

Report to: Cabinet



Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Consultation on draft Cemetery Regulations

Report summary:

To seek Cabinet approval to undertake a consultation process introducing combined Regulations for the Management and Control of East Devon District Council Cemeteries.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

To carry out a consultation on the introduction of Regulations for the Management and Control of East Devon District Council Cemeteries.

Reason for recommendation:

In order to meet the requirements to carry out a consultation before introducing the new regulations.

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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 [combinedcabagenda080317PUBLICverscompressed.pdf](https://www.eastdevon.gov.uk/combinedcabagenda080317PUBLICverscompressed.pdf)
([eastdevon.gov.uk](https://www.eastdevon.gov.uk))

Link to [Council Plan](#)

Priorities (check which apply)

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

Report in full

1.1 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 which replaced all previous rules and regulations. The Council reserves the right to alter, add to or amend the Regulations from time to time as necessary.

1.2 The 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. The council also manages security and maintenance of the cemeteries.

1.3 Whilst there is no statutory requirement for a Council to provide cemeteries there is a statutory duty to dispose of those who die within the District where no other funeral arrangements are being made. In line with most authorities, the Council provides cemeteries.

1.4 All three were 'inherited' by the 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. The 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 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. The council does not undertake full grave excavations which are arranged by the relevant undertaker.

1.6 A working draft of the regulations is provided at **Appendix A** together with a draft declaration for Certificate or 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 a comments 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. Providing members agree to the consultation being undertaken, it is proposed that the consultation will be carried out over a period of six weeks to include all Town and Parish councils, undertakers, funeral directors and members of the public. There will be a web based consultation, with paper copies available on request, with an opportunity to comment via the council website.

1.9 A consultation on an earlier set of proposed regulations was undertaken between 1st August 2017 and 15th September 2017, and the attached draft regulations incorporate feedback received as part of that consultation exercise. Due to the length of time that has elapsed since the previous consultation exercise, and the number of changes made to the draft Regulations in light of the previous responses, it is considered good practise to undertake a further public consultation exercise.

1.10 All responses will be duly considered and if appropriate the regulations may be amended prior to the final draft being submitted to Cabinet and Council for approval.

Financial implications:

The associated consultation preparation and publication costs will be met in full from cemetery fees income.

Legal implications:

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