

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.

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A greener East Devon

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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.