



Fermanagh District Council

Review of the Policy and Procedures for the Operation and Management of Cross Cemetery

Consultation Report

Review of the Policy and Procedures for the Operation and Management of Cross Cemetery

Executive Summary

1. Background

Fermanagh District Council's Environmental Services Committee meeting on 19 July 2011 recommended that a review of the Policy and Procedures for the Operation and Management of Cross Cemetery be carried out, in accordance with a commitment in the original Policy, to carry out such a review within five years. This recommendation was approved.

2. Consultation process

Advertisements were placed in the local press week commencing 25 July 2011. Consultation documents, which were available in alternative formats on request, were made available in the Townhall, Enniskillen, the Council Leisure Centres and were available for download from the Council website. Comments were invited by letter, fax, e-mail, telephone, Textphone or via an on-line questionnaire.

The closing date for responses was Friday, 23 September 2011.

Two consultation meetings were held: one with a Focus Group comprising Undertakers and Clergy and one with the employees responsible for the maintenance of Cross Cemetery.

In addition, a family who had purchased a right of burial at Cross Cemetery had asked to meet the Council and a meeting took place with a representative group of Councillors. The issues discussed at the meeting were also considered as part of the review.

3. Outcome

A representative group of Councillors considered the consultation responses and the range of issues raised. The sub group reviewed the Policy and Procedures for the Operation and Management of Cross Cemetery taking account of the issues raised and made recommendations to the Council's Environmental Services Committee. These recommendations were agreed by the Environmental Services Committee and were then approved at the Council meeting on 9 January 2012.

Some changes have been made to the Policy and Procedures for the Operation and Management of Cross Cemetery. The main changes are as follows:

- Families who purchased a Right of Burial prior to September 2008 were allowed to have an edging, but not a surround, around the plot to delineate the area that they would be responsible for maintaining. This option will now be available for all plots. Therefore, if a family opts to maintain the plot themselves, the Council will install a thin metal edging sunken to ground level around the plot. Families who choose this option will be required to maintain the plot in accordance with the guidance notes that the Council will now produce and in the event that the plot is not maintained to the required standard, the Council will lay amenity turf and maintain the plot thereafter.
- On Council maintained plots, on request, a marble slab will be provided for the purpose of putting flowers/wreaths and mementos thereon. All marble slabs will be required to be sited at the base of the headstone or at the head of the plot if no headstone exists. In a double plot, when the second grave has been opened, an additional marble slab will be provided if required.
- If a family opts to maintain the plot themselves there will be no limit to the number of flowers/wreaths or mementos on the plot provided that these are placed within the supplied edging and do not exceed 500mm in height. If a family opts for the Council to maintain the plot, amenity turf will be laid after 90 days from interment and the number of flowers/wreaths or mementos will be restricted to two if no marble slab is requested or if a marble slab is requested, to the number that can be placed thereon.

In relation to surrounds, the Council has not changed the policy and no surrounds will be permitted in Cross Cemetery.

The revised Policy and Procedures for the Operation and Management of Cross Cemetery will be effective from 1 February 2012 and will be applied retrospectively to all burial plots within the Cemetery.

A booklet containing the revised Rules and Regulations for the Operation and Management of Cross Cemetery and guidance on the standard of care and maintenance required will now be printed and distributed to Undertakers. The document will be available on the Council website from 1 February 2012.

Review of the Policy and Procedures for the Operation and Management of Cross Cemetery

Consultation Report

1. Background

Fermanagh District Council's Environmental Services Committee meeting on 19 July 2011 recommended that a review of the Policy and Procedures for the Operation and Management of Cross Cemetery be carried out in accordance with a commitment in the original Policy to carry out such a review within five years. This recommendation was approved.

At a meeting of the Environmental Services Committee on 13 December 2011, the Committee considered the range of issues raised during the consultation and agreed a series of recommendations which were approved at the Council meeting on 9 January 2012.

2. Consultation Process

Advertisements were placed in the local press week commencing 25 July 2011. Consultation documents, which were available in alternative formats on request, were made available in the Townhall, Enniskillen, the Council Leisure Centres and were available for download from the Council website. Comments were invited by letter, fax, e-mail, telephone, Textphone or via an on-line questionnaire.

The closing date for comments was Friday, 23 September 2011.

Two consultation meetings were held: one with a Focus Group comprising Undertakers and Clergy and one with the employees responsible for the maintenance of Cross Cemetery.

In addition, a family who had purchased a right of burial at Cross Cemetery had asked to meet the Council and a meeting took place with a representative group of Councillors. The issues discussed at the meeting were also considered as part of the review.

3. Responses to Consultation

3.1 Public Consultation Exercise

183 Consultation packs were sent to existing Owners of a Right of Burial in Cross Cemetery of which 45 completed questionnaires were returned. In addition, 81 consultation questionnaires were completed and returned by members of the public.

3.2 Meeting with Focus Group

Letters were sent to 19 Undertakers and 14 Members of the Clergy, inviting them to a meeting at the Ardhowen Theatre, Enniskillen on 20 September 2011. Five Undertakers and 2 Members of the Clergy attended.

3.3 Meeting with Council Employees responsible for the maintenance of Cross Cemetery

A meeting took place on 22 September 2011 between the Director of Technical Services and the employees responsible for the maintenance of Cross Cemetery.

3.4 Meeting with Family

A family, who had purchased a right of burial at Cross Cemetery, asked to meet the Council and a meeting took place with a representative group of Councillors. The issues discussed at the meeting were also considered as part of the review. The family also responded formally to the consultation exercise.

Summary of Major Issues Raised in the Public Consultation Exercise

A summary of the major issues raised during the public consultation exercise is included in the table on page 9 of this report and these are considered in section 6 of the report.

4. Consideration by Councillors of Results of the Consultation Exercise

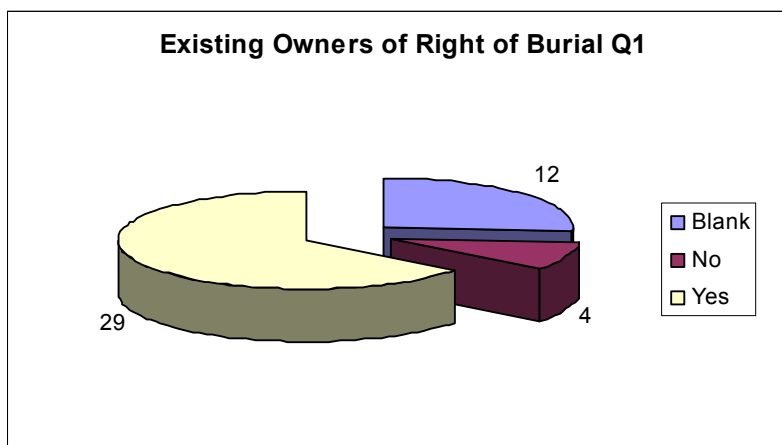
On 25 October 2011 a representative group of Councillors met to consider the outcomes of the consultation exercise and to make recommendations for consideration by the Environmental Services Committee on 8 November 2011. The Environmental Services Committee on 8 November 2011 deferred consideration of the matter until the December Environmental Services Committee meeting pending further analysis of the consultation responses.

On 6 December 2011 a representative group of Councillors met again to further consider the outcomes of the consultation exercise and made recommendations for consideration by the Environmental Services Committee on 13 December 2011.

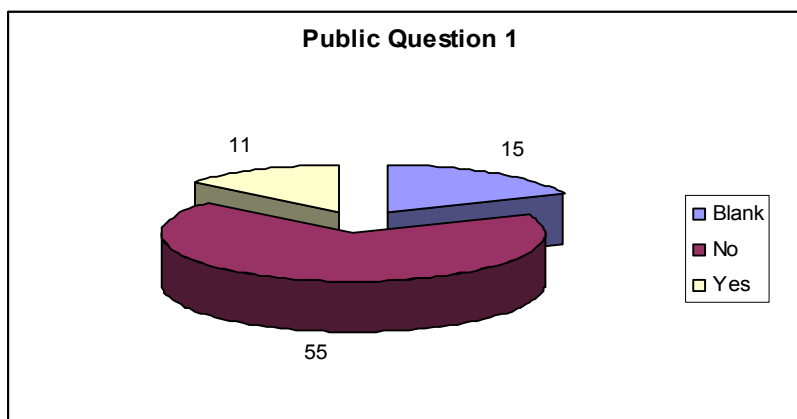
These recommendations were agreed by the Environmental Services Committee and were approved at the Council meeting on 9 January 2012.

5. Results of Public Consultation Exercise

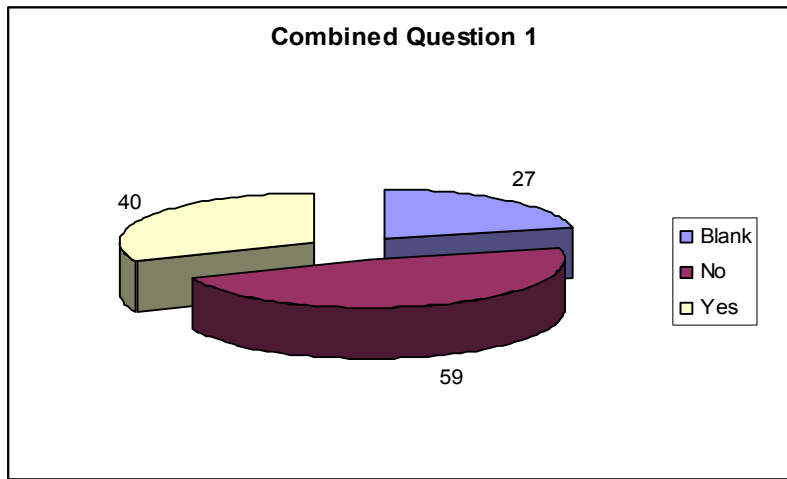
Question 1. In relation to the Policy do you agree that the Guiding Principles are appropriate to deliver the overall aim of the policy? If not, why and can you tell us what you think that they should say? Are there any other principles that should be included, or you feel are important?



The Consultation document was sent to all 183 existing Owners of a Right of Burial at Cross Cemetery and 45 completed responses were received. Of the completed responses, 64.4% were satisfied with the policy, 8.9% were dissatisfied and 26.7% left the comments box blank.

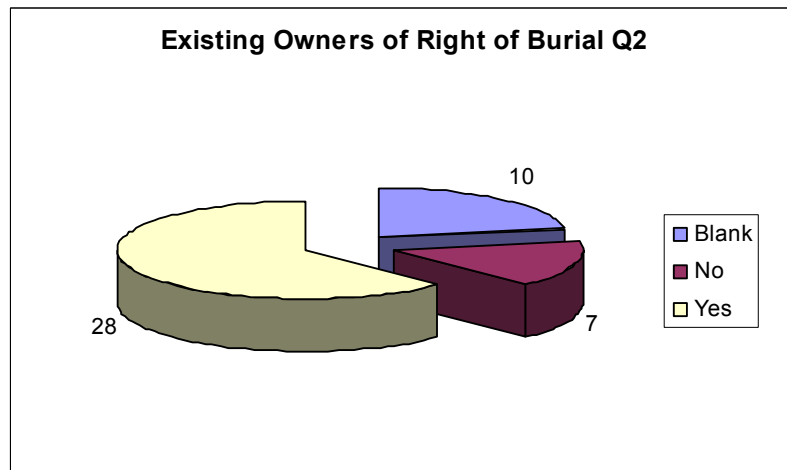


Of the 81 completed responses received from members of the public, 13.6% were satisfied with the policy, 67.9% were dissatisfied and 18.5% left the comments box blank.

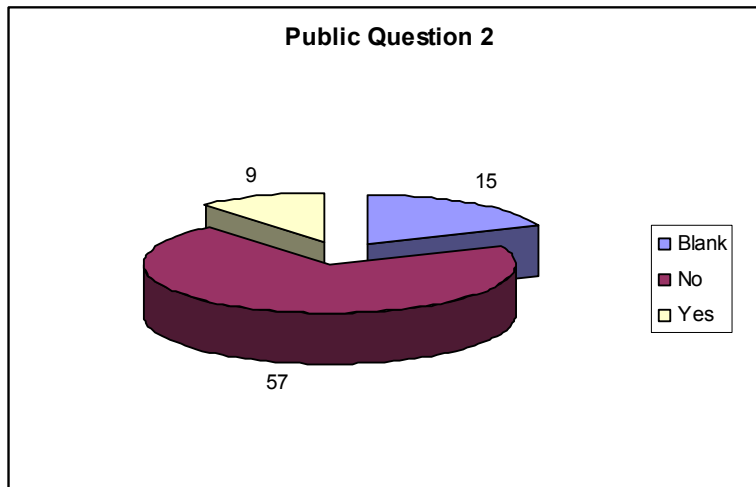


Of the 126 completed responses received from both existing Owners of a Right of Burial at Cross Cemetery and from members of the public, 31.8% were satisfied with the policy, 46.8% were dissatisfied and 21.4% left the comments box blank.

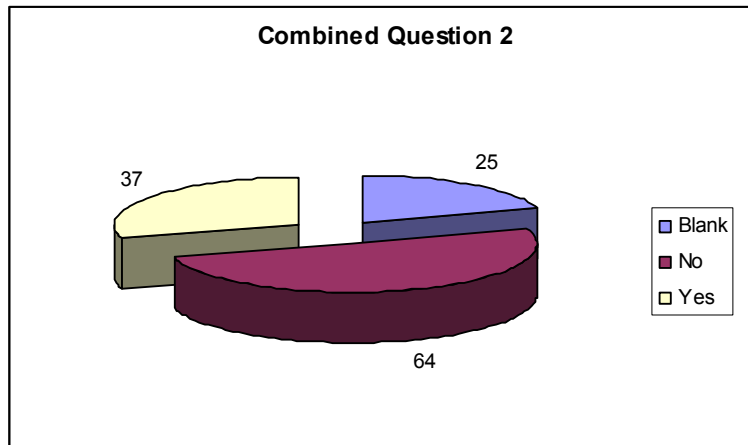
Question 2. In relation to the Rules and Regulations do you agree with the requirements as stated? If not, can you tell us why? Are there other aspects we should consider, or that you feel are important?



The Consultation document was sent to all 183 existing Owners of a Right of Burial and 45 completed responses were received. Of the completed responses, 62.2% were satisfied with the policy, 15.6% were dissatisfied and 22.2% left the comments box blank.



Of the 81 completed responses received from members of the public, 11.1% were satisfied with the policy, 70.4% were dissatisfied and 18.5% left the comments box blank.



Of the 126 completed responses received from both existing Owners of a Right of Burial and from members of the public, 29.4% were satisfied with the policy, 50.8% were dissatisfied and 19.8% left the comments box blank.

Question 3. Are there any additional comments which you wish to make which you feel may help us review the policy and procedures?

The issues raised in response to Question 3 were similar to those raised in relation to Questions 1 and 2. In the analysis below, the data reflects the number of people who raised a particular issue expressed as a percentage of the total number of respondents in a particular category.

Summary of Major Issues Raised in the Public Consultation Exercise

Issue	Owners of a Right of Burial		Public		Combined	
	No of people raising issue	Percentage of respondent (45)	No of people raising issue	Percentage of respondent (81)	No of people raising issue	Percentage of respondent (126)
Choice	3	6.7%	42	51.4%	45	35.7%
Surrounds	4	8.9%	33	40.7%	37	29.4%
Ownership			10	12.3%	10	7.9%
Differential Treatment	1	2.2%	9	11.1%	10	7.9%
Wreaths/Flowers	2	4.4%	9	11.1%	11	8.7%
Equality			9	11.1%	9	7.1%
Care/Maintenance			6	7.4%	6	4.8%
Explanation of Rules			3	3.7%	3	2.4%
Segregation	2	4.4%			2	1.6%

The Equality Monitoring Statistics indicate that responses were received from representatives of each of the Section 75 categories. (Appendix A).

6. Major Issues Raised

A. Consultation with existing Owners of a Right of Burial and with Members of the Public

1. Issue: Surrounds - raised by 37 of the 126 respondents (29.4%)

Summary

Respondents requested that families be allowed to erect surrounds around the plot.

Current Position

The Policy stated that no surrounds would be permitted.

Members considered that 29% of respondents were in favour of surrounds. Members also considered issues pertaining to the topography of the site, health and safety considerations, the general appearance of the site and the ability to maintain the cemetery to a high standard. In relation to health and safety, the concern was that whilst the headstone was on a continuous plinth the surround would not be, thereby adversely affecting the stability of the ground during excavation operations. The majority of excavations are undertaken mechanically and finished off manually. There was also concern about the potential for damage to surrounds during excavation in addition to the health and safety concerns.

Recommendation to the Council: That the present policy continued and that no surrounds would be permitted.

2. Issue: Differential treatment raised by 10 of the 126 respondents (7.9%)

Summary

Respondents felt there was a differential treatment afforded to the families of those buried before September 2008 and families were not given a choice to maintain the plot themselves since September 2008.

Current Position

Families who purchased a Right of Burial between February 2006 and September 2008 were allowed to have an edging, but not a surround, and had the option to maintain the plot themselves. This was on the basis that the Council had failed to erect an information sign in the Cemetery with the Rules and Regulations displayed.

3. Issue: Choice raised by 45 of the 126 respondents (35.7%)

Summary

Respondents requested that each family be given a choice as to whether or not to maintain the plot themselves.

Current Position

Cross Cemetery is operated as a lawn cemetery and based on a decision taken in September 2008, only those families who had purchased a right of burial prior to this date had a choice whether to maintain the plot themselves.

Members considered that it would always be difficult to apply the Rules and Regulations when there was a differential treatment afforded to some families.

Recommendation to the Council: That the existing policy be amended to afford families the opportunity to maintain the plot within a Council installed thin metal edging sunken to ground level. In the event that plots were not maintained to the required standard, the Council would lay amenity turf and maintain the plot thereafter.

4. Issue: Ownership raised by 10 of the 126 respondents (7.9%)

Summary

Respondents felt that families owned the plot.

Current Position

The Rules refer to "Ownership of the Right of Burial".

Members agreed that it was important that the rules were clear in this regard.

Recommendation to the Council: That the present policy continued with the rule reconfirmed as "Purchase of a Right of Burial".

5. Issue: Wreaths/Flowers raised by 11 of the 126 respondents (8.7%)

Summary

Respondents requested the right to leave more than one floral tribute on each plot. They also felt that wreaths should not be removed after 90 days.

Current Position

The Rules stated that all but one floral display, wreath or memento would be removed by the Council after 90 days, after which time amenity turf would be laid.

Members considered issues relating to the restriction on the number of floral tributes on each plot and the placing of the tributes on a marble slab, together with the importance of siting the slab at the base of the headstone on those graves maintained by the Council.

Recommendation to the Council: That where the Council maintained the plot, after a period of 90 days from date of interment, floral tributes or mementos must be placed on the Council supplied slab , or if no slab was requested the tributes/mementos would be restricted to two. Where the plot was maintained by the family, all tributes/mementos must be placed within the supplied edging, with the Council having the right to remove such tributes/mementos and turf over the plot if upkeep was not to the required standard. Planting would not be permitted within the edged plot except in a pot. The planting, inclusive of pot, should not exceed 500mm above plot surface level. No other item or memento should exceed 500mm in height.

6. Issue: Equality raised by 9 of the 126 respondents (7.1%)	
Summary	Current Position
Respondents stated that the implementation of the current rules led to inequality.	The Policy for the Operation and Management of Cross Cemetery was subjected to an Equality Impact Assessment in 2004. No adverse impacts were identified for any of the Section 75 groups.
Members clarified the position that equality considerations appertained to the operation of the Policy for the Operation and Management of Cross Cemetery only. Consequently, equality issues pertaining to the policy in any other cemetery were not relevant and therefore no adverse impacts existed for any of the Section 75 groups.	
Recommendation to the Council: That since there had been no change in general policy, no Section 75 grouping was adversely affected.	
7. Issue: Care/Maintenance raised by 6 of the 126 respondents (4.8%)	
Summary	Current Position
Respondents had concerns about the way in which the plots were maintained, with particular regard to employees or machinery moving over plots.	Those plots which had amenity turf placed over them were maintained by employees of the Council. It was necessary for employees and machinery to move over these plots during the maintenance process. In relation to those plots, maintained by the families, there was no need for employees and/or machinery to move over them.
Recommendation to the Council: The Council recognised that those employed in cemeteries were required to carry out their duties with due regard to the sensitivities relating to the treatment of plots and the respect to be afforded to the deceased.	
8. Issue: Explanation of Rules raised by 3 of the 126 respondents (2.4%)	
Summary	Current Position
Rules are explained to bereaved families too early in the grieving process and Undertakers should not have responsibility for explaining the rules at the time of bereavement.	The Council approved the Rules and Regulations. The Undertakers had been briefed on their contents and were responsible for the funeral arrangements, acting on behalf of the bereaved families. As most burials took place within two days of death, it was not possible to defer the

	<p>explanation of the Rules. Undertakers had a professional duty of care to the bereaved families to ensure that the Rules and Regulations had been properly explained to families and that they fully understood them.</p>
<p>Members recognised that, somewhere between the time of death and interment, the Rules and Regulations for the Cemetery had to be communicated to the bereaved family. Agreement to the purchase of a right of burial could only be given when the family indicated that they understood the Rules and Regulations and agreed to abide by them.</p> <p>Recommendation to the Council: That the present policy continued where the Undertaker had a professional duty of care to explain the Cemetery Rules and Regulations before the burial could take place.</p>	
<p>9. Issue: Segregation raised by 2 of the 126 respondents (1.6%)</p>	
<p>Summary</p>	<p>Current Position</p>
<p>Respondents felt that there should not be a separate section for Roman Catholic burials.</p>	<p>Prior to the Policy being approved, there was a request for a dedicated area for Roman Catholic burials, based on a religious belief specific to the Roman Catholic faith.</p>
<p>Members took note of the fact that the original request to provide a dedicated area for Roman Catholic burials had come from the Church itself and that, because it was based on religious belief, non-compliance with the request would have given rise to an equality issue.</p> <p>Recommendation to the Council: That the present policy continued whereby separate sections remained.</p>	

B. Consultation with Clergy and Undertakers

10. Issue: Children's Plots	
Summary	Current Position
In the context that families were not permitted to maintain a plot themselves, there was general agreement that the introduction of children's plots in Cross Cemetery would be welcome.	Children's Plots are offered in Breandrum Cemetery only and not in Cross Cemetery.
Members considered that, if it was agreed that families could maintain their own plots, there would not be a need to make children's plots available in Cross Cemetery.	
Recommendation to the Council: That the present policy remained whereby children's plots would still be offered as long as space permitted in Breandrum Cemetery and that in Cross Cemetery children would be buried in adult plots.	

C. Consultation with Council Employees responsible for the maintenance of Cross Cemetery

11. Issue: Slabs	
Summary	Current Position
The employees expressed concern in relation to the positioning of slabs on plots, and questioned whether two slabs should be permitted on a double plot.	Slabs should be sited at the base of the headstone, but some were placed in the middle of the plot and presented a slip hazard to anyone maintaining the plot.
Members considered updating the Rules to permit two slabs for double plots and that they be sited at the base of the headstone.	
Recommendation to the Council: That marble slabs provided be positioned at the base of the headstone or, where no headstone existed, at the head of the plot. In the case of double plots an additional marble slab would be provided, if requested when the second grave was opened.	

7. Outcome

Following consideration of the responses which were made during the consultation exercise, the Environmental Services Committee at its meeting on 13 December 2011 agreed the recommendations made by the representative groups of Councillors, which were then approved at the full Council meeting on 9 January 2012.

The Policy and Procedures for the Operation and Management of Cross Cemetery will be amended accordingly with effect from 1 February 2012 and will be applied retrospectively to all burial plots within Cross Cemetery.

A booklet containing the revised Rules and Regulations for the Operation and Management of Cross Cemetery and guidance on the standard of care and maintenance required, will be printed before the end of January 2012 and distributed to Undertakers. The document will be available on the Council website from 1 February 2012.

Equality Monitoring Statistics

