

 <b>Executive – 4 June 2008</b>		<b>Agenda Item No.</b>
<b>Title</b>	Review of the Cemeteries Regulations	
<b>For further information about this report please contact</b>	Councillor Heath (Chair of the Task and Finish Group)  Nigel Bishop	
<b>Service Area</b>	Culture	
<b>Wards of the District directly affected</b>	Kenilworth St John's, Warwick North, Leamington Milverton and Leamington Brunswick	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Culture and Social Policy Committee – March 2008 Minute Number 1000	
<b>Background Papers</b>	Culture and Social Policy Committee – December 2007, February & March 2008	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes

Officer/Councillor Approval		
With regard to officer approval all reports <u>must</u> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	13.05.08	Mary Hawkins
Chief Executive		n/a
CMT	15.05.08	
Section 151 Officer		
Legal	13.05.08	Simon Best
Finance	13.05.08	Marcus Miskinis
Portfolio Holders	13.05.08	Councillor Chris White
Consultation Undertaken		
Undertakers and Town/Parish Councils in the District have been consulted on the proposed new regulations		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

## **1. SUMMARY**

- 1.1 The regulations for cemeteries in Warwick District have been reviewed by a Task and Finish Group, consisting of Councillors Mrs Blacklock, Heath and Mrs Higgins, following a request from the Culture and Social Policy Committee in December 2007.

## **2. RECOMMENDATIONS**

- 2.1 The draft regulations, as detailed in appendix '1' to the report, be approved; and
- 2.2 The regulations not be adopted as by-laws, but they be enforced through the internal procedures Warwick District Council have as landlord of the cemeteries.

## **3. REASONS FOR THE RECOMMENDATIONS**

- 3.1 Considering the age of the regulations, the Culture and Social Policy Committee considered it prudent to review them to ensure that they were up-to-date and meaningful and a Task and Finish Group consisting of Councillors Mrs Blacklock, Heath, Mrs Higgins was formed.
- 3.2 Following advice from Legal Services, the group agreed that the regulations should not be adopted as by-laws, but they be enforced through the internal procedures Warwick District Council have as landlord of the cemeteries. By-laws are time consuming and involve a lot of work. The penalties for breach of a by-law are nominal and it was felt that the Council's rights as landowners would be sufficient to enforce the regulations. Therefore, it was decided that the amount of time and money involved in introducing a by-law was not justified in this instance.

## **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The alternative option is to not amend the regulations and continue to apply the existing ones. However, this is not a viable option as the current regulations are out of date and do not reflect the current working practices.

## **5. BUDGETARY FRAMEWORK**

- 5.1 There is no impact on the budgetary framework.

## **6. POLICY FRAMEWORK**

- 6.1 There is no impact on the policy framework.

## **7. BACKGROUND**

- 7.1 Warwick District Council (WDC) has four cemeteries within the District, Kenilworth Cemetery, Leamington/Whitnash Cemetery, Milverton Cemetery and Warwick Cemetery.
- 7.2 Following a complaint which Councillor Kirton had received with regard to the regulations governing WDC cemeteries, a report was submitted to Culture and Social Policy Committee in December 2007 asking for a Task and Finish Group to be established to review the regulations.

- 7.3 The Task and Finish Group met on three occasions and one of these meetings also included a site visit Kenilworth Cemetery, Leamington/Whitnash Cemetery and Warwick Cemetery.
- 7.4 The group reviewed the current regulations, with the assistance of officers from Culture, Members' Services and Legal Services and made amendments to them where necessary. The amended regulations are detailed in appendix 1 to the report, and a list of the main changes are detailed in appendix 2 to the report.
- 7.5 The amended regulations, if adopted, also apply to the crematorium site and specific regulations are applied to the natural woodland burial site at Oakley Wood.
- 7.6 The review does not cover the seven closed church yards maintained by the district council as the regulations do not cover these.