



Agenda for Cabinet Wednesday, 27th March, 2024, 5.00 pm

Members of Cabinet

Councillors: M Rixson, G Jung, D Ledger, M Hall, O Davey, S Jackson, J Loudoun, N Hookway, P Arnott (Chair) and P Hayward (Vice-Chair)

Venue: Council Chamber, Blackdown House, Honiton. Please note earlier start time.

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Tuesday, 19 March 2024

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This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

- 1 Minutes of the previous meeting (Pages 3 - 9)
- 2 Apologies
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Public speaking
Information on [public speaking is available online](#)
- 5 Matters of urgency
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)
To agree any items to be dealt with after the public (including the Press) have been excluded. There are two items which officers recommend should be dealt with in this way.
- 7 Minutes of Strategic Planning Committee held on 5 March 2024 (Pages 10 - 18)

Key Matters for Decision

- 8 Devon Place Board (Pages 19 - 21)

Matters for Decision

- 9 **Leisure and sports pitches requirements** (Pages 22 - 30)
- 10 **Combined Regulations for the Management and Control of EDDC Cemeteries** (Pages 31 - 99)
- 11 **Councillor DBS checks and Safeguarding Protocol** (Pages 100 - 108)
- 12 **Building Safety Regulator Recharges for Building Control Consultancy Services** (Pages 109 - 111)
- 13 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

The Vice Chair to move the following:

“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

Part B Matters for Decision

- 14 Feniton Flood Alleviation Scheme - entering Consultant Contract above £100k (Pages 112 - 115)
- 15 Boiler Trial - Project Review (Pages 116 - 144)

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 28 February 2024

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.34 pm

141 Minutes of the previous meeting

The minutes of the previous meeting of Cabinet held on 31 January 2024 were agreed.

142 Declarations of interest

Min 149. Minutes of Placemaking in Exmouth Town and Seafront Group held on 23 January 2024.

Councillor Nick Hookway, Affects Non-registerable Interest, Is an Exmouth Town Councillor.

Min 149. Minutes of Placemaking in Exmouth Town and Seafront Group held on 23 January 2024.

Councillor Olly Davey, Affects Non-registerable Interest, Is an Exmouth Town Councillor.

143 Public speaking

There were no members of the public wishing to speak.

144 Matters of urgency

There were none.

145 Confidential/exempt item(s)

There were none.

146 Minutes of Strata Joint Scrutiny Committee held on 16 January 2024

Members agreed to note the Minutes of Strata Joint Scrutiny Committee held on 16 January 2024.

147 Minutes of Strata Joint Executive Committee held on 30 January 2024

Members agreed to note the Minutes and recommendation of Strata Joint Executive Committee held on 30 January 2024.

Minute 18 - 2024/25 STRATA BUSINESS PLAN

that the Business Plan be approved by the partner Councils.

148 **Minutes of Overview Committee held on 18 January 2024**

Members agreed to note the Minutes and recommendations of Overview Committee held on 18 January 2024.

Minute 31 Beach Amenity Development Plan

1. That the Beach Amenity Development Plan be approved.
2. That consideration be given to improving the process for applying for concessions and activities on EDDC managed beaches.

149 **Minutes of Placemaking in Exmouth Town and Seafront Group held on 23 January 2024**

Members agreed to note the Minutes and recommendations of Placemaking in Exmouth Town and Seafront Group held on 23 January 2024.

Minute 22 Formation of a Subgroup and amending the Terms of Reference for the Placemaking in Exmouth Town and Seafront Group

1. To adopt the draft Terms of Reference for the formation of the Placemaking in Exmouth Town and Seafront Subgroup with the addition of the Exmouth Town Clerk on the membership as a non-voting member.
2. That the Council write on behalf of the Leader to invite nominees from both Devon County Council and Exmouth Town Council to sit on the subgroup.
3. To adopt the revised Terms of Reference for the Placemaking in Exmouth Town and Seafront Group under the review clause set out in the paper of the 3rd May 2022.

150 **Minutes of Scrutiny Committee held on 24 January 2024**

Members agreed to note the Minutes of Scrutiny Committee held on 24 January 2024.

151 **Minutes of Scrutiny Committee held on 1 February 2024**

Members agreed to note the Minutes of Scrutiny Committee held on 1 February 2024.

152 **Minutes of Recycling and Waste Partnership Board held on 31 January 2024**

Members agreed to note the Minutes of Recycling and Waste Partnership Board held on 31 January 2024.

153 **Minutes of Extraordinary Scrutiny Committee meeting held on 15 February 2024**

Members agreed to note the Minutes and recommendations of Extraordinary Scrutiny Committee meeting held on 15 February 2024.

The Chair wished to thank the Scrutiny Committee for their work with South West Water.

Minute 80: To agree the minutes of the virtual consultative meeting held on 1 February 2024 and to ratify the recommendations contained therein

1. A meeting be arranged between South West Water and EDDC Environmental Health Officers.
2. A meeting be arranged between the relevant officers from South West Water and EDDC Planning Officers, to possibly include the Chair of the Planning Committee, the Chair of the Strategic Planning Committee, the Leader of the Council and Cllr Mike Howe, to discuss planning matters.
3. A Task and Finish Forum be scoped to consider sewerage issues.
4. The Corporate Lead for Communications, Digital Services and Engagement works with South West Water to put in place a communications process to enable EDDC Members to be fully informed and obtain information relating to their wards.
5. South West Water be invited back to a Scrutiny Committee meeting in six months' time, with the relevant technical staff attending who are able to answer the type of questions raised previously and any outstanding questions from the meeting held on 1 February.
6. The Leader of the Council lobbies central Government with regard to sewerage issues.
7. MPs be asked to continue to engage with South West Water to resolve water and sewerage issues.

154 **Minutes of Extraordinary joint meeting of Overview Committee, Scrutiny Committee and Housing Review Board held on 15 February 2024**

Members agreed to note the Minutes of the Extraordinary joint meeting of Overview Committee, Scrutiny Committee and Housing Review Board held on 15 February 2024.

155 **Proposed Devolution Deal for Devon and Torbay**

The Assistant Director Growth, Development & Prosperity updated Members to proposals to negotiate a devolution deal with government for the Devon, Plymouth and Torbay area. This was prompted by the publication of the Levelling Up White Paper, passage of the Levelling Up and Regeneration Act and subsequent potential to progress a Level 2 deal which would result in the establishment of a Combined County Authority without an elected Mayor.

These negotiations had now concluded, and the proposed offer of a deal had been published for a 6-week consultation period running until the 24 March 2024. It was important to note that the geographical scope no longer included the Plymouth administrative area.

Discussions included the following.

- How would a joint scrutiny work?
- Why should we accept a limited influence as a district council. Districts want to be part of the process.

- EDDC should ask to lead on the work concerning the governance arrangements.
- Can we stay as we are?
- There was nothing to lose going ahead with this and could gain more funding.
- EDDC would be the junior partners with the possible opportunity for extra funding and other services/provisions, however this was not for the whole of Devon.
- Concern over accountability and democracy as EDDC would not have any voting strength.
- This felt like a power-grab and cannot understand why Exeter City Council were not included. Devon was too big and economically diverse for not all councils to be included. Why would Torbay get more of the 'slice'?
- Tourism needs to be linked with culture.
- Concern for future of leisure services, adult social care, libraries and health and well-being services.
- This felt like a fundamentally irrational approach.
- The need for evidence of a cost-benefit analysis and business case. £16m sounded a lot but not once it had been distributed between the new Devon & Torbay Combined County Authority.
- Looks good on paper but its needs to be beneficial to East Devon.
- There was a democratic deficit and EDDC were just a consultee.
- The need to approach with caution. Could be taking possible funding by giving up our democratic right – felt very one-sided.
- What were the views of other district councils? There should be one collective response from Team Devon.
- There were still a lot of questions to be answered while having to put much trust into this. Seems like a bit of a promise. What is the long-term benefit.
- We would lose the opportunity to put bids in for further funding for ourselves.
- The challenge was the likelihood of a different Government before this goes live.
- How can we influence the consultation with our concerns?
- This was about devolution, how was Devon going to do this?
- There should be an equitable funding split on population size between the authorities, with the larger proportion going to Devon.
- CCA needs to prioritise business certainty and promote 'green' jobs.

RESOLVED:

That Cabinet;

1. Notes the publication of the proposed offer of a Devolution Deal for Devon and Torbay and the key issues arising from the proposals.
2. Gives delegated authority to the Interim Chief Executives in consultation the Leader and Portfolio Holder for Council and Corporate Co-ordination to agree a consultation response that addresses these key issues and reflects those that have been expressed by Members.
3. Liaise with other Devon District Councils to seek to obtain as much commonality as possible within the responses to the consultation.
4. Request that officers seek further information about proposals relating to the involvement of the Office of the Police and Crime Commissioner (OPCC) and what implications of those proposals might be, and to clarify the intentions for the two unallocated non constitute member seats.

REASON:

To ensure that the key issues for the District were identified and fed in to the consultation exercise for the Devolution Deal and subsequent likely establishment of a Combined County Authority.

156 **Exmouth Emergency Wall Project update**

The Assistant Director StreetScene informed Members that due to just receiving new costings for this project, that this item be deferred to the Council meeting being held on 6 March 2024.

157 **Beach Amenity Development Plan**

The Beach Amenity Development Plan (BADP) was a missing piece in the council's adopted greenspace strategy. East Devon's beaches were a core part of the district's tourism offer and central to the delivery of key parts of the council plan and the climate change strategy. The BADP set out an ambitious yet achievable vision of how this key resource would be managed in the next 5 years.

RESOLVED:

That the Beach Amenity Management Plan be approved.

REASON:

As per the summary work was essential to delivery of the council plan and key policies.

158 **Financial Monitoring Report 2023/24 - Month 9 December**

This report gives a summary of the Council's overall financial position for 2023/24 at the end of month nine (31 December 2023).

Current monitoring indicated that:

- The General Fund Balance was being maintained within the adopted levels. Forecasts indicated a favourable position of £54k was predicted. EDDC continue to see a significant favourable position in treasury management interest; however, this had largely been offset by adverse positions on the Refuse & Recycling contract, Housing Benefit overpayments as well as an overspend on emergency accommodation. These had been monitored closely throughout the year and all were reflected in increased 2024/25 budgets.
- The Housing Revenue Account Balance was being maintained at or above the adopted level.

RESOLVED:

That the variances identified as part of the Revenue and Capital Monitoring process up to Month 9 be noted.

REASON:

The report updated Members on the overall financial position of the Authority at set periods and included recommendations where corrective action was required for the remainder of the financial year.

159 **Armed Forces Covenant**

The Corporate Lead – Human Resources provided information on the legal and other considerations relating to armed forces personnel and the Armed Forces Covenant. It advised on current practice and proposed future actions. The Council Plan work would assist the Council in identifying potential other actions that could be taken to support its

commitment. The Covenant would be kept under regular review. The report had been written in liaison with the Council's Member Champion for the Armed Forces, Councillor Vicky Johns. Cllr Johns wished it stated that it was important that EDDC focus on this matter especially recognising the high numbers of serving or had-served personnel living in the district.

Once the Covenant has been updated and published, it was recommended that the Council sign up to the Defence Employers Recognition Scheme, auditing itself against the Scheme's requirements to determine whether it was at Bronze, Silver or Gold standard (an initial assessment suggested EDDC were already at Bronze level). Once the updated Covenant was published, the Council would actively engage in more events and activities to promote the Covenant and actions to support the armed forces community. If agreed, an official signing ceremony would be held, in liaison with the Ministry of Defence.

RESOLVED:

That Cabinet:

1. Note the actions already in place and being progressed to ensure that the Council meets its legal obligation to have due regard to armed forces personnel when carrying out healthcare, housing and education functions, particularly with regard to the completion of impact assessments.
2. Approve the proposed further actions that EDDC could take.
3. Agree to implement an updated Armed Forces Covenant for EDDC.
4. Agree that the EDDC becomes a member of the discretionary Defence Employer Recognition Scheme.
5. Support the council's active engagement in Armed Forces Covenant activity in Devon.

REASON:

The Council had a legal duty to have due regard to armed forces personnel when carrying out healthcare, housing and education functions. It was also helpful to review the support offered to armed forces personnel, which included reviewing the Armed Forces Covenant and considering membership of the Defence Employer Recognition Scheme.

Attendance List

Present:

Portfolio Holders

M Rixson	Portfolio Holder Climate Action & Emergency Response
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Sustainable Homes & Communities
O Davey	Portfolio Holder Strategic Planning
S Jackson	Portfolio Holder Communications and Democracy
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
N Hookway	Portfolio Holder Culture, Leisure, Sport and Tourism
P Arnott	Leader of the Council
P Hayward	Deputy Leader and Portfolio Holder Finance (Assets)

Cabinet apologies:

M Hall	Portfolio Holder Economy
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Also present (for some or all the meeting)

Councillor Brian Bailey
Councillor Ian Barlow
Councillor Kim Bloxham
Councillor Colin Brown
Councillor Jenny Brown
Councillor Roy Collins
Councillor Peter Faithfull
Councillor Mike Goodman
Councillor John Heath
Councillor Richard Jefferies
Councillor Todd Olive

Also present:

Officers:

Peter Blyth, Beach Safety Officer
Tim Child, Assistant Director Place, Assets & Commercialisation
Amanda Coombes, Democratic Services Officer
Simon Davey, Director of Finance
Joanna Fellows, Corporate Lead - HR and Payroll
Andrew Hancock, Assistant Director StreetScene
Tracy Hendren, Director of Housing, Health and Environment
Andrew Hopkins, Corporate Lead - Communications, Digital Services and Engagement
John Symes, Finance Manager
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)
Andrew Wood, Assistant Director Growth Development and Prosperity

Chair

Date:

Recommendation for Cabinet consideration from the meeting of the Strategic Planning Committee on 5 March 2024

Minute 77: East Devon Playing Pitch Strategy

RECOMMEND TO CABINET:

That Strategic Planning Committee recommend the Council should play a role in the delivery and enhancement of the playing pitch provision within the district and that resources should be put in place to enable this work.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 5 March 2024

Attendance list at end of document

The meeting started at 10.00 am and ended at 1.20 pm. A brief adjournment took place at 11.57 am reconvening at 12.13 pm.

69 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 13 February 2024 were confirmed as a true record.

70 Declarations of interest

There were no declarations of interests.

71 Public speaking

There were no members of the public that wished to speak.

72 Matters of urgency

There were no matters of urgency.

73 Confidential/exempt item(s)

There were no confidential or exempt items.

74 Local Plan Timetable Update Report

The Committee considered the Assistant Director – Planning Strategy and Development Management's report that gave an update on the local plan making progress which was currently behind schedule by two weeks to take into account the Green Wedge Workshop that Members agreed at the meeting in February.

Members noted that the addendum Regulation 18 consultation would now be launched after the Strategic Planning Committee meeting on 2 April which would allow for any further work to be completed.

The Assistant Director – Planning Strategy and Development Management sought Members guidance to the preferred approach to the consultation and whether they wished officers to encourage responses through the Commonplace software or by other means of engagement such as the council's website, newsletters, webinars with town and parish councils or direct engagement with officers.

Members guidance was also sought on the climate change chapter of the Local Plan. The Assistant Director – Planning Strategy and Development Management referred to the recent Government actions to control building standards through Building Regulations and sought guidance about whether members would prefer to follow Government's guidance or remain with the zero carbon approach which would require

further work to be completed to gather evidence to promote this as a key policy in the Local Plan.

Points raised during discussion included:

- Will there be village hall drop in events again and have lessons been learned from the last consultation? The Assistant Director – Planning Strategy and Development Management sought clarity from Members about what they wanted to do as it was noted in the report that face-to-face engagement had received a mixed response with an expectation that more information would have been provided than was available on-line. He suggested that due to the limited scope of the consultation there was limited need for face-to-face engagement but suggested if required, that officers would be happy to provide town and parish councils with materials needed if they wanted to hold their own event.
- Disappointment was expressed about the Government actions on climate change as it is important to ensure houses are being built to the best possible standard. How can this be achieved if the policy is not in the new Local Plan. The Assistant Director – Planning Strategy and Development Management acknowledged the need to deliver low carbon developments and sought clarity from Members about how far they wanted to push against Government which in turn could jeopardise the Local Plan at examination.
- Clarity was sought on what the consultation would focus on. The following list was confirmed:
 - Additional housing sites
 - Green Wedges
 - Additional employment sites
 - Boundaries for Coastal Preservation Areas
 - Boundaries for Clyst Valley Regional Park
 - Town Centre Policies
- Reference was made to Devolution and having the right homes in the right places and whether this would have an impact on the new Local Plan.
- Clarification was sought on whether a response had been submitted to the consultation of the Future Homes Standard and whether the letter had been signed to the Town and Country Planning Association letter. The Assistant Director – Planning Strategy and Development Management confirmed that these were urgent items to do.
- There is a need to put pressure on developers to build zero carbon homes.
- Preference was expressed for a zero carbon policy.
- To build zero carbon homes would add extra costs for developers which would raise the prices of homes and make them unaffordable for people on low incomes.
- Agree that in principle we should be building zero carbon homes but in reality this will be difficult until everyone is working to the same standard and for Building Regulations to be done on a national basis.
- It was suggested that the consultation could be sent to every household in East Devon by putting a QR code on a tag which could be left on the refuse bin after they are emptied.
- It was suggested to amend Recommendation 3 to read:
'To request that officers undertake the necessary work to robustly defend the approach to zero carbon development contained within Strategy 28 of the Regulation 18 Local Plan and the work on suitable areas for wind energy contained in the proposed Strategy 31'. In response the Planning Solicitor advised that the generalised wording in Recommendation 3 would allow officers more flexibility and suggested a slightly amended version:

'That Committee wish to pursue a policy approach in the new Local Plan that sets out local plan policy on energy efficiency standards/approaches that exceed those of building regulations.

Councillor Mike Howe proposed Recommendation 1 and 2 as written and the amended Recommendation 3 as suggested by the Planning Solicitor. This was seconded by Councillor Todd Olive.

RESOLVED:

1. The ongoing work on local plan production as summarised in the update report be noted.
2. The proposed approach to additional local plan consultation in April and May be agreed.
3. That Committee wish to pursue a policy approach in the new Local Plan that sets out local plan policy on energy efficiency standards/approaches that exceed those of building regulations.

75 **Consultation on Housing Sites**

The Committee considered the Assistant Director – Planning Strategy and Development Management's update report which proposed 13 additional housing sites, subject to the Regulation 18 consultation, to be included in the new Local Plan. Members noted that following officer assessment it was proposed that six sites were preferred site allocations, six sites were rejected, and the final site was a second choice site. A summary of these sites was detailed in the table at paragraph 2.3.

The Assistant Director – Planning Strategy and Development Management sought delegated authority to make some necessary changes to an amendment for assessment for site Brcl_31 – Land at Mosshayne Lane, Pinhoe. Officers had been recently advised that the joint landowner who owns part of the south eastern side of the site did not want that to be part of the consultation and that it should be removed from the new Local Plan. Members noted that this reduction in size would require a modest reduction in housing numbers.

Points raised during discussion included:

- Clarification was sought on the number of houses that would be lost at Land at Mosshayne Lane, Pinhoe. The Assistant Director – Planning Strategy and Development Management advised that the housing numbers would need to be reassessed and acknowledged this would have an impact on the numbers.
- Reference was made that the Mosshayne Lane site was urban sprawl and it was questioned whether this site should be allowed so close to the edge of Exeter. It was advised this land and other land proposed were sustainable due to their proximity to Exeter and are seen as strategic growth on the edge of the city.
- A general point was made that the sites proposed were clustered around built up areas and all rural areas had been rejected because of constraints. It needs to be acknowledged that the council is aware of the housing needs in villages and the countryside. In response the Vice Chair advised that rural parishes need to get a neighbourhood plan which would identify what development communities would like delivered.
- Clarification was sought on paragraph 2.1 and the 38 additional housing sites and whether these had been submitted by a third party as only one garage in Millwey Rise site had been identified out of the five garage sites. It was advised these

could possibly come through as windfall sites as these would be small sites of less than 5 houses.

- Reference to Axmi_17 – land at Millwey, Chard Road (EDDC land) and clarification was sought as to whether this was submitted by an officer or a third party as there appears to be inconsistencies in the shifting of sites. These details were not to hand but the Assistant Director – Planning Strategy and Development Management advised land was usually put forward by the landowner.
- The site details for land at Mosshayne Lane has the address as Pinhoe, this is incorrect as it is in Broadclyst.
- There is a need to consider the benefits of development but policies do not permit this. Do policies outweigh benefits through the Localism Act.
- Axmi_24 – land west of Prestalier Farm, Beavor Lane, Axminster – this area has a risk of flooding and should not be included in the site allocation.
- It was suggested that the Mosshayne Site should have a Green Belt or a Green Wedge to stop the coalescence between Exeter and East Devon.

Councillor Dan Ledger proposed the recommendation as written with an additional recommendation as follows which was seconded by Councillor Mike Howe: 'That EDDC's Housing Service and Assets Service take a further look into all of the council's available sites and provide a final list of sites for the Assistant Director – Planning Strategy and Development Management, Chair and Vice Chair to consider for inclusion in the consultation. Delegated authority to also be given to the Assistant Director – Planning Strategy and Development Management, in consultation with the Chair and Vice Chair, to amend any site allocations if deemed unsuitable due to flood risks or other factors'. Councillor Ledger also asked for all committee members be sent a completed list of the sites that have been rejected explaining at what point the rejection took place and for what reason.

Councillor Ledger advised that a lot of changes had taken place within the Housing Department and he wanted to make sure that everything was being done to increase social housing for residents as this was one of the key council priorities and confirmed that he was comfortable if the consultation was pushed back 2-3 weeks to ensure of the necessary work had been completed.

The Assistant Director – Planning Strategy and Development Management advised he was happy to send a link to the site assessment work to Committee Members and suggested that Members contact him directly if they considered some sites previously rejected merited further assessment.

He raised concerns about going back to departments to submit further sites and reminded Members there had already been two call for sites. He urged Members to consider the implications that if more sites were to come forward there could be significant implications to the timetable which would delay the Regulation 18 Consultation which could jeopardise the Local Plan being examined under the current Regulations

RESOLVED:

1. That Committee agree to consult on the housing sites detailed in this report as part of the Regulation 18 Addendum consultation planned to start in early April subject to delegated authority to the Assistant Director – Planning Strategy and Development Management to amend the details for the BRCL1-31 to remove the section of land that the landowner is no longer promoting.

2. That Committee request EDDC's Housing Service and Assets Service to take a further look into the council's available sites and provide a final list of sites for the Assistant Director – Planning Strategy and Development Management, Chair and Vice Chair of Strategic Planning Committee to consider for inclusion in the consultation.
3. Delegated authority be given to the Assistant Director – Planning Strategy and Development Management, in consultation with the Chair and Vice Chair, to amend any site allocations if deemed unsuitable due to flood risks or other factors.

76 **Topic Paper relating to Town Centres, Retail and Sequential Test in the new Local Plan**

The Committee considered the Assistant Director – Planning Strategy and Development Management's report that sought Members endorsement of the topic paper on the council's approach to ensure that East Devon's eight town centres continue to thrive and meet shopping, leisure and service needs. He advised these would be included in the Regulation 18 Consultation and drew Members attention to the proposed wording to policies relating to town centres detailed on page 70 onwards.

The Assistant Director – Planning Strategy and Development Management referred to the threshold for the sequential test. This test would be applied to developments coming forward outside of town centres and would require applicants to demonstrate that their use cannot be accommodated within the town centre or closer to the town centre as this would detract from the function of the town centre itself. It was proposed to retain the current lower threshold of 500 sqm. than that detailed in the NPPF.

Comments made by Members during discussion included:

- Town centres are changing rapidly and are now becoming more of a social space.
- Reference was made to the Cranbrook Town Centre Consultation and urged caution to not raise public expectations as these cannot be met as funding was not available.
- It was questioned whether the size of town centres need to be reduced to free up areas for development.
- There is a need to look at out of town permissions such as farm shops as these could impact on town centres.
- There is a need to look at other services such as dentists and playschools.
- There is a need to look at proposals to reduce shop sizes and ensure that they remain usable.
- Empty shop buildings need to be made into residential.
- There is a need to encourage residential accommodation above shops.

RESOLVED:

1. That the topic paper supporting the policies of the Local Plan set out in appendix 1 of this report be endorsed.
2. That the draft Town Centre and Primary Shopping Areas, drawn in accordance with the methodology set out in the topic paper be subject to public consultation.

77 **East Devon Playing Pitch Strategy**

The Committee considered the Assistant Director – Planning Strategy and Development Management's report that updated Members on the production of the Playing Pitches Strategy and its likely outcomes with sports pitch provisions in towns.

The Assistant Director – Planning Strategy and Development Management advised that a more detailed report would be going to Cabinet on 27 March for Members to agree what role the Council should play in the delivery of the Strategy and to understand the resourcing issues before being able to move forward and finalise the Strategy.

Comments made by Members included:

- There is a clear need to progress this Strategy as the last Strategy was finalised in 2015 and since then there has been a growth in housing numbers.
- There is a lack of suitable sites and existing pitches are over played.
- There is a need for more training pitches.
- The report does not refer to the LED Monitoring Forum that had commissioned Strategic Leisure and clarification was sought about whether this had been a been considered. The Assistant Director – Planning Strategy and Development Management confirmed that close work had been done with the Assistant Director – Countryside and Leisure and his team to join up all the different services.
- Other facilities such as parking and changing rooms needs improvement and updating.
- A lot of pitches are not mentioned in the report which makes this a misleading document.
- Indoor sports pitches were not covered in the report.
- There is an opportunity for a shared service for many different clubs so that clubs can stay in the same community.
- How is the Strategy going to make a difference to villages? West Hill residents cannot share access with the school. The Assistant Director – Planning Strategy and Development Management advised that villages had not been forgotten and would be included in the final document.
- Cranbrook needs to be included in the list to help understand what will be delivered. In response it was advised Cranbrook would be included in the list.
- The list detailed in paragraph 1.5 is not exhaustive and there is a need to provide pitches for sports that are not that well known.

Councillor Dan Ledger proposed Recommendation 1 and 3 and proposed the following resolution for Recommendation 2.

‘Request that Cabinet at their meeting on 27 March 2024 bring forward costings for dedicated officer resource to fully work up the project to see the delivery of both Strategies.’

Councillor Ledger advised it was a key amenity which the council needs to start delivering for all East Devon residents.

The recommendations were seconded by Councillor Mike Howe.

In response the Assistant Director – Planning Strategy and Development Management advised that as the report to Cabinet on 27 March would not have those specific details. Members could make a recommendation to Cabinet along the lines that they wish to see a resource put into this area of work to help support the delivery and enhance the additional sports pitch provision in the district.

Councillor Ledger said he was happy with the Assistant Director – Planning Strategy and Development Management’s suggestion but emphasised the need for a timeframe to be included.

RESOLVED:

1. That the ongoing work on production of the Playing Pitch Strategy be noted and that in principle support be provided for the work to date and direction of travel.
2. To note that following resolution of the Council's role in delivering the new Playing Pitch Strategy and the resourcing of this work, a strategy to address the issues highlighted by the work will be developed with the sports governing bodies and clubs to be brought back to Committee as a final draft of the Strategy in the summer.

RECOMMENDED TO CABINET:

That Strategic Planning Committee recommend to Cabinet that the Council should play a role in the delivery and enhancement of the playing pitch provision within the district and that resources should be put in place to enable this work.

Attendance List

Councillors present:

J Bailey
K Blakey
B Collins
O Davey (Chair)
P Hayward
M Howe (Vice-Chair)
B Ingham
D Ledger
Y Levine
T Olive
H Parr

Councillors also present (for some or all the meeting)

P Arnott
I Barlow
C Brown
J Brown
R Collins
P Faithfull
R Jefferies
G Jung
M Rixson

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer

Councillor apologies:

B Bailey
P Fernley
C Fitzgerald
M Hartnell

Chairman

Date:



Report to: Cabinet

Date of Meeting 27 March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Devon Place Board – Project Groups

Report summary:

This report provides an update on the work of the Regeneration Forums (Project Groups), established as part of the Devon Place Board project work for Seaton and Axminster. It covers the on-going requirements to monitor the projects set out within the respective Strategy documents and proposes that an officer led group is established for taking forward this monitoring and reporting via quarterly meetings.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That Cabinet approves that the existing Axminster Renewal Forum and Seaton Project Group be replaced with one Officer led Project Monitoring Group in order to monitor outputs and outcomes of the projects listed within the Regeneration Strategies, previously completed for each town.

Reason for recommendation:

To enable the continued monitoring of the projects identified in the Axminster Renewal Strategy and Seaton Regeneration Strategy and to offer support and advice to stakeholders in delivering projects ensuring effective and efficient use of resources.

Officer: Alison Hayward; ahayward@eastdevon.gov.uk; 01395 571738

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information n/a

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Report in full

1. Background

- 1.1 In 2022, the council established forums for both Seaton and Axminster as part of the Devon Place Board work being undertaken by Devon County Council on the preparation of Regeneration Strategies for each town.
- 1.2 The two forums were set up and in-person meetings have been held on a quarterly basis in Seaton and Axminster, managed by the Place & Prosperity Team. The Forums comprised a membership of all 3 councils along with representatives from the local Chamber of Commerce, and businesses.
- 1.3 The Regeneration Strategies for each town were completed in early 2023 and were reported on to Cabinet on 1 March 2023 with a recommendation to note the conclusion of the DCC Urban Renewal Programme in Axminster and Seaton. As was reported then, each Strategy set out a list of potential projects that had been identified by the forums during the strategy development work led by consultants, Hardisty Jones on behalf of DCC.
- 1.4 For each project, a lead stakeholder is identified as the organisation to take forward that project, exploring the opportunity for its successful delivery. Where they are not the Lead Stakeholder, the councils can support the delivery of projects led by 3rd parties, by signposting and/or facilitating where feasible to do so. There is no commitment for the councils to deliver any of the projects identified or to provide any funding, but they are continuing to offer an “in-kind” contribution by providing support and advice.
- 1.5 The Quick win projects and Business Cases for projects for each town were identified. The Seaton Quick win project is underway and the Business Cases are completed. Axminster’s quick win project has stalled due to the e-bike operator going into administration in July 2023.
- 1.6 Following the conclusion of the Urban Renewal Programme, the Renewal Boards have continued to meet during 2023 to discuss progress with the individual projects and officers have provided guidance as appropriate to the stakeholders. As originally envisaged when the Devon Place Board project commenced, it is now an appropriate time to review the purpose of the Regeneration Forums to ensure that they can fulfil the functions now required for DCC’s Urban Renewal Programme.

2. Future Requirements.

- 2.1 As set out above, the Regeneration Strategy has identified a list of projects for each town.
- 2.2 The Council has provided clear guidance to the Lead Stakeholders where necessary and signposted them to relevant teams across the 3 councils for advice and support, or to sources of internal or external funding suitable for their projects.
- 2.3 There is a specific requirement from DCC to monitor the outputs and outcomes of the Regeneration Strategy projects. With this in mind, the purpose for holding these meetings in the future should be:
 - i. to monitor the projects for the Devon Place Board Programme. Lead stakeholders will be invited to report on project progress at the quarterly meetings.
 - ii. To continue to offer support, for instance by signposting Lead Stakeholders where appropriate.
- 2.4 These meetings will focus on operational matters to aid delivery of projects rather than be a forum for discussing strategic issues or other projects (not on the list) or other issues relevant to the town concerned.

3. Proposal.

- 3.1 In order to ensure that council resources are used efficiently and effectively, it is proposed that one Officer led group meets on a quarterly basis, on-line, in order to fulfil the above purpose. The meeting would include the council's Project Manager for Place and Prosperity, the Economic Development Manager for DCC, the Town Clerks for Seaton and Axminster and the Chair or Secretary for the Chambers of Commerce for each town. Other attendees may be invited if relevant to a particular project.
- 3.2 Reporting on project progress to councillors and the public will be via minutes circulated to relevant councillors, to the Town Council, County Councillor and published on the council's website.
- 3.3 If a project requires decisions (e.g. assets/resource input), a report would be brought to the council for decision via Cabinet in the usual way.

Financial implications:

There are no new direct financial implications from the recommendations in the report.

Legal implications:

There are no substantive legal issues to be added to the report.



Report to: Cabinet

Date of Meeting 27 March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Delivering our leisure and playing pitches requirements

Report summary:

Full Council and Cabinet have formally adopted the Leisure & Built Facilities Strategy 2021-31 and its Action Plan. There are currently significant challenges in meeting the completion deadlines for each priority within the Action Plan. There are also current requests for support to help deliver new sports pitches in Honiton and also hosting and taking forward the Cranbrook Local Delivery Pilot programme funded by Sport England. Currently, to be able to manage these workstreams, there has been no identification of additional resources both in terms of staffing capacity and new budget allocations. The Council does not have a statutory responsibility for delivering new sports playing pitches or providing sports clubs with new infrastructure however we work with many clubs through the maintenance of playing pitches that are owned and leased to sports clubs and also the Playing Pitch Strategy helps to identify future needs. Therefore, it is recommended to carry out a high level options appraisal of the actions within the Leisure Strategy to develop a costed Implementation Plan with possible options for affordable delivery. This will provide the Council with the necessary financial information to make strategic decisions on what we may wish to deliver from the Strategy going forward. This was one of the recommendations from the recent Peer Review undertaken on the Council

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet:

1. Approves the appointment of Strategic Leisure to carry out a high level options appraisal of the Leisure & Built Facilities Strategy 2021-31 with an Implementation Plan and possible options for delivery to inform decisions on the affordability of the Council's current and future leisure provision;
2. Recommends to Council to approve funding from the Council's General Fund Revenue budget of £85,000 to help support the Estates team with the priority 1 actions identified within the Leisure Strategy action plan on stock condition surveys and renegotiating existing dual use facility agreements.
3. Approves the request to create posts for the 2024/25 financial year for the Community Connector, Community Builder and Project Manager posts to support the Sport England Local Delivery Project within Cranbrook whilst seeking ongoing funding for the three posts to widen the programme to other areas of East Devon to help deliver the wider priorities within the Leisure & Built Facilities Strategy 2021-31.
4. Recommends to Council the provision of a budget of £76,974 for the 2024/25 financial year to fund the Community Connector, Community Builder and Project Manager posts
5. Approves the request to create a post for a Strategic Leisure Enabler Lead role for the District to take forward the strategic options for leisure provision in conjunction with wider partners and stakeholders.

6. Recommends to Council the provision of a budget of £57,756 inclusive of 30% on costs to fund the Strategic Leisure Enabler Lead role

Reason for recommendation:

To enable the Council to agree a position on what and where to prioritise its future investment in its leisure facilities and activities that are identified within the Leisure and Built Facilities Strategy 2021 -2031 and the draft Playing Pitch Strategy 2024.

Officer: Charlie Plowden, Assistant Director – Countryside & Leisure; Andy Wood, Assistant Director – Growth, Development & Prosperity; Ed Freeman, Assistant Director – Planning Strategy & Development Management; Tim Child, Assistant Director – Place, Assets & Commercialisation.

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

[Equalities impact assessment](#)

Climate change Low Impact

Risk: Medium Risk; The Leisure Strategy and draft Playing Pitch Strategy both identify significant areas of work and specific recommendations to action which, if resources are not agreed and put in place, will limit the ability of the Council to make progress in delivering the Strategy’s action plans.

Links to background information [Place partnerships | Sport England; wellbeing - Exeter City Council](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Report in full

Summary of issues

The Council, when it had its in house Leisure Department, provided a comprehensive wrap around service for leisure provision that included sports development and supported the District’s sports clubs in helping to seek funding and improve their sports club infrastructure. This sports

development function ceased in 2006 when the in-house leisure role was transferred to LED which was set up to focus primarily on the running of the Council's leisure centres and swimming pools.

There has been no centralised in house leisure team to help support this area of work since 2006. The various elements of the Council's leisure work has therefore been absorbed since 2006 and built into various teams over the subsequent years. The additional workloads emanating from the Playing Pitch Strategy and sports club liaison as well as from the Leisure Strategy have been taken up by the following service leads:

- Assistant Director – Places, Assets & Commercialisation responsible for the leisure assets and their maintenance, negotiating with sports clubs on leases and fees and seeking funding opportunities for decarbonising our asset stock;
- Assistant Director - Planning Strategy and Development Management responsible for the development of the Playing Pitch Strategy and S106 and CIL funding into leisure and sports.
- Assistant Director – Countryside & Leisure responsible (with Director for Housing, Health & Environment and Director for Finance) for the LED contract and work of the Leisure Strategy Delivery Forum;
- Assistant Director – Growth, Development & Prosperity responsible for Cranbrook's Sport England Local Development Programme in partnership with Exeter CC.

There has been a steady growth in the demands being made of Officers and there is now an opportunity to review this arrangement and consider how best to deliver a more co-ordinated and centralised approach to the work the Council does for leisure and its playing pitches work to help manage the workload.

Following the recent Peer Review one of their questions posed in the financial planning and management section was "What leisure and culture provision do you need/can you afford? What is the timescale for decision making? Conduct benchmarking, visiting, explore options for delivery models, Consider it as a portfolio for leisure...not all sites have everything."

The Peer Review report provides the Council with an external view on our leisure provision and poses the challenge what can the Council afford to provide as a District-wide leisure offer (not as a piecemeal provision). Also, how that may look in our communities and to consider what our funding for leisure will look like in the future with the pressures on budgets identified within our MTFP.

There are currently a number of requests being made of the Council in respect of the following areas:

- Delivery of multiple priority 1,2 and 3 actions from the Leisure & Built Facilities Strategy 2021 - 31
- Leading the Sport England Local Delivery Pilot work in Cranbrook
- Enabling the delivery of the recommendations within the emerging Playing Pitch Strategy 2024
- Delivery of new sports playing pitches in Honiton (Honiton Sports Pitches Strategy 2017)
- Delivery of new sports playing pitches in Exmouth (Exmouth Sports Pitch Strategy 2017)
- A view by some sports clubs who lease land from the Council, that our role is limited to that of landlord and that the Council should do more to support their Club's sustainability and growth – these two roles do not always align

All of these requests require Council resources in terms of staffing time and also revenue or capital funds to facilitate their delivery. None of this work is a statutory requirement for the Council however they are of considerable importance within the sports clubs and their communities who are seeking our assistance.

Therefore, it is imperative that the Council now carries out a high level options appraisal of the "asks" within the Leisure Strategy and from this an Implementation Plan with possible options for delivery that will provide the Council with the necessary information to enable it to make strategic

decisions on what level of leisure provision it wishes to deliver going forward. There are multiple priority action areas which go beyond “business as usual” in our leisure provision and these need to be considered in terms of cost implications before decisions can be made to support them.

The issues that the Council are facing currently in terms of demands from sports clubs as well as our agreed actions in our Leisure Strategy delivery plan are outlined in this report.

1. Leisure Strategy demands & options appraisal.work

1.1 The adoption of the Leisure & Built Facilities Strategy 2021-31 and its associated Delivery Plan has provided the framework for future decisions to be made by the Council and these are considered by the Leisure Strategy Delivery Forum (formerly the LED Monitoring Forum) where a report is updated at every meeting with progress made against the priority 1, 2 and 3 actions.

1.2 There are a number of priority 1 actions which are of critical importance that currently cannot be started due to issues of staff capacity and budget but also appetite by partners (schools). The priority actions are mainly centred on the future management of the school dual use sites, negotiating the annual management fee for LED from 2023/24 onwards and developing a district-wide health and wellbeing programme that helps to provide leisure activities to improve local residents’ physical wellbeing directly in their communities.

1.3 Other priority actions relate to stock condition surveys being required – whilst the building fabric element is more straightforward the specialist mechanical and electrical components require significant external specialist input.

1.4 In respect of renegotiating the dual use agreements there is a key issue here and this is balancing the objectives of the Council with that of the school. Not all schools are receptive – we are seeking to restructure our use of the sites to best fulfil our operational needs (e.g. less demand for use in holidays) and by doing so, reducing our financial commitment. The schools though cannot easily absorb any additional costs, nor do they necessarily require increased usage at those times. Discussions with 4 schools in total to-date have proven challenging with little appetite apparent from Schools. A risk exists that in funding additional resource to take this forward, we’ll still not achieve our objectives.

1.5 The necessity of carrying out a high level options appraisal of the Leisure & Built Facilities Strategy has become apparent with the increasing demands being made of the Council for delivering its leisure provision. This being driven by the ambitions of the Strategy alongside the recommendations emerging from the Playing Pitch Strategy work as well as the cost of subsidising the annual management fee for LED. The Peer Review recognised this and recommended that before any decisions were made to committing more funding to leisure, at the likely detriment to funding for other council services, a high level review of affordability, what a future leisure provision in our district could look like and the options for delivering this were required.

1.6 Therefore, to start to map out how we can meet these challenges it is the intention to commission Strategic Leisure to cover these areas and their workscope will be:

- Hold a series of meetings as appropriate (Officers/Members) to discuss the current challenges of delivering the Leisure Strategy, understand the costs of delivering the Strategy and discuss the potential options for delivering a repurposed leisure provision set against the MTFP;
- Review and confirm Leisure Strategy recommendations and actions
- Cost and resource-plan
- Develop an Implementation Plan (following the Peer Review recommendations)
- Analyse the Implementation Plan and set out the options for delivery (following the Peer Review recommendations)

1.7 This piece of work is critical in providing the Council with the necessary background detail on how it can start to plan for the future with the affordability of its leisure offer, the contract with LED and the likely requests for support emerging from the Playing Pitch Strategy 2024 work. The recommendations and assessment of the leisure provision by the Peer Review team makes this higher level piece of work a priority to be undertaken before decisions can be made at a more granular level.

1.8 The Leisure Strategy's Action Plan priority 1 actions are:

KEY ACTIONS	Priority	Completion	Who leads	Resources needed
EDDC to revisit all stock condition survey data and associated costs within the context of the recommendations from the strategy and the need to retain and invest in its existing portfolio of leisure facilities (priority facilities are Exmouth, Honiton, Axminster). Agree a 5 – 10 year planned preventative maintenance programme of works – capital and revenue.	1	2022/23	EDDC Property & FM Team	Specialist consultancy support to inspect sites and prepare programme of works. Building fabric is more straightforward but electrical and mechanical more specialist hence external input needed. Costs: £70,000 + on costs estimated.
EDDC to undertake a site options appraisal to address identified shortfall in leisure facility provision highlighted within the Leisure Strategy. The priority focus should be on: <ul style="list-style-type: none"> • Cranbrook – 6 lane 25m pool, health and fitness, 4 court sports hall, 2 studios (small pool/Leisure Local as a minimum), to ideally align to development of Town Centre • Exmouth - ATP • Honiton - ATP • Axminster – Netball Courts Consideration should be given to new and existing sites and include an integrated offer of new leisure centre(s) provision and separate arrangements for individual sports/activities, working with partner organisations in the community.	1	2023/24	EDDC Leisure Officers EDDC Planning Team Devon County Council Exeter City Council Local Delivery Pilot Relevant schools and sports clubs NGBs	
EDDC to renegotiate all existing dual use facility agreements, in favour of the Council to increase access and value for the East Devon Community. Daytime access is the priority to achieve. Following re-negotiation daytime programmes to be developed focussing on older people.	1	2024/25	EDDC Leisure Officers EDDC Estates Team EDDC Legal team Devon County Council	Additional Estates Resource. These negotiations have been centred around Colyton – resulting in less daytime usage of the Centre but more of hockey and netball outside spaces. Still not concluded and hugely resource intensive. As such, whilst negotiations have already commenced, to deliver those 5 other sites within timescale

				<p>will require such level of resource that other work will need to be back-filled. As such, request £15,000</p> <p>External legal advice is also likely following an assessment on this work by the Head of Legal: £TBD</p>
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2. EDDC Playing Pitch Strategy 2015 & draft PPS 2024

2.1 A new Playing Pitch Strategy (PPS) 2024 is in production and is due to be presented as an emerging Strategy to Strategic Planning Committee in March 2024. The work undertaken so far indicates that many of the issues highlighted by the previous Playing Pitch Strategy and Sports Pitch Strategies for Exmouth and Honiton remain. The new PPS 2024 has indicated that though the need for both these towns remains it is not significantly greater than for other towns and so demand is widespread across the district.

2.2 The draft PPS 2024 has picked up from the Football Foundation Local Facilities Plan that there is need for new artificial grass pitches (AGPs) for/at Exmouth, Honiton and specifically one at/to serve between Sidmouth and Seaton (specifically youth size).

2.3 Indeed, increased youth participation since those strategies were produced is driving additional needs for new and improved facilities. The current strategies can be found at: [Open Space - Playing Pitch Strategy - East Devon](#)

The emerging PPS 2024 has carried out substantive work on the evidence gathering side of strategy production, this has been undertaken in accordance with following Sport England guidance. The next stage, as completion of this evidence gathering side finishes, will need to move onto the strategy (the what do we do about it) element of the work.

2.4 Implementation of the PPS can be summarised under Sport England's three categories of work:

- Protect - policies to secure new facilities as part of new developments and to protect existing facilities from development;
- Provide - delivery of new and improved facilities;
- Enhance - management and maintenance of existing facilities.

2.5 The first of these elements falls to the Planning Service who through the Local Plan, Cranbrook Plan and supporting guidance set out requirements for new developments in terms of requirements for new sports pitch provision particularly on large scale new developments which would in themselves require the delivery of new facilities. These are then secured through a Section 106 agreement between the developer and the Council.

2.6 Smaller scale developments where there is not a need for new sports facilities as part of the development itself will pay the Community Infrastructure Levy (CIL) towards the delivery of infrastructure on the Council's infrastructure list which includes sports facilities. It should however be noted that the sports facilities projects identified in the Infrastructure Delivery Plan (IDP) are listed as priority 2 projects being " infrastructure that is important to deliver specific

development schemes and meet the needs of new residents, but the precise timing is less critical.”

- 2.7 There is a substantial funding shortfall for infrastructure identified in the IDP with a £70 million shortfall for priority 1 projects alone identified at the time of its adoption in 2017. It will therefore be difficult to fund projects that are not priority 1 projects based on the limited funding available. Spend decisions for CIL monies are made by Strategic Planning Committee having considered the recommendations of the CIL Member Working Group. Due to a lack of staff resource the working group has not been able to meet so far this year but with new posts having recently been agreed by Members it is hoped that officers will be able to support the working groups work again once these posts have been filled early next year.
- 2.8 The delivery of new and improved facilities is where the current strategy has not progressed. These projects do not necessarily fall to the Council to deliver, indeed EDDC has no statutory obligation to deliver them, they are for a range of stakeholders and clubs to deliver. However some relate to land owned and controlled by the Council or would potentially involve negotiations with adjacent land owners that would logically be led by the Council.
- 2.9 At the time of presentation of the Playing Pitch Strategy 2015 and Exmouth and Honiton Sports Pitch Strategies 2017 to Members it was highlighted that there were not sufficient resources budgeted to facilitate the Council’s envisaged role in the delivery of the strategy. It was envisaged that the Council would play an enabling role in its delivery indeed a report to Strategic Planning Committee seeking adoption of the Honiton Sports Pitch Strategy states:
“Members have previously agreed that the Council should play a facilitating role in the delivery of the strategy’s recommendations. This does not obligate the Council to pay for or deliver any of the recommendations in itself but to work with clubs and other bodies towards their delivery. This is likely to involve at a minimum negotiating with landowners, coordinating funding bids and providing advice on detailed plans ahead of planning applications being submitted, but potentially could extend to purchasing land (including Compulsory Purchase Orders), funding a proportion of project costs, and drawing up plans for sites. The extent of this involvement will be dependent on the abilities of relevant clubs and other bodies and the preferences of Members”.
- 2.10 The report noted that there was insufficient resources in place to undertake this role and Members views were sought on how this should be addressed but no resources were committed to this work.

3 Sport England Local Delivery Pilot (Cranbrook)

- 3.1 The Local Delivery Pilot covering Exeter and Cranbrook has been running since 2018. In respect of Cranbrook the programme is governed through the Move More Cranbrook steering group which includes representatives from a range of local partners including the Town and District Councils, LED, Cranbrook Education Campus, Live West, Devon County Council Public Health. The pilot is aimed at tackling inactivity, with the particular focus at Cranbrook being upon families given the age profile of the town.
- 3.2. In recent years a Project Manager has been recruited to support, enable and deliver the programme priorities for Cranbrook. The role has been hosted by Exeter City Council and embedded within the wider Live & Move team with funding provided through the main programme. The role has been vacant since the previous post holder left in August 2023 with funding through the Sport England pilot programme being available for the post until the end of March 2025.

- 3.3 Key functions of the Project Manager role include the following:

- Co-ordination of the network of capacity within posts funded by Sport England. Bringing colleagues together to share best practice, identify challenges and opportunities within Cranbrook and plan future programme delivery;
- Provide regular updates of progress against agreement project/programme documentation;
- Developing, managing, delivering and evaluating the suite of projects funded as part of Move More Cranbrook;
- Managing the Move More Cranbrook grants process;
- Building and nurturing in Cranbrook with those organisations and community groups that support and promote wellbeing and physical activity work in the town;
- Provide input to support colleagues to capture the impact, learning and tell the story of project delivery within the programme;
- Communication, evaluation and reporting of Move More Cranbrook projects;
- Liaising with key stakeholders in Cranbrook through the steering group and other forums to ensure the effective delivery of projects and programme outcomes.

3.4 Alongside this Project Manager role a further request is being made for the Council's support for a Community Connector (28hrs pw) and Community Builder (18.5hrs pw). The purpose of these two posts is to offer a range of community-based options to enable and empower people to access services to maintain health and wellbeing, reducing the need for statutory care services now and into the future. It is a model of asset-based community development (community building) and social prescribing (community connecting) and has been operating across Exeter for more than 10 years.

3.5 At present, these three Cranbrook posts are hosted alongside the wider Wellbeing Exeter (and Cranbrook) programme, which has a network of Community Connectors and Builders. This arrangement will cease at the end of March 2024. Exeter City Council have agreed a funding package to keep the Exeter side of the programme running but this leaves the posts covering Cranbrook without funding for the next financial year. There is the opportunity to try to secure Sport England legacy funding for these posts beyond this period.

3.6 The key functions of the Community Connector role (28hrs pw) are:

- Receive referrals from the health and social care system and educational establishments for members of the community who are in need of improving their social, emotional or physical wellbeing or who need practical support (e.g. debt support);
- Engage with people referred in a non-judgemental and holistic way, working together to identify priorities, set actions and goals;
- Active listening, motivational interviewing and mapping of a person's assets, drawing out motivations, strengths and passions;
- Introduce people referred to relevant groups, organisations and services;
- Maintain and up-to-date working knowledge of the support and activities available to people within the community from within the community, voluntary and statutory sectors in order to effectively introduce people to appropriate services, activities or sources of support;
- Through undertaking training and development opportunities, gain an understanding of the often complex challenges faced by the people being referred;
- Accompanying people (where appropriate) to groups, services, appointments and meeting to ensure best possible outcomes and supporting them to make sustainable changes;

3.7 The key functions of the Community Builder role (18.5hrs pw) are:

- Map and maintain awareness of formal and informal community activity and provision and identify community assets and resources;

- Listening widely to people of all ages and backgrounds within the community to understand more about people's lives and how they feel about their community;
- Connecting people and opportunities together, creating new networks;
- Encouraging and supporting local people to take action on things that matter to them;
- Creating spaces that allow people to come together, get to know each other, build trust and share skills;
- Advocate for the community and underrepresented areas of the community;
- Helping with local projects;
- Build and maintain internal and external relationships including attending training, meetings and activities;
- Collect evidence of outputs and outcomes, ensuring consistent implementation of the monitoring and evaluation process.

3.8 The request to support these posts has come as Devon CC has withdraw their funding from the Wellbeing programme. Therefore for this strategically important element of the pilot programme to continue it is imperative that East Devon DC can provide secure funding to enable Cranbrook to continue to benefit.

3.9 This report recommends that the three roles which will support activities in Cranbrook are commissioned by the Council. This is on the basis that this would allow the Council to take a more proactive approach to programme delivery. A decision would also then rest with the Council as to whether there would be merit in continuing this role beyond the end of the current Sport England Funding.

3.10 There is a short upcoming window in which the Council has the opportunity to bid for legacy funding from Sport England for a further 3 years by becoming a Place Partner. This bid needs to be made jointly with Exeter City Council as our existing pilot partner. The City Council have committed to submitting the bid by 24 June 2024. It is imperative that we engage constructively and proactively in order to put together a robust joint bid. There is scope within the bid to seek ongoing funding for the three posts discussed in this section of the report but also to widen the programme to other areas of East Devon as well as seeking funding for the delivery of a Leisure Centre at Cranbrook, which is a priority 1 project in the Leisure Strategy. As with all competitive funding rounds, there is no guarantee of success but this presents an excellent opportunity to gain support for the growing new community and to support improved health and wellbeing outcomes across the District. This will be the subject of a further report to Cabinet.

Financial implications:

Recommendation 2 and 3 are requesting one off budget sums of £85k and £77k totalling £162k, it is suggested if approved this should be met from the Council's Transformation Budget. Recommendation 4 is a request for an ongoing annual sum for a new post, initially at £58k, this will have to be met from the General Fund Balance in year one but should be looked to be accommodated within the Leisure budget going forward as efficiency and resource priorities are considered

Legal implications:

There are no substantive legal issues to be added to this report, Legal Services will advise and assist on individual actions as required.

Report to: Cabinet



Date of Meeting 27 March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Combined Regulations for the Management and Control of East Devon District Council Cemeteries.

Report summary:

To recommend to the Cabinet approval of the combined Regulations for the Management and Control of the East Devon District Council Cemeteries and to include the proposed amendments to the combined regulations following a public consultation.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

To approve the introduction of combined Regulations to include proposed amendments for the Management and Control of East Devon District Council Cemeteries.

Reason for recommendation:

To combine Regulations for the Management and Control of East Devon District Council Cemeteries subject to proposed amendments following a public consultation. East Devon District Council currently has three sets of regulations for the managed cemeteries within their district.

Officer: Phillippa Norsworthy (Licensing Manager) PNorsworthy@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk.

Links to background information [The Local Authorities' Cemeteries Order 1977 \(legislation.gov.uk\)](https://legislation.gov.uk)

Link to [Council Plan](#)

Priorities (check which apply)

Appendices

APPENDIX A – Draft Regulations.

APPENDIX B – Certificate of Order.

APPENDIX C – Consultation Responses.

APPENDIX D – Consultation Visual Feedback Report.

Better homes and communities for all

A greener East Devon

A resilient economy

Report in full

- 1.1 The rules and regulations for the control and proper management of East Devon District Council's cemeteries are made under the provisions of the Local Authorities Cemeteries Order 1977 which replaced all previous rules and regulations. East Devon District Council reserves the right to alter, add to or amend the Regulations from time to time as necessary.
- 1.2 East Devon District Council manages Seaton, Sidmouth and Sidbury cemeteries and controls all matters relating to notice of burials, selection of grave space, interment fees, rights of burial, exhumations, cemeteries' registers, permissions for monuments and inscriptions. East Devon District Council also manages security and maintenance of the cemeteries.
- 1.3 Whilst there is no statutory requirement for a Local Authority to provide cemeteries there is a statutory duty to inter those who die within the District where no other funeral arrangements are being made. In line with most authorities, East Devon District Council provides cemeteries.
- 1.4 All three cemeteries were 'inherited' by East Devon District Council in 1974 following the amalgamation of former rural and urban councils into the East Devon District Council. Since that time the three cemeteries have been extended to accommodate further areas for burials. East Devon District Council also inherited three sets of cemetery regulations relating separately to Seaton, Sidbury and Sidmouth cemeteries (regulations approved in the case of Sidbury and Sidmouth in 1952 and Seaton in 1974 respectively).
- 1.5 The control of East Devon District Council cemeteries are set out in regulations agreed by the authority, these being conditions setting out the administration of the cemeteries along with the controls and requirements applicable to burials and the placing of memorials and plaques.
- 1.6 The working arrangements that have evolved over previous decades are that the Licensing Team administers cemetery registers, fees and the allocation of burial plots whilst Street Scene has responsibility for maintenance of the cemetery grounds along with some grave preparation relating to ashes interments. East Devon District Council does not undertake full grave excavations which are arranged by the relevant funeral directors.
- 1.6 A working draft of the regulations is provided at **Appendix A** together with a draft declaration for a Certificate of Order at **Appendix B**.

- 1.7 It is now considered timely and necessary to combine and modernise the regulation of the three cemeteries by producing one set of regulations that apply to all three. The regulations now amalgamate the three sets of historic regulations drawing on parts of the old regulations, on recent experience, on best practice from around the country, and on comments received from a previous consultation undertaken in 2017.
- 1.8 Whilst not required by legislation, it is considered good practice for interested parties to be consulted about the regulations. On 29 November 2023 Cabinet Members agreed to the consultation being undertaken. The consultation was carried out over a period of six weeks and finished on 22 January 2024. The consultation included Sidmouth, Seaton and Ottery St Mary Town Councils, Funeral Directors, Stonemasons, the Institute of Cemeteries and Crematorium Management (ICCM) and members of the public. Interested parties could access the consultation via a web-based consultation, with paper copies available on request, with an opportunity to comment via the East Devon District Council website.
- 1.9 A total of 59 responses were received from the consultation and attached to the report at **APPENDIX C** are the comments received and to assist Members with any questions, we have provided responses to those comments as appropriate.
- 1.10 A visual feedback report is provided at **APPENDIX D** to indicate how strongly people agreed or disagreed to the consultation questions.

2 Proposed Amendments

- 2.1 From the comments set out in **APPENDIX C** amendments to the draft combined regulations at **APPENDIX A** have been proposed as follows:

Section 16 (a)

‘No interment will be permitted unless the body(ies) of the deceased person(s) is contained in a coffin considered to be suitably biodegradable.’

Amend to, ‘No interment will be permitted unless the body(ies) of the deceased person(s) is contained in a suitable biodegradable coffin, casket or shroud.’

Section 13 (c)

‘A maximum of four sets of ashes may be interred in any full size grave.’

Amend to, A maximum of six sets of ashes may be interred in any full size grave.’

Section 34

To amend the draft regulations to align to the East Devon District Council’s Climate Change Action Plan. The proposed combined regulations aim to be mindful of the Climate Change Action Plan. Under the theme of protection and the enhancement of the natural environment, the proposed combined regulations wish to eliminate the use of plastics within the managed cemeteries.

Section 12, Woodland Graves (Seaton only).

‘We will plant trees and shrubs, at our discretion, to enhance the woodland feel.’

Amend to, ‘Streetscene will plant trees and shrubs, at their discretion, to enhance the woodland feel.’

- 2.2 It is recommended that Cabinet Members consider the responses from the consultation, and if felt appropriate the draft regulations at **APPENDIX A** to be amended to include the proposed amendments at 2.1 of this report.
- 2.3 It is recommended that Cabinet Members approve the proposed combined regulations for the management of Sidbury, Sidmouth and Seaton cemeteries.

Financial implications:

There are no financial implications within the report.

Legal implications:

The full legal implications are set out within the text of the report.



East Devon District Council

**Regulations for Management
and Control of
Cemeteries**

2023

Draft

Regulations for the Management and Control of Cemeteries

INTRODUCTION AND HISTORY

East Devon District Council provides and manages three cemeteries in Seaton, Sidbury and Sidmouth following the amalgamation of former rural and urban councils in 1974. In the intervening years the cemeteries have been extended and a woodland section has been developed at the Seaton Cemetery.

The controls on council cemeteries are set out in 'regulations' agreed by the authority. These had been approved in the case of Sidbury and Sidmouth in 1952 and Seaton in 1974. There have been minor changes made to these regulations since that time including the introduction of the Seaton Woodland section.

There is no restriction on who can be buried in the cemeteries however like most councils, this council has charged double fees for the burial and the placing of memorials of those who before their death were not resident in the district. Double fees are also charged for the purchase of exclusive rights of burial by a non-resident.

It is now intended that this single set of regulations will apply to all three cemeteries drawing on the parts of the old regulations, Local Authorities Cemeteries Order 1977, recent experience and from best practice around the country.

Regulations for the Management and Control of Cemeteries

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Regulations for the Management and Control of East Devon District Council Cemeteries

The District Council manages and controls three cemeteries in East Devon

Seaton Cemetery
Colyford Road
Seaton
Devon
EX10 2DQ

Sidbury Cemetery
Deepway
Sidbury
Devon
EX10 0SA

Sidmouth Cemetery
Temple Street
Sidmouth
Devon
EX10 9BN

This cemetery includes a woodland area for woodland burials

1. Cemeteries Regulations

The rules and regulations for the control and proper management of the council's cemeteries are made under the provisions of the Local Authorities Cemeteries Order 1977 and replace all previous rules and regulations.

If you need help in interpreting the rules and regulations, please contact the Council - contact details are within this document and may change accordingly.

The Council reserves the right to alter, add to or amend the Regulations from time to time as necessary.

2. General

The cemeteries will normally be open to the public daily between 0900 hours and sunset.

No person other than a person authorised by the Council shall enter or remain in any cemetery at any time when it is closed.

All persons entering any cemetery shall be subject to the orders and controls of the Council or any person authorised by the Council.

The Council will deal with all matters relating to the management and security of the cemeteries.

Regulations for the Management and Control of Cemeteries

3. Management of Bereavement Services

The burial authority is East Devon District Council, Blackdown House, Heath Park Industrial, Honiton, Devon EX14 1EJ. Telephone contact for general enquiries can be made through calling 01404 515616 or by email at burials@eastdevon.gov.uk.

Staff in Bereavement Services are working Monday - Friday (9.00am - 12.30pm) excluding Bank Holidays and on all days when the council offices are closed. The staff have an extensive knowledge of cemetery processes having undertaken training by the Institute of Cemetery and Crematorium Management (ICCM).

None of the following actions can take place without specific prior permission of the Council:

- (a) Burials or exhumations
- (b) Burial of ashes.
- (c) Erection or fixing of a memorial.
- (d) Inscription on a memorial.
- (e) Renovation of a memorial.
- (f) Removal and /or replacement of a memorial.
- (g) Scattering of Ashes

The Council manages all matters relating to notice of burials, allocation of grave space, interment fees, rights of burial, exhumations, cemeteries' registers, permissions for monuments and inscriptions. Application forms and forms of notice in connection with burials and interments and memorialisation may be obtained from the Council Offices. Forms and notices may change and vary accordingly.

4. Booking an interment

Initial reservations to arrange a burial [\(Book a burial - East Devon\)](#) should be submitted online through the council's website as bookings will not be accepted by telephone. All reservations will be treated as 'provisional' until receipt of the formal notice of interment form, required certificates and the payment. The Council will not accept any responsibility for any delay or misunderstanding if instructions are given by telephone, nor through the late submission of any documents that are required prior to any interment or scattering of ashes taking place.

The time fixed for a funeral must be that when the procession is to arrive at the Cemetery. The time must be strictly kept to prevent one funeral interfering with another. If a funeral arrives late there may be an additional fee to be paid.

Prior notice should be given for extraordinary or large funeral processions. For example, the use of a horse drawn hearse, a military funeral, or a large gathering.

Regulations for the Management and Control of Cemeteries

5. Notice of Interment

We accept notice of interment (including all burials, interment of ashes or scattering of ashes) as 'confirmed' upon receipt of all forms and certificates required to fulfil statutory requirements, and those required by the Council, being received at the Council office no later than two full working days before the proposed date of the funeral. This period of time excludes Saturdays, Sundays, Bank Holidays and when the Council offices are closed over the Christmas and New Year period. The period of notice may only be reduced in exceptional circumstances at the Council's discretion and not without prior confirmed arrangement.

The fees and charges for any burial, interment or scattering of ashes will be invoiced at the time of booking and are due before the burial, interment or scattering takes place. Application fees relating to the erection of a memorial adding an inscription or the replacement of a memorial will be invoiced when the application is processed and paid before the work to which they relate is started. Funeral directors and monumental masons may apply for an account with the Council. Facilities are available to make payments by BACS bank payment and by card over the telephone. Charges are in accordance with the Councils' published scale of fees for cemeteries and are available on the council's website at [cemetery fees](#).

The notice of burial must be in the form prescribed by the Council and must contain the following information:

- I. Name of person being buried or whose ashes are being interred
- II. Permanent address prior to death
- III. Address at which the death occurred
- IV. In the event of the length of stay in East Devon District being less than one year the deceased's previous address.
- V. Date of birth (day, month and year)
- VI. Date of death (day, month, and year)
- VII. Age of person (if in years that of their last birthday)
- VIII. Date and time of intended interment
- IX. Name of person to officiate at burial (if any)
- X. Situation of the grave or plot, and where relevant the name and address of the owner of the exclusive rights of the grave
- XI. The depth of the proposed grave
- XII. The dimensions of the coffin or casket
- XIII. The name and address of the funeral director
- XIV. The name and address of the person giving notice of the funeral
- XV. The notice must be in writing and plainly signed with the name and address of the person giving it.

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6. Certificate for Burial or Cremation

A certificate for Burial or Cremation issued by the Registrar for Births, Deaths and Marriages, or a Coroner's Order for Burial or in the case of ashes a Certificate of Cremation issued by the crematorium, must be delivered to the Council before the burial of a body or interment of ashes.

For the burial of a stillborn child a Registrar's Certificate for disposal or if there has been an inquest, an order of the coroner will be required. In the case of a non-viable foetus, the medical practitioner or midwife's certificate of delivery will be required. The medical practitioner or midwife must have been involved with the delivery. No interments will take place unless the certificate or order is produced. The only exception is where a burial (not a cremation) is allowed without actual delivery of the Registrar's Certificate or Coroner's Order where the person effecting the disposal is satisfied by a written declaration from the person procuring the disposal that such a Certificate or Order has in fact been issued in respect of the deceased. Regulation 49(3) of the Registration of Births and Deaths Regulations 1987 provides that the terms of the declaration shall be as set out in Form 18. A copy of a Form 18 appears at Appendix B to these regulations.

7. Selection of Graves and Ashes Plots

- (a) The allocation of any grave or ashes plot for any burial or interment of ashes for which exclusive rights have not been purchased will be at the sole discretion of the Council.
- (b) New graves will be allocated in strict rotation. They are not available for selection other than the option of a grave in consecrated or un-consecrated ground. Un-consecrated ground is available for funeral rites of different denominations, non-denominational and humanist burials.
- (c) New graves will be allocated in 'lawn' type sections. Lawn sections allow only for the provision of a headstone and base placed at the head of the grave with the remainder kept as grass and permanently unobstructed for the purpose of maintaining the cemetery.

8. Interments

- a) Interments will take place between the following times (excluding bank or public holidays):

Winter hours - Burials	Monday to Friday	09:00 to 14:00
- Interment of ashes	Monday to Friday	09:00 to 14:30
Summer hours Burials	Monday to Friday	09:00 to 15:00
Interment of ashes	Monday to Friday	09:00 to 15:30

Please check with bereavement services for exact dates that summer &

Regulations for the Management and Control of Cemeteries

- winter hours are in force
- b) The Council may at its discretion grant permission for a burial between the hours of 0900 and 1300 on Saturdays for which an additional fee will be charged.
 - c) When the Council offices are closed or over the Christmas/New Year period. bookings for interments can be made through of [online booking form](#). The booking may not be confirmed until the Council offices reopen.
 - d) No burials or interment of ashes will normally be permitted to take place within 60 minutes following the time appointed for an earlier funeral at the same cemetery.
 - e) The party arranging the funeral is responsible for providing sufficient bearers to convey the coffin reverently from the hearse to the coffin resting place/and/or the graveside.

9. Officiating at a Funeral

A person having charge of a funeral who wishes for a person to officiate at any burial or scattering of ashes must make arrangements for that person to attend. The Council takes no responsibility for making such arrangements or collecting any fees for such attendance.

10. Full Memorial Graves

Full memorial graves are no longer available in any of the Council cemeteries. These graves are located in the older parts of the cemeteries; Sidbury cemetery sections AA, A – Q, Sidmouth cemetery sections A – Z and XA – AG. Whilst kerbs, railings, posts or chains and similar items to enclose a grave were permitted when these areas were purchased in the past, no further items of this nature are now permitted. Where items and structures have been damaged or general wear has taken place they can be replaced 'like for like' but providing in all cases that the Exclusive Right of Burial for the grave has not expired and with the permission of the holder of the Exclusive Right of Burial. This must only be with the Council's written consent. The memorial will become the Council's property at the expiry date of the period of the grant of the Exclusive Right of Burial for the grave.

11. Graves in Lawn Section

All new graves in the Council cemeteries with the exception of any woodland grave are Lawn Plots. A memorial may be placed at the head of a grave only with the Council's prior written consent. No other permanent memorial may be placed on the grave. The memorial will become the Council's property at the expiry date of the period of the grant of the Exclusive Right of Burial for the grave.

Regulations for the Management and Control of Cemeteries

All containers left on the grave must be of a non-breakable material. Any items left on the graves are at the owners own risk and the Council cannot be held responsible for any breakages however caused. The Council may remove any articles from any grave that are likely to cause risk, damage, or amount to an offence or which may interfere with the Councils maintenance of the grounds and site.

12. Woodland Graves (Seaton only)

The woodland section is managed to evolve in a way that will be contributing to the creation of a new sanctuary for wild plants, birds, butterflies, and other wildlife. Only biodegradable coffins will be permitted allowing the area to remain as natural as possible. After an interment the area will be returned to grass. We will plant trees and shrubs, at our discretion, to enhance the woodland feel. No individual markers or monuments will be allowed on any grave.

Only single body burials are permitted in the woodlands cemetery. An exclusive right of burial certificate may not be purchased for the woodlands cemetery. No reservations are permitted.

13. Dimensions of Graves and Ashes Plots

- a) Full Size Graves measure 1.20m (4') wide x 2.70m (8' 10") long x 2.00m (6' 6") deep. Where two coffins are to be interred in a grave the grave must be sufficiently deep to allow for a minimum of 0.16m (6") of soil between each coffin and in all cases there must be 0.92m (3') of soil between the top of the coffin and the surrounding ground level.
- b) In any woodland area only one coffin is permitted in a grave.
- c) A maximum of four sets of ashes may be interred in any full size grave.
- d) All ashes plots, from the date of the approval of these regulation, are suitable for the interment of a maximum of two sets of ashes in plots measuring 0.45m (18") long x 0.45m (18") wide x 0.45m (18") deep. The use and allocation of single plots and for 4 sets of ashes has been discontinued.

14. Excavation of Graves

The funeral director or the person having charge of the funeral must contract the services of a suitably qualified and council approved gravedigger to excavate the grave and will be responsible for paying the gravedigger or contractor the appropriate fee. The Council does not collect grave-digging fees nor undertake arrangements to excavate the grave currently.

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Graves must be dug to conform to Health and Safety requirements. All graves exceeding 1m (3' 3") deep must be shored during excavation. Shoring may only be removed when the grave is refilled.

Unattended open graves must be covered by a fully secured "lock-down" of the open grave in order to minimise the risk of injury to any person nearby. The cover will be removed immediately prior to the interment service.

Where a concrete memorial support beam has been built into the ground, the head of the grave must be dug to the extreme edge of the beam.

The surface of the grave will be levelled by Council staff after six months.

15 Excavation of Ashes Plots

The Council will arrange for qualified council technicians to excavate ashes plots for the interment of ashes and to back fill upon completion.

16 Coffins and Caskets

- a) No interment will be permitted unless the body of the deceased person is contained in a coffin considered to be suitably biodegradable. For interment in a vault or brick-lined grave, coffins must be entombed in an airtight manner by concreting, cement, stone or brickwork to the satisfaction of the Council (Vaults and brick-lined graves will only be found in the older cemetery sections).
- b) Every coffin must bear the details of the deceased person thereon and may only contain one body except in the case of a mother and her baby(ies).
- c) Ashes must be interred in a biodegradable casket or similar suitable container in graves or ashes plots

17. Removal of a Body or Cremated Remains (Exhumation)

- (a) No body or cremated remains (ashes) may be removed from a grave or ashes plot without the prior production of an ecclesiastical faculty and/or a Home Office exhumation licence (Burial Act 1857 section 25 as amended by Criminal Law Act 1977 section 31). Both documents may be required. Only original documents will be accepted for this purpose. A minimum of 14 clear working days' notice must be given for any exhumation once authorised.
- (b) For land that is consecrated, burial is regarded as permanent. Applications for a faculty to authorise exhumation are granted only in special circumstances and are not automatically approved.
- (c) All costs relating to exhumation will be the responsibility of the person making

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- the request and charges will be in addition to standard interment fees, including costs of additional work, locating graves and preparing documents.
- (d) Exhumations are generally rare and complex and advanced contact with the Council is recommended prior to considering any application.

18 Exclusive Right of Burial

- (a) With the exception of the Council's Woodland burial areas the Exclusive Right of Burial in an earthen grave or ashes plot may be purchased and is subject to approval by the Council who may give or withhold such approval.
- (b) The period for Exclusive Rights of Burial is fifty (50) years commencing from the date that approval is given. Exclusive Rights of Burial issued for Sidmouth Cemetery before 31st October 1980 and before 1st January 1981 in Sidbury Cemetery were for ninety nine (99) years. Exclusive Rights of Burial issued in Sidmouth Cemetery sections A - R are in perpetuity. The Council hold limited records for the oldest part of Sidbury Cemetery, there is no register of graves all these graves have the prefix "O", there is no purchase register. In the absence of information it is assumed that graves where there is already a memorial, Exclusive Rights of Burial were issued in perpetuity. Prior to the expiry of the Exclusive Right the Council will offer the holder the opportunity to purchase a further 10 years.
- (c) Exclusive rights of burial cannot be purchased in any woodland burial area.
- (d) No more than two grave spaces may be purchased by one person
- (e) The selection of any grave or ashes plot for exclusive rights will be at the sole discretion of the Council and will be allocated in strict rotation. They are not available for selection other than consecrated or un-consecrated ground may be chosen. In line with current guidance from the Institute of Cemeteries and Cremation Management all new areas in the cemeteries will be un-consecrated ground to permit the burial of funeral rites of different denominations, non-denominational and humanist burials.
- (f) Exclusive Rights will not be sold to undertakers, their agents or other persons for resale but will be granted to a single or a couple of named owners.
- (g) The Council must be satisfied in writing that the holder of an Exclusive Right consents before a grave can be re-opened to allow a further interment,.
- (h) An Exclusive Right granted may be transferred by deed by the holder to another person but the transfer must be agreed and recorded by the Council. Transfer of Exclusive Right must be bequeathed upon death of the holder by will whose executors must confirm its accuracy in writing. In either case a charge to transfer will be payable to the Council.
- (i) The next of kin may apply for the rights to be transferred to them for the remaining period upon the death of the holder of the deeds of Exclusive Rights, subject to obtaining the Council's permission. The applicant will be required to provide sufficient proof of their relationship with the deceased which will be established by the production of the original copy of the sealed

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- grant of probate, or a signed Statutory Declaration.
- (j) If the holder of Exclusive Rights should die intestate then the next of kin can apply to the courts to be made an Administrator of the estate.
 - (k) Owning an Exclusive Right of Burial for a grave does not give ownership of the actual land, but does give the owner of the deed right to:
 - (i) Be buried in that grave if space is available
 - (ii) Authorise further burials in that grave, where space is available, or the interment of ashes in that grave
 - (iii) Place a memorial on that grave, subject to the Council's regulations relating to memorials with prior, written approval
 - (iv) Have inscriptions, or additional inscriptions, on a memorial on that grave, subject to the Council's Regulations and prior, written approval.
 - (l) Exclusive Rights may be returned to the Council only by the named owner. If legal transfer of rights has occurred, return may be considered with proof of transfer through grant of probate. The council will apply a charge and may reimburse some costs not being in excess of the original deed purchase.

The Exclusive Right of burial deed is an important document to be kept safely.

19 Memorials

- (a) No memorial will be allowed over any grave for which the exclusive right of burial has not been purchased.
- (b) No memorial shall be erected or placed in a cemetery without the prior approval of the details by the Council.
- (c) The Council reserve the right to remove any unauthorised memorial to a safe location. Unauthorised memorials include but are not limited to items of pottery, tin, plastic, glass, wire mesh, wood or plastic fences, artificial grass or other materials not permitted. The Council will not be responsible for any damage that may be caused to unauthorised memorials during removal. The Council reserves the right to charge the owner for the removal of any unauthorised memorial.
- (d) Memorial stonemasons should carry out approved work to nationally accredited standards (i.e. BRAMM, NAMM). Should memorial work be below the standard required or not to authorised dimensions, the memorial may be removed. The Council will not accept any responsibility for costs of removal.
- (e) No masons, letter cutters or other workmen engaged in fixing, delivering, erecting or repairing memorials will be admitted to the cemeteries on Saturdays, Sundays, Christmas Day, Good Friday or other public holiday, or on any other day before 0900 hours and must leave the cemetery no later than the official closing time.
- (f) Any memorial removed from a full grave to facilitate an interment within that grave shall be replaced as soon as practicable, but in any case no less than 6 months for a headstone, and 6 months for a kerbstone. Ashes memorials can be placed straight away following an interment.

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- (g) The Council reserves the right to move any memorial temporarily in order to allow another burial to take place.
- (h) All memorials must be completed outside the cemetery, except that inscriptions may be added inside the cemetery.
- (i) All work must be done as quickly as possible and to knowledge of an authorised Council employee who may give directions as appropriate to preserve grass margins, flowers, shrubs, and trees in the cemetery.
- (j) After the completion of the work all bricks, stones and other materials, spare soil and rubbish shall be removed, and the grave with the adjoining ground left in neat and proper condition. Masons, tradesmen, and others will be held responsible for all damage done to the cemetery, or anything therein by themselves or their workmen.
- (k) Memorials of any kind are not permitted in any woodland area.
- (l) Providing an exclusive right has been purchased for a grave and the council has approved the design of the temporary memorial, a temporary wooden memorial may be erected on a grave (not an ashes plot) for the first twelve months following an interment. The dimensions of the wooden cross or other religious emblem shall not exceed 91.44 cm (3') in height above ground level and 68.58 cm (2'3") in width and not exceed 10.16 cm (4") in thickness. At the end of the twelve-month period following an interment, the owner of the exclusive right of burial must remove and dispose of the temporary memorial and reinstate the surface of the grave to the council's satisfaction. If the memorial is not so removed it will be disposed of by the cemetery staff at the expiration of this period following consultation with relatives.
- (m) Sculptures are only permitted if they form an integral part of the headstone and are carved from the same piece of stone and fall within the maximum permitted size. With the exception where these have been approved in the past.
- (n) Kerbs, railings, posts or chains and similar items to enclose a grave are not permitted, except where these have been approved in the past or in the Full Memorial Grave sections.
- (o) Chippings and similar materials to cover the surface of a grave are not permitted, except where these have been approved in the past or in the Full Memorial Grave sections.
- (p) Tree, shrubs and other plants are not permitted unless planted by the council or with its written approval and may be removed by council staff.
- (q) Under burial law, at the end of the period of the grant of Exclusive Right of Burial the Council may:
 - (i) move any memorial to another place in the cemetery
 - (ii) remove from the cemetery, for preservation elsewhere or for destruction any tombstone or other memorial which has not been removed from the cemetery by the owner of the right to lace and maintain it in the cemetery

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20 Memorial Applications

- (a) A memorial may only be erected on a grave space within the cemetery with the Council's permission and upon payment of the appropriate fee. The right to erect a memorial rests with the holder of the exclusive rights for the grave and will be for the unexpired portion of the grant of the exclusive right of burial.
- (b) A memorial application can only be accepted by the council after the burial or interment has been booked or already taken place.
- (c) All applications relating to erecting, repair of memorials, or inscriptions thereon must be made in writing to the Council. Application forms are available from the Council.
- (d) The approval of the Council for any application will be confirmed in writing and will be valid for 6 months. No work will be permitted without suitable written authority.
- (e) In accordance with the condition specified in the application there shall be produced with the application evidence of a policy of insurance to cover the liability of the contractor in the sum of at least £5 million. In the case of an undertaker or stonemason who regularly carries out works in the Council's cemeteries it will be sufficient for the undertaker or stonemason to furnish the council on an annual basis with the necessary evidence of insurance cover.
- (f) Prior to commencing work stonemasons must produce, if requested to do so, the written authority to the person appointed at the cemetery for that purpose.
- (g) Any person who undertakes any memorial work for which prior written authority has not been obtained will be required to remove the memorial and pay all costs involved.
- (h) All memorials shall at all times be kept in good repair by the owners, and in the event of the memorial falling into disrepair and the necessary repairs not carried out within 6 months after notice from the Council, the memorial may be removed. The Council reserves the right to charge the owner for any work deemed necessary to make a

21. Memorial Inscriptions

- (a) An inscription will only be permitted on a memorial with the Council's permission and on payment of the appropriate fee. The right for an inscription on a memorial rests with the holder of the exclusive rights for the grave and will be for the unexpired portion of the grant of the exclusive right of burial.
- (b) All applications relating to inscriptions on memorials must be made in writing to the Council. Application forms are available from the Council.
- (c) Inscriptions must be simple and reverent and in keeping with surrounding memorials.
- (d) The approval of the Council for any inscription will be confirmed in writing and will be valid for 6 months. No work will be permitted without this written authority.
- (e) Prior to commencing work stonemasons must produce, if requested to do so,

Regulations for the Management and Control of Cemeteries

the written authority to the person appointed at the cemetery for that purpose.

22. Memorial Design, Construction and Installation

- (a) All work involving the design, construction, installation of memorials and inscriptions on them must conform to British Standard BS8415 and be carried out by approved contractors. The Council reserves the right to refuse access to any person(s) undertaking unapproved or unsatisfactory installation and construction.
- (b) All new memorials and where practicable re-fixed memorials are to be fixed in the cemeteries in accordance with NAMM or BRAMM Code of Working .
- (c) Permanent memorials may not be of wood, metals or non-stone material.
- (d) Sub bases must be of reinforced concrete conforming to BS8415, flush with ground and fixed to the memorial using NAMM/BRAMM approved fixings of a maximum size:
 - (a) Width 0.91m (36 inches)
 - (b) Front to back 0.46m (18 inches)
 - (c) Thickness 0.08 (3 inches)
- (e) All new memorials must have the corresponding grave plot number inscribed clearly on the reverse side of the memorial
- (f) Only single grave memorials are permitted on lawn plots and must not exceed the following dimensions:
 - (a) height 1.20m (47.25 inches)
 - (b) width 0.90m (35.5 inches)
 - (c) thickness 0.10m (4 inches)
- (g) Headstone base of a design to match and must not exceed the following dimensions:
 - (a) Width 0 .61m (24 inches)
 - (b) depth 0.30m (12 inches)
 - (c) thick 0.10m (4 inches)
- (h) All headstones shall be constructed of granite, slate or other similar natural hard stone. Any other material will be removed at cost to the owner.
- (i) Where there is no concrete memorial support beam built into the ground memorials must be placed in the defined line at the head of the grave– not on the part of the ground that has been dug. Foundation bases should be of either best-quarried materials or reinforced concrete conforming to BS8415 and fixed flush with the ground and leave a maximum of 0.05m (2 inch) margin around the memorial base.
- (j) Grave numbers must be engraved on the back of the headstone or its base, no less than 1.27cm (1/2”) and Monument’s Mason’s name may also be engraved on the back of the headstone or its base, no less than 1.27cm (1/2”)
- (k) No permanent planting will be permitted.
- (l) With the approval of the Council inscriptions may be added to the back of headstones.
- (m) In the Full Memorial Graves sections a single flat cremation marker, ledger or

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wedge will be allowed in front of a headstone, which is full and over where ashes have been added. Not exceeding the following dimensions: 0.46m (18 inches) x 0.46m (18 inches) an maximum height of 0.10m (4 inches) to be fixed to a sub base flush with the ground not exceeding 0.61m (24 inches) square.

- (n) We will consider each memorial application on its own merits and will generally approve. Should we refuse an application we will give a written explanation. Should you wish to appeal this decision please do so in writing.

23. Ashes Plots

- (a) All ashes sections brought into use following the approval of these regulations and including the ashes plots in Seaton cemetery - section L, Sidbury cemetery - section SA and Sidmouth cemetery - section XO are suitable for the interment of two sets of ashes. Single and plots for 4 sets of ashes have been discontinued.
- (b) New ashes plots will be designated by the council with a flat concrete slab 0.45m (18") x 0.45m (18") x 0.05m (2") flush with the surrounding grass to mark each plot. The slab will be removed for an ashes burial and replaced afterwards level with the surrounding ground. Only the flat concrete slab provided by the Council can be used and that the plaque must be cemented to this.
- (c) Following the approval of these regulations only tablet style memorials are permitted on ashes plots in any of the council's cemeteries. They must be flat and measure 0.45m (18") long x 0.45m (18") wide and 0.05m (2") high
- (d) All tablets shall be constructed of granite, slate or other similar natural hard stone.
- (e) Where a vase is required it must be included within the tablet. No memorials, vases, plants, planters etc. may be placed on the grass surrounding the tablet. This restriction will be relaxed immediately following an interment to allow for the extra floral tributes that would be expected at that time. The Council will remove flowers, wreaths or decorations which have become unsightly. Glass, ceramic or plastic containers will not be permitted in the future.
- (f) No permanent planting will be permitted.

24. Woodlands Area

In any area of a cemetery set aside for woodland burial the following applies:

- a) A maximum of one coffin only may be interred in each grave space.
- b) The depth of a grave shall be 2.00m (6' 6").
- c) Exclusive rights of burial will not be available.
- d) No memorialisation of any kind will be authorised.
- e) Interment of ashes is not permitted in any Woodland grave.
- f) No graves can be reserved. The Council will allocate the next available grave

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g) Planting is only permitted by the Council

25. Un-purchased Graves

The Council reserves the right to bury unrelated bodies in any grave for which no exclusive right of burial has been purchased subject to sufficient depth and provided existing remains are not disturbed.

26. Gardens of Rest

Scattering of Ashes (Seaton and Sidmouth only)

With prior approval from the Council ashes may be scattered in cemeteries where there is a garden of rest. In Seaton cemetery a plaque containing the information set out below may be purchased to be placed on the wall of remembrance:

- (i) the deceased person's name
- (ii) the year of birth
- (iii) the year of death

This is not available in Sidmouth as there is no longer any space on the wall of remembrance.

Unmarked Plots (Sidmouth only)

With prior approval of the Council ashes may be buried in unmarked plots.

Wall of Remembrance (Seaton only)

Where the interment has taken place elsewhere a plaque may be purchased to be placed on the Wall of Remembrance in commemoration

In all cases the plaque will contain the following information:

- (i) the deceased person's name
- (ii) the year of birth
- (iii) the year of death

A space may be reserved on the Wall of Remembrance by purchasing a blank plaque that may be replaced by the purchase of a new plaque containing the deceased person's name, their year of birth and year of death.

27. Chapel (Sidmouth only)

A chapel is available for use at a funeral service at Sidmouth Cemetery upon payment of the appropriate fee. No burials may take place within the chapel. At least five clear working days' notice must be given if the use of the chapel is required.

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28. Cemeteries Registers

- a) The registers of burials are maintained by the Council.
- b) Members of the public are entitled to view the burial registers by prior appointment.
- c) The registers relating to ownership and allocation of graves are not for public access.
- d) Searches of the registers will be undertaken by the Council. There is a fee for the search of each entry.

29. Fees

The Council will determine fees for all cemetery services. All fees for burials, graves, vaults, interment of ashes or scattering of ashes must be paid before any work is commenced. All fees are payable in advance to the Council. No receipts will be valid unless on the official form of receipt issued by the East Devon District Council. Exhumation of remains is a complex matter requiring fees on a case by case basis in line with the additional staff time required to ensure approval.

Burial fees and Purchase of Exclusive Rights of Burial will be doubled where:

- a) at the time of death or in the twelve months before death the deceased was not resident in the District,
- b) the pre-purchase of Exclusive Rights of Burial are purchased by someone who is not resident in East Devon at the time of purchase.

All cemetery fees will be reviewed annually. Any fee changes will come into force for all burials and interments taking place, memorial applications and request to purchase Exclusive Right of Burial from 1st April following the review.

30. Non-Residents

Non-residents for the purposes of these regulations are defined as persons who were not residents of East Devon at the time of the death or in the previous 12 months

31. Conduct Within Cemeteries

- a) All persons visiting the cemeteries should endeavour wherever possible to keep to the paths or roads except while visiting a grave and refrain from touching any ornaments or anything growing in the cemetery. Any damage must be repaired at the expense of the person responsible for it.
- b) In any cemetery all persons shall conduct themselves in a decent, quiet and orderly manner having regard to the dignity of any service taking place in the cemetery or any other visitor who may be present.
- c) All persons entering the cemeteries will be subject to the orders and control of

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- East Devon District Council or any other person authorised by the Council.
- d) Any person using a motor vehicle in a cemetery shall do so on a carriageway suited to the purpose and with the consent of the Council and will usually be limited to the following:
 - Vehicles used for maintenance of the cemeteries by Council Staff
 - Vehicles used by Approved contractors
 - Vehicles used by funeral directors at the time of interment
 - e) In any cemetery without a suitable carriageway no motor vehicle of any description will be permitted other than those used for maintenance of the cemeteries by Council staff, approved contractors and vehicles that form part of the funeral service at the time of the interment
 - f) No person shall ride a bicycle, skateboard or any similar wheeled device or machine in the cemeteries.
 - g) No person shall drop, throw or otherwise deposit and leave in the cemeteries any wastepaper or refuse of any kind except in the litter bins provided.
 - h) No person shall operate any sound reproducing equipment or play any musical instrument in the cemeteries without prior written consent of the Council.
 - i) Ashes will not be scattered in any cemetery without the prior consent of the Council and the appropriate fee having been paid. The scattering of ashes over graves is not permitted.
 - j) Funerals must arrive on time as failure to do so may cause the interference with other funerals.
 - k) No smoking shall take place within or close proximity to any place where an interment is taking place.

32 Soliciting of Services within Cemeteries.

Any person soliciting orders within the cemeteries for any services or sale of any goods will be required to leave the cemeteries and will not be readmitted without the permission of the Council.

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33. Dogs

No dog will be permitted to enter or remain in any cemetery unless kept continuously on a lead and under proper control. Any fouling must be cleaned up and removed from the cemetery.

34. Floral Tributes, Planting and Ornamentation

On the day of a funeral, flowers and wreaths may be placed upon the grave in which the burial takes place and will be removed at the discretion of council staff when they become unsightly. **No permanent planting of any kind will be permitted.**

- a) No persons other than duly authorised officers of the Council shall interfere with or alter the grass area of the grave, which will be maintained by the Council at no cost to the owner of the grave.
- b) Flowers, shrubs, trees of any kind, wreaths, flower containers or items of similar nature shall not be taken out of the cemetery without the permission of a duly authorised Council officer or the written permission of the owner of the article concerned.
- c) No trees, shrubs or any other plants shall be planted on any grave or ashes plot whether exclusive right of burial has been purchased or not.
- d) Artificial flowers, whether silk or plastic are not allowed. An exception to this rule is made for Remembrance Day poppies and traditional Christmas wreaths which are permitted and will be removed when they fade or decay.
- e) Vases should be placed on the plinth of the memorial or in a recesses designed for the purpose on ashes tablets – not on the grass or soil adjoining the memorial or tablet. Glass, ceramic and plastic vases are not permitted.
- f) Wreaths and floral tributes may be laid on the graves immediately following the burial, Remembrance Day Poppies and traditional Christmas wreaths and will be removed when they fade or decay and cut flowers placed in metal or stone vases placed on the memorial plinth. Glass, ceramic and plastic containers are not permitted. If there is no plinth, a single vase may be sunk into the ground immediately in front of the memorial – the vase must be sunk below the level of the surrounding ground so that it does not impede and will not be damaged by a mower.

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35. Maintenance and Upkeep

With the exception of some of the older sections of the cemeteries all graves and ashes plots are laid to grass. Permanent plantings, shrubs, saplings or trees may be planted on graves only by the Council in the woodland areas. The Council has sole discretion about the distribution and variety selected. No other plants of any description are permitted to be planted on any grave or ashes plot.

- a) The Council will not accept any responsibility for any damage caused through the maintenance and upkeep of the cemetery.
- b) Stability checks are conducted every three years and any monument found to be unsafe will be laid down to be rectified and repaired by the owner at their own expense.

36. Offences in Cemeteries (Local Authority Cemeteries Order 1977, Section 18)

- a) No person shall:
 - i. wilfully create any disturbance in a cemetery
 - ii. commit any nuisance in a cemetery
 - iii. wilfully interfere with any burial taking place in a cemetery
 - iv. wilfully interfere with any grave or vault, any tombstone or other memorial, or any other flowers or plants on any such matter; or
 - v. play at any game or sport in a cemetery
- b) No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a cemetery at any hour when it is closed to the public.

(The Local Authorities' Cemeteries Order 1977 articles 18 (1) and (2))

37. Miscellaneous

- a) Funeral directors shall give special notice to the Council whenever they have a funeral which is likely to be attended by an unusually large number of mourners.
- b) Issues arising for which no provision is made in these Regulations shall be referred to the Council, or any Committee or Officer of the Council to which the Council has delegated its powers on its behalf, whose decision shall be final.
- c) The Council reserves the right to revise these regulations at any time.

38. Revocation

All other regulations for cemeteries made by this Council are hereby revoked.

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Definitions

“Cemetery” and “Cemeteries” refer to the cemeteries provided by the Council at:
Temple Street, Sidmouth
Deepway, Sidbury
Colyford Road, Seaton

“Council” means East Devon District Council

“Grave” means a burial place formed in the ground by excavation without any internal wall, brickwork or stonework or any other artificial lining.

“Full Memorial Plot” means a grave plot where the entire area of the grave may be used for memorialisation and or planting flowers. New Full Memorial Plots are no longer available in any of the District Council’s cemeteries.

“Lawn plot” means a grave where only the head of the grave may be used for memorialisation.

“Ashes plot” means a grave reserved solely the interment of ashes.

A “memorial” is any object placed upon the ground above a grave. It may be an engraved stone, a plant, cut flowers in a vase or any other object. The term also refers to benches, trees and other items donated to the Cemetery *in memoriam*.

“Vault” means an underground burial place of any description except a grave as defined above.

“Resident” means a person residing within the District of East Devon or in a property owned or provided by the Council outside East Devon during the twelve months immediately preceding the ‘resident’s’ death.

“Un-purchased, public or common grave” means a grave in which no exclusive right of burial has been or will be granted by the Council and in which unrelated persons may be interred.

“Woodland Grave” means any grave in an area of a cemetery set aside for woodland burials.

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Appendix B

Form 18

Declaration that Certificate or Order has been issued

Regulation 49(3) Births and Deaths Registration Act 1926, Section 1(1)

I,

of

in pursuance of the Births and Deaths Registration Act 1926, declare:

(1) That I am the person procuring the burial of the body

of

who died at on the

(2) that a registrar's certificate/coroner's order * authorising burial was issued by

the registrar/coroner * at

to

living at

on; and

(3) that the reason why the said document cannot be delivered before burial is that

.....

.....

I make this declaration believing the same to be true.

Signature of the declarant

Date

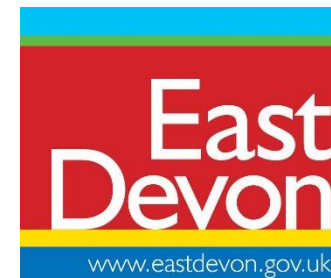
* Strike out whichever does not apply

East Devon District Council

Cemetery Regulation Consultation

Comments and Responses

Consultation period: 01.12.2023 to 22.01.2024



Report of Cemetery Regulation Consultation Comments

The table below shows the questions asked in the recent Cemetery Regulation Consultation. You will see the questions asked in the consultation, comments from the public and EDDC officer responses.

Please note – Not all questions appear on the table below, but will appear on Appendix ? (Cemetery Regulations Consultations Visual Feedback report) as some were a selection only response and not a comment response.

Comments highlighted in **yellow** indicate a change/proposed change to the draft regulations.

2. New graves will be allocated in strict rotation. They are not available for selection other than the option of a grave in consecrated or un-consecrated ground (un-consecrated ground is available for funeral rites of different denominations, non-denominational and humanist burials). How far do you agree with this proposed system?

Comment	Response
<p>I have previously responded to this consultation. I am not sure whether I have made my views known about the condition of Sidmouth Cemetery, parts of which are neglected/abandoned. Those parts have been especially identified for abandonment in the current management plan. This management decision is justified by the view that the area concerned comprises old graves that are therefore not visited. But this is completely untrue. I recently took a quick cursory look and found that a large number of graves within the sector were post 1950, and some were as recent as the 1980s. I am sure everyone will agree that this is not acceptable. I think the policy is wrong, but it is made even worse by the completely false justification. In short, there is no logical reason to sub-divide the cemetery into different management areas. It looks suspiciously like a cost-cutting measure dressed up as environmentalism.</p>	<p>This comment is not relevant to this consultation</p>
<p>Family may want to be buried close to each other</p>	<p>If families wish to be buried in the same area of the cemetery there is no reason why graves cannot be pre-purchased by family members, and we would aim to accommodate a request for them to be in the same area</p>
<p>Allocation of a grave in the middle of a section may be unsuitable for people with a disability or frailty to visit the grave for their loved one</p>	<p>Unfortunately, there are a limited number of graves that are in proximity of the pathways.</p>
<p>I agree with the choice of consecrated or un-consecrated ground. Strict allocation is convenient for the operators but sometimes circumstances may arise where discretion is required.</p>	<p>Bereavement services staff are conscious that there may be occasions where discretion in allocating a grave is required.</p>

My dad was able to buy 5 plots side by side I would like to be able to do the same for my children	Under burial law only the holder of the Exclusive Right of Burial has the right to authorise burials, placing of memorials or to be buried themselves. It would not be practical for an individual to purchase graves for their children as the likelihood is that the purchaser would pre-deceased their children. There is always the option that when the parent dies, and a grave is allocated any children could pre-purchase an adjacent grave.
While I agree with the principle of equity I wonder if there cannot be provision for reservation - on the payment of a fee - so that family, or association, relations might be buried in the same area? Colyton allows for this with a reservation for, I think, 50 years.	We do allow people to pre-purchase the exclusive right of burial in a grave.
People should be free to choose	For administration purposes we need to manage how we allocate graves. We are only able to allocate graves that have been marked out to ensure proper placement. Graves and ashes plots are marked out a row or part row at a time.
I feel that cemetery management is imperative and reserving spaces is poor for all concerned	
This is fair to all	
It gives fairness to all	
Families should be allowed to be together	If families wish to be buried in the same area of the cemetery there is no reason why graves cannot be pre-purchased by family members, and we would aim to accommodate a request for them to be in the same area.
Selection is not likely to be practical.	
Consideration needs to be given to families who wish for family graves to be clustered as near to other graves as possible. Why should grave purchasers not be allowed to choose those plots that are available what reason does the Council have for trying to prevent choice.	Due to a number of the sections of the cemetery being full there may not be a grave available close to where family members have previously been buried. Depending on availability family members can pre-purchase burial rights and we would aim to accommodate a request for them to be in the same area.
Agree - however purchase and reserve graves should be available to purchase. Eg. Muslim faith only allows one person to be buried per grave. Exceptions should be able to allow purchase and reserve so (for example) Husband and wife can be buried next to each other.	For example, if a husband and wife wish to be buried in separate graves it would be possible that at the time of the burial of the first deceased to also pre-purchase the burial rights in the next grave.
In principal I agree, but some people may feel strongly about being buried close to loved ones	Subject to availability.
I agree, with the proviso that all graves should be dug at least double (maybe triple) depth initially, so that spouse(s) or close relative(s) might be added at a later date.	All our lawn graves can be dug to double depth. Due to the nature of the ground in our cemeteries it is not practical to permit the digging to triple depth.

My family have a plot in the Sidmouth cemetery which I trust will be reserved for my family	If the Exclusive Right of Burial has been pre-purchased in a grave or ashes plot the holder of these rights may authorise burials/interment of ashes, placing of memorials and the right to buried themselves.
There must be an option to inter next to or with an already deceased loved one	Subject to space in grave or ashes plot or the pre-purchase of an adjacent grave or plot.
We should be able to chose which cemetery we want to use	Yes.

3. No interment will be permitted unless the body of the deceased person is contained in a coffin considered to be suitably biodegradable. How far do you agree that only biodegradable coffins should be allowed?	
Comment	Response
A coffin is something of personal choice and deceased would want to rest in peace in a safe place	Having taken advice from the Institute of Cemetery and Crematorium Management
If you are thinking in terms of wicker coffins, I totally disagree. Wisk to keep the tradition of wooden coffins.	The wording in section 16 a Coffins and Caskets to be amended to "No burial shall take place unless the body(ies) of the deceased person(s) is contained in a suitable biodegradable coffin, casket or shroud"
It depends on each persons budget it seems that biodegradable coffins are more expensive, this needs to be looked into	We will accept coffins and ashes caskets made from biodegradable materials, this includes traditional wooden coffins or ashes caskets. We wish to avoid burials or interment of ashes in metal or plastic coffins or ashes caskets.
makes sense	
Tree are now other environmental options such as water degradation, that should be allowed	
People should be free to choose	
anything to help the ecosystem is a bonus	See above amendment to wording in section 16 of regulations
There are a vast array of natural options and these should be encouraged at all times anyway, this furthers that	See above amendment to wording in section 16 of regulations
It makes sense. Burial should also be considered with no coffin.	See above amendment to wording in section 16 of regulations
Sustainability is key in everything	See above amendment to wording in section 16 of regulations
To protect the dignity of the person who has died and assist with carrying them.	See above amendment to wording in section 16 of regulations
Biodegradable is preferable but beyond reach for some people due to cost	See above amendment to wording in section 16 of regulations
Some people would have opposite preferences on this.	See above amendment to wording in section 16 of regulations
We should leave the planet in the way we found it, we do not need non biodegradable coffins. All the coffin is doing is going in the ground anyway	See above amendment to wording in section 16 of regulations
Why does the coffin need to be biodegradable, this is an example of political correctness being imposed on others.	See above amendment to wording in section 16 of regulations
What exactly is biodegradable? If wooden coffins are allowed-fine.	See above amendment to wording in section 16 of regulations
Most coffins are made of cheap materials anyway so will eventually biodegrade. Often biodegradable coffins are more expensive than a normal coffin. It's not something that has experienced economies of scale yet. It will affect those with limited funds. - very strongly disagree	See above amendment to wording in section 16 of regulations
Natural burials are not contained in a coffin. This needs to be broader so that you can cater for all types of burials and emerging burial practices	Section 16 of regulations to be amended to cover this
Families should be allowed to decide what they want for their loved one	See above amendment to wording in section 16 of regulations

<p>I agree, up to a point. Metal coffins should not be allowed, and natural wood / wicker &c should be encouraged. Plastic or metal handles are not biodegradable, nor are plastic name-plates. It's true that coffins are readily available with wooden handles, but wooden nameplates are rare except on woven (wicker &c) coffins. Your policy needs to be specific on this, for the avoidance of doubt.</p>	<p>See above amendment to wording in section 16 of regulations</p>
<p>Biodegradable should also be fully defined in terms of length of time it takes and also that all components are biodegradable such as handles, nails, etc</p>	<p>See above amendment to wording in section 16 of regulations</p>
<p>My sons remains were returned to this country in a secure coffin which I doubt is fully degradable</p>	<p>In a case such as this we would work with the funeral director to ensure the dignity of the deceased.</p>
<p>It is acceptable that as a skeleton is involved, the coffin becomes irrelevant.</p>	<p>See above amendment to wording in section 16 of regulations</p>
<p>In this time and age of our planet dealing with pollution everything, including coffins should be biodegradable</p>	<p>See above amendment to wording in section 16 of regulations</p>
<p>It is unreasonable to place this restriction upon the families of the deceased and could cause serious problems if the requirement is incompatible with the wishes of the deceased. Unnecessary bureaucracy, in my view.</p>	<p>See above amendment to wording in section 16 of regulations</p>
<p>Depends on the cost some people may not be able to afford it</p>	
<p>Common sense</p>	

4. How far do you agree that only biodegradable caskets or similar suitable containers should be allowed?	
Comment	Response
I presume that this does not preclude the scattering of ashes ie. dispersal of ashes without any form of container.	Scattering of ashes is still permitted in the Gardens of Rest in Sidmouth and Seaton cemeteries.
Persons personal choice	We will accept coffins and ashes caskets made from biodegradable materials, this includes traditional wooden coffins, shrouds or ashes caskets. We wish to avoid burials or interment of ashes in metal or plastic coffins or ashes caskets.
environmentally appropriate	
Good for the environment	
People should be free to choose	
biodegradable caskets will help to some extent	
Same as coffins, with the available options there is no reason not ton	
Sustainability is key in everything	
People should have a choice	See above.
They are normally made of timber which will biodegrade	
Ashes can be used for other purposes, some people have spread them elsewhere like in their gardens	We permit the scattering of ashes in the Gardens of Rest in Sidmouth and Seaton cemeteries
Sometimes relatives might want to relocate the ashes to other graves or different cemeteries for a variety of reasons	Exhumation of ashes is subject to receiving the correct Exhumation Licence from the Minister of Justice and the Diocese of Exeter.
Freedom of choice.	
Disagree but not as strongly as coffins but the same reasons still stand, but, because it's an ashes it'll mean it'll be cheaper than a coffin.	We will accept coffins and ashes caskets made from biodegradable materials, this includes traditional wooden coffins, shrouds or ashes caskets. We wish to avoid burials or interment of ashes in metal or plastic coffins or ashes caskets.
I don't see any reason why they shouldn't be biodegradable	
I agree for burials of ashes in earth (subject to same questions re plastic name-plates as for coffins). However, for placement in memorial walls, where these are provided, a metal or plastic container seems entirely suitable..	Not applicable, East Devon District Council do not have columbarium.
Usually they are poured out of a container into the ground	In East Devon managed Cemeteries we require ashes to be contained in a biodegradable casket.
Unlike a skeleton ashes do not stay together....you may as well scatter....it also allows removable as one entity if ever required	
See answer on 3b. Everything should be biodegradable in our time and age	
More unnecessary bureaucracy, and possible complications for a grieving family.	Funeral directors will assist families with their choice of casket.
Depends on cost	

5. How far do you agree that no more than two grave spaces may be purchased by one person?	
Comment	Response
I am unsure as to the need for a restriction to be imposed.	There is a finite space within the cemeteries, and to give residents an equal opportunity the number of graves that can be purchased by one person is therefore restricted.
A person may be wanting to secure a place for their child especially if they cannot answer for themselves	Under burial law the only the holder of the Exclusive Right of Burial has the right to authorise burials, placing of memorials or to be buried themselves. It would not be practical for an individual to purchase graves for their children as the likelihood is that the purchaser would pre-deceased their children. There is always the option that when the parent dies, and a grave is allocated any children could pre-purchase an adjacent grave.
It could be hard on people who want all their immediate families to be buried together. On the other hand, some family members may move away and be buried elsewhere, so the grave becomes unavailable to others for 50 years	There are a number of graves within our cemeteries where the holder of the Exclusive Right of Burial was purchased a number of years ago and no burials have taken place we presume that in some cases the holder of EROB has moved away and their burial has not taken place. Under burial law, unless we can contact the holder of the EROB we can't re-sell these rights until 50 or 99 years has passed.
Does this cater for large families?	This regulation does not preclude other family members purchasing their own burial rights.
I think this should be determined on a one to one basis. see the earlier response.	We do allow people to pre-purchase the exclusive right of burial in a grave.
People should be free to make more purchases	See previous response.
my deceased father purchased a plot for my sister in 1960, it is behind my grand parents and his plot is in front of theirs - he purchased his plot for burial but has been interred as ashes and his wife and potentially myself or brother will also like to be there as well	Provided that the EROB has been transferred to the executor or next of kin of the original purchaser further interments can take place.
I don't feel there should be any reservation only at need	
If people want more than two spaces that's fine as long as the cost is for the number of persons and that there is room to accommodate!	There is a finite space within the cemeteries, and to give residents an equal opportunity the number of graves that can be purchased by one person is therefore restricted.
Providing they are for close family i.e. parents, siblings etc, there should be a higher limit. Especially if for ashes internment, rather than burial of an intact body.	See previous response regarding burial law.
Because everyone has a right to a plot	A local authority is not obliged in law to provide burial facilities.
If a family wish to be together then she should be allowed to purchase a plot the size they need.	This regulation does not preclude other family members purchasing their own burial rights.
Families want to stay together especially if local to area	

Families should be allowed to be together	
Why would the Council wish to prevent a family purchasing more than two graves to ensure that all family graves are situated nearby to each other	
Larger families	
I think there may be instances when people want to have more than two spaces.	
When one's family have been in an area for many years it is nice to have their graves together	
Some people have no partner or children and would like to be buried with other family members	
If a grave has been purchased and a burial is taking place, a person should be able to purchase more than two i.e. for grandparents and parents and themselves.	See previous response regarding burial law.
no preference.	
This answer has been based on split families.	
Why does one person need more than one space, perhaps exceptions could be made in extreme circumstances but really it should be one body to one slot	
Depends if they are buying for a family plot. Eg. 3 grave spaces. The wording of this question is vague - One person may buy separate plots for mother, father and siblings.	See previous response regarding burial law. Family plots of 3 grave spaces are not available in lawn cemeteries.
Is this grave spaces or is it exclusive rights of burial? There should be no limit on the amount of exclusive rights of burial someone can own. This could exclude large families or multi generations from interning loved ones if this was capped.	See previous response regarding burial law
Purchased! You have to buy the plots! Every day is a school day	There is no requirement to purchase the EROB in a grave, but a non-related burial can take place in the same grave and no memorial can be placed.
You need provision for two parents and at least one child. By all means enforce a maximum of two plots, but these need to be at least double and preferably treble depth graves.	All our full graves can be dug to double depth. Tripple depth graves must be dug to a minimum of 7ft 6 there are health and safety issues digging to this depth particularly in wet weather the ground in our cemeteries is not always stable.
We are too many ppl on this planet, needing too much space when we are alive. The dead won't care how much space they need, we have to make sure they don't take up even more space	

6. Full lawn graves have capacity for two full burials and up to four sets of ashes contained in caskets.	
Comment	Response
If the first person who dies wishes to be cremated then up to two sets of Ashes should be allowed to be interred under the headstone either side of the ground anchor	It is proposed to amend the regulations to allow for this to happen.
up to six sets of ashes	It is proposed to amend the regulations to allow for up to six sets of ashes to be interred in full grave, following the adoption of these regulation. In the past there has been no uniform interment pattern across all three cemeteries to permit six sets of ashes where ashes have previously been interred due to the risk of disturbance.
up to three full burials should be allowed	All our full graves can be dug to double depth. Tripple depth graves must be dug to a minimum of 7ft 6 there are health and safety issues digging to this depth particularly in wet weather the ground in our cemeteries is not always stable.
It could be potentially more - in London they're digging for 3 coffins and 6 ashes round the sides of the grave (1 x @Head, 1 x @Foot, 2 x Either side - so 4 in total on the sides) Ultimately this means more revenue for the council as well as keeping families happy due to them being able to be buried together	See responses above
Double depth graves should be dug as standard with a maximum of 6 (2+4) in any one grave. There should be no single depth graves dug	If the EROB is purchased it is the choice of the holder whether to have one single depth burial. Where the EROB is not purchased the Council may authorise those graves be dug to double depth.
Treble depth would be better.	See previous response

7. All applications relating to inscriptions on memorials must be made in writing to the Council. Inscriptions must be simple and reverent and in keeping with surrounding memorials.	
Comment	Response
I have never noticed any inscription that would cause offence. So do not feel there is a need for this to be regulated. Some are just simple statements of name, date of birth, date of death. Others show love and affection.	Fortunately, EDDC Bereavement Services have never had to deal with an inscription with inappropriate wording. We need to legislate for the occasion that this may happen in the future in one of our cemeteries. It has been reported by other burial authorities that they have had to negotiate where inappropriate inscriptions have been requested. Our local stonemasons have also requested this clause in our regulations.
Inscriptions are personal and should remain that way	
Why should someone in the council hold sway over the writing on gravestones. Too much bureaucracy.	
It adds to a bureaucratic process...that responsibility can be placed with the funeral directors.....I'm not sure approval from a council employee is appropriate	
A funeral is the last thing you can do for a loved one and a way of making them immortal, if a person can afford the inscriptions no rules should be given as to what is written.	
Whilst obviously the inscription needs to be appropriate as an inscription but what difference does it make to the Council to allow any inscription provided it is not offensive to others why restrict choice.	
This would be a limit on free speech, as long as it is not offensive, I do not see the problem with someone having what they want written on their memorials.	
It's very personal to a family what is written not strangers making a decision	
Yes, the overall appearance / feel of the cemetery is important	
Who decides what is acceptable. I think it's better to state inscriptions should not contradict current law , not racist/ sexist / human rights legislation	
A simple headstone rather than large and difficult to maintain items everyone should however be able to have their name where buried	See above.

<p>This is shutting the gate once the horse has bolted, as with churchyards there is too much precedent at this point to change the rules especially on something so visible If not monitored it may not be appropriate in this new world it must be respectful</p>	See above.
<p>Dignity and discretion should be the keywords here, with some leeway for personalisation.</p>	See above.
<p>Always give suggestions, to head people in the right direction with their choice of wording.</p>	Stonemasons work with families to design headstones. Our local stonemasons have also requested this clause in our regulations.
<p>Inscriptions should be sensible and show respect.</p>	See above.
<p>Simple is a very vague term - Traditionally memorials would have c.90 letters - In loving memory, name, dates and verse. But recently (within the last 5-10 years) people want more, ultimately the memorial should be individual like the person and not generic. When you start dictating that they can have a simple inscription I believe it'll cause problems. However memorials should be in keeping with the surroundings. More emphasis should be placed on Natural English Stone (reduces carbon footprint and is in keeping as that's what historically they would use) as well as monoliths - these are safer than lawn memorials because they have to be snapped before they'll ever fail and possibly injure someone.</p>	See above.
<p>Agree applications should be made to council but wonder what is considered simple and reverent. Years ago it would have been considered wrong not to wear black to a funeral. Fortunately this view has altered. The same needs to be considered re headstones to reflect more personal view.</p>	See above.
<p>Gravestones are not just for the person who has died and their family. A graveyard is for all those who have passed away, their families and for visitors.</p>	See above.

8. With the approval of the Council, inscriptions may be added to the back of headstones.	
Comment	Response
I'm not sure about this. Perhaps if it limited to the people buried in the grave (names, dates etc) but nothing additional.	
Memorials are expensive starting at £1000 and going all the way up to £140k (admittedly I've seen them go this high in London not Devon) but people aren't going to be able to afford to change them. Additional on the back should be allowed	
Only plot numbers should be on the rear of the memorials. No edging should be permitted to graves for ease of maintenance	
Only for the ones interred in the grave.	
Should be allowed anyway	

9. Headstones shall only be constructed of granite, slate or other similar natural hard stone.	
Comment	Response
Should biodegradable headstones not be an option? The only downside is the aesthetic aspect as the headstone slowly biodegrades.....	
It would be in keeping with the churchyard	
Some may not be able to afford headstones, but still need to have a marker.	
so far as possible headstones would be constructed from 'local' material and again, so far as possible, a harmony in size and design adds to the character of the cemetery.	
hard wearing and durable enough for continued maintenance around them	
Again from management point of view softer materials are more prone to deterioration and therefore pose a risk to all	
It may require more investigation into other materials that may be acceptable and environmental friendly	
Cemeteries are places of historic interest and as such, memorials should be as 'permanent' as possible, and as able to withstand age and weather related wear and tear as much as possible.	
These materials have stood the test of time	
Plastic and metal deteriorate and cannot be fixed permanently.	
New composite materials may be forthcoming	
Should be as local to the area as possible, and in keeping with our headstones in the site.	
It must last.	
Everything should be relatively uniform	

<p>I agree but hard stone is a very vague term. For example Portland stone is considered a soft stone but is everywhere and is safe and will not fail.</p> <p>Slate should be no thinner than 1.5 inches.</p> <p>Bath stone should not be allowed due to it being a very soft stone that will eventually crumble in the elements.</p> <p>Granite needs a greater consultation - personally I'm very against it. High carbon footprint due to it being quarried all over the world and sent to china or India to be worked. Very unethical due to the poor working conditions and low pay. It maybe the cheapest stone in the UK but there's reasons why it's so cheap. This needs a greater consultation.</p> <p>I have seen glass memorials before and these are safe as they are often 3inches thick made of laminated glass. These are so few and far between it seems pointless banning them and should be considered on a case by case basis.</p>	
<p>Need to be of tough material to last but not sure what other options could be available?</p>	
<p>If the caskets etc are biodegradable, what will happen to the headstones once they and the bodies are gone?</p>	<p>This is covered by Local Authorities cemetery order.</p> <p>(5) The burial authority may, at the expiration of the period of any grant under (b) or (c) of paragraph (1) or under (b) or (c) of paragraph (1) of article 9 of the order of 1974 or any enactment replaced by those provisions, or of any extension of such period—</p> <ul style="list-style-type: none"> move to another place in the cemetery; or remove from the cemetery, for preservation elsewhere or for destruction, <p>any tombstone or other memorial which has not been removed from the cemetery by the owner of the right to place and maintain it in the cemetery.</p>
<p>As stated in my previous answers the family should decide not for a Council !</p>	
<p>Natural stone is the most attractive</p>	
<p>Looks better</p>	

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<p>It is reasonable to insistence upon certain standards and consistency, that also reflect past customs and practices.</p>	
<p>This would be cost restrictive. Hard stone is incredibly expensive</p>	
<p>Headstones shall only be constructed of Granite, Slate, or other similar natural hard stone</p>	

10. Sculptures are only permitted if they form an integral part of the headstone and are carved from the same piece of stone and fall within the maximum permitted size. Do you agree with this?	
Comment	Response
Up to a point. Cemeteries are places of historic interest and as such need to be aesthetically interesting. Perhaps sculpture could be considered on a case-by-case basis?	All memorial applications are checked against the requirements of the regulations.
They should fall within the permitted sizes of a memorial but, they shouldn't have to be carved from the same piece of stone. Cosmolux statues are perfectly safe and pinned to the base of the memorial. There is more chance of the memorial causing an injury to someone than that Cosmolux statue will.	This clause in the regulations was requested by a local stonemason who advised us on the safest form of construction.

11. Only tablet style memorials are to be permitted on ashes plots in any of the council's cemeteries. All tablets shall be constructed of granite, slate or other similar natural hard stone. How far do you agree with this proposed requirement?	
Comment	Response
In keeping with the churchyard	
Lettering on tablets soon deteriorate on tablets due to the weather. Could small headstones be used as used for babies or allow the tablets to be wedge shaped so rain runs off.	The ashes sections in our cemeteries are laid out to only accommodate tablet style memorials not the small headstone style.
Consistency and harmony of the marking of interments is important. The problem about tablets, lying flat in the ground is that they get overgrown and make maintenance difficult.	Following the adoption of these regulations it will be a requirement for stonemasons to fix any memorial tablet to a 2" concrete foundation thereby lifting the memorial above ground level.
There should also be space for personal memorials eg flowers/ ceramic messages	Following the adoption of these regulations a vase hole will be permitted in tablet memorials.
Why can't people choose	Uniformity.
As long as this is already the case, if an ashes section has upright stones then you make no positive by now taking that option away	The only ashes section where upright stones were permitted is XF in Sidmouth cemetery and this area is now full. All subsequent areas have only permitted flat stones.
As long as this is already the case, if an ashes section has upright stones then you make no positive by now taking that option away	See comments above
It makes it easier for maintenance in the cemetery	
The current section exists because masons / people did not adhere to the regulations and, once a breach was made, others were difficult to refuse. The current section is fair to all and standardised. There are many variations in colour, inscription etc. that can be used to personalise a plaque.	
Again, must be in keeping with the type of stone tablets in the site.	
Makes sense.	
I would not want my ashes to be in a graveyard so I do not need an opinion on this, I would rather have mine scattered somewhere else	Not applicable
We're back to the hard stone- my point on this still stands. However, if the ashes plot already contains cremation lawn memorials then cremation lawns should be allowed. Reasonably this could only be enforced on a new plot as it could be argued that for example - Aunt Mary has a cremation lawn next door and Uncle Robert can't have one even though they're next door to each other.	If relatives were in next door plots in an area of the cemetery that was brought into use prior to these regulations, we would ensure that memorials matched.

Whatever the family decide not Council	
By all means limit their size, but there is no good reason to exclude statuary incorporated in an upright stone.	Space in the ashes sections is limited to the plot size and the ashes sections have not been marked out to permit upright stones and statuary.
The same memorial should be permitted for ashes as graves	
No need for anything bigger to make sure the dead don't take up too much space	
I think it is possible to incorporate a little more flexibility, whilst maintaining a respect for all concerned.	
As above this excludes those whose budget will not reach the cost. It will also potentially cause an increase in the cost to everyone buying hardstone memorials	

12. Do you agree with the proposal that Exclusive Rights will not be sold to Funeral Directors, their agents or other persons for resale but will be granted to a single or a couple of named owners?	
Comment	Response
Absolutely. There should be no agent required to access burial sites. Perhaps the Council might consider resale/reuse after a given period of time for sustainability purposes. Memorials could be retained.	The option to extend the period of the EROB is being discussed within the revised regulations. If the EROB is not extended at the end of the term the rights revert to EDDC, therefore if there is space still within a grave or ashes plot, under burial law the Council can authorises further burials or resell the burial rights
This would then ensure that the grave/memorial marker stays in the family and there is no chance of an unrelated burial being interred there.	This is correct for the term of the EROB. If the burial rights are not renewed at the end of the term the rights revert to EDDC.
Not sure what this means exactly	Burial rights will only be sold to individual(s) and that they will not be sold to funeral directors for commercial resale.
Maximum of two owners for a plot. Plots should never be should to anyone else apart from family and friends. There was a case where a cemetery would sell purchase and reserve plots to anyone, a funeral director came along and brought the whole plot and sold them at a premium making themselves a very large profit.	

13a. Burial fees and Purchase of Exclusive Rights of Burial will be doubled where the deceased is not a resident and the exclusive rights holder is not a resident. How far do you agree with this proposed requirement?	
Comment	Response
<p>Provided that the deceased has lived permanently and continuously in the district for a significant period (say, 10 years?) at any time, it seems appropriate NOT to charge double. Consider as an example someone who has lived in East Devon all their life but is 'forced' to move away from the district in his/her dotage to live with family elsewhere but continues to regard East Devon as 'home' and wants to be buried here.</p>	<p>Charging of double fees for non-residents is not a new proposal this stipulation was in the three separate sets of regulations that have been in force since 1952 for Sidbury and Sidmouth and 1974 for Seaton. The Council provides cemeteries for residents/council taxpayers. Fees are only doubled if the deceased was not a resident of the district twelve months prior to death. Doubling of burial fees, purchase of EROB for non-residents is standard practice for burial authorities. If we don't conform to standard convention, we open ourselves up to "Grave Tourism" As there are areas of the country where burial space is no longer available.</p>
<p>If you have over away but wish to be with parents then allow but you pay a premium</p>	
<p>Surely we should be able to be buried anywhere in the UK, just as we able to move house to anywhere in the UK, without incurring double costs.</p>	<p>A local authority is not obliged in law to provide burial facilities.</p>
<p>The deceased may have lived in East Devon but moved to be near family in another part of the country. Special circumstances may apply.</p>	<p>How would an officer define special circumstances?</p>
<p>My wish is to be buried in the village where I was born and brought up, although I don't live there now.</p>	
<p>As a resident of Sidmouth, my dad purchased burial plots for himself and 4 children. My husband died and because we live in Mid Devon I had no option but to pay double fees. I don't agree with this. If a plot has been purchased that should be it. If a person is living elsewhere if they have family members already buried in Sidmouth they too should have the option to buy.</p>	<p>When the exclusive right of burial is purchased for a grave/plot the burial fee is not included in this fee.</p>

I understand that space is limited and perhaps residents have first priority but expressing this in terms of pricing doesn't seem to me the most sympathetic way of doing it. Non residents are likely to have some kind of connection; good idea to explore what that is when an application is made.	What guidelines would an officer use?
Ideally a resident would be buried where they die however, I feel families should be considered to be laid to rest together but space needs to be available	
Grave tourism is a thing and London cemeteries suffered with people cherry picking their burial grounds, this negates that	
Residents should always be given priority	
Deceased not Resident There should be dispensation of more than 12 months if someone has to go into care which is not in East Devon or moves away but needs looking at on an individual basis depending on how many years they have lived in the area and how long they have moved away for and/or for what reason.	Non-residents for the purpose of these regulations are defined as persons who were not residents of East Devon at the time of the death of in the previous 12 months.
Families would not want the trauma of having to pay double. They may have married or moved away, for very personal reasons.	
Agree that	
Why should non residents be charged more for the same plots	
Seems rather exclusive.	
If the deceased is not a resident should be doubled. However if the purchaser of ERB is not a resident but the deceased is, it shouldn't be doubled as the deceased is still a resident.	If the deceased was a resident of East Devon we don't charge the family, even if they live away , double burial fees or for the purchase of EROB.
Family of deceased may not live in East Devon but the deceased did.	
Someone may still have a strong connection with an area even if not a resident and shouldn't be penalised because of that.	EDDC provide three cemeteries for the benefit of residents.

<p>I agree the fees should be doubled if the deceased is not a resident but not the second point. If the resident is deceased and has lived in the area for sometime and wishes to be buried in the area, you cannot penalise their family/exclusive rights holder if they have decided to live elsewhere.</p>	
<p>Can we charge people who come here to die more for other things! Maybe stipulate that they have actually contributed to the district to qualify</p>	
<p>Extra charges should not be made where the deceased was a long-time resident, who had to move away for reasons of care in old age. Where there is no such connection by current or former residency, perhaps consider restricting burial to cremated remains rather than whole body.</p>	
<p>People should be treated equally when they are deceased.</p>	
<p>The purpose of the plot is to be near to loved ones. The deceased might have moved away for many reasons. Eg Armed Forces, could be anywhere in the world with an address no longer in the area, but obviously family members will wish them to return home. This rule needs include a line about links to family and definitely exclusion for Armed Forces</p>	
<p>Direct relatives of residents or people who were residents should be afforded the same rights as current residents.</p>	<p>EDDC provide three cemeteries for the benefit of residents.</p>

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14. Plastic ornaments, wind chimes, or similar items are not permitted on any grave or ashes plot. How far do you agree with this proposed requirement?	
Comment	Response
<p>Wind chimes can be a noise nuisance, but plastic ornaments are quite acceptable, they do not interfere with other users of the cemetery.</p> <p>Silk or plastic flowers are very acceptable. Silk flowers these days are quite realistic. In cold weather, such as now, it is not always practical to arrange real flowers with water freezing in their vases. Rather than leave a grave unadorned, whether through weather or frailty, I feel strongly that we should have the option of artificial flowers. When you look at the graves, the mix of real and artificial add to the loving feel of the cemetery, a delightful sight.</p>	<p>These regulations aim to be mindful of The Council's Climate change Action Plan. Under the theme of protection and enhancing the natural environment we wish to eliminate the use of plastics in our cemeteries.</p> <p>Respondents to this consultation have voiced an opinion that silk flowers be permitted, these still contain plastics in the stems and materials.</p> <p>The draft regulations may be amended to refer to The Council's Climate Change Action Plan.</p>

15. Artificial flowers, whether silk or plastic are not allowed. An exception to this rule is made for Remembrance Day poppies and traditional Christmas wreaths which are permitted and will be removed when they fade or decay. How far do you agree with this proposed requirement?	
Comment	Response
Regarding silk flowers some people cannot always visit all the time but like to think that they have not forgotten their loved ones and it brightens up the grave. Regarding leaving ornaments and memorabilia it's a way the living person wants to remember their loved ones and a coping strategy	These regulations aim to be mindful of The Council's Climate change Action Plan. Under the theme of protection and enhancing the natural environment we wish to eliminate the use of plastics in our cemeteries. Respondents to this consultation have voiced an opinion that silk flowers be permitted, these still contain plastics in the stems and materials. The draft regulations may be amended to refer to The Council's Climate Change Action Plan.
Artificial flowers can be very attractive these days. Silk not plastic.	
Let families mourn their lost ones in peace and respect without burdening them with more regulations. When it's difficult to make regular visits to family graves and with the high cost of flowers we should be allowed to place artificial flowers there in their place as long as its tidy.	

16. Do you have any other comments you wish to make in respect of the proposed Regulations for Management and Control of Cemeteries in East Devon?	
Comment	Response
<p>Considering that the maintenance of cemeteries is costly for Councils and that land is a finite resource, should cremation not be promoted and burial discouraged? An effective way of doing that would be to raise burial fees (and fees for the interment of ashes) and charge only a nominal fee for the scattering of ashes.</p>	
<p>It's up to the family to decide what they want to put on their loved ones grave. Everyone is different its a place to go and remember.</p> <p>We as a family would like to maintain the graves ourselves and not for street scene to strim over it and if this means putting up a little wooden then so be. This should be allowed and by doing this street scene will know which areas to strim. and stop the destruction of flowers and other objects as they do so.</p> <p>Some families live far away and can only put up artificial flowers why is this a problem?</p> <p>Some graves aren't marked except with a spiked memorial vase and artificial flowers why do street scene feel it necessary to just strim over them and break them</p> <p>Sidmouth cemetery is a cut through to the knap I think a sign for NO Dogs allowed should be placed at the entrances. Unless it's a guide dog for those visiting a grave.</p> <p>Gates should remain open at all times.</p> <p>What is the main reason for this is it lack of resources and money so if everything is kept on the stone ledge of a headstone it's easier to cut, (maybe the option of maintaining it ourselves should be thought about) is it because more people are coming into the area so more graves are needed.</p>	<p>There are NO DOGS allowed signs on the gates to Sidmouth cemetery.</p> <p>Not all comments applicable to this regulations consultation</p>

<p>I have a problem with how the grave yard is taken care of eg grass cutting management of wild plants I make visits to my relatives graves in Sidmouth and I am finding bracken growing throughout the grave and at Christmas I struggled to put a wreath on the grave it is quite upsetting to see the state especially as my grandfather was the local gravedigger for this churchyard and took pride in his work</p>	<p>Comment not applicable to this regulations consultation</p>
<p>I like walking around Sidmouth cemetery and reading the messages on the graves- they are historical messages</p>	
<p>It would be appreciated that future maintenance of seaton cemetery is done with care consideration and respect</p>	<p>Comment not applicable to this regulations consultation</p>
<p>Who has responsibility for tree planting in Seaton woodland section? StreetScene planted 40 trees in the Seaton woodland section in 2023. The new policy says that tree planting will be at the cemetery department’s discretion – and if they don’t plant a tree, the area will become grassland. But this area is called the ‘woodland section’ – not ‘grassland section’. How do they explain this?</p>	<p>This comment was received by email from EDDC Horticultural Technical Officer. We emailed this response to him: Who is responsible for tree planting in Seaton woodland section? As with any grounds work within the three cemeteries It has always been the understanding of the licensing manager and cemeteries register that the planting of trees in the woodland section falls to Streetscene. The wording in section 12 of the cemetery regulations may be ambiguous when it says “We will plant trees and shrubs, at our discretion, to enhance the woodland feel”.</p> <p>To clarify this ambiguity the wording could be changed to “Streetscene will plant trees and shrubs, at their discretion, to enhance the woodland feel”.</p>

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The Council has climate change targets – but this is not mentioned in the policy. Why not? The Climate Change Strategy and Action Plan is a key informant of planned improvements, such as the transition towards greater ecological and environmental sustainability. The Council's 'Council Plan 2020-24' highlights the priority of working towards 'a greener East Devon'. Why isn't this mentioned in the new cemetery policy?

This comment was received by email from EDDC Horticultural Technical Officer.

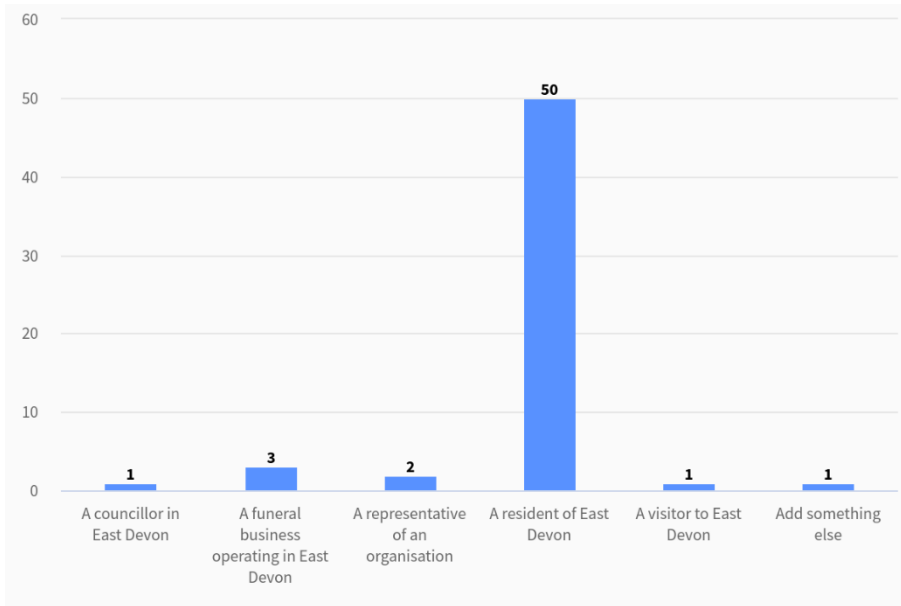
We emailed this response to him:

As you have raised The Council's Climate Change Strategy and Action Plan I have looked at it in line with the cemetery regulations. The only area I can identify where this plan has any relevance would be under theme 4 "protecting and enhancing the natural environment" in relation to condition 34 "Floral Tributes, Planting and Ornamentation" d) Artificial flowers, whether silk or plastic are not allowed. An exception to this rule is made for Remembrance Day poppies and traditional Christmas wreath which are permitted and will be removed when they fade or decay. E) Plastic ornaments, wind chimes or similar items are not permitted on any grave or ashes plot.

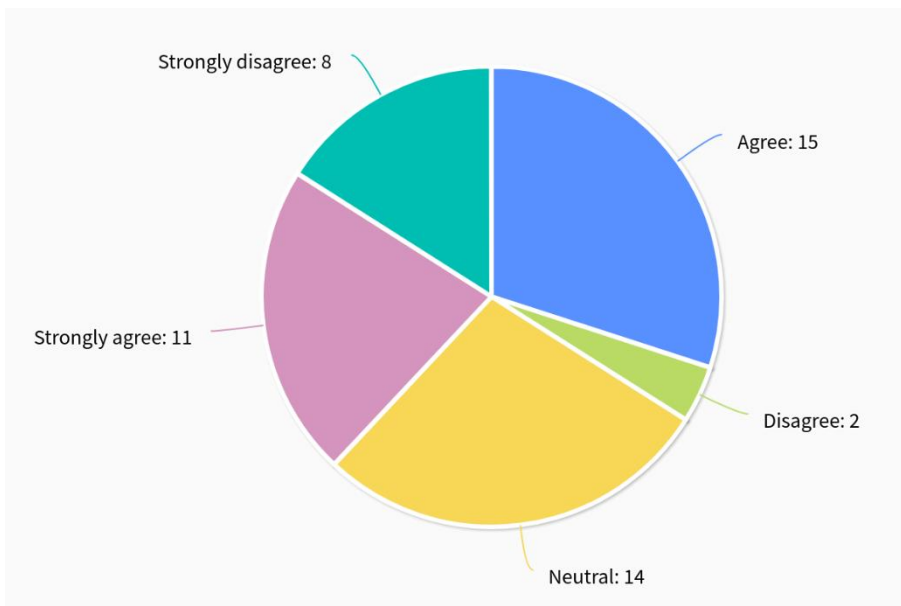
The regulations could be amended to state that these clauses are in line with The Council's Climate Change Strategy and Action Plan.

Cemetery Regulations consultations visual feedback report

1) Are you answering this survey as (select all that apply):



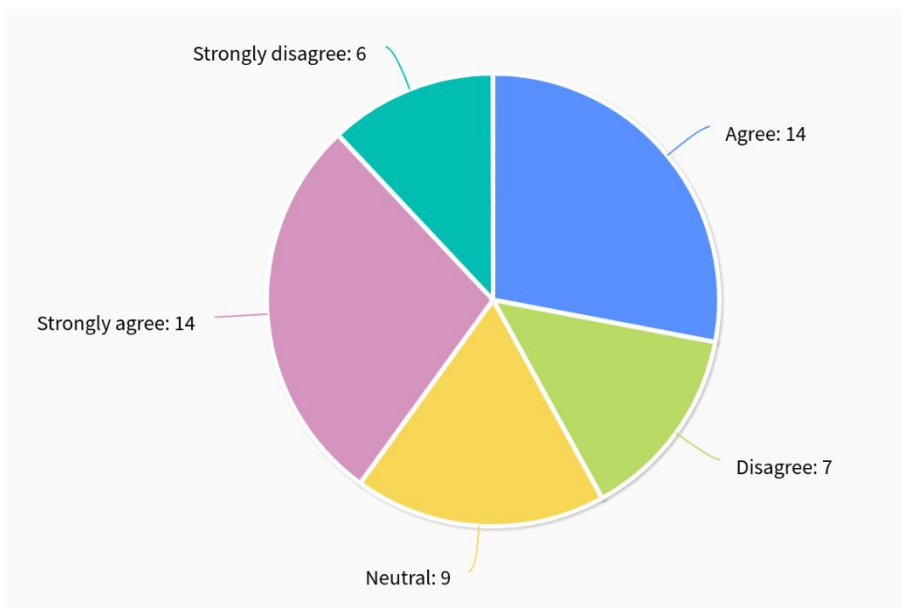
2a) New graves will be allocated in strict rotation. They are not available for selection other than the option of a grave in consecrated or un-consecrated ground (un-consecrated ground is available for funeral rites of different denominations, non-denominational and humanist burials). How far do you agree with this proposed system?



2b) Please give any brief details to explain your answer above.

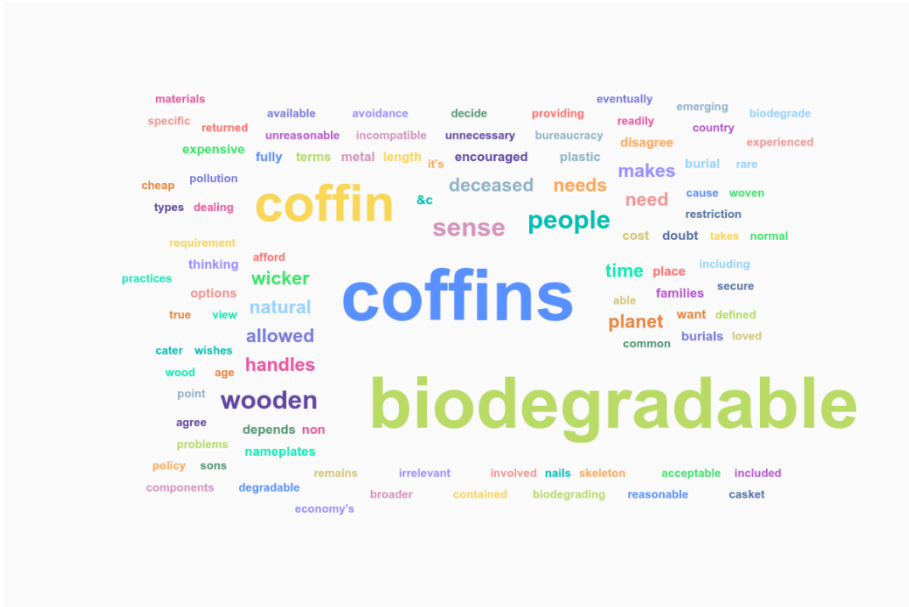


3a) No interment will be permitted unless the body of the deceased person is contained in a coffin considered to be suitably biodegradable. How far do you agree that only biodegradable coffins should be allowed?

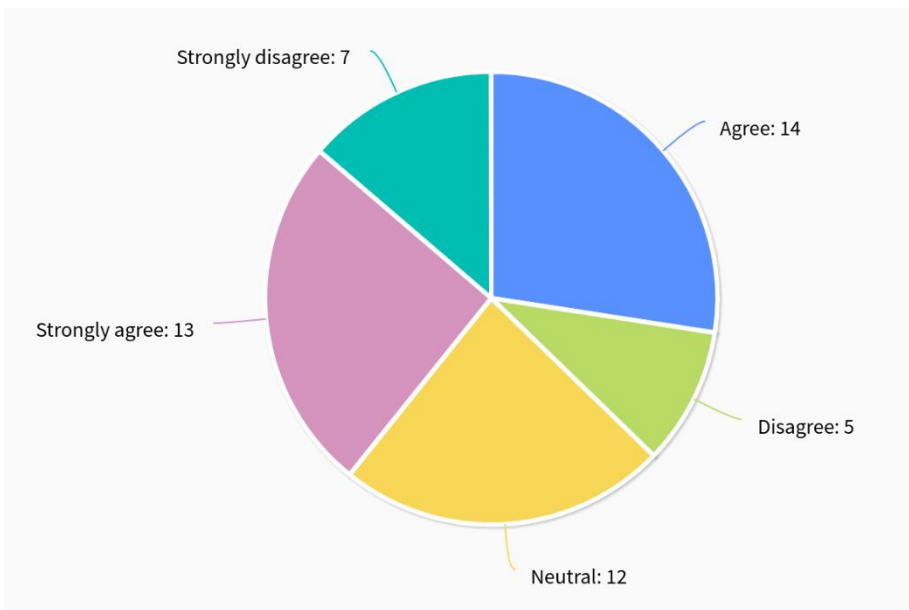


APPENDIX D

3b) Please give any brief details to explain your answer above.



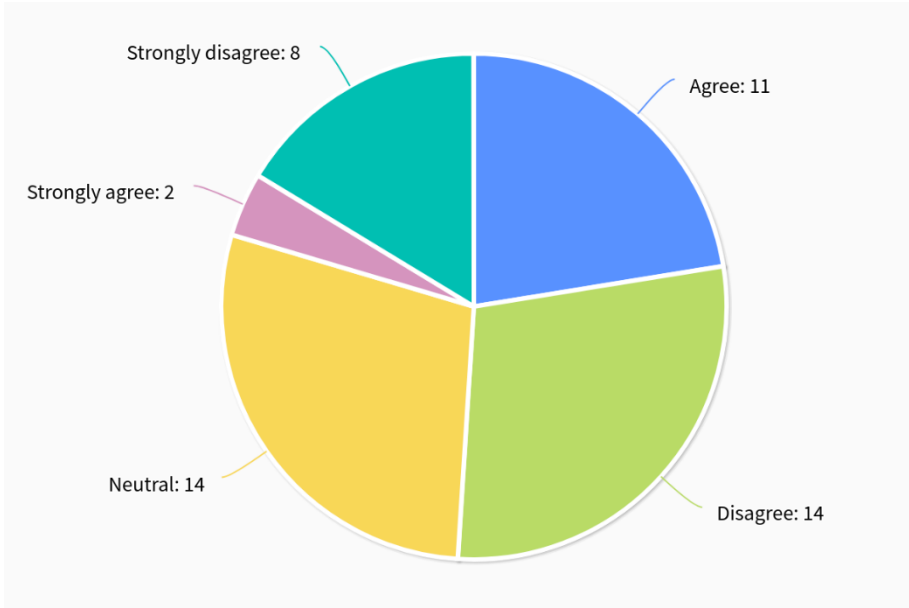
4a) How far do you agree that only biodegradable caskets or similar suitable containers should be allowed?



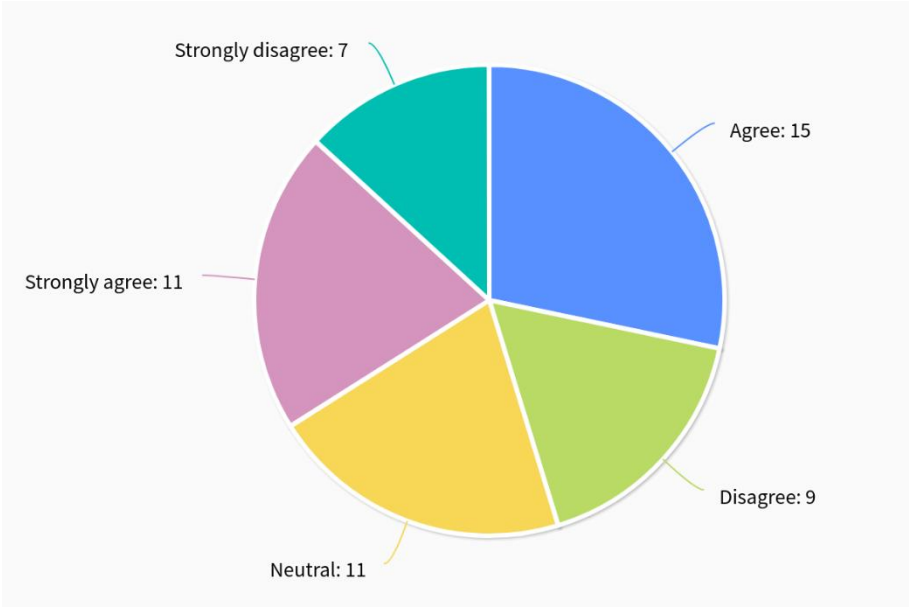
4b) Please give any brief details to explain your answer above.



5a) How far do you agree that no more than two grave spaces may be purchased by one person?



7a) All applications relating to inscriptions on memorials must be made in writing to the Council. Inscriptions must be simple and reverent and in keeping with surrounding memorials. How far do you agree with this proposed requirement?

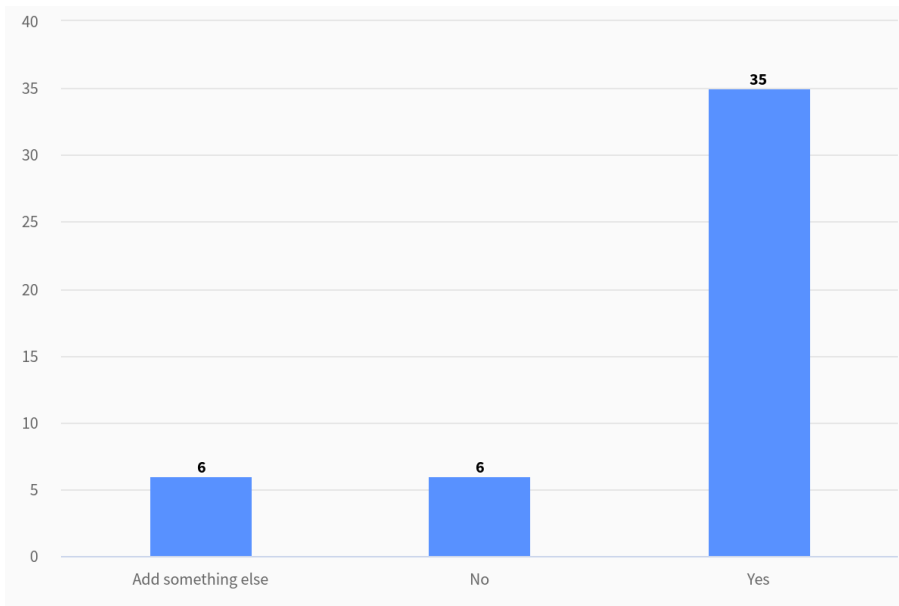


7b) Please give any brief details to explain your answer above.

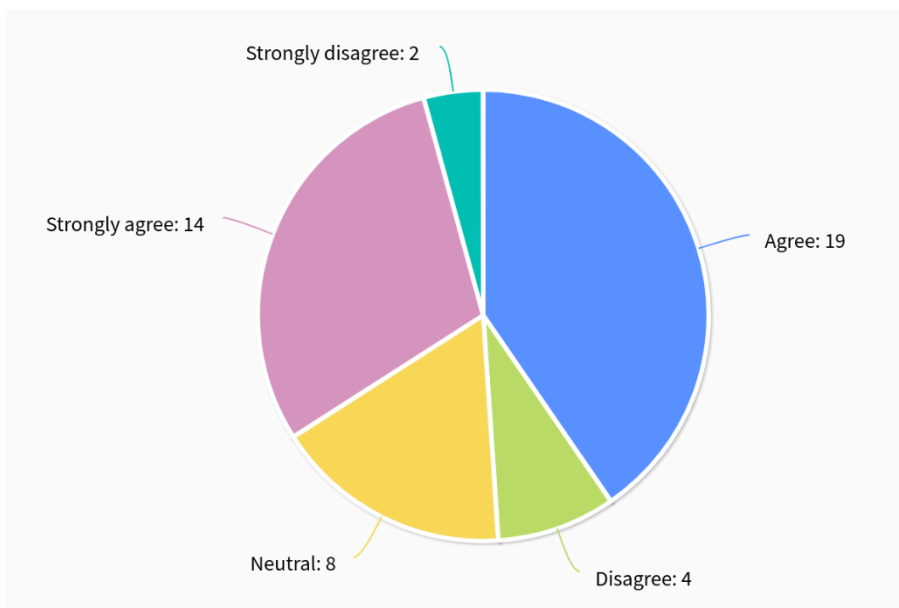


APPENDIX D

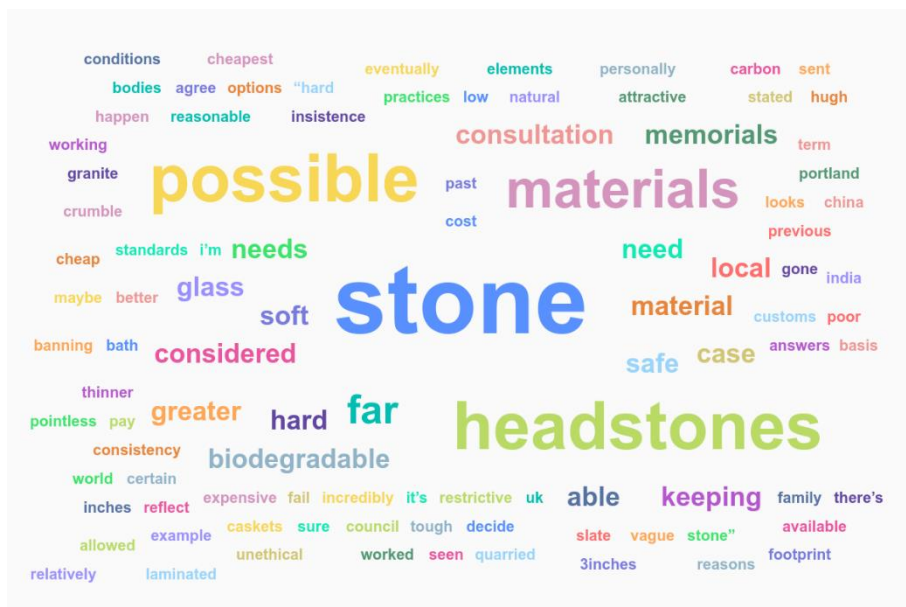
8) With the approval of the Council, inscriptions may be added to the back of headstones. Do you agree with this?



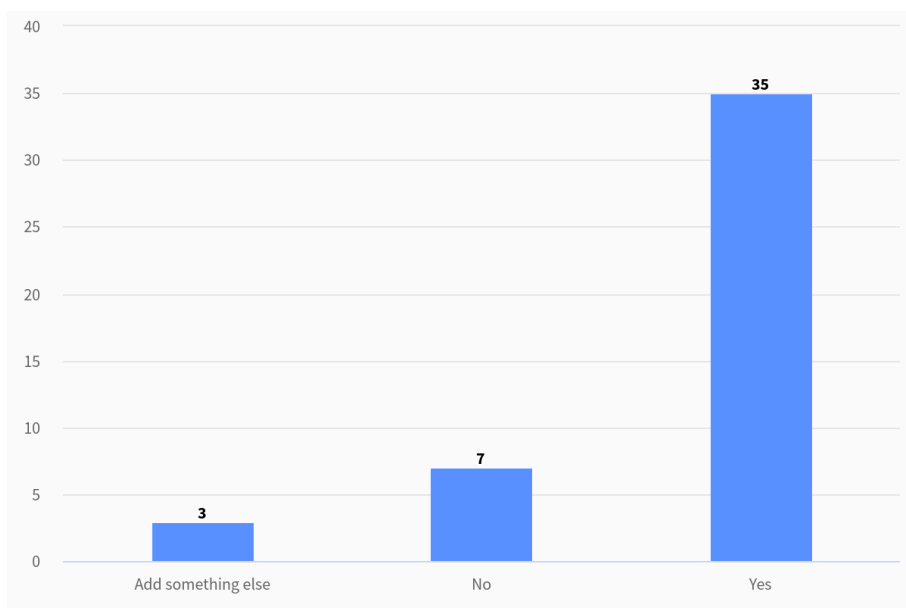
9a) Headstones shall only be constructed of granite, slate or other similar natural hard stone. How far do you agree with this proposed requirement?



9b) Please give any brief details to explain your answer above.

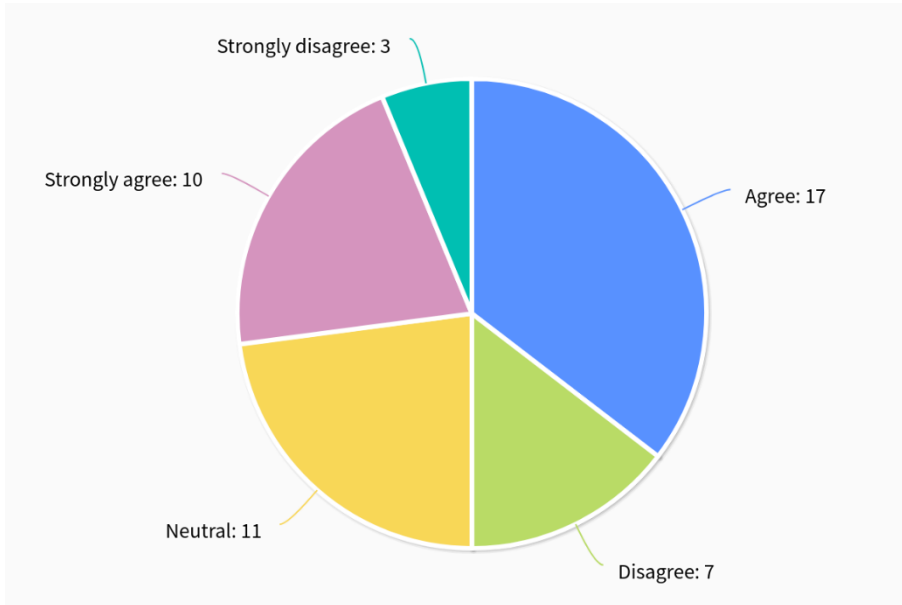


10) Sculptures are only permitted if they form an integral part of the headstone and are carved from the same piece of stone and fall within the maximum permitted size. Do you agree with this?



APPENDIX D

11a) Only tablet style memorials are to be permitted on ashes plots in any of the council's cemeteries. All tablets shall be constructed of granite, slate or other similar natural hard stone. How far do you agree with this proposed requirement?

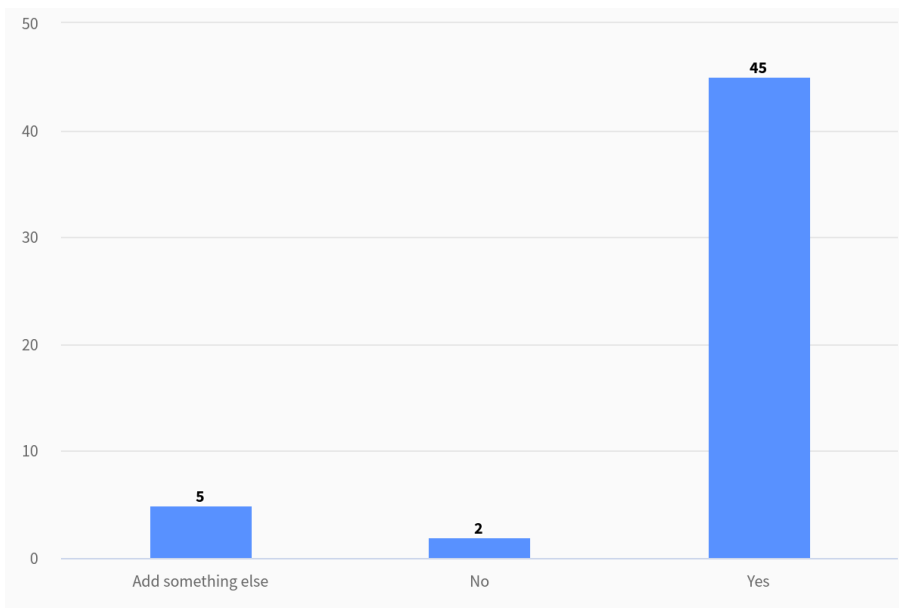


11b) Please give any brief details to explain your answer above.

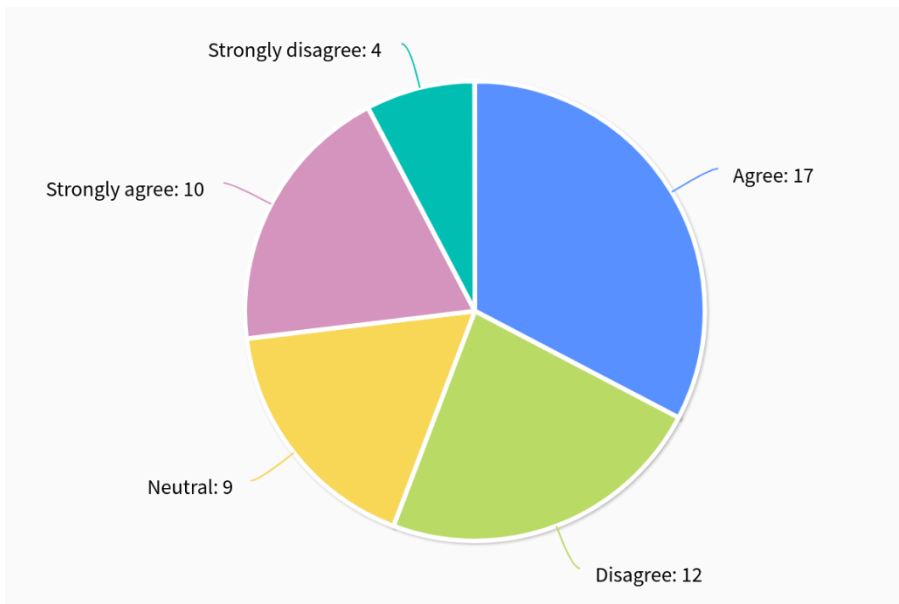


APPENDIX D

12) Do you agree with the proposal that Exclusive Rights will not be sold to Funeral Directors, their agents or other persons for resale but will be granted to a single or a couple of named owners?



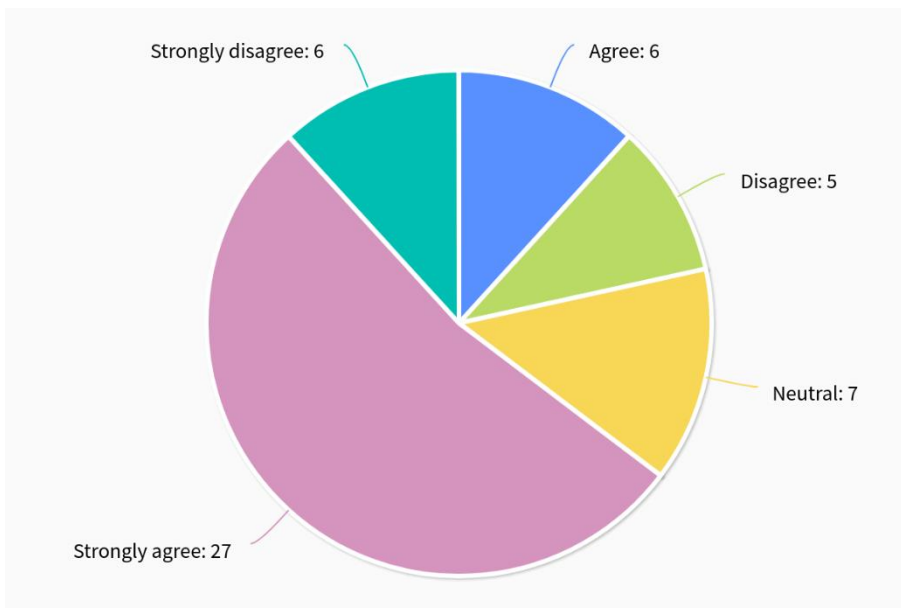
13a) Burial fees and Purchase of Exclusive Rights of Burial will be doubled where deceased not a resident and exclusive rights holder not a resident. How far do you agree with this proposed requirement?



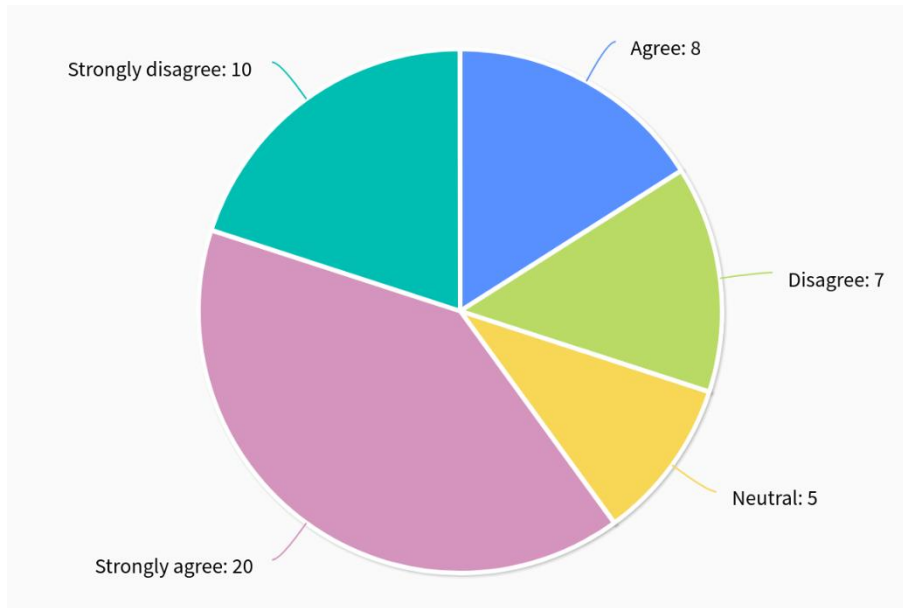
13b) Please give any brief details to explain your answer above.



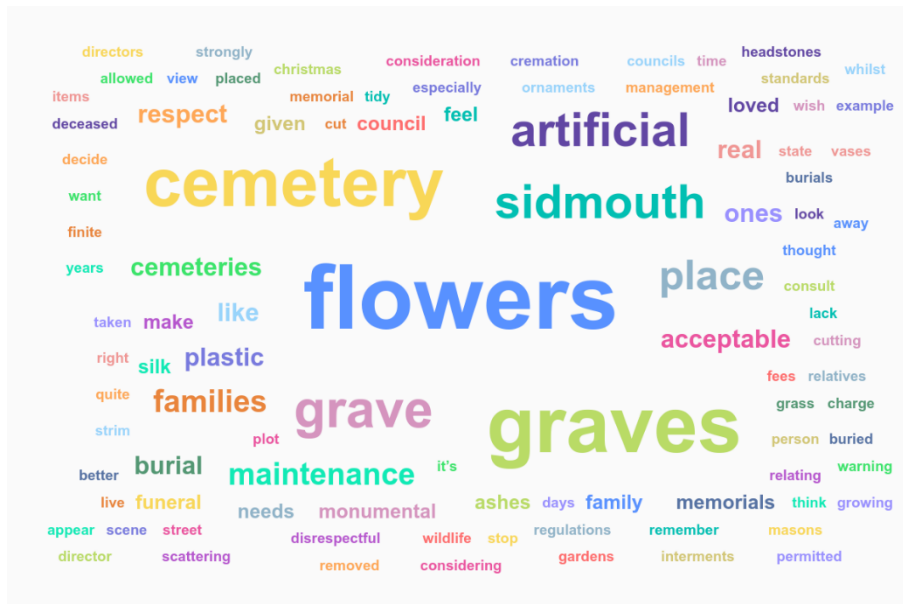
14) Plastic ornaments, wind chimes, or similar items are not permitted on any grave or ashes plot. How far do you agree with this proposed requirement?



15) Artificial flowers, whether silk or plastic are not allowed. An exception to this rule is made for Remembrance Day poppies and traditional Christmas wreaths which are permitted and will be removed when they fade or decay. How far do you agree with this proposed requirement?



16) Do you have any other comments you wish to make in respect of the proposed Regulations for Management and Control of Cemeteries in East Devon?





Report to: Cabinet

Date of Meeting 27 March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N /A

Councillor DBS checks and Safeguarding Protocol

Report summary:

To present to Members for approval a draft Protocol in relation to the introduction of Councillor basic Disclosure Barring Service ("DBS") checks and consideration of any safeguarding issues.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet recommend to Council for approval the attached Councillor DBS Checks and Safeguarding Protocol, to form part of the Council's Constitution.

Reason for recommendation:

The Council has decided as part of its Safeguarding Policy to undertake DBS checks for members. It is important that a process is put in place for undertaking those checks and introducing a risk assessment process should any convictions and safeguarding concerns be identified.

Officer: Melanie Wellman, Monitoring Officer E mail melanie.wellman@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; Adopting a policy to conduct DBS checks for members is a mitigation against safeguarding and other risks occurring.

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1. At a meeting on 31 January 2024 the Cabinet approved a new Safeguarding Policy which requires Disclosure and Barring (“DBS”) checks for councillors. Council subsequently approved a budget of £3000 for the carrying out of those checks.

There are three types of DBS check, Basic, Standard and Enhanced.

A Basic DBS check provides provide a minimal overview of an individual’s criminal history and reveals unspent convictions. It does not include cautions, reprimands, or spent convictions.

A Standard DBS Check is more comprehensive than basic checks and are commonly used in specific industries such as finance and law. It reveals both unspent and spent convictions.

An Enhanced DBS Check provides the highest level of disclosure and is essential for certain roles in education, healthcare, and other sensitive areas. It reveals unspent and spent convictions. It includes cautions, reprimands, and warnings. It also encompasses relevant police intelligence information deemed necessary for the applied position.

2. The appropriate level of check depends on the nature of the role and the level of contact an individual will have with vulnerable groups or sensitive information. As District councillors do not deal with social services matters, it is not considered that their roles meet the legal requirements to have a standard or enhanced check. In the circumstances, like many authorities, it is proposed that we introduce a protocol that all District councillors undergo a basic DBS check. However, in the unlikely event that activities are identified that may give grounds to consideration of a Standard or Enhanced DBS check, for example if the councillor, during the course of their duties, would be required to have contact with particularly vulnerable groups, the decision for the level of check required would be made by the Monitoring Officer in liaison with HR and following a risk assessment. The councillor would then be advised of this requirement.
3. To ensure that there is a process in place for the conducting of those checks, the attached Councillor DBS Checks and Safeguarding Protocol has been prepared. It is proposed that this Protocol forms part of the Constitution. The key elements of the Protocol can be summarised as follows:-
 - A reminder that councillors are bound by the Code of Conduct and when it applies.
 - Reference to the Safeguarding Policy and the requirement for councillors to undergo and co-operate with basic DBS checks.
 - That the Protocol will form part of the Constitution and that failure to comply with it, will amount to a potential breach of the Code of Conduct pursuant to paragraph 5.8.5 of the

Code of Conduct which states: *I will comply with the Codes and Protocols forming part of the Council's Constitution.*

- That the Council will conduct a Basic DBS Check upon a councillor being elected to office and following each subsequent election and that councillors will co-operate in providing all information to enable the DBS check to be carried out.
- Once a councillor DBS has been undertaken, the website will be updated to reflect that it has been carried out so that it is open and transparent.
- That in the event that the check results in a positive disclosure, any appropriate actions are taken, following a full risk assessment process. Whilst the DBS Certificate will be checked, a copy will not be retained by the Council.
- Following consultation with the Chief Executive and Safeguarding Lead (where safeguarding issues), the Chief Executive will discuss the matter with the relevant councillor in consultation with Leader of the relevant Political Group and advice provided on any steps that should be taken.

Financial implications:

A budget of £3000 has been approved by Full Council for the carrying out of the DBS checks

Legal implications:

Disclosure Barring Service checks are not legally mandated for Local Authority councillors, however many authorities are, in light of high profile cases, making the decision to undertake at least basic DBS checks. Simon Bailey conducted a review of the Disclosure and Barring Regime in April 2023 concerning the eligibility of local councillors for criminal record checks. The purpose of the review, commissioned by the Home Office, was to provide assurance to Ministers about the effectiveness of the disclosure and barring regime in safeguarding children and vulnerable adults. Part of the review considered the regime with regard to eligibility of local councillors for criminal record checks provided by the Disclosure and Barring Service. With specific reference to local authorities, the review made the following recommendation:

Recommendation 5: Local councillors *I recommend that an enhanced criminal record check is made mandatory for all councillors in Unitary and Upper Tier Authorities who are being considered for appointment to any committee involved in decisions on the provisions of children's services or services for vulnerable adults. I accept that this would require legislation and therefore some inevitable delay, so I further recommend that these authorities are encouraged to adopt this procedure as best practice pending legislation.*

As this Council is not a Unitary or Upper Tier authority, this recommendation does not apply and since the Council does not carry out social services functions, we cannot legally conduct an enhanced check. There is, however, the ability to invite all members to undergo a basic DBS check. Whilst this is not mandatory, by including this Protocol in the Constitution, it will mean that failure to comply will result in a member being in potential breach of the Code of Conduct. e

It is important to reflect that a basic DBS Certificate is a snapshot in time and is only up-to-date at the time of issue.

COUNCILLOR DBS CHECKS AND SAFEGUARDING PROTOCOL

Introduction

1. A Councillor's behaviour is covered by the Council's Code of Conduct (as required under the Localism Act 2011) which provides recourse to any member of the public wishing to make a complaint against a Councillors behaviour. That Code, however, does not make specific mention or reference to DBS checks and allegations about safeguarding.
2. The Code of Conduct, in the main, only applies to the conduct of a Councillor when acting or giving the impression that they are acting in their official capacity. It does not, therefore, always cover them in their 'private' life. Moreover, while the Council's Monitoring Officer has a duty to advise and consult an Independent Person appointed under s28(7) of the Localism Act 2011 on any action to be taken arising from a complaint regarding the conduct of members under the East Devon District Council Code of Conduct, it would be inappropriate to do so in any case where safeguarding issues had been raised without first referring to the Council's safeguarding procedures.
3. The Council has adopted a Safeguarding Policy which requires Councillors to undergo a basic DBS check. This Protocol therefore outlines the process for undertaking DBS checks and the risk assessment process that will be followed should the DBS check identify convictions.
4. This Protocol will form part of the Council's constitution. Failure to comply with it, will amount to a potential breach of the Code of Conduct pursuant to paragraph 5.8.5 of the Code of Conduct which states: *I will comply with the Codes and Protocols forming part of the Council's Constitution.*

DBS Checks and Risk Assessment

5. Following each District Council election the Council will, (or mid-term if a Councillor is elected mid-term) conduct a Basic DBS check for all Councillors which will be in place for a period of four years (a Council term), unless they notify the Council of a change, or the Council requires a new check following safeguarding concerns.
6. Councillors will co-operate in providing all necessary information to enable the DBS check to be carried out. Once a Basic DBS check has been undertaken for that individual Councillor, a record of that will be retained on the Council's website.
7. Only where the DBS check identifies a criminal conviction will the Monitoring Officer be notified. In these circumstances, the following course of action must be undertaken in line with the approved Risk Assessment, attached at Appendix A. The Monitoring Officer will not

- retain a copy of the DBS Certificate but will record the Certificate Number, date of Certificate, date of offence(s) disclosed, the type of offences and when they will be spent.
8. It is the responsibility of the Monitoring Officer to ensure all appropriate actions, guidance and notifications are taken in such cases.
 9. The Monitoring Officer will first undertake an assessment of the risk to both vulnerable adults and/or children and/or the reputation of the Council, the risk of the Councillor (the subject Councillor) continuing to exercise any existing or proposed role - either on a conditional basis or with additional safeguards in place or whether it would be incompatible with the circumstances of the case for the subject Councillor to continue in a particular role at all.
 10. The Monitoring Officer will also review the circumstances of the case with reference to the Code of Conduct to determine whether there are any political and/or standards issues involved and any potential case to answer.
 11. Thereafter and following consultation with the Head of Paid Service and Corporate Safeguarding Lead (where appropriate) a discussion will be had with the Councillor in consultation with the relevant Group Leader.
 12. Any such risk assessment must necessarily require an objective common-sense approach, having regard not only to the Council's responsibilities for safeguarding but the need for Councillors to maintain the highest standards of conduct in their professional lives and from a safeguarding perspective, their personal lives. Also important is the need for any person in public life and holding a position of special responsibility to be extra vigilant.
 13. The Monitoring Officer can also consider the withdrawal of facilities/access and, exceptionally, any action required to ensure the continued protection of others as a result of the disclosure or of any action the Council may decide to take as a result of that risk assessment, including confidential notification to a third party to ensure that continued protection of others, consulting with the Chair of the Standards Committee as appropriate.
 14. If a Basic check reveals that a Councillor has been sentenced to imprisonment for 3 months or more (including suspended sentences) during the last five years or has been convicted of a corrupt or illegal practice by an election court, then their seat will be lost.

Safeguarding

15. Councillors should operate within a safe working environment for children and adults at all times. If Councillors adhere to common sense principles of safe working this will not only benefit the work and reputation of the Council but help protect them (Councillors) as well.

16. Councillors should therefore ensure that they do not have or are not put in the position of having unsupervised contact with children and young people or vulnerable adults. Avoiding any such circumstances/unsupervised contact with vulnerable persons will help prevent the risk of any allegation of inappropriate behaviour being made.
17. Any safeguarding concerns as defined in the Safeguarding Policy should in the first instance be reported to the Corporate Safeguarding Lead, who, in liaison with the Monitoring Officer, shall take all necessary steps as indicated below including all appropriate notifications.
18. If the allegation is in relation to potential safeguarding concerns relating to the individual in their capacity, either as a councillor, or in any other working or volunteering role with children, the Council's Monitoring Officer will liaise directly with Council's Corporate Safeguarding Lead.
19. If the allegation relates to safeguarding concerns regarding the individual's behaviour with children in their personal life (e.g. as a parent or relative or friend), and the local authority is made aware of it, the Monitoring Officer will ensure a referral is made to the Devon Multi - Agency Safeguarding Hub (MASH). In these circumstances, Children's Services would undertake any assessment as appropriate and, if following this, concerns remain which could impact on the individual's role as a Councillor, also make a referral for LADO consideration.
20. It is recognised that not all Councillors will have direct contact with children and young people or vulnerable adults as part of their role, although some may.

Appendix A

PART A

DBS RISK ASESMENT CHECKLIST IN THE EVENT OF A POSITIVE DISCLOSURE	
Disclosure Certificate No:	
Date of Certificate:	
Full Name:	
Position check undertaken for:	
Councillor Level of Check	Basic/Standard/Enhanced
Convictions disclosed? If so, details	
Date(s) and place of conviction?	
<p>RISK ASSESSMENT</p> <p>Questions to be considered by the Monitoring Officer as part of the Risk Assessment</p>	
Question	Comments
Does the Councillor confirm that the information disclosed in the DBS Disclosure is accurate?	
What is the individual's attitude to the offence now?	
Will the Councillor be working unsupervised?	
Is the conviction now spent? Were/Are there any orders/requirements/conditions as a part of the conviction and are they relevant to rehabilitation or control of reoffending?	
Does the conviction disqualify the Councillor from being a councillor?	
Have circumstances changed since committing the offence(s)? What has the individual done to reduce the risk of re-offending i.e.	

rehabilitation, improved education, moved location, changed associates etc	
At the time of the offence were there any mitigating circumstances? (i.e. financial / domestic / alcohol / drugs	
Was this a 'one-off' offence? or repeat offending?	
What level of contact is there with children or vulnerable adults i.e. unsupervised.	
What level of personal contact is there with the public.	
Is there potential for reputational damage?	
Describe what preventative measure(s) could be put in place to reduce risk?	
Signature of Monitoring Officer and Date of Risk Assessment	

PART B – FURTHER ACTION REQUIRED

Please state any additional action required. Examples below.

Proposed action:

1.
2.
3.
4.
5.

Examples:

- Speak to Leader of the Council and / or Group Leader
- Consideration of Committee / Sub Committees / outside bodies appointments
- Exclude or restrict the Councillor's access to some or all District Council Premises or business;
- Any training required
- Withdraw facilities (e.g. computer access)
- Or other actions as defined in the Safeguarding Policy

Action Taken

Report to: Cabinet



Date of Meeting 27 March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Building Safety Regulator Recharges for Building Control Consultancy Services

Report summary:

In accordance with the provisions of the Building Safety Act 2022 the Council is obliged to confirm our hourly charging rate for Building Control consultancy services to the new HSE Building Safety Regulator (BSR) in relation to High-Risk Buildings. This has been calculated to be £97.41 per hour + VAT.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That the hourly rate used to calculate external recharges for consultancy services to the Building Safety Regulator is set at £97.41 per hour + VAT

Reason for recommendation:

1. To ensure that BC service can adequately recover incurred costs associated with providing this consultancy service to the BSR.
2. The proposed revisions are in line with the methodology set out in Appendix A of the attached DLUHC circular letter.
3. Charges rates are to be reviewed annually and adjusted as appropriate to ensure cost recovery.

Officer: Robert Edis, Building Control Manager redis@eastdevon.gov.uk <tel:07734 568803>

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; Principal risk considerations are the inability to fully recover rising costs if calculation is incorrect and rate is too low. Note: Charging rates are not commercially sensitive due to building control service provider being selected by the BSR rather than clients for this work. Rates for this work are required to be publicly notified.

Links to background information The Building Safety Regulator Charging Scheme is available to view here: [Building Safety Regulator charging scheme - 1 October 2023 \(hse.gov.uk\)](https://www.hse.gov.uk/building-safety/regulator-charging-scheme/)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Background

The Building Safety Act 2022 was introduced in response to the Grenfell Tower disaster and the Hackett Report recommendations which followed.

Under the new Building Safety Act 2022 Building Regulation applications for High-Risk Buildings (e.g those over 18m high or 7 or more storeys containing flats, care homes or hospitals) must now be made directly to the Building Safety Regulator.

The Building Safety Regulator (BSR) does not have Building Control (BC) professionals in house so will convene a multi-disciplinary team (MDT) in each case including the relevant local authority BC service, fire service and other relevant statutory services and specialist advisors.

The BSR is obliged to confirm charging rates up front to applicants so requires confirmation of the BC service recharge rates from each local authority.

Need For Change

This is a new consultancy service which has been brought about by the new BSR Building Control regime which came into effect on the 1st October 2023.

Future Service Investment Needs

a. Skills and Staff Resources

There is an expectation that councils will support the BSR when called upon unless there are sufficient grounds such as limited resources or lack of competent skilled staff to undertake the work.

Given the nature of the work within East Devon it is unlikely that the BC service will receive many cases for local work. However, it is possible that should other neighbouring authorities who are also struggling with staff recruitment and retention issues that we may be asked to assist in other areas where local support is not available.

Note that from 6th April 2024, Building Control becomes a regulated profession and all surveyors must go through an authorised competency level assessment and register with the BSR to become a Registered Building Inspector (RBI). From this date it will become a criminal offence to carry out restricted BC duties unless a RBI or under the supervision of an RBI. Surveyors will only be able to work on high rise building's if they have the necessary skills and are registered at the appropriate Class 3 or Class 4 competency grade.

Nationally the Building Control profession (and public sector BC in particular) is currently in a state of flux with many choosing to leave the profession or accelerate retirement plans partly due to the new BSR registration requirements and due to the below market salary and rewards. A third of the work force nationally has already been lost over the last decade and the trend is set to continue with recent member survey reports by LABC and CABA indicating that a third of the remaining workforce is close to retirement age. Those that remain are under pressure to move to the private sector either staying within private practice BC where pay is up to 50% higher or more for experienced staff or indeed moving into other related surveying professions which do not require registering with the BSR. We are working on a recruitment and retention strategy to try and address these issues so that we can hopefully hold on to the excellent team that we have and train up future surveyors through the apprenticeship programme.

East Devon DC BC service currently is fortunate to have retained 7 highly experienced and qualified staff who will all be required to go through the competency assessment and BSR registration process. Only when this process is complete will we know whether we will be legally able to provide services to the BSR after the 6th April deadline. Certainly, advanced knowledge and skills will be required for work on HRB's so some additional training to support this work may be beneficial.

The hourly rate calculation attached is based upon the costs associated with providing the Principal Building Control Surveyor. The rates will be fixed until at least end of the financial year 2024-25.

Financial implications:

The financial implications are detailed within the report.

Legal implications:

The legal issues are covered in the report.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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