

Report on Cemetery Management Course

I attended a Local Government Cemetery Management Course in October. I've simply included below a few findings I felt might be of interest either for now or for the future, plus one point for further consideration.

- A PC has the Power (not a Duty) to provide a Cemetery. It has the power to acquire land for the purpose, in extremis using compulsory purchase, and this could be funded by Public Loan. However, acquiring Green Belt land for the purpose is difficult, and has become harder under the latest legislation. It was suggested, however, that if the land was designated for 'natural burials' only this might be easier. See below for more discussion on this.
- Legal opinion has found that we may not charge a different price dependant on former Parish residency. It is legitimate to proscribe people outside the Parish entirely, but not to charge them differently. This implies yet another review of our charges.
- A burial must not take place without the appropriate paperwork being supplied (either a Registrar's certificate ('green form'), a Registrar's certificate of non-liability ('white form') or coroner's order)) and filed in perpetuity.
- By law a grave cannot be more than double-depth, and the space, once occupied, is held in perpetuity and cannot legally be re-used.
- As well as all the other technical constraints about enabling a digger to access a plot, it should be noted that leaving a plot between two others may cause problems in future as the sides are more likely to fall in whilst digging.
- There are no GDPR issues concerned with Burial Books and records, and these can be made public as necessary (except for pre-allocated plots where the person is still living).
- Apparently, according to the course, it is a widely-held misunderstanding that if a PC chooses not to take over a churchyard when a PCC asks them to do so they would have to pay the District Council to do it for them: if the DC does it, it cannot back-charge for it.
- In a disused burial ground, the Open Spaces act makes provision for the removal or relocation of tombstones and memorials, for example to make grass cutting easier.
- Whilst there is a responsibility to use best endeavours to ensure that a graveyard is safe, there is no law about topple-testing and specialist equipment is not required. However, movement should be checked for from time to time (at least every 3-5 years), and a headstone found dangerous should be layed flat.
- If a particular faith requires that the deceased is orientated in a particular direction that does not conform to the natural grid, this is a legitimate request and should be accommodated.

With reference to the first point above, given that a large part of Fen Ditton open space is Green Belt, there might be merit in considering 'extending' the cemetery but only for natural burials, which have less impact on the landscape and would therefore be likely to meet less resistance from Planning. Clearly the downside of this approach would be that those who wanted to ensure a long-term memorial might be excluded but it would be interesting to hear views (either for or against) from the PC.

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