

**OVERVIEW AND SCRUTINY BOARD**

**12 NOVEMBER 2013**

**FINAL REPORT OF THE ENVIRONMENT  
SCRUTINY PANEL -  
BEREAVEMENT SERVICES**

**PURPOSE OF THE REPORT**

1. To present the Environment Scrutiny Panel's findings, conclusions and recommendations following its investigation of the topic of Middlesbrough Council's Bereavement Services.
2. This topic was investigated as a short topic over the course of one Environment Scrutiny Panel meetings held on 27 August 2013. A further panel meeting was held on 21 October 2013 to consider a draft final report. A Scrutiny Support Officer from Legal and Democratic Services co-ordinated and arranged the submission of written and oral evidence and arranged witnesses for the investigation. Meetings administration, including preparation of agenda and minutes, was undertaken by a Governance Officer from Legal and Democratic Services.
3. A record of discussions at panel meetings, including agenda, minutes and reports, is available from the Council's Eagenda committee management system, which can be accessed via the Council's website at [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk).
4. This report has been compiled on the basis of information submitted to the scrutiny panel by officers from the Council's Neighbourhoods and Communities Department.
5. The membership of the scrutiny panel was as follows:  
  
Councillors Kerr (Chair), Clark (Vice-Chair), Brady, Cole, Davison, C Hobson, McPartland, Saunders and P Sharrocks.

**THE SCRUTINY PANEL'S FINDINGS**

6. The scrutiny panel's findings are set out below and relate to:
  - Burial and cremation services
  - Headstone safety

- Yearby crematorium
- Medical examiner
- Impact of central government budget cuts on grounds maintenance
- Visual / photographic display screens and DVD recording facilities in the crematorium chapels
- Mercury abatement
- Future provision of burial land

## **Burial and cremation services**

7. The Council's Bereavement Service carries out burials for Middlesbrough residents and cremations for Teesside residents. The nearest crematoria are at Hartlepool, Darlington, York and Scarborough, although a new crematorium is under construction at Yearby in Redcar and Cleveland.
8. Teesside Crematorium is currently the third busiest in the UK, with approximately 3,600 annual cremations. Cremations far outweigh the number of burials, of which there are approximately 350 annually. There are 125 acres of grounds set aside for the cemeteries and crematorium, which are maintained by the Council's Area Care service. The cemeteries are:
  - Linthorpe Cemetery
  - Thorntree RC Cemetery
  - Thorntree Main Cemetery
  - North Ormesby/ St Joseph's Cemetery
  - Acklam Cemetery.
9. The 53 acre Linthorpe Cemetery is a designated Nature Reserve and also holds a Green Flag, in recognition of good management of public open space.
10. The Service works closely with partners and stakeholders through the multi agency Bereavement Services Forum, which is chaired by the Council's Executive Member for Environment. The Forum provides a platform for funeral directors, the clergy and faith groups to discuss areas of mutual interest.
11. The Service holds the Gold standard for both cremation and cemetery services under a national benchmarking scheme run by the Institute of Cemeteries and Crematoria Managers (ICCM). Although the service is self-financing from income, following a staffing review and the retirement of the Bereavement Services Manager, a saving of £18,000 has been made with the appointment of a joint manager with the nearby Middlesbrough Golf Centre.
12. **Headstone Safety**
13. Some years ago the Health and Safety Executive reported that, nationally there had been 21 serious injuries and 3 fatalities from dangerous headstones. As a result, between 2005 and 2008 all of Middlesbrough's headstones were tested in accordance with health and safety guidance. Although headstones are owned by the purchaser and not the local authority, the Council decided to act as the headstones were on its land. Owners of the headstones are liable for the repair cost if they are known or can be traced. However, this can be problematic in the case of older memorials.

14. Funding was made available from the Council's capital programme to repair 3,000 loose headstones up to a national standard at a cost of £300,000. The repair programme followed an open tender process.

15. Current safety policy involves carrying out checks every five years, in accordance with national guidance. With the support of the Bereavement Services Forum, cemetery and cremation fees were increased to create an annual £16,000 annual budget to repair headstones when the owner cannot be traced. The scrutiny panel was informed that a repair to re-erect a headstone typically costs £250. The latest round of testing is almost complete and it is projected that 135 headstones will fail the safety test. These have been, and are being, repaired by the Council. The next round of cemetery-wide testing is due in 2016.

### **Yearby Crematorium**

16. A commercial operator has obtained planning consent to build a crematorium at Yearby, which is likely to open in January 2014. This will affect the level of cremations undertaken in Middlesbrough as residents of Redcar and Cleveland and other areas may be more likely to use a facility that is closer to them.

17. Predicting the likely impact on Middlesbrough's crematorium is dependent on several factors including:

- The likely catchment area of the new crematorium
- Any differential in cremation fees
- The quality of service and facilities on offer
- The preference of families and any association they already have with Middlesbrough.

18. The scrutiny panel heard that, while it is not possible to predict a likely financial loss to income from Middlesbrough Crematorium, the sum involved is likely to be significant, although this may be partly offset by limited expenditure savings. The Yearby Crematorium business plan that accompanied the planning application makes provision for over 1,100 cremations annually.

19. As a private crematorium has become operational near Bishop Auckland in County Durham, contact was made with Durham County Council. That authority supplied information in respect of the impact that the private operation has had on the crematorium at Durham, including a reduction in the number of cremations carried out. The information provided by Durham County Council, including information in respect of its fees in comparison with the private operator, was made available to the scrutiny panel.

### **Medical examiner**

20. The Coroners and Justice Act 2009, as amended by the Health and Social Care Act 2012 requires upper-tier local authorities in England, including Middlesbrough Council, to appoint medical examiners to scrutinise and confirm the cause of all deaths in their area that do not require a coroner's post-mortem or inquest.

21. This process follows the outcome of the Shipman Enquiry and is aimed at making the new process stronger, simpler and more open than the current process. In particular, it unifies the current arrangements for burials and cremations and replaces the requirement for doctors to complete some cremation forms.
22. Essentially, local authorities will be required to appoint a Medical Examiner, who would be an experienced doctor qualified to consultant level on the NHS pay scale. Indications are that the Medical Examiner would be funded from a charge to the person registering a death.
23. At present, the Medical Referee fee for a cremation is £18.50 although it is possible that the fee for a Medical Examiner's Certificate could be in the £150 to £170 range. A national consultation paper is overdue and the planned implementation date is October 2014. The Bereavement Services Forum has considered the proposal and expressed concern about the impact of the new fee on low-income households. The best estimate is that the death certification process for cremations will increase by about £80 and for burials by £160.

### **Visual / photographic display screens and DVD recording facilities in the crematorium chapels**

24. Following discussions at the Bereavement Services Forum, arrangements are in place to install TV screens to display pictures/photographs in the crematorium chapels. The new facilities would also allow families to have a recording of a funeral service on a DVD to professional standards.
25. The equipment would also allow services to be broadcast outside the chapels on external screens for busy funerals and over the internet for family members who cannot attend a funeral. This aspect of the work is on hold until the broadband connection is upgraded.

### **Impact of central government budget cuts on grounds maintenance**

26. The Council's difficult financial position means that there have been reductions in Area Care budgets. This has impacted on the cemetery and crematorium grounds and, overall, less work is being undertaken. However, priority is given to cemetery grounds maintenance and fees were increased a few years ago to appoint additional gardeners. This followed discussions at the Bereavement Services Forum, when it was agreed to opt for higher fees to protect grounds maintenance standards. This process is currently under review and fees/possible increases will be discussed at a future Forum meeting as an alternative to reducing expenditure.

### **Mercury abatement**

27. Some time ago, the Government introduced legislation to meet an EU Directive to reduce mercury emissions from crematoria. At that time, the UK crematorium industry was a significant emitter of atmospheric mercury arising from dental amalgam fillings. UK crematoria, as a whole, were required to reduce their mercury emissions by 50%.

28. As a result, most crematoria opted to either establish a partnership between crematoria that upgraded and opted out of upgrading or joined a national scheme to collectively achieve an overall 50% reduction. Middlesbrough Council decided to replace three of its five cremators and install mercury abatement on them. However, as the mercury abatement process is quite sophisticated and requires additional space, building adaptations were required as part of a £1.6 million refit.
29. As a result of the works, Middlesbrough's Crematorium is achieving a mercury abatement rate of 67%, which is well above the required legal standard.

### **Future provision of burial land**

30. Members were advised that a review on the future provision of burial land was undertaken in 2012. As a consequence 1.4 acres of land adjacent to Thorntree RC Cemetery and 10.7 acres of land at the rear of Acklam Cemetery were designated for cemetery extensions.
31. This exercise has increased the available land bank for burial provision from approximately 12 years to approximately 50 years. It has also been calculated that boundary fence extensions will not be required for another six years.

### **Grave maintenance**

32. The scrutiny panel was informed that grave plots were once sold 'in perpetuity' and that many of the graves in the older parts of the Council's cemeteries come into this category. In more recent decades, grave plots have been sold with a 100 years 'exclusive right of burial', which is in effect a 100 year lease.
33. Responsibility for maintaining lawn (grassed) graves rests with the Council. In the case of a kerbstone grave (a plot with kerbstones around to create a boundary with a central space for planting etc), many of which are located in the older parts of cemeteries, maintenance responsibilities rest with the owner.
34. As a result, there are around 220 annual contracts, whereby a person pays between £25 to £50 for the Council to maintain a kerbstone grave. It is noted however, that some of the older graves sold in perpetuity have a condition requiring the Council to maintain the grave plot forever.

### **CONCLUSIONS**

35. Having considered the submitted information, the Environment Scrutiny Panel reached the following conclusions:
1. Despite the severe pressures on Council budgets, high standards of grounds maintenance in Council cemeteries and at the crematorium are being maintained as priority has been given to this area of work. Although this may result in service reductions elsewhere, this approach is supported by the Environment Scrutiny Panel. Moves to modernise service provision at the crematorium - by providing visual/photographic display screens, DVD recording facilities and to broadcast funeral services via the internet - are welcomed by the scrutiny panel.

2. The Council is fulfilling its obligations in respect of headstone safety. Costs in respect of the necessary works are currently met from fees and charges.
3. The private crematorium that is being built in Redcar and Cleveland will impact on Middlesbrough Council's crematorium. The number of cremations at Middlesbrough will be reduced, resulting in a potentially significant loss of income to the authority.
4. The new requirement for local authorities to appoint a Medical Examiner to scrutinise and confirm the cause of all deaths that do not require a post-mortem or inquest, will increase burial and cremation costs. This is of concern to the scrutiny panel as it will impact on everyone arranging a funeral and could particularly affect those on low incomes.
5. Measures to reduce mercury emissions from the Council's crematorium have resulted in reductions that are well in excess of legal standards. The service is to be commended for this achievement.
6. Following the 2012 review of burial land, and action taken at that time, there is adequate burial land in Middlesbrough to last for approximately the next 50 years.

## **RECOMMENDATIONS**

36. Following the submitted evidence, and based on the conclusions above, the scrutiny panel's recommendations for consideration by the Overview and Scrutiny board and the Executive are as follows:

1. That, while recognising the Council's difficult financial position, the current approach of maintaining high standards of maintenance at the Council's cemeteries and crematorium is continued as far as possible in order to respect the sensitivity of this issue . While this may involve increasing fees and charges, account should be taken of the Council's Change Programme and the need to examine issues such as more efficient ways of working, or further reducing service standards in other areas.
2. That, in respect of headstone safety:
  - a) The current approach is continued, with costs of the necessary checks being met from cemetery and cremation fees and charges.
  - b) That the position is examined in respect of the £16,000 budget that is created each year from fees and charges to deal with this issue - in particular whether this results in a budget surplus that could be used to offset, or reduce, potential increases in fees and charges.
3. That, once the private crematorium in Redcar and Cleveland becomes operational, its impact on the level of cremations at Middlesbrough Council's crematorium is closely monitored. While the Council's fees need to be competitive, services should continue to be provided at the highest possible standard, including the further use of technological innovations and improvements, as appropriate. Work should also be undertaken to review service provision to mitigate any future loss of income and to determine the possible implications of this.

4. That the position is noted in respect of:

- a) Increased burial and cremation fees due to the necessity of providing a Medical Examiner's Certificate.
- b) Work to reduce mercury emissions from the Council's crematorium.
- c) The availability of future burial land.
- d) Grave maintenance.

## **ACKNOWLEDGEMENTS**

37. The Panel is grateful to Jeff Duffield, Public Health & Development Manager, Neighbourhoods & Communities, Middlesbrough Council, who presented evidence during the course of this investigation:

## **BACKGROUND AND REFERENCE MATERIAL**

38. The following sources were consulted or referred to in preparing this report:

- Report to and minutes of the Environment Scrutiny Panel meeting held on 27 August 2013.

**COUNCILLOR BOB KERR**

**CHAIR OF ENVIRONMENT SCRUTINY PANEL**

**November 2013**

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