



CABINET – 31ST JANUARY 2018

SUBJECT: CHILDREN'S BURIAL FEES

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To seek the views of Cabinet on the formal adoption of a Memorandum of Understanding (MoU) between Welsh Government and Local Government across Wales as attached at Appendix 1 to this report. The MoU sets out a consistent approach in relation to children's burial fees.

2. SUMMARY

- 2.1 Members will be aware of the recent campaign led by Carolyn Harris (MP for Swansea East) to abolish charges imposed by local Authorities for the burial and cremation of children.
- 2.2 On the 1st February 2017, Cabinet resolved to remove the interment fee for children up to and including the age of 16 years. However, there would still be costs associated with the purchase of the Exclusive Rights of Burial (ERoB) if chosen by the bereaved family.
- 2.3 On the 18th October 2017, Cabinet resolved that the Authority commits to working closely with Welsh Government on the formation of the MoU in which burial authorities provide a commitment not to charge any fees in relation to the standard burial or cremation of a child which is defined as a person under the age of 18 years. This report now sets out the details in this respect.

3. LINKS TO STRATEGY

- 3.1 The Authority currently has "bronze status" in the "Charter for the Bereaved", which is promoted by the Institute of Cemetery & Crematorium Management (ICCM). The Charter sets out a number of "Rights", which should be available to the bereaved at all times. In addition, it sets out a number of targets to which the Authority should aspire.
- 3.2 The division's aim 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". In July 2017, the Authority was awarded Green Flag status, which is promoted by Keep Wales Tidy for the standard of maintenance and facilities at Brithdir Cemetery.
- 3.3 The Wellbeing of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place seven wellbeing goals and the content of this report links into three i.e. "a more equal Wales, a prosperous Wales and a healthier Wales".

4. THE REPORT

- 4.1 Bereavement services is probably one of the most sensitive frontline services provided by the Authority and deals with circa 750 interments per annum.
- 4.2 The Authority is responsible for the management of ten municipal cemeteries across the county borough. The statutory arrangements for the management of municipal cemeteries is contained in the Local Authorities Cemeteries Order 1977 (LACO).
- 4.3 Article 15(1) of LACO permits local Authorities “to charge such fees as they think proper for or in connection with burials in a cemetery”.
- 4.4 Members will be aware of the recent campaign led by Carolyn Harris (MP for Swansea East) to abolish burial fees for children including fees imposed by Local Authorities. In February this year Cabinet resolved to remove the interment fee for children up to and including the age of 16 years. However, there would still be costs associated with the purchase of the Exclusive Rights of Burial (ERoB) if chosen by the bereaved family.
- 4.5 In October, Cabinet endorsed a commitment to work closely with Welsh Government on the formation of a MoU in respect of children’s burials and that once the final MoU was drafted, a further report to Cabinet would be presented. This report sets out the details in this respect.
- 4.6 Attached at Appendix one is a copy of the MoU signed by Welsh Government, Welsh Local Government Association and One Voice Wales.
- 4.7 The MoU sets out a consistent approach in that a child is defined as a person under the age of 18. It gives a commitment that all standard fees that a burial or cremation Authority may charge in relation to this are waived as outlined below:-
- (i) The cremation of a person under the age of 18;
 - (ii) The interment of a person under the age of 18 years;
 - (iii) The Exclusive Rights of Burial (ERoB) where required;
 - (iv) Any other fees directly relating to the burial or cremation of a person under the age of 18 years such as fees to erect a memorial for example.
- 4.8 Members should note that this does not relate to any wider funeral costs such as flowers, the cost of a memorial or funeral directors fees.
- 4.9 Members will note that the MoU is not open-ended in terms of its duration and that a two year review period has been built in. This will allow Welsh Government to observe the practical effect of the implementation of the MoU and to record any feedback, successful or otherwise of the process.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the wellbeing goals as set out in the Links to Strategy section above.
- (i) A Healthier Wales - If members are minded to remove charges, this will clearly reduce stress on families at probably one of the most difficult time of their lives.
 - (ii) A Prosperous Wales - The removal of charges for children will clearly assist less affluent families with funeral costs.
 - (iii) A More Equal Wales - The removal of the charges for children will give equal access to services for all residents irrespective of wealth.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications associated with this report for any specific groups or individuals therefore a full Equalities Impact Assessment has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 In recognition of the costs to be incurred, Welsh Government has allocated £600,000, which will be apportioned between Local Authorities in Wales who adopt the MoU.
- 7.2 This funding will be transferred via a specific grant to each Local Authority. Welsh Government are currently finalising the grant and will contact each Local Authority in due course with more detailed information. This grant will be available from April 2018 however if interments of children take place between now and the new financial year, Welsh Government will make the grant available where requested, upon the Local Authority providing an outline of the local arrangements or the interim arrangements for the remainder of the year.

8. PERSONNEL IMPLICATIONS

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

9. CONSULTATIONS

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

10. RECOMMENDATIONS

- 10.1 Cabinet agrees that Caerphilly County Borough Council formally adopts the MoU as attached at Appendix 1 to this report.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 That a consistent approach in relation to children's burial and cremation fees is adopted across Wales.

12. STATUTORY POWER

- 12.1 Local Authorities Cemeteries Order 1977.

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Background Papers:
Report to Cabinet on 18th October 2017 – Children's Burial Fees

Appendices:
Appendix 1 - Memorandum of Understanding



Llywodraeth Cymru
Welsh Government



Memorandum of Understanding

1. The Parties

- 1.1 This Memorandum of Understanding (MOU) is between the Welsh Ministers, the Welsh Local Government Association (the WLGA) and One Voice Wales (OVW) (together, "the Parties").
- 1.2 In entering into the arrangements which this MOU describes the WLGA and OVW are respectively representing principal councils and community and town councils in Wales.

2. Purpose

- 2.1 The MOU sets out a fair and consistent approach across Wales to the fees charged by local government for the burial and cremation of children.
- 2.2 This MOU has been prepared in partnership between the Welsh Government, which oversees the strategic policy and funding framework in respect of local government in Wales; and local government burial authorities¹, who provide and maintain cemeteries and crematoria in Wales.

3. A shared commitment

- 3.1 Burial authorities in Wales will not charge any fees in relation to the standard burial or cremation of a child, defined for these purposes as a person under the age of 18.
- 3.2 This commitment applies to standard fees that burial authorities charge relating to:

¹ Under the Local Government Act 1972 a 'burial authority' within Wales is a County or Country Borough Council or a Community or Town Council. In this MOU, "burial authorities" refers to county councils, county borough councils and community and town councils in Wales.

- i. The *cremation* of a person under the age of 18 years (including stillborn and foetal remains);
 - ii. The *interment* of a person under the age of 18 years (including stillborn and foetal remains);
 - iii. The *exclusive right of burial*², where required;
 - iv. Any *other fees* directly relating to the burial or cremation of a person, or the cremated remains of a person, under the age of 18 years (for example, the fees charged for permission to erect a memorial).
- 3.3 Burial authorities will waive the fees described in section 3.1 and 3.2 in all circumstances.
- 3.4 The commitment in this section does not relate to wider funeral costs such as (non exhaustively) the cost of a memorial, funeral director fees, flowers or coffins.

4. Funding

- 4.1 In recognition of the financial implications of waiving the fees described in section 3, the Welsh Government will, while this MOU remains in force, annually make available the sum of £600,000 for allocation among principal councils in Wales that have agreed to comply with the commitment in section 3.
- 4.2 Provision by the Welsh Government of that funding to principal councils is subject to satisfactory grant conditions having first been put in place.
- 4.3 Principal councils will distribute appropriate sums to other burial authorities, and other providers of the relevant services, in their area which have agreed to adopt the commitment set out in section 3.
- 4.4 Principal councils may place such conditions on the provision of that funding to other burial authorities and other providers of the relevant services as they consider appropriate.

² Exclusive Right of Burial ('EROB') means exclusive right, granted by deed, of the registered owner to determine who may be interred in or commemorated on the grave in question; such exclusive rights to be for a limited period which has been determined by the Council



Llywodraeth Cymru
Welsh Government



5. Duration / Review

- 5.1 This MOU may be modified by mutual consent of the Parties, acting via authorised officials.
- 5.2 This MOU shall become effective upon signature on behalf of the Parties and will remain in effect until terminated by any one of the Parties.
- 5.3 Any Party may terminate this MOU by giving at least 3 months notice in writing to each other Party.
- 5.4 The operation of the MOU will be reviewed in advance of the financial year 2020/21.

6. Status of this MOU

- 6.1 This MOU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the Parties from this MOU.

Date: 23/11/2017.

(Cabinet Secretary for Local Government and Public Services, on behalf of the Welsh Government)

Date: 23/11/2017.

(WGLA, representing principal councils in Wales)

Date: 23/11/2017.

(OWW, representing community and town councils in Wales)

