



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE - 20TH MAY 2014

SUBJECT: NON-RESIDENTS BURIAL FEES

REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

1.1 To seek the views of the Scrutiny Committee prior to the report being considered by Cabinet.

2. SUMMARY

2.1 Bereavement Services is probably one of the most sensitive frontline services provided by the Authority.

2.2 This report seeks the views of the Scrutiny Committee on the proposal to be placed before Cabinet for a decision to cease the current policy of charging double fees for non-residents of the county borough who wish to be interred in one of our ten municipal cemeteries. The proposal to cease the policy protects the Authority from potential legal challenges on the grounds of discrimination.

3. LINKS TO STRATEGY

3.1 The Community & Leisure Services aim in the Service Improvement Plan in relation to Bereavement Services is:

“To provide a customer focused, sensitively delivered bereavement service and to achieve excellent standards in cemetery management and maintenance”.

4. THE REPORT

4.1 The Authority manages ten municipal cemeteries across the county borough and deal with circa 800 interments per annum.

4.2 This Authority, like many neighbouring Authorities, implemented a policy of doubling the cemetery fees when a non-resident of the borough for more than one year prior to their death, is interred in one of our municipal cemeteries.

4.3 There is considerable expense involved in acquiring and making suitable and sufficient land for burial purposes within the county borough.

4.4 Members will be aware that there is a shortage of burial space within the borough and extensions to several sites are actively being progressed. The Council's cemeteries are provided primarily for the residents of the county borough. There is nevertheless a danger

that the policy of increased charges for non-residents can be seen as discriminatory and could lead to challenges under Article 14 of the Human Rights Act, which prohibits discrimination. To date the current policy has been defended on the basis that CCBC citizens have been contributing to local services, which include cemeteries and those living outside the county borough will not have made such contributions. Therefore there are reasonable and objectively justifiable reasons for the difference in charges and it is arguable that the differences in the rates charged are proportionate.

- 4.5 In circa 2004, following concerns raised by families whose relatives were placed outside of the borough to receive specialist nursing care not available within the borough (prior to their death), a discretion was given to the Head of Community & Leisure Services to apply residents rates.
- 4.6 Over the last two years complaints have increased in relation to the application of the policy and officers are exercising discretion and arranging refunds in appropriate circumstances. The majority of cases relate directly to former residents who own an existing grave within one of the Council's municipal cemeteries and this is evidence of a long association with the borough prior to their passing. In this respect, contributions have been made to local services albeit some years prior.
- 4.7 Caerphilly is an active member of the Continuous Improvement Forum for Bereavement Services in South East Wales. The following table outlines the policies of neighbouring Authorities:

Local Authority	Policy
Merthyr Tydfil	Fees doubled for people who resided outside of administrative area for more than 12 months. Head of Service has discretion if deceased moved outside of borough for specialist medical care.
Torfaen	Fees doubled for people who resided outside of administrative area for more than 12 months. (Unless the grave rights have previously been purchased but the owner has moved out of the county borough through no fault of their own due to ill health).
Blaenau Gwent	Fees doubled for people who resided outside of administrative area for more than 12 months. (However discretion is used where there are queries and evidence gathered to verify, each case individually which then has to be authorised by a senior officer in order to apply the correct charge).
Cardiff	Non-residents fees removed, one fee regardless of residence.

- 4.8 During 2012/2013, 51 bereaved families were charged non-residents rates. The majority of these interments were undertaken in existing plots, where clearly there is a link to the county borough.
- 4.9 It is considered that if the current policy remains in force this could potentially leave the Authority open to legal challenge/criticism on the grounds of discrimination.
- 4.10 Members views are therefore sought on the recommendation set out in paragraph 9.1 of the report prior to referring the matter to Cabinet for a decision.

5. EQUALITIES IMPLICATIONS

- 5.1 The removal of the current non-residents policy will ensure that all users of the Authority's bereavement service will be treated equally irrespective of their place of residence, individual background or circumstances.

6. FINANCIAL IMPLICATIONS

- 6.1 Members will be aware that since 2011, cemetery fees have been increased by 18.5% plus inflation with a view to making the service self-financing.
- 6.2 During the 2012/2013 financial year, the Authority recovered 75% of its gross expenditure. This has increased year on year with the annual increase of fees.
- 6.3 It is anticipated that by 2017/2018 the service will be self-financing.
- 6.4 The removal of the current non-residents policy will save any transactional costs associated with arranging refunds to bereaved families or funeral directors.
- 6.5 The removal of the policy should not adversely affect the services budget, as fees will be increased by 18.5% plus inflation until 2016. However, it should be noted that circa £25K per annum could be lost in income with the potential removal of the current policy.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications associated with this report.

8. CONSULTATIONS

- 8.1 This report reflects the views of the listed consultees.

9. RECOMMENDATIONS

- 9.1 The views of the Scrutiny Committee are sought on the proposal to cease the policy of charging double fees for non-residents who wish to be interred in one of our municipal cemeteries, if they have not been resident in the borough for more than one year prior to death, ahead of a report/decision being taken by Cabinet.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 The proposal to cease the policy will protect the Authority from potential legal challenges on the grounds of discrimination. Bereaved families will be charged equally for council services regardless of the deceased's place of residence at the time of death.

11. STATUTORY POWER

- 11.1 Local Government Act 2000 and Local Authorities Cemeteries Order 1977.
- 11.2 Article 14, Human Rights Act 1998 (Prohibition of Discrimination).

Author: Michael Headington, Principal Officer: Outdoor Facilities & Bereavement Services
Consultees: Mark S. Williams, Head of Community & Leisure Services
Sandra Aspinall, Acting Deputy Chief Executive
Derek Price, Parks and Outdoor Facilities Manager
Councillor Dave Poole – Cabinet Member for Community & Leisure Services
Councillor Tudor Davies – Chair of Regeneration & Environment Scrutiny
John Rogers, Principal Solicitor
David A. Thomas, Senior Policy Officer (Equalities & Welsh Language)
Michael Eedy, Finance Manager
Gail Williams, Interim Monitoring Officer