available in certain Cemeteries or are only available in certain parts of a Cemetery.

1. Full 'traditional' grave
2. Lawn grave
3. Cremated remains grave (Columbaria)
4. Public grave

All burials are subject to the statutory provisions in accordance with Schedule 2, Part 1 or the 1977 Order.

No body shall be buried, or cremated remains interred or scattered, in or over any grave or vault in which the Exclusive Right of Burial exists unless the owner has given approval in writing (or the deceased is the owner).

Any open grave is a potential danger, even those where shoring has been installed. No one may therefore enter an open grave, should they do so it is entirely at their own risk.

Lowering and covering boards can be supplied at cost if required. Alternatively, they may be supplied by the person arranging the funeral.

5.1. Exclusive Right of Burial

The Council may grant upon such terms and conditions as it considers appropriate to any individual an Exclusive Right of Burial. It does not constitute any ownership of land. It is purely the right to have a burial in a selected grave. Enquiries relating to such rights can be made to the Cemeteries Office.

At the time of issuing of Grant of Exclusive Right of Burial (and Transfer of the Grant of Exclusive Right of Burial), the Grant Owner shall be provided with a copy of the Regulations for which they shall sign to acknowledge receipt and compliance. The Council will take reasonable step to ensure Grave Owners are made aware of any changes to the Regulations.

Full 'traditional' or Lawn graves can be used for 1, 2 or 3 interments (this will need to be confirmed at the time of the first interment). Cremated remains graves (Columbaria) can be used for up to 2 interments.

5.1.1. The purchase of Exclusive Right of Burial

An Exclusive Right of Burial allows the purchaser of such a right to burial in an agreed grave space. The allocation of gravespaces is under the control of the Bereavement Services Manager and granted serially.

Although statute prescribes that an exclusive right of burial may be granted for a maximum period of 100 years, the Council has decided that the maximum period is 30 years, which commences from the date of grant. It can be extended in 10 year blocks for up to 100 years from the date of grant. This reflects the length of Exclusive Right to a memorial (see Regulation 6.).

A maximum of 2 Exclusive Rights of Burial may be pre-purchased by each household except following exceptional circumstances and approved in writing by the Bereavement Services Manager.

On the purchase of the Exclusive Right of Burial, a Deed of Grant shall be issued to the person by whom or on whose behalf the said exclusive Right of Burial is purchased.

The purchase of the Exclusive Right of Burial in any grave includes the Grant of the Right to erect and maintain a Memorial on that grave space, subject to the type of memorial allowable in the section of the Cemetery in which Exclusive Right of Burial is given and by the regulations concerning memorials set out under Regulation 7.

The Bereavement Services Manager will try to meet the wishes of the relatives in the purchase of a gravespace at a particular cemetery but it may be necessary for burials to take place elsewhere in other borough cemeteries depending on the circumstances at the time.

A grave will not be registered in the name of a funeral director or firm of funeral directors, or a partner, director or employee of such firms or Memorial Masons, unless evidence satisfactory to the Bereavement Services Manager is given that the grave is required of use by the applicant as a private individual and not for purposes of business.

The holder of the Exclusive Right of Burial may surrender his/her right at any time in respect of the grave or grave space where the said right has not been exercised (i.e. where no burial has taken place and/or no memorial has been placed on the grave). In all cases the fee repayable will be that of the original fee paid to purchase the Exclusive Right of Burial, less the administrative charge listed in the Fees and Charges table.

The price for the Exclusive Right of Burial varies depending on the style of grave and the number of interments, and is detailed in the Charges and Fees table.

5.1.2. Transfer of Grant of Exclusive Right of Burial

An Exclusive Right of Burial to a grave space may be transferred by deed or bequeathed by will.

In cases where the Grant Holder is still alive the transfer may be done by completion of a Deed of Assignment. A Deed of Assignment is available from the Cemeteries Office. This form must

be completed and signed by the grant holder and the person taking ownership of the said right and submitted to the Administration Office together with the original Deed of Grant. A new Deed of Grant will be then issued to the new holder of the said right. A fee, as set out in the Charges and Fees Table, in connection with this service is payable to The Council.

Where the grant holder is deceased, and provided that the Exclusive Right of Burial has not been specifically left to another person, then upon production of a will or letters of administration the Exclusive Right of Burial may be legally transferred to the person in possession of the Letters of Administration or the beneficiary of the residue of the estate under the terms of the grant holder's will.

In cases where the grant holder is deceased and there is no will or Letters of Administration available then the Exclusive Right of Burial may not be transferred to another person. However, a further burial in the grave space may be permissible (if there is available depth) subject to the applicant for the burial completing a Statutory Declaration and ensuring that any other person equally entitled counter signs the Statutory Declaration. A statutory declaration must be witnessed by a Solicitor or a Commissioner for Oaths.

An assignee of an Exclusive Right of Burial is not entitled to hold or exercise the right in any vault of earthen gravespace unless the Deed of Assignment has been produced and duly registered by the Council.

All transfers are subject to the payment of the prescribed fee.

5.2. Plan of the Cemetery

In accordance with current legislation, the Council keeps and maintains plans showing all used grave spaces and those graves or grave spaces to which special rights appertain (i.e. an Exclusive Right of Burial). Such plans are kept at the Cemeteries Office and are available for inspection, free of charge on any Working Day.

5.3. Burials in the Muslim section (Cherry Lane Cemetery)

Only Muslims may be buried in this section.

The graves are oriented so that they are perpendicular to Mecca.

5.4. The burial process

To commence the burial process, a 'Notice of Interment' form must be completed.

All 'Notices of Interment' must be in writing on the printed forms supplied by the Council, obtainable from the Cemetery Office or Council website. They must be delivered between the hours of 9am and 4pm from Monday to Friday inclusive.

'Notices of Interment' shall be delivered to the Bereavement Services Manager at least two clear working days before the interment (excluding Saturday, Sunday, Christmas Day, Good Friday or other Public or Bank Holidays, or other holidays granted by the Council). This period is reduced to 24 hours when infectious diseases or other urgent cases are involved. Failure to do so may result in the funeral being delayed.

Funeral Directors must give reasonable notice to, and cooperate with for planning purposes, the Bereavement Services Manager whenever they have to conduct a funeral where the number of mourners is likely to exceed FIFTY (50).

To avoid inconvenience and delay at the graveside the NET outside dimensions of the coffin or casket shall be supplied in writing to the Council when the 'Notice of Interment' is given.

Applications sent through the post are transmitted at the sender's risk and the Council does not accept any responsibility should any be delayed or lost in transmission.

Applications or instructions given by telephone will be received at the sole risk of the person making or giving them.

The prescribed fee and registration document must be handed to the Cemeteries Office at least 6 hours prior to interment to avoid delays to the funeral and late fees being applied.

5.5. Register of burials

All burials carried out in the Cemeteries are recorded in a Register of Burial (one for each Cemetery). The Registers of Burials are kept in the Cemeteries Office and are available for inspection by appointment on any Working Day at the Administration Office by any person free of charge.

If requested, the Cemeteries Office can make a search of the Register of Burials and a certified copy of an entry or entries relating to any grave space or interment in the Register of Burials will be provided. A fee is payable for this service in accordance with the Charges and Fees table.

Good reason, such as a family connection, must be evidenced before a search will be carried out or access to the Register granted.

5.6. Burials in private graves

A grave which is subject to an Exclusive Right of Burial may not be opened and no one may be buried there without the Grant owner's permission (other than where the provisions of Regulation 5.1.2 apply).

Before a grave space which is subject to an Exclusive Right of Burial can be opened, the written consent of the Grant owner, or his or her legal representative, must be submitted to The Bereavement Services Manager, via the Cemeteries Office, together with the original Deed of Grant. If the original Deed of Grant has been mislaid /lost a sworn Statutory Declaration relating to the loss of the original Deed of Grant will be required. Ideally this should be presented at the time of submitting the 'Notice of Interment'.

In cases where the person intended to be interred was the Grant owner immediately before his death, the Council if requested by the person giving notice of the interment, has the power to order that the grave space be re-opened for the interment of the deceased owner without obtaining the consent of his or her executor or other representative.

In the case of a Grant of Exclusive Right of Burial not surrendered to the Bereavement Services Manager with the 'Notice of Interment', the necessary 'Form of Indemnity' must be completed and signed.

5.7. Burials in public graves

A public grave can only be used by a Resident of the Borough.

If a grave has not been purchased, an interment must be in a public grave to which no Exclusive Right of Burial exists.

Memorials must not be erected on a public grave unless it is to the memory of all those buried in the grave. Prior written consent from the Bereavement Services Manager will also be necessary.

5.8. Digging and opening of graves

Without exception, all graves must be dug by people employed or contracted by the Council.

All work in connection with the construction, re-opening and/or reinstatement of vault or walled graves must be undertaken by a Memorial Mason or other qualified person and at the expense of the registered owner of the Exclusive Right of Burial.

The removal of a memorial to facilitate an interment, shall be the sole responsibility of the funeral director or responsible person(s). The memorial must be restored to its original position.

5.9. Times of burials

The Cemetery will be open for interments as follows:

MONDAY to THURSDAY	9am to 3pm
FRIDAY	9am to 2.30pm

Interments may take place on a Saturday, so long as the 'Notice of Interment' is received by the Cemeteries Office the Friday before the interment and by the time stipulated on the 'Notice of Interment' form (available from the Cemeteries Office or Council website).

Burials cannot take place on Sundays, Good Friday, Christmas Day or other public holidays or other general Council approved holidays.

It is the responsibility of the funeral director / organiser to ensure that the funeral cortege arrives at the cemetery at the appointed time. Failure to do so may result in the funeral being held at the cemetery gates or in cases of late arrival fees being incurred or even the cancellation of the funeral.

5.10. Registrar's certificate for disposal/coroner's order for burial

A Registrar's Certificate for Disposal or Coroners Order for Burial, or a declaration in the form prescribed by the Births and Deaths Registration Act 1926 and any amendment or re-enactment thereof must be produced at the Cemetery before the interment can take place.

A Certificate of Cremation must be produced before the burial of cremated remains can take place.

5.11. Coffins and shrouds, and containers for cremated remains

All bodies brought to the Cemeteries for burial shall be contained in a suitable coffin or shroud. For the interment of cremated remains in a grave or cremation plot, the ashes shall be contained within a biodegradable sealed container. The coffin or container must be clearly marked for identification purposes and include the full name and age of the deceased.

The funeral director or other person(s) responsible for the burial shall provide sufficient bearers to lower the coffin/shroud covered body into the grave.

Bodies to be buried without a coffin must be wrapped in a shroud or suitable cloth so that the body is hidden from public view during the burial service.

Where a coffin is not used, the body must be taken to the grave in a hearse or funeral director's removal shell.

The body of a person who died from a Notifiable disease must be enclosed in a sealed coffin before burial.

5.12. Attendance of ministers of religion

The Council will not make arrangements for any ministers of religion to officiate at a funeral. Persons shall make their own arrangements for attendance and for their expenses incurred.

5.13. Duration of service in the chapel

A service or ceremony in the chapel shall not last longer than 30 minutes without the prior permission of the Bereavement Services Manager.

5.14. Infectious disease (Public Health Act 1984)

The body of a person who has died from a Notifiable Disease under the Public Health (Control of Disease) Act 1984 and Health Protection (Notification) Regulations 2010 must not be taken into a chapel but may remain outside during the first part of the service for the burial of the dead. Otherwise the body must be taken directly to the grave.

5.15. Postponement or cancellation of interment

The prescribed fee will still be charged when an interment has been booked but is subsequently postponed or cancelled. Additional expenses in connection with the preparation of a private grave will also be payable.

6. Memorials

Memorials come in many shapes, sizes, designs and materials. The Regulations dictate what is acceptable at The Cemeteries in terms of maximum dimensions, materials and safety standards.

Memorial headstones may be erected on graves only if the Exclusive Right of Burial for the grave has been granted. Each Exclusive Right of Burial is provided with an Exclusive Right to

a Memorial of 30 years in length, which can be extended in 10 year blocks for up to 100 years from the date of grant.

If a grant of exclusive right of burial in a grave expires and is not extended, the Council may serve notice on the grave owner to remove any memorial from that grave and will display appropriate notices of intent in a local newspaper and in the cemetery grounds. If after three months the memorial has not been removed, the Council may then remove and deal with it as it sees fit.

No works are permitted to be carried out on any grave space except by a Memorial Mason who is accredited to the British Registration of Approved Monumental Masons Scheme (BRAMM), or National Association of Memorial Masons (NAMM), or an equivalent scheme which will satisfy the Council's requirements. All memorials installed in any cemeteries shall from the date of installation conform to the standards set by NAMM, BRAMM or equivalent scheme.

All monuments, memorials or vases to be put on a gravespace are subject to the approval of the Bereavement Services Manager. A drawing showing the form and dimensions of the proposed memorial and its foundations with particulars of the materials to be used, and a copy of every inscription to be engraved on it must be submitted to the Cemeteries Office for approval before erection. Details must be shown using Council Form CEM5, which is obtainable from the Cemeteries Office.

Memorials shall not be altered or interfered with once erected unless permitted using Form CEM5 and paying the prescribed fee.

Monuments and memorials must be prepared ready for fixing before being taken into the cemetery. Memorial Masons must provide their own tools and equipment for the work.

Work on memorials shall not be carried out at the cemetery until a permit has been issued and all fees paid to the Bereavement Services Manager. Memorial masons must remove surplus materials and debris from the cemetery and the gravespace and leave the surrounding area clean and tidy.

All works shall be carried out at the sole risk and liability of the person employed or engaged in the work of whatever nature. Any damage caused shall be made good to the satisfaction of the Bereavement Services Manager and/or the owner of the damaged property.

No works, other than by the Council's employees or persons contracted to carry out works on the Council's behalf, shall carry out works within cemeteries on Saturdays, Sundays, Christmas Day, Good Friday, or other Public Holidays, or on other holidays granted by the Council.

All works persons employed in the cemetery on whatever manner of work must conform to the hours worked by the cemetery staff.

6.1. Memorial at a full 'traditional' grave

All applications for a Memorial at a full 'traditional' grave must be signed by the registered owner of the Exclusive Right of Burial.

6.1.1. Dimensions

Full 'traditional' Graves are laid out to allow for full kerbs, edgings and landings to be placed upon the graves. Planting of suitable bedding plants within the kerbs is permitted. The area enclosed on a single gravespace, including kerbs and edgings, shall not be more than 1950mm by 750mm (6'6" by 2'6") and on a double gravespace by more than 1950mm by 1950mm (6'6" by 6'6"). The height of the headstone or equivalent shall not be more than 1524mm from the level of the memorial beam.

The full grave space within the kerbs or edgings may be planted with suitable bedding plants or bulbs, or chippings may be placed within the edgings on top of a landing slab.

All memorialisation must be contained within these dimensions.

The area within the kerb edgings is the responsibility of the grave owner who may place any suitable and approved material within the edgings or plant the area with suitable bedding plants.

New full 'traditional' graves are available at all Cemeteries but restricted to specific 'traditional' areas.

6.1.2. Paving, rockwork and chippings

Paving, rockwork or chippings are not allowed unless enclosed by kerbing.

6.1.3. Vases

All vases, ornaments, figures or additions to memorials must be fixed so that no portion projects beyond the inside edge of the kerbing.

6.2. Memorial at a lawn grave

All applications for memorial at a Lawn Grave must be signed by the registered owner of the Exclusive Right of Burial. The lawn graves are designed on the war grave principle (to have only a memorial of limited size at the head of the grave with the rest of the grave laid to lawn). The graves are in rows back to back.

Within the lawned areas only, the Council provides rows of concrete plinths to allow for the immediate installation of a headstone.

6.2.1. Dimensions

Memorial headstones in the lawn sections shall not exceed 750mm (2'6") in width and 300mm (12") in depth on a single gravespace.

On a double gravespace the maximum dimensions are or 1,800mm (6 feet) in width or 300mm (12") in depth. The maximum height of the headstone or equivalent shall not be more than 1054mm from the level of the plinth.

Planting is permissible on lawn sections to a maximum of 18 inches from the plinth.

The base shall be secured centrally to the memorial beam, where provided, or to a suitable foundation stone provided by the monumental mason where no plinth is present.

6.2.2. Vases

Vases, ornaments, figures or additions to memorials are not permitted, but one or more flower containers may be set into the landing.

6.2.3. Chippings, Kerbings and Paving

Chipping, kerbing, broken or crazy paving are not permitted.

6.3. Memorial at a Grave for Cremated Remains

The area allocated to a cremation section grave is 2 feet (600mm) x 2 feet (600mm). This area may be covered in full or in part by a memorial or it may be suitably planted.

Memorials placed on a cremation plot shall not exceed 450mm (1'6") in height, 600mm (2 feet) in width, 600mm (2 feet) in depth, nor be less than 50mm (2 inches) in thickness.

6.4. Memorial that is not associated with a grave

To request a memorial that is not associated with a grave (e.g. a bench or plaque on an existing bench) a CEM 5 application form must be completed and submitted to the cemeteries office, along with the appropriate fee.

Any memorial that is unauthorised shall be removed in line with Regulation 6.9.

6.5. Memorial in children's section

6.5.1. Hillingdon & Northwood Cemeteries

The area enclosed by a memorial shall not exceed 450mm (1'6") in width, 450mm (1'6") in length, nor shall it exceed 380mm (15") in height or be less than 50mm (2") in thickness.

6.5.2. Cherry Lane Cemetery

The area enclosed by a memorial shall not exceed 900mm (3 feet) in length, 450mm (1'6") in width nor shall it exceed 600mm (2 feet) in height.

Only one memorial stone will be allowed on any one gravespace.

No part of the soil of any gravespace shall be raised above the level of the surrounding soil, and no part of any gravespace shall be enclosed with fencing of any kind.

The Council will maintain the whole of the grassed area between each row and nothing may be placed or planted on that grassed area.

The correct section, plot and number of the gravespace must be clearly cut in some prominent position on all monuments and memorials in characters of not less than one inch.

Baths, Caens, soft artificial stones or materials of any description, will not be allowed in the construction of any memorial erected in the cemetery.

Where glass or natural stone chippings are used, they must be laid upon a slate or concrete bed.

The Bereavement Services Manager has the power to rectify or remove anything, which does not comply with these regulations.

6.6. Memorial in the Muslim section (Cherry Lane Cemetery)

The memorials in the Muslim section may be either full 'traditional' or lawn types.

6.7. Memorial masons

Memorial masons must be registered with the British Association of Memorial Masons (BRAMM) or the National Association of Memorial Masons (NAMM) and hold an up-to-date Fixers Licence to be allowed in any of the Cemeteries.

Memorials found to have been constructed by a Memorial Mason without the required registration and licence will be removed.

6.8. The safety, inspections and maintenance of memorials

All new memorials, and any repairs or additional inscriptions to memorials, must comply with BS8415.

The Council will undertake periodic inspection of safety of each memorials erected within any of the cemeteries, as recommended by the Health and Safety Executive³. Grant Owners shall be made aware of the outcome of the inspection on their memorial(s). The cost of the inspection is included in the Exclusive Right of a Burial or Memorial. However, grant owners are responsible for the upkeep and maintenance of memorials, including remedial works identified by an inspector.

Where a memorial is deemed unsafe, all reasonable steps will be taken to contact the Grant Owner so that they may arrange appropriate remedial works. If the risk is deemed unacceptably high, the Council reserves the right to take immediate action, to protect the safety of the users of the Cemetery; this may include being sunk into the ground vertically, laid flat, cordoned off, stake and banded, covered with a yellow bag to warn visitors of a danger. The Council shall recover all of the costs arising from these works. Where the grave owner determines to carry out the repairs required, the grave owner and/or his representative shall ensure that the work is carried out by an approved BRAMM or NAMM mason.

6.9. Removal of memorials

The Council retains the right to remove, without notice, memorials that do not meet The Regulations, including benches, plants, flowers, fences or other commemorative objects. Prior to removal, and where relevant, the Council will take reasonable steps to contact the Grant Holder to provide notice of intended removal. With the exception of biodegradable objectives, all removed memorials will be stored at the Cemeteries Office for a period of 1 calendar month before disposal. Where an association is clear, all reasonable attempts to make contact with the Grant Owner will be made before the items are disposed of. The Council cannot be liable for any memorials that are damaged while being removed or stored. The only exception being memorials that do not pass the safety inspection, whereby a separate procedure is followed.

³ Special Report Memorial safety in local authority cemeteries, 2006, Local Government Ombudsmen, page 7.

7. Scattering of cremated remains

7.1. Applications for the scattering of cremated remains

Applications for the scattering of cremated remains should be made in writing to the Bereavement Services Manager at least 48 hours before the scattering is wanted.

A fee is chargeable for the scattering of remains at the Cemeteries.

7.2. Location for scattering of cremated remains

Ashes may only be scattered in the designated areas, details of which are available from the Cemeteries Office.

7.3. Certificate of Cremation

A Certificate of Cremation must be presented to the Cemeteries Office before the scattering of cremated remains can take place.

The above rules and regulations are not exhaustive and where matters arise that are not specifically covered the Bereavement Services Manager is authorised to make such decisions as he/she considers to be reasonable and necessary for the day to day management and control of the Cemetery.

Appendix A – Acceptable forms of identification to prove residency

Originals only, photocopies will not be accepted.

One of:

- Listed on the Council tax database (payment made in the last 3 months) – Cemeteries Office can search – or Council tax bill (within the last 3 months).
- Listed on the electoral register (updated in the last 3 months) – Cemeteries Office can search – or Electoral register documentation (within the last 3 months).

Plus one of:

- Gas or electricity bill (within the last 3 months).
- Bank statement (within the last 3 months).
- Landline telephone bill (not a mobile phone, home broadband or 3G broadband bill; within the last 3 months).
- Driving license (but only if updated in the last 3 months).

If any uncertainty remains, the Cemeteries Office reserves the right to ask for two of the above.



HILLINGDON
LONDON

Impact Assessment

STEP A) Description of what is to be assessed and its relevance to equality

What is being assessed? Please tick ✓

Review of a service Staff restructure Decommissioning a service

Changing a policy ✓ Tendering for a new service A strategy or plan

Revision of the Council's Cemeteries Regulations, which were last revised in 1994 (hereinafter referred to as the 1994 Regulations), to bring them in line with current legislation, best practice and to meet, where reasonably practicable to do so, the requirements of our residents.

Who is accountable? E.g. Head of Service or Corporate Director

Steve Palmer, Deputy Director ICT, Highways & Business Services

Date assessment completed and approved by accountable person

Completed: March 2013

Approved:

Names and job titles of people carrying out the assessment

Mike Price, Civil Protection Manager

John Purcell, Bereavement Services Manager

A.1) What are the main aims and intended benefits of what you are assessing?

The Cemetery Regulations are the rules by which the Cemetery users must abide, or risk a range of enforcement options. The Regulations cover:

- expected behaviour of users (as legislated in the Local Authority Cemetery Order 1977);
- rules around the purchase of the right of burial and the right to erect a memorial; and

- details about applying for an interment.

Linked to the Regulations, although a separate document, are the Cemetery fees and charges list, although this is not subject to review as part of this process.

For clarity, the Cemetery Regulations do not cover the Crematorium processes and the Breakspear Crematorium site, which are governed by their own separate Regulations.

The aim of the review is to ensure the Regulations:

- Are clear and concise;
- Conform with the relevant legislation;
- Protect users of the cemeteries from antisocial and unacceptable behaviour; and
- Provide a range of interment options to meet the needs, where reasonably practicable, of our residents.

As much as anything, the proposed changes to the 1994 Regulations comprise reformatting and reordering of the existing content, to make the document more user-friendly and easy to understand. Where necessary, content will be added to provide clarity to some of the more ambiguous areas. Subject to the outcome of this equality impact assessment, further changes to the Regulations may be necessary.

Finally, the review of the 1994 Regulations has been endorsed and overseen by the Residents & Environmental Services Policy Overview Committee (RESPOC), who, as part of their scrutiny process, have invited a number of residents, cemetery managers from other boroughs and local funeral directors to comment on Hillingdon's cemeteries and their regulations.

A.2) Who are the service users or staff affected by what you are assessing? What is their equality profile?

The cemeteries service is primarily for use by Council residents. However, by payment of an additional fee, non-residents may also use the service.

The focus of this EIA is the impact to the residents of the London Borough of Hillingdon.

For statistical information, see overleaf (page 3)

The following is extracted from the Census 2011:

www.ons.gov.uk

All categories: Sex	Males	Females
Number	Number	Number
273,936	135,811	138,125
%	49.57763857	50.42236143

Religion	Christia n	No religion: Total	Muslim (Islam)	Hindu	Sikh	Religion not stated	Buddhis t	Jewish	Jain	Pagan	Ravidass ia	Spiritualis t
Number	%	%	%	%	%	%	%	%	%	%	%	%
273,936	49.2	17.0	10.6	8.0	6.7	6.4	0.9	0.6	0.2	0.1	0.1	0.1

Data from the Hillingdon Cemetery Office (April 2010 – Dec 2012):

Note – the separation of this data into Muslim and other is in part due to the way burial information is recorded and also as a result of the specific need of the Muslim faith to be buried separately to other faiths and denominations.

<u>Saturday Muslim Burials</u>	<u>Saturday Burials (other faiths)</u>
7/8/10	26/6/10
26/3/11	4/11/10
18/3/11	26/3/11
	9/4/11
	4/6/11
	2/7/11
	15/9/11
	1/10/11
	26/11/11
	26/6/12
<u>3</u>	<u>10</u>

Total number of burials (all faiths) over the same period = 1007

Total number (& percentage) of Muslim burials over the same period = 106 (or ~10.5%)

The average number of burials per month (Muslim section)

	Adults	Children
2010/11	2.3	1.9
2011/12	2.1	0.9
2012/13	1.9	0.2

Other sources of information used to gain an understanding of the cultural requirements for burials and cemeteries, include:

- A document titled “The Needs of Faith Communities in Major Emergencies: Some Guidelines”, available at http://wearchive.nationalarchives.gov.uk/+http://www.cabinetoffice.gov.uk/media/132745/faith_communities.pdf
- <http://en.wikipedia.org/wiki/Antyesti>
- <http://factsanddetails.com/world.php?itemid=1343&catid=55&subcatid=354>
- http://en.wikipedia.org/wiki/Christian_burial
- http://en.wikipedia.org/wiki/Funeral#Sikh_funerals
- http://en.wikipedia.org/wiki/Islamic_funeral
- <http://www.funeralwise.com/customs/sikh>
- <http://www.funeralwise.com/customs/islam>
- <http://www.funeralwise.com/customs/hindu>
- http://www.funeralwise.com/customs/christian_overview
- <http://www.bmj.com/content/309/6953/521>

A.3) Who are the stakeholders in this assessment and what is their interest in it?

Stakeholders	Interest
<p>Residents/members of the public (predominantly Hillingdon Residents, but also any other cemetery service user or visitor)</p> <p>Councillors</p> <p>The Corporate Director Residents Services and the Deputy Director Highways, ICT and Business Services</p> <p>Bereavement Services and Green Spaces Staff</p>	<p>All residents have the potential to have an interest in the services provided by and at Hillingdon’s cemeteries. Bereavement is a very emotive subject and, as such, stress placed on the bereaved must not be exacerbated by our regulations, wherever reasonable to avoid.</p> <p>Since July 2012, the Residents and Environmental Services Policy Overview Committee (RESPOC) have been undertaking a review of the Cemeteries provision in Hillingdon. The report from this review, which includes a recommendation to update the 1994 Regulations, is then taken to Cabinet for their approval, along with the new 2013 Regulations and this EIA.</p> <p>Ward Councillors also have an interest as many have a council owned/managed cemetery within their Ward, or they may be approached by their residents about a Council cemetery in a neighbouring Ward.</p> <p>To ensure that services are provided in a fair manner and meet the needs of our residents</p> <p>Staff will implement, and in certain circumstances enforce, the 2013 Regulations and need to be confident that in doing so they are not acting in a discriminatory way.</p>

A.4) Which protected characteristics or community issues are relevant to the assessment? ✓ in the box.

Age		Religion or belief	✓
Disability		Sex	
Gender reassignment		Sexual Orientation	
Marriage or civil partnership		Community Cohesion	✓
Pregnancy or maternity		Community Safety	✓
Race/Ethnicity		Other – please state	

STEP B) Consideration of information; data, research, consultation, engagement

B.1) Consideration of information and data - what have you got and what is it telling you?

Census 2011 data

It is first important to note that Sikh and Hindu, with 8.0% and 6.7% respectively, chose to cremate rather than bury their dead, so their needs for the cemetery are limited only to that of the burial of cremated remains (the majority of which takes place at Breakspear Crematorium, which is governed by separate regulations).

The Census 2011 data shows the dominant religion to be Christian, at 49.2%. The Christian religion has no specific burial requirements in terms of length of time between death and burial or the need to be in a separate section to other religions. The Regulations allow for a 'minister of religion' to be present, supporting the need for Christians (and all other faiths) to have a religious leader present/leading the funeral.

Furthermore, while the 1994 Regulations do not make reference to consecrated land, it is the current practice to have designated sections of the cemetery consecrated and therefore burials in these areas are restricted to those of the Christian faith only. While this is not necessarily discriminatory, it does cause unnecessary segregation and can present issues to effective land use management. Segregation does not appear to be a requirement of the Christian faith.

The second highest population percentage is those of 'no stated religion', at 17.0%. Although it is not possible to confirm the requirements this group of the population, the bereavement service offered by Hillingdon council has sufficient flexibility to be able to accommodate most requests, given sufficient notice and approval from the Bereavement Services Manager.

The third highest percentage is the Muslim faith, at 10.6%. One of the requirements of this faith is to be buried in an area separate to those of other faiths, provided currently by the Muslim section at Cherry Lane Cemetery.

A further requirement for those of the Muslim faith is to be buried at the earliest opportunity following death, preferably within 24-48 hours. As a result of the various statutory stages between death and burial (certification and various registrations), 24 hours is unlikely to be achieved in the UK. However, the current setup in Hillingdon's cemeteries provides potential delays, some which may be reasonable to remove or, at least, reduce:

- Notices of Interment must be received 2 clear working days before the day of burial (although this can be reduced in urgent cases).
- For burials on a Saturday, due to restrictions by the Grounds Maintenance Contractor it is a requirement to submit the Notice of Interment into the Cemeteries Office by 10:30 on the morning of the Friday preceding the burial.
- The Cemeteries Office is closed on Good Friday and Bank and other Public Holidays

While the population percentage of other religions are statistically insignificant and,

therefore, it would be disproportionate to make bespoke services for these religions, all requests will be considered on a case-by-case basis by the Cemeteries Manager e.g. for a Jewish burial on a Sunday.

Hillingdon Cemeteries statistics

Since April 2010, 10.5% of burials have been those of the Muslim faith. This percentage closely matches the Census 2011 data. The monthly average for Muslim burials ranges between 1.9 -2.3 (adults) and 0.2-1.9 (Children), all of which take place in the Muslim Section at Cherry Lane Cemetery. Of these burials, only 3 have taken place on a Saturday.

Based on these current figures, it is reasonable to suggest that even if all Muslim deaths were to occur at the end of the working week (e.g. Friday), at most only 1 Saturday burial per week would be required.

With regards to other Saturday burials, it is clear from speaking with Cemetery Office staff that the Saturday requests are normally based on a logistical requirement, rather than a preference to hold a funeral at the weekend.

RESPOC witnesses sessions

Through the RESPOC meetings, a number of views were gathered from a selection of residents/cemetery users, local funeral directors and other local authority bereavement service and green spaces managers. Of importance to this EIA are the following:

- The funeral directors appeared uninterested in expanding their Saturday service and suggested increased and disproportionate costs (note this did not include funeral directors for the Muslim faith)
- Concerns raised by residents that some communities/individuals were not following the 1994 regulations. This suggests the processes to monitor compliance and subsequent enforcement is weak and that some communities might feel they are being discriminated against.

Muslim Section burials (Regulation 36. of the 1994 Regulations)

The 1994 Regulations are generic in their content, with the exception of the reference to 'Muslim section¹ burials' The justification for the separation within the 1994 Regulations is unknown, however, following research, it is reasonable to suggest that the separate section of the cemetery was created to meet some of the specific cultural needs of Muslim people, such as the need to be buried in an area separate to those of other religions.

There are some elements of the Muslim section's regulations which could be deemed discriminatory against those of other religions, such as only allowing those of the Muslim faith to be buried on shrouds and the Muslim section being the only cemetery at which full traditional style memorials are permitted (with exception of very limited space at Harmondsworth cemetery). For the former, there is no clear reason for this distinction, whereas the latter appears to be a land-use strategy.

¹ By 'section' this means a section of the cemetery rather than a section of the community

Consultation

B.2) Did you carry out any consultation or engagement as part of this assessment?

Please tick ✓ NO YES ✓

If no, explain why:

Originally, a wider consultation was planned to enquire about whether the increased fees for Saturday burials were the reason why people chose to wait until Monday for a burial. However, in January 2013, the grounds maintenance service came 'in-house' which has presented a series of viable options that would allow the removal of the additional charge for Saturday burials for residents (to be rolled out from April 2013).

If yes, what did you do or are planning to do? What were the outcomes?

Consultation via the RESPOC witness sessions allowed conversations to take place with:

- Residents/cemetery users (West Drayton and Cherry Lane Cemetery)
- The Council's Green Spaces Service Manager (responsible for grounds maintenance at all Cemeteries)
- Local funeral directors
- Police - Safer Neighbourhoods Team
- Other councils' bereavement services managers

A number of comments were made that had a direct bearing on the 1994 Regulations and have been captured in Step B above.

B.3) Provide any other information to consider as part of the assessment

Legal context

Under the Equality Act 2010, the Council must not discriminate against people with a protected characteristics in the services that it provides. The Council also has a public duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations (Equality Act 2010)

Furthermore, the Council is bound by the Local Authorities' Cemeteries Order 1977, and the Local Authorities' Cemeteries Order (Amended) 1986, in which is it granted a number of rights as the Burial Authority for the London Borough of Hillingdon area. This includes the right to manage the burial sites as deemed appropriate and to enforce the rules and regulations of said burial grounds. The Borough Solicitor has been consulted on the new Cemetery Regulations throughout the process.

Financial context

The changes to the 1994 regulations are not expected to change the financial status of the Cemetery (and Crematorium) budget. With the exception of the potential to reduce/remove the addition fee levied for a burial on a Saturday, the updated regulations will not affect the charges for using the Council's bereavement services. These charges are reviewed and approved by The Leader of the Council on an

annual basis as part of a separate process.

BID context

Not applicable

National policy context

Not applicable

C) Assessment

What did you find in B1? Who is affected? Is there, or likely to be, an impact on certain groups?

C.1) Describe any **NEGATIVE** impacts (actual or potential):

Equality Group	Impact on this group and actions you need to take
Muslim people	<p>Delays in interment caused by the '2 clear working days' required to process the notice of interment require consideration of shortening the processing time of notices of interment for Muslim section burials to 24 hours, wherever practicable and excluding weekends and public holidays.</p> <p>While opening the cemeteries office on weekends and bank holidays is a possibility, the number of weekend burials in the statistical data does not make this a cost effective approach. Therefore, consideration should be paid to allowing shorter-notice 'notices of interment' for those wishing to be buried on a Saturday or Monday, and for the costs of this to come out of existing cemetery office resources i.e. by altering the processes rather than extending office hours.</p> <p>Furthermore, the feasibility of equal interment fees for residents regardless of the day of the week should be considered.</p>
Christian Denominations	<p>The Christian faith is generalised, despite their being many sub-denominations. As such, it is not possible to be certain that the denominations with a representation similar or above that of Sikhs, Muslims and Hindus have been taken into consideration.</p> <p>However, that said, research into the requirements of some of the more dominant Christian denominations (C of E, Catholicism, etc) suggests that the 1994 Regulations do not discriminate against them</p>

C.2) Describe any **POSITIVE** impacts

Equality Group	Impact on this group and actions you need to take
All cemetery users	The planned revisions to the 1994 Regulations appear to ensure the needs of the majority of the borough’s residents are catered for, and there is sufficient inbuilt flexibility to include the needs of others upon request to the cemeteries manager.
Those who are unable to read English, or unable to interpret the full Regulations	<p>It was acknowledged during the research process² that some members of the community are unable to understand the full version of the 1994 Regulations. Simplification of the language and layout will go some way to assisting here, however, for legal reasons there is a minimum level of detail required to make the Regulations enforceable.</p> <p>However, further accessibility options are planned:</p> <ul style="list-style-type: none"> ▪ the creation of a pictographic booklet to provide a summary of the key points of the 2013 Regulations will assist those who are unable to read English or comprehend full Regulations. ▪ Being considered, for publication on the council website, is an audio version of the booklet, to aid those who understand spoken but not written English. ▪ The standard council alternative formats for published documents will also be available, upon request.

² Comments from the Bereavement Services Manager, and comments made by residents and funeral directors at RESPOC

D) Conclusions

It is recognised that the burial process is very important to all of our community and where reasonably practicable adjustments have been made to accommodate the requirements of the borough’s population e.g. a shorter notice period for burials in the Muslim section

Based on the findings of this EIA, it is proposed that the new regulations should allow:

- A body to be buried in a shroud rather than casket, regardless of religion or belief system;
- for open casket, where appropriate;
- for the family of the deceased to be allowed to assist in the filling of a gravespace, where the health and safety rules of the cemetery and the guidance of cemetery staff is followed;
- Cremated remains to be placed into any grave space, rather than restricted to only columbaria;
- Consecration to take place for individual gravespaces rather than having separate sections dedicated to consecrated land;
- That while it is very difficult to retrospectively enforce breaches of the 1994 regulations, from the date of issue of the 2013 regulations enforcement must be consistent.
- Burial fees for residents to be equal regardless of the day of the week
- For additional accessibility options to the regulations themselves e.g. pictographic booklet

Furthermore, consideration should be paid to increasing the availability of burials at short notice for Saturdays and Monday mornings.

Signed and dated:.....

Name and position:.....