



## Report to Leader (Housing, Homelessness and Regulatory Services portfolio)

**Date:** 17 March 2022

**Ref No:** HR02.22

**Title:** Rules and Regulations, High Wycombe Cemetery and Penn Road Cemetery

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### Recommendations:

- a) To approve the proposed rules and regulations for both High Wycombe Cemetery and Penn Road cemetery.
- b) To approve the revocation of the current rules and regulations in place for High Wycombe Cemetery.

### Reason for decisions:

Section 214 of the Local Government Act 1972 designates councils as burial authorities and enables the provision and maintenance of cemeteries within their area. Burial authorities also have powers under section 266 of the Local Government Act 1972 to make orders, rules and regulations and to vary or revoke any order previously made. The Local Authorities' Cemeteries Order 1977 grants general powers of management to burial authorities to *do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery* (s3(1)). This includes the maintenance and management of graves, removal of memorials and levelling if required.

High Wycombe Cemetery currently has a set of established rules and regulations in place which were previously approved by Wycombe District Council some years ago. The new Penn Road cemetery will operate as part of a combined cemetery facility alongside High Wycombe Cemetery, providing a range of burial provision and space for the High Wycombe town area. Given this it is proposed that the two cemeteries should operate, as far as possible, to the same set of rules and regulations as this will provide consistency for funeral directors and families using both facilities.

A review of the current rules and regulations for High Wycombe Cemetery has been undertaken and a new set of rules and regulations is proposed for both High Wycombe Cemetery and Penn Road Cemetery that is largely the same as those that were previously in place. The proposed Rules and Regulations are attached to this report at appendix 1.

## **1. Content of report**

- 1.1 In 2017 Wycombe District Council approved the allocation of Special Expenses Reserve funding for the development of a new cemetery off Penn Road, High Wycombe following referral from the High Wycombe Town Committee. The new Penn Road cemetery was completed and handed over to Buckinghamshire Council on the 27<sup>th</sup> November 2020. There are several key decisions and operational factors that need to be addressed before the cemetery can open for burials (currently scheduled for 4<sup>th</sup> April 2022). The majority of these have already been reviewed and recommended for approval by High Wycombe Town Committee, including burial arrangements and proposed fees and charges. The remaining item that requires approval are the rules and regulations for the cemeteries made under sections 214 and 266 of the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1977.
- 1.2 The proposed rules and regulations were reviewed by High Wycombe Town Committee at their meeting on the 8<sup>th</sup> March 2022 and no significant changes were required to be made to the proposed regulations. The Committee agreed and recommended the proposed regulations for High Wycombe and Penn Road Cemetery for approval via key decision.
- 1.3 Generally, the proposed changes to the existing regulations are minor and administrative in nature, reflecting changes in the management of the cemeteries by Buckinghamshire Council and new contact and address details.
- 1.4 Other more significant changes are detailed below:
  - 1.4.1 **Child and baby grave sections**

The current rules and regulations prevent the purchase of exclusive rights of burial in the Snowdrop Garden in High Wycombe Cemetery. This prohibition has been removed within the proposed rules and regulations to enable families to purchase exclusive rights of burial for child and baby graves if they wish to do so.

References to the Snowdrop Garden have been removed and replaced with the term 'Child and baby graves section' to enable the rules and regulations to cover provision of these types of burials at both cemeteries
  - 1.4.2 **Topple testing (memorial safety)**

The current rules and regulations for High Wycombe Cemetery state that all memorials will be subject to a topple test to a pressure of 350N/35kg following installation, and that any that fail must be repaired at the owner's expense. Further they state that if the memorial then fails another topple test, the Council reserves the right to make it safe.

In the proposed rules and regulations for both cemeteries the requirement for topple testing has been removed and the rules and regulations clearly state that all installation of and works carried out to memorials must conform to the National Association of Memorial Masons (NAMM) Code of Working Practice 2003 or any subsequent revisions thereto or BS 8415, Monuments within Burial Grounds and Memorial Sites.

This change reflects best practice guidance for operators of burial grounds issued by the Ministry of Justice in 2009 which signified a move away from the use of topple testers to manage memorial safety. The guidance advises *that 'the routine use of mechanical test instruments as inspection tools is not recommended. Results from these instruments are liable to overestimate the actual risk'*. Instead, the guidance states that management of memorial safety should be based on risk assessment, visual inspection and hand testing (carried out by standing to one side of the memorial and applying a firm but steady pressure in different directions to determine to what degree if any the headstone is loose). The guidance states that *'More recent memorials should be designed to British Standard 8415, and the construction, dowels and fixings should be in accordance with the National Association of Memorial Masons (NAMM) Code of Working Practice. Memorials installed to these practices have greater assurance of good stability'* (*Managing the Safety of Burial Ground Memorials, Ministry of Justice, 2009: p8*).

#### 1.4.3 **Kerb sets**

The current rules and regulations for High Wycombe Cemetery prohibit the installation of kerb sets to graves in the lawn sections of the cemetery. It is proposed that this requirement will remain in place for all lawn sections of the cemeteries except for the adult Muslim sections where kerb sets that do not exceed the grave/chamber space will now be permitted. Muslim graves are generally mounded and as such they are not maintained in the same way as other lawn sections of the cemeteries and are mown and managed with hand tools (rather than ride-on equipment). Therefore, the installation of kerb sets to mounded graves does not significantly change the maintenance requirements for these sections. Many of the Muslim graves at High Wycombe Cemetery already have kerb sets installed. The proposed change to the rules and regulations to accommodate kerb sets regularises this going forward.

#### 1.4.4 Regulations relating to Muslim sections

The proposed rules and regulations have a section of regulations relating specifically to Muslim sections of the cemeteries. These have not changed significantly from the current regulations other than to provide clarity on the provisions of kerb sets (see 2.5.3 above). Generally, the rules and regulations mirror the requirements set out for memorials and for lawn sections other than where practices differ e.g., the construction of mounds.

#### 1.4.5 Ashes sanctums

The new Penn Road Cemetery will offer columbarium (ashes sanctums) which are an individual above ground vault for cremated remains. This provision was not previously available at High Wycombe Cemetery, so a new section has been proposed within the rules and regulations to cover this provision.

## 2. Financial implications

There are no direct financial implications as a result of the recommendations within this report. Cemetery fees and charges are available on the Council's website

## 3. Next steps and review

Once taken, this decision will be subject to the normal call-in period. This is the final enabling decision required to allow the new Penn Road cemetery to open for burials, currently scheduled for 4<sup>th</sup> April 2022.

## 4. Background papers

4.1 [Managing the Safety of Burial Ground Memorials, 2009, Ministry of Justice](#)

4.2 Report to High Wycombe Town Committee, 8<sup>th</sup> March 2022

<https://buckinghamshire.moderngov.co.uk/documents/s39621/HW%20PR%20Cemeteries%20Rules%20and%20Regualtions%20v1%20Mar%202022.pdf>

## 5. Your questions and views (for key decisions)

5.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk)