

Burial Strategy Update

Culture & Neighbourhoods Scrutiny Commission

Date of meeting: 04/11/2024

Lead director: Sean Atterbury, Director of Neighbourhood
& Environmental Services

Useful information

- Ward(s) affected: All
- Report author: Alan Brown (Bereavement Services Manager)
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- Report version number: 1.0

1. Summary

- 1.1 This report provides an annual update on the Burial Strategy and summarises the slide presentation appended.
- 1.2 The report highlights the overall demand for burials and identifies the impact of this on existing cemetery provision.
- 1.3 The report provides an update on planned works to improve the visitor experience at Gilroes Cemetery to rectify issues related to car parking, traffic and drainage.
- 1.4 The report summarises changes in legislation in 2024, and provides an update on the Law Commission review of Burial, Cremation and New Funerary Methods legislation

2. Recommendation(s) to scrutiny:

- 2.1 Culture & Neighbourhoods Scrutiny Commission are invited to:
 - note the contents of the report and presentation;
 - review and comment on the Burial Strategy

3. Detailed report

Background

1. The council operates four cemeteries (Belgrave, Gilroes, Saffron Hill & Welford Road).
2. The provision of cemeteries is a discretionary service and there is no statutory duty on the council to provide cemeteries. The council is a burial authority by virtue of the Local Government Act 1972.
3. There are approximately half a million burials in the four cemeteries. The council has been providing burial services since 1849 with the last new cemetery to serve the city opened in 1931 (Saffron Hill).
4. In 2023 the council undertook 946 burials and 1,688 cremations.
5. While the council operates four cemeteries only two (Gilroes & Saffron Hill) have new graves available. Burials can only take place at Belgrave and Welford Road in existing graves where space remains and with the permission of the grave owner.

Muslim burials

6. The demand for burials in Leicester (35% of all funerals) is higher than the national average (20%) due to the demographics of the local population. Leicester has proportionately one of the largest Muslim populations (23.5%) in the UK. Cremation is forbidden in Islam so burial is the only funeral option for Muslim communities.
7. Muslim burials account for an average of 30%-35% of all burials per year but use 60%-65% of all new graves annually. This is because the Muslim population is still growing and predominately only use a grave for one burial whereas other faith communities (except Jewish) may use a grave for multiple burials.
8. To mitigate the high demand for new graves for the Muslim community, an area of new graves (760 graves) was designated for Muslim burials in December in 2023 and has seen over 125 burials since opening.

Burial space capacity

9. Based on existing burial rates and new grave availability the council's existing burial space is forecasted to reach capacity in 2030/31. A longer term solution for future burial space will be required by the end of 2026 to allow sufficient time for planning and construction of any new cemetery.
10. There is very limited land available within the city to locate a new cemetery. Estates & Buildings are working to identify potential location(s) for a new cemetery and this work will inform future updates to the Culture & Neighbourhoods Scrutiny Commission.

Gilroes Cemetery improvements

11. A number of concerns have been raised by visitors and funeral directors using the 'extension' of Gilroes Cemetery opened in 2011. The concerns identified include a lack of car parking spaces, poor traffic circulation with vehicles obstructing funerals and poor drainage.
12. Works to improve drainage were carried out in 2022 and 2023, however the impact of climate change bringing more prolonged and increased rainfall continues to exacerbate poor ground conditions following heavy rainfall.
13. Specialist cemetery consultants (CDS Group) have been commissioned to resolve these ongoing issues.
14. As there are no car parking spaces in the extension, it is proposed to install new car parking bays to stop cars obstructing funeral vehicles when parked on the roadway and from parking on the grass which leads to ground damage and ground compaction.
15. The current roadways in the extension are too narrow to accommodate passing traffic. It is therefore proposed to install a new roadway on an adjacent field to create a new one-way traffic system so that cars do not have to pass side by side. This will stop cars driving on the grass in order to pass other cars and will create an alternative exit point for cars back into the main cemetery.

16. Additional work to improve the existing drainage to make it easier to maintain and control the flow from increased rainfall is proposed. This will include modifications to the existing drains and swale.
17. A planning application is to be submitted October 2024 with construction works to commence April 2025 with completion in August 2025. A traffic, visitor and burial management plan for the works period will be agreed with the contractor to mitigate the impact for visitors and funerals during construction works. The costs of the improvement works is £675,000 which was scoped into the 23/24 capital programme as a policy provision and will be subject to its own release report.

Legislation

18. New legislation was introduced on the 9th September 2024. The Medical Examiners (England) Regulations 2024 and The Cremation, Coroners and Notification of Deaths (England and Wales) (Amendment) Regulations 2024 together represented the biggest change to death certification in over 50 years.
19. The changes have been seamlessly and successfully implemented locally with the Bereavement Services Manager working in close partnership with the Ministry of Justice, H.M. Senior Coroner, Head of Registration Services, Medical Examiners office and funeral directors to ensure there was no disruption to funeral services.
20. The changes mean that ALL deaths (except Stillbirths) are now scrutinised either by a Coroner or a Medical Examiner, whereas previously non-coronial deaths followed by a burial were not. For non-coronial deaths the bereaved family will now be able to speak to an independent Medical Examiner to express any concerns they have about a death.
21. For bereaved families arranging a cremation service there is no longer a requirement to obtain a separate cremation medical certificate (Cremation Form 4) at a cost of £82.
22. For bereaved families arranging a burial service the extra scrutiny will now offer reassurance about the cause of death and provide an opportunity to speak to a Medical Examiner if they have concerns about the death or medical care of the deceased.
23. The Medical Examiner's office has processes in place for urgent reviews where a quick burial is required for faith communities. This includes weekend and public holiday provision to ensure burials are not delayed as a result of the extra scrutiny.
24. The Culture & Neighbourhoods Scrutiny Commission asked (October 2023) to be kept informed on the national review of burial and cremation law being undertaken by the Law Commission of England and Wales.
25. The Law Commission of England and Wales has noted that the current burial and cremation laws are not fit for purpose. Furthermore, they recognise that grave space is running out in many parts of the country and that law reform may help this situation.
26. The Law Commission has now split the law review into three separate work streams
a) Burial and Cremation law, b) New Funerary Methods and c) Rights and Obligations in Relation to Funerals, Funerary Methods and Remains.

27. A national consultation on the first stream Burial and Cremation Law was launched on the 3rd October 2024 and is open until 9th January 2025. The consultation seeks views from burial and cremation authorities, funeral directors, stakeholders and members of the public interested in what happens to our bodies after death.
28. The review and any law changes it proposes will impact everyone either as an individual or as an organisation involved in death management. It should be noted that the consultation is only seeking views on proposals for law reform at this stage. Draft legislation is not expected until 2028 at the earliest.
29. Members of the scrutiny commission previously raised concerns with regards to some aspects of the Law Commission review related to proposals for grave reclamation and re-use.
30. The full consultation paper is very technical, complex and long at 369 pages with 59 consultation questions. It is not possible to summarise the full consultation paper in this report. It should be noted however that many of the consultation questions are aimed at operators of burial grounds that do not directly impact bereaved families, while others such as grave reclamation and re-use may impact bereaved families directly.
31. The consultation can be found online at <https://lawcom.gov.uk/project/burial-and-cremation/> where a summary and easy read versions of the full consultation paper are available.

4. Financial, legal, equalities, climate emergency and other implications

4.1 Financial Implications

Bereavement Services are budgeted to generate a revenue surplus partly as a contribution towards revenue overheads, revenue repairs and maintenance, and capital costs. Capital budgets have been identified for the work referenced in the report at Gilroes Cemetery, and budget approval for this will be the subject of a future Executive Decision report.

The provision of new burial sites would need to have due consideration for the associated revenue costs and income as part of any business case for increased provision.

Signed: Stuart McAvoy, Head of Finance

Dated: 22nd October 2024

4.2 Legal Implications

There are no direct legal implications arising from this report.

Due processes will need to be followed in respect of the proposed works to Gilroes Cemetery as noted in paragraphs 16 to 18 above.

The introduction of the ME service nationally from 9th September 2024 is noted, and appropriate coordination across LCC departments has been smooth.

Signed: Kamal Adatia, City Barrister & Head of Standards

Dated: 23rd October 2024

4.3 Equalities Implications

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Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The report provides an update on the Burial strategy for the city. There are no direct equality implications arising from this report. Maintenance standards in burial grounds should reflect the respect and care due to those resting there, as well as for loved ones visiting. Burial space is running out nationally with the situation worse in some urban areas. The strategy contains information relating to accessibility and diversity of burial options available to all residents that support a diverse range of cultural and individual needs.

Signed: Surinder Singh, Equalities Officer

Dated: 23rd October 2024

4.4 Climate Emergency Implications

The council's operation of burial sites contributes to its carbon footprint, and as such consideration could be given to opportunities to achieve carbon reductions when any changes are introduced, including the proposed works at Gilroes and as part of any development of plans for a new cemetery. This could include encouraging the use of sustainable travel options, using buildings, materials, and equipment efficiently and following the council's sustainable procurement guidance, as appropriate and relevant. More widely, it is also worth noting that cremators are a significant source of gas consumption and therefore carbon emissions within the council's operations.

Signed: Aiden Davis, Sustainability Officer

Dated: 22nd October 2024

4.5 Other Implications

None

Signed:

Dated:

5. Background information and other papers:

Law Commission of England Wales – Review of burial and cremation laws

<https://lawcom.gov.uk/project/burial-and-cremation/>

6. Summary of appendices:

Appendix A – Burial Strategy Update slide presentation



Appendix 1_Burial
Strategy Update scrut