

SUBJECT:	Amendments to the Cemeteries Pricing Policies
MEETING:	Individual Cabinet Member Decision
DATE:	8th MARCH 2017
DIVISION/WARDS AFFECTED:	All

1. PURPOSE

To agree the proposed variations to the current charging structure and processes to provide a more transparent process and provide parity with other local authorities as regards children's burials.

2. RECOMMENDATIONS

- 2.1.1 That the Council withdraws its burial charges for single depth graves for children up to and including the age of 17. In the event that the family request a triple or double depth grave the cost will be apportioned as outlined in Appendix 1. Families will still need to acquire an Exclusive Right to Burial in the event that they wish to display a headstone.
- 2.1.2 The Costs for exhumations will be increased to £250 for cremated remains. Full coffins will be charged on an individual basis to be determined by the actual costs incurred, with a minimum fee of £500.
- 2.1.3 Where a coffin to be buried is in excess of 28 inches wide a double plot will need to be purchased.
- 2.1.4 Exclusive Right to Burial fees increased to £450 for a new issue. Where a transfer is proposed a Statutory Declaration will need to be completed by those requesting the transfer and a fee of £400 paid. This process will need to be completed prior to the burial taking place.
- 2.1.5 That the amended charges are agreed as outlined in Appendix 1.

3. KEY ISSUES

- 3.1 The management of Council cemeteries is undertaken via the powers provided within the Local Authorities Cemeteries Order 1977. Article 15(1) of this Act permits Local Authorities "to charge such fees as they think proper in connection with burials in a cemetery". As a result charges vary between local councils, albeit when setting annual charges we reflect on the approaches of neighbouring authorities, local and national pressures and considerations.

Under 18 burials

- 3.2 Recently significant focus has been placed on the costs of burials for children via a campaign launched by Carolyn Harris MP, who is seeking the removal of burial charges for under 16's. This Council currently has the following charges:

	In County	Out of County
Still born, unviable foetus	No charge	No charge
Children under 5 years of age	No charge	No charge
Persons 5 years or over		
Single Depth	1065	2504
Double Depth	1373	3277
Treble Depth	2198	5337

- 3.3 It is proposed that the burial fees for all under 18's for single depth graves is removed for those living within the County. The family would not need to acquire an Exclusive Right to Burial (at a cost of £450), but without it the burial plot would remain in the ownership of the Council and the family would be unable to erect a headstone or any other form of memorialisation.
- 3.4 If the family wished to buy a double or triple depth plot it is proposed that the cost of the plot be apportioned as follows:

	In County	Out of County
Double Depth	308	3277
Treble Depth	1133	5337

- 3.5 If a family living out of the County at the time of the child's death were able to demonstrate that they had lived within Monmouthshire (as a permanent address) within the last 12 months, they would be eligible for the same fees as those living within the County. Having extended family within the County will not make them eligible for In County fees.

Exhumations

- 3.6 The Council currently charges £80 for the cost of managing and awarding a licence for exhumations. Such procedures are lengthy and incur significant costs in excess of the current levy. It is proposed that for full coffin exhumations the actual costs incurred by the Council are charged to the applicant in line with other charging authorities, the costs would include staff time in obtaining the necessary statutory consents, issuing the licence, arranging and attending the exhumation and liaison with the applicant, their agents and any other third parties. A minimum fee of £500 would be payable at application and any remaining balance would be determined following the conclusion of the proceedings.
- 3.7 The exhumation of cremated remains will be charged at a fixed price of £250.

Coffins with a width in excess of 28 inches

- 3.8 It has become apparent that there is an increasing need to be able to accommodate coffins with a width in excess of 28 inches. Coffins of this size can result in side wall collapse or encroach on the adjacent plot. Where possible we have to date accommodated larger coffins in single plots adjacent to footpaths, however we now need to develop a formal policy to ensure parity in our approach to all burials. It is therefore proposed that from 1st April 2017 any burial that involves a coffin in excess of 28 inches will need to be undertaken in a double plot. This will result in increased charges to the bereaved family, however this will ensure that burials are undertaken in a safe manner without impacting on adjacent plots.

Out of County Fees

- 3.9 The Council has a two tier approach to fees to reflect whether the deceased lived within the County of Monmouthshire (In County) or lived in a different location (Out of County). This two tier approach is consistent with other authorities, however results in the most enquiries and challenges. It is evident that there are some inconsistencies with the approach and therefore it is proposed that the following amendments are made to existing practices;

- If a burial plot is purchased by a Monmouthshire resident who subsequently leaves the County and passes away, the burial costs will be charged at the rate of an In County resident.
- The Armed Forces exemption only applies to the serving individual and their spouse (married or co-habiting partner).
- Those residents that need to move out of county to receive specialist care, e.g. a nursing home or move in with a family member for care support will be eligible for In County rates up to a period of 10 years from the date of moving of the County. Those who move out of County to downsize or be closer to relatives will not be eligible for this exemption.
- When an interment within a grave has occurred, subsequent internments will be undertaken on an In County rate regardless of where the deceased resided.

Exclusive Right to Burials

- 3.10 When someone wishes to buy a plot they are purchasing the Exclusive Rights to Burial (ERB) which gives them ownership of the burial plot for 75 years and enables them to erect a memorial on the plot. The current process results in the ERB on occasions being completed post burial, particularly where a transfer of ERB is required. It is proposed therefore to amend the ERB process as follows which will ensure that all the necessary paperwork is prior to the burial:

- Purchase of a plot – Charge of £450 and ERB issued to applicant.
- Reopen, no transfer of ERB required - no charge. Requires the name of the newly interred deceased to be added to the current ERB and then re-issued to existing holder.
- Reopen, where no ERB currently issued (first issue) - £450. Requires a new ERB to be prepared with all those interred in the grave to be listed and issued to the ERB applicant.
- Reopen, where transfer of ERB required - £400. Requires the name of the newly interred deceased to be added to the current ERB and then re-issued to the new legal owner as per the signed and witnessed Statutory Declaration.

3.11 Adopting the above process will put us in line with other authorities. A copy of the Statutory Declaration form is included in Appendix 2.

4. REASONS

4.1 The Cemetery Service is one of the most sensitive front line services provided by the Council. It is important that we are transparent in all the decisions that we make and that everyone is treated fairly and in accordance with the agreed policies and criteria.

5. RESOURCE IMPLICATIONS

5.1 The removal of burial charges for children 17 and under will result in the loss of revenue income. In the last three financial years the Council has received a cumulative total of £4,969 for children's burial. The uplift of the ERB and exhumation charges will offset the loss of income.

6. FUTURE GENERATIONS EVALUATION

See attached at **APPENDIX A**

7. CONSULTEES

Cabinet Members
SLT
Head of Finance
Head of Legal Services

8. BACKGROUND PAPERS

None

9. AUTHOR:

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Appendix 1

TYPE OF BURIAL	IN COUNTY				OUT OF COUNTY			
	New Burial Incl. ERB Fee £	First Issue of ERB £	No ERB Transfer £	With ERB Transfer £	New Burial Incl. ERB Fee £	First Issue of ERB £	No ERB Transfer £	With ERB Transfer £
INTERMENT IN EARTHEN GRAVE:								
Persons 17 years of age or under:								
Stillborn and non-viable foetuses	No Charge				No Charge			
New Single Depth Grave	450				2504			
New Double Depth Grave	758				3277			
New Treble Depth Grave	1583				5337			
Persons of 18 years of age and over:								
New Single Depth Grave	1138				2577			
New Double Depth Grave	1446				3350			
New Treble Depth Grave	2271				5410			
Re-opened Grave to Single Depth		721	344	637		1646	861	1436
Re-opened grave to Double Depth		996	620	912		2335	1550	2125
New Cremated Remains in G of R	577				1176			
Re-opened Cremated Remains Plot		504	127	420		1103	317	893
Re-opened Full Grave for Cremated Remains		504	127	420		1103	317	893
Cremated Remains in New Full Grave	850				1859			

Appendix 2 – Proposed Statutory Declaration

STATUTORY DECLARATION

DETAILS OF GRAVE

Cemetery: Grave Number:

Grave Owner:

Purchased On:

NAME AND ADDRESS OF SUCCESSOR.....

.....

DO SOLEMNLY AND SINCERELY DECLARE as follows:-

THE GRAVE DEED CANNOT BE PRODUCED BECAUSE:

.....

I WISH TO BE REGISTERED AS THE SUCCESSOR IN TITLE TO THE EXCLUSIVE RIGHTS APPERTAINING TO THE ABOVE GRAVE

THE PREVIOUS OWNER DIED ON:

1. I hereby declare that I am entitled to be named as the successor in title of the registered grave owner for the following reasons: -

.....
.....

2. If any other persons are equally entitled I have obtained their consent that I should be so named.

3. To the best of my knowledge and belief (Name of Grave Owner) have never assigned the benefit of the grave right to any other person or specified any reservation of the grave for any particular person in accordance with item 10(6) in the Local Authorities Cemeteries Order 1977

4. I hereby declare that I will indemnify Blaenau Gwent County Borough Council against all actions, proceeding, demands, costs and expenses of any nature whatsoever (including the exhumation of any burial) “should it be subsequently proved my claim as aforesaid” is unfounded and that I have no title to exercise the Right of Burial in this grave. I am making this declaration believing the same to be true by virtue of the Statutory Declarations Act of 1835.

DECLARED AT

THIS **DAY OF**

IN THE COUNTY OF **BEFORE ME**

SOLICITOR/ COMMISSIONER FOR OATHS- SIGNATURE

OFFICE ADDRESS

SIGNATURE OF APPLICANT

***APPLICANTS ARE REMINDED THAT FAILURE TO COMPLETE THIS DECLARATION TRUTHFULLY
COULD GIVE RISE TO CRIMINAL PROCEEDINGS***