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**Policy Finance and
Development
Committee**

4 February 2014

Matter for Decision

Title: **Burial Provision within the Borough**

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1. Introduction

This report sets out burial provision within the Borough and subsidy arrangements for other faith burials outside of the Borough. The Service Delivery committee at its meeting on 24 September 2013 requested that options for future burial arrangements be brought to the Policy, Finance and Development committee for members consideration

2. Recommendations

That Members give direction on the following options for the future:-

- 2.1 Whether this Council continues to provide a financial subsidy towards the cost of other faith burials and if so at what level and for this to be applicable to all faiths. If a financial subsidy is to continue members will need to approve immediate financial provision within the budget to meet existing and future increasing demand and costs.
- 2.2 Whether this Council continues to make provision for burial space within the Borough once the existing capacity at both Oadby and Wigston cemeteries is exhausted.
- 2.3 If members are minded to continue to make provision for burial space within the Borough, the availability of land for a new cemetery site is explored through the Place Shaping Working Group and reported to this committee

3. Background

- 3.1 This Council is a burial authority by virtue of the Local Government Act 1972 section 214. The Council manages its cemeteries under the provisions of the Local Authorities Cemeteries Order 1977 as amended in 1986. There is no statutory duty to provide a cemetery but if a Council does so, it is required to maintain its existing cemeteries in good order and repair. This Council is not a cremation authority.
- 3.2 The cemeteries at Oadby and at Wigston are both used for burial and Garden of Remembrance purposes by a number of people from different cultural backgrounds and faiths. Historically these have not been used by either the Jewish or Muslim communities. Whereas with other faiths such as Sikhism and Hinduism, the deceased may be cremated or buried, and cremation tends to be the preferred option, Jewish and Muslim laws and beliefs do not permit cremation. Both faiths require swift burials and generally require a new grave for each interment and do not normally have family graves which are re-opened for additional burials. In addition, both have strict requirements as to the positioning of the grave for

example Muslim graves are required to be orientated to face North East so that the body placed in the grave lies on its right side facing Mecca.

3.3 Some years ago, both communities were asked by this Council if they required burial facilities within the Borough. At that time, the Leicester Hebrew Congregation confirmed that they had sufficient existing facilities at Gilrose cemetery in Leicester City complete with a Prayer House, having pre-purchased a section as part of the original development of the cemetery. Information from the Leicester City Council's recent Burial Space Strategy Consultation Draft sets out that on average 7 burials take place each year and there is sufficient space available to accommodate burials for the next 30 -35 years.

The Muslim community however indicated that they would like the use of a cemetery in Oadby to accommodate the growing Muslim population in that area of the borough. Muslims residing in the Borough were using Saffron Hill cemetery in Leicester which had sufficient space and well established procedures for dealing with burials outside of normal working hours to accommodate the requirements of the Muslim faith to be buried as soon as possible. The Oadby cemetery was limited in space and in the late 1990's this Council through its Local Plan proposed a new cemetery site off Gartree Road, in Oadby. This involved a Public Inquiry, and whilst this land was determined as the preferred site within the Borough for further cemetery provision, negotiations for the purchase of the land were protracted and eventually the owners decided to retain the land for their own purposes.

3.4 In addition, at that time, the Government was undertaking a review of burial law and so there was uncertainty about the possible future cemetery provision within the borough. In view of this, what was intended to be an interim measure, whilst this Council considered its option, a financial subsidy was introduced to meet the difference in costs of burial for a Muslim resident in this Borough and that of being buried at Saffron Hill cemetery (ie the difference between our costs and that of Leicester City Council). Whilst some extension of the Oadby cemetery took place in 2001/02 this only extended the life of the cemetery for a limited number of years. The Muslim community felt that the work that would be needed to create a dedicated area and the associated costs of building a Prayer Room to meet the requirements of their faith could not be justified for such a short space of time.

3.5 A comparison of the religious makeup of this Borough and that of other Leicestershire districts as collated in the 2011 Census is attached at Appendix 1.

3.6 In terms of other Leicestershire districts, only Charnwood and Hinckley and Bosworth Borough Councils make specific provision for other faith burials. In Charnwood since 2010 there have been approximately 20 Muslim burials and in Hinckley and Bosworth, only 3 since the area was set aside in 2002. None of the other Leicestershire districts pay a subsidy for other faith burials that they cannot accommodate.

3.7 The statistics for this Borough over the last few years for Muslim burials for which a subsidy has been paid is as follows:

1/4/09 - 31/3/10	3 burials
1/4/10 - 31/3/11	3 burials
1/4/11 - 31/3/12	5 burials
1/4/12 - 31/3/13	12 burials
1/4/13 – Dec 13	6 burials

- 3.8 It is not clear why the acquisition of a further cemetery site in the Borough was not progressed. In the meantime, the financial subsidy for other faith burials has continued. Since the arrangement has been in place, as can be seen above, the demand has increased and the fees charged by Leicester City County have risen at a far greater rate than this Council resulting in significant overspend of budgets. At present the subsidy paid to Leicester City Council for an adult burial amounts to £2260.00. (Leicester's fees do not differentiate between faiths for the purchase of a plot and interment but there is an additional fee for the use of the Prayer Room.) The current budget is £8000.00 overspent and it is understood there have been a further 2 burials in January. It was the highlighting of the in-year overspend that prompted the Service Delivery committee to request that future options as a way forward be presented to this committee.
- 3.9 In terms of the ability to expand our existing cemeteries, this is not considered a viable option and will only present a very short term solution at best. Oadby cemetery has only approximately 2-3 years lifespan for burials, even with bringing a previously unused part of the cemetery into use and extending onto the adjacent land where a Scout hut was situated will only increase the lifespan of the cemetery by approximately 60 graves. This does not provide a viable option taking into account the infrastructure that will be required, such as dedicated Prayer Rooms for respective faiths and the significant impact on the amount of burial space that is required to comply with other faith beliefs and laws. Likewise, with Wigston cemetery, whilst this has a lifespan of approximately 15 years, this will be significantly reduced for the same reasons set out above.
- 3.10 In 2014 Leicester City Council are extending Saffron Hill Cemetery on land south of the cemetery; part of the extension will provide 3000 plus graves with an extended life of 24 years, located immediately adjacent to the Muslim burial section and will be used to provide additional Muslim burial space at the cemetery. The Director of Services very recently met with Mr Zubair Hassam, a senior member of the Muslim Burial Council of Leicestershire (MBCOL) who confirmed that despite the proposed expansion of the Saffron Hill cemetery up to the boundary with this borough, the Muslim community would still welcome the facility within this Borough. Whilst due to religious requirements, burials may be necessary at weekends, the MBCOL arrangement's with Leicester City is that the MBCOL acts on behalf of the needs and requirements of the Muslim community regarding the procedures and practices relating to the interment including having access at weekends and Bank Holidays to the cemetery, to reduce resource requirements and MBCOL would be willing to provide the same support within this Borough.
- 3.11 In view of the preceding paragraphs, set out as recommendations for members to consider and give direction on a way forward, are a number of options. It is clear that the consultation that took place in the past needs to be revisited with all faith groups wherever possible and that if any subsidy is to continue to be provided it is equally applied across all faiths.

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Background Papers:-

Reports of 19th November 1996 and 11th March 2007 to Consumer Services committee; 2nd March and 25th May 2004 to the Environment committee; 17th October 2007 and 6th February 2008 to the Multi-Cultural Group

Implications	
Financial (PL)	CR1 - As this is a demand lead item, it is difficult to predict an outturn cost. The current £8,000 overspend will affect the General Fund balances position.
Risk (AC)	CR1 – decreasing financial resources CR5 effective utilisation of Assets/Buildings
Equalities (AC)	An Equalities Impact Assessment will be required
Legal (AC)	There is no legal requirement for a local authority to provide land for burial purposes