

# *Devizes*

## *& Roundway*

### *Joint Burial Committee*

Town Hall  
St. John's Street  
Devizes  
Wiltshire SN10 1BN

Clerk: Sarah Todhunter  
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## **MEETING**

Date: Thursday, 16 October 2008

Time: **7pm**

Venue: Council Chamber, Town Hall, St John's Street, Devizes

Enquiries: Town Hall - 01380 722160

### **MEMBERS**

#### **Devizes Town Council:**

The Town Mayor: Councillor Mrs Burton

Councillors: Gudgeon  
Leighton  
Parsons  
Mrs Evans  
A R Taylor  
Nash

#### **Roundway Parish Council:**

Councillors: Booth  
Callow  
Miss von Berg  
Stevens CBE

## **AGENDA**

### **1. MINUTES**

To approve as a correct record and authorise the Chairman to sign the minutes of the meetings held on the 4 September 2008, which have been circulated with the agenda.

### **2. APOLOGIES FOR ABSENCE**

### **3. DISCLOSURE(S) OF INTEREST**

To receive any disclosures by a Councillor(s) and/or Officers in matters to be considered at this meeting in accordance with the provisions of Sections 94 or 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

**4. PUBLIC PARTICIPATION**

At the Chairman's discretion, members of the public attending the meeting will be allowed to ask questions, make a statement or address the

Committee upon a matter of concern, which is relevant to the Committee. A time limit of 5 minutes per person will be permitted, but this may be extended at the Chairman's discretion and a maximum period of 20 minutes has been allocated by the Committee for this item of business.

**5. FINANCIAL MATTERS**

Schedule of Payments: Since the last meeting accounts to £26,705.20 (net) have been paid (doc 5/1).

**6. REPORT FOR DECISION – COMPLAINT REGARDING CEMETERY PATHWAYS**

**Recommendation**

To consider how to deal with a verbal complaint regarding the condition of some of the paths in Devizes Cemetery.

**Purpose of the Report**

To decide if the Committee wishes to respond to a verbal complaint.

**Background**

Devizes resident, Mr Price, has made a number of complaints over the years regarding disabled access to the cemetery. These have largely centred on the opening times of the main gates and the vehicular access to the Cemetery.

The issue of the vehicular access and the gates has been considered on a number of occasions and is also the subject of a separate report on this agenda.

On this occasion, Mr Price's complaint centres on the quality of the paths in the old part of the Cemetery. A site visit has taken place with the Cemetery Supervisor, Mr Aiston and the Direct Services Manager, Mrs Berry. It is also understood that Mr Price has contacted a number of members of the Joint Burial Committee, some of whom have undertaken site visits with Mr Price.

Mr Price has been responded to by letter and asked to put his complaint in writing. No written complaint has been received.

Mr Price's assertion is that the areas of paths which have, over the years, become grassed over, infringe the Disability Discrimination Act (DDA) because it would be difficult for someone pushing a wheel chair to access certain areas of the old part of the Cemetery.

Mr Price does not use a wheelchair; he accesses the cemetery by vehicle. There have been no complaints from people not being able to access the cemetery by wheelchair.

The DDA provides that organisations need to consider reasonable adjustments to ensure that disabled people can access services. What is reasonable is to be determined by the organisation having regard to a number of factors including the nature of the facility.

With regard to this section of the cemetery, it is accessible by vehicle and people with impaired mobility are given permission to drive into the cemetery, notwithstanding the issues of the gate access, which are the subject of a separate report.

Should the grass be removed from the surface of the paths it is likely that the surface of the original paths will have disintegrated. To make these paths easily accessible by wheelchair users would require the paths to be surfaced in tarmac at considerable expense.

Although cost, in itself, should not be the only factor considered when deciding whether the Committee is acting within the law, it is a material matter when balancing the benefits of a course of action against an alternative solution.

Given the likely number of disabled people that have a specific need to access this part of the cemetery is relatively low and the arrangements in place to allow those people to drive through the cemetery, the committee may feel that its obligations under the DDA have been satisfied.

### **Options Considered**

The Committee needs to decide

if it believes that our duties under the DDA are satisfied by the current arrangements whereby disabled persons can access the cemetery by vehicle

Or

If it wishes to enhance the paving surface which would have significant financial implications

Or

If it wishes to seek some alternative solution

### **Implications & Risks**

#### **Financial and Resource Implications**

The cost of reinstating tarmac paths throughout the old part of the cemetery is likely to be several thousands pounds, although a detailed calculation has not been undertaken.

**Legal Implications and Legislative Powers**

The committee needs to be mindful of its responsibilities under the DDA.

**Environmental Implications**

Officers are not aware of any environmental implications.

**Risk Assessment**

There is a risk of the committee being challenged under the DDA, however, the committee may consider that it has satisfied its obligations under the Act.

**Crime and Disorder**

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1997.

**7. REPORT FOR DECISION – ACCESS TO THE CEMETERY**

**Recommendation**

That the committee decides if they wish to install a barrier at the cemetery to control access by vehicles with the exception of those driven by disabled people.

**Purpose of the Report**

To guide officers about the how they wish to pursue this matter.

**Background**

At an earlier meeting this year, the committee discussed the difficulties about securing the cemetery at night and at weekends. It was resolved that manually operated wooden secondary gates, secured with Radar locks would be installed to allow access into the cemetery.

Officers have spoken to contractors about the possibilities for manual gates and they have advised against this solution in this environment, as there have been a number of reported incidents in where manual gates have been used in public areas and there have been serious accidents as a result. The difficulty in trying to provide a gate, which can be easily operated by disabled people means that they are usually a single span gate and to keep the weight down they have a single bar. If this type of barrier is not fixed in either the open or closed position they can swing free potentially causing a danger to motorists.

What is recommended is an electric barrier, which can be operated by a digital radar key. This system will allow a disabled person to drive up to bollard, hold up their key and the barrier will open automatically and then close after them. This removes the need for the disabled to alight from their vehicle, undertake what could be a difficult manual operation for them drive the car into the cemetery and then reverse the process.

The cost of the barrier is approximately £2600.

### **Options Considered**

The committee needs to decide if they wish to

- Pursue the possibility of installing electric gates
- Go against the contractors advice and install a manual gate
- Take no action on this matter

### **Implications & Risks**

#### **Financial and Resource Implications**

The committee has no provision for security gates in the current budget, therefore should it wish to pursue this matter it could do so by deferring the matter until financial year 2009/10 where budget provision can be made.

Or the committee could decide to make a purchase in the current year from the general reserve or from redundant earmarked reserved.

#### **Legal Implications and Legislative Powers**

The Open Space Act 1906 ss 9 & 10 and the Local Government act 1972 s 214, provides both Devizes Town Council and Roundway Parish Council with the powers to provide and maintain burial grounds which is discharged through the joint burial committee.

#### **Environmental Implications**

Officers are not aware of any environmental implications associated with this decision.

#### **Risk Assessment**

Officers are not aware of any risk implications associated with this decision

#### **Crime and Disorder**

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

## **8. REPORT FOR DECISION - CEMETERY**

### **Recommendation**

That the committee agrees to the split for the cost of running the cemetery between Devizes Town Council and Roundway Parish Council.

### **Purpose of the Report**

To set the split for charges for financial year 2009-10.

### **Background**

It is agreed that the split for cemetery costs should be apportioned on the basis of the percentage of the number of council tax dwellings in each parish as a % of the total combined number.

As at the 7 October the number of dwellings was as follows

Ward	Number	Total	Percentage
Devizes East 1	948		
Devizes East 2	1540	2488	
Devizes South 1	825		
Devizes South 2	661	1486	
Devizes North 1	573		
Devizes North 2	1160	1733	
<b>Devizes Total</b>		<b>5707</b>	<b>73.5%</b>
Roundway 1	1089		
Roundway 2	968	2057	<b>26.5%</b>
<b>Roundway Total</b>		<b>2057</b>	
<b>Total Dwellings</b>		<b>7764</b>	<b>100%</b>

### Options Considered

The committee are required to decide if they agree to this percentage split.

### Implications & Risks

#### Financial and Resource Implications

The financial implication impact on the constituent councils rather than the burial committee.

#### Legal Implications and Legislative Powers

The way in which the burial authority splits the costs of running the cemetery is ancillary to The Burial Authorities (Miscellaneous Provisions) Act 1970 s1.

#### Environmental Implications

Officers are unaware of any environmental implications associated with this decision.

#### Risk Assessment

Officers are unaware of any risk implications associated with this decision.

#### Crime and Disorder

Officers are not aware of any issues the committee should consider under Section 17 of the Crime and Disorder act 1998.

## 9. REPORT FOR DECISION - ADOPTION OF DRAFT ESTIMATES FOR FINANCIAL YEAR 2009/2010

### Recommendation

The committee is recommended to consider the draft estimates and agree a budget for the financial year 2009/10.

### Purpose of the Report

The purpose of the report is to set the burial authorities budgets for 2009/2010.

## **Background**

To help members with the decision, officers have set out a written commentary on individual cost headings.

## **Expenditure**

### Direct Service

At its meeting in March of this year the committee agreed that future operational costs associated with the provision of direct labour at the cemetery should be based on an agreed standard of service. This document has been issued alongside for member's information and identifies the tasks to be carried out and the frequency of those tasks.

### Administration Services

At its meeting in March of this year, the committee agreed that the future provision of administration at the cemetery should be based on a agreed standard of services. The committee will note that there is a significant increase in the cost of administering to the cemetery affairs.

The service level standard has merely detailed the tasks that are currently undertaken and the time it takes to do them. Historically the difference the cost of to undertake the work and the charge made to the Burial Committee has been borne by the Town Council as part of its overall administration costs. This exercise has reapportioned the cost to where it belongs.

### Insurance

It is always difficult to predict any movements in insurance costs, but over the last two years these have been running at below inflation. Currently inflation is running at 4.7% but for this exercise officers have used a figure of 4.5%.

### Commercial Rates

Kennet District Council has given officers an indication that the rates payable for next year will only increase by the rate of inflation.

### Water & Electricity

The steep increase in electricity charges we have seen over recent years seem to be slowing down and therefore based on the prediction that this will continue officers have kept the charge the same as 2008/2009.

Water charges have however seen a significant increase recently and therefore we have under budgeted for the last two years. In the next financial year officers have adjusted the budget to take these costs into account.

Membership Subscriptions

The Burial Committee is a member of the Institute of Cemetery and Crematorium Management and also a member of the Federation of Burial and Cremation Authorities. Given the rapidly changing pace of cemetery recommended practice, officers recommend we continue these memberships.

Audit Fee

The Burial Committee should continue with lighter touch audits and therefore the cost should be inline with inflation.

Planned and Responsive Maintenance

Maintenance costs need to be clearly identified both in terms of what we know we will be doing in any particular year (Planned Maintenance) and what we may have to do in the event of a breakdown (Responsive Maintenance).

Equipment Maintenance

This cost has been absorbed into the service standard.

Lodge Maintenance

The Joint Burial Committee is responsible for the maintenance of the lodge and it is planned to repaint the property in 2009 and replace the garage door, which no longer functions correctly and is unsecure.

Petrol/Oil

This cost has been absorbed into the service standard.

Replacement Tools and Equipment

This cost has been absorbed into the service standard.

Purchase of Memorial Plaques

The cost of purchasing memorial plaques is passed directly to customers and therefore no budget provision is necessary.

Memorial Safety Checks

A programme of checks has started and therefore the cost is based on 2 members of staff for one day a week testing and one member of admin staff administering to the work. This figure is the very least in staffing costs as the half-day gives officers limited time to deal with failed memorials. There is a very detailed procedure that needs to be followed, and is defined by the church faculty for memorial testing. Officers will be reviewing the time it takes to deal with memorial safety testing and more comprehensive assessments will be included in next year's estimates.

Calibration of Memorial Tester

Each year the testing equipment used in memorial safety inspections is required to undergo a recalibration.

Mole Control

Following a decision to control moles in the cemetery this is an ongoing contractual arrangement.

Cemetery of the Year Award

The Direct Services Manager would like to explore the possibility of entering the cemetery of the year competition again. Officers will bring the details of the competition back to this committee once they are known.

Floral Display

The cost for Devizes Town Council's parks department to supply floral display in the cemetery will be charged at £330 for 2009/2010.

Contingencies

This amount is used for meeting unexpected charges or equipment breakdowns.

**Income**

Fees Associated with Burials

Officers have anticipated an increase in cemetery fees of about 3.5% however the committee will review this in March when they have comparative fees from other authorities. Even though there is a projected increase in fees, it is anticipated that the decrease in the number of burials in the cemetery will continue with people choosing cremations rather than full interments.

Cemetery Lodge Rent

This is a negotiable set amount.

**Options Considered**

Members need to decide what level of income and expenditure is achievable.

**Implications & Risks**

**Financial and Resource Implications**

The estimates are the basis for all the financial resources.

**Legal Implications and Legislative Powers**

Devizes and Roundway Parish Council's have jointly agreed to fund the Burial Committee on a split based on the number of council tax dwellings in each parish as a % of the total under section Burial Authorities (Miscellaneous Provisions) Act 1970 s1.

**Environmental Implications**

Officers are not aware of any environmental implications associated with this decision.

**Risk Assessment**

Not setting a budget would leave the committee open to challenge by the auditors for financial mismanagement.

**Crime and Disorder**

Officers are not aware of any implications Under Section 17 of the Crime and Disorder act 1998.

**10. REPORT FOR DECISION - SETTING OF THE PRECEPT 2009/2010**

**Recommendation**

Following the decision of the Joint Burial Committee on agenda Item 10/1, the JBC are required to set the precept for the financial year 2009/2010.

**Purpose of the Report**

To set the precept for the Devizes and Roundway Joint Burial Committee for financial year 2009/2010.

**Background**

Once members have formally agreed the estimates for financial year 2009/2010 members are required to set a precept to ensure there is sufficient funding to run the service.

**Implications & Risks**

**Financial and Resource Implications**

If members fail to set a precept there will be insufficient funds to meet the agreed expenditure.

**Legal Implications and Legislative Powers**

Devizes and Roundway Parish Council's have jointly agreed to fund the Burial Committee on a split based on the number of council tax dwellings in each parish as a % of the total under section Burial Authorities (Miscellaneous Provisions) Act 1970 s1.

**Environmental Implications**

Officers are not aware of any environmental implications associated with this decision.

**Risk Assessment**

Not setting a precept would leave the committee open to challenge by the auditors for financial mismanagement and improper governance.

**Crime and Disorder**

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

**11. REPORT FOR DECISION – DEVIZES CEMETERY; CUSTOMER GUIDE**

**Recommendation**

That the committee review the new customer guide pamphlet and once satisfied with the content and layout allow officers delegated authority to produce copies for distribution with active undertakers and memorial masons and recent clients.

**Purpose of the Report**

To evaluate a short customer guidance pamphlet that is being produced to inform clients and the public about certain policies that exist within the Devizes Cemetery.

The draft pamphlet is issued alongside this agenda for member's scrutiny prior to the meeting.

**Background**

Some while ago this committee agreed that there was a need to produce guidance for the public and for those who have recently experienced bereavement. It was acknowledged that at the time of mourning the bereft were unlikely to take in the policies decisions that apply to them once a burial is about to or has taken place in Devizes Cemetery.

There has been a significant number of policy changes over the past two years and officers now feel that the time is right to produce this guidance and distribute it to active undertakers and memorial masons. They will be asked to pass this guidance onto their clients once an enquiry has been made or when they have been commissioned to provide their services within Devizes cemetery.

**Options Considered**

No options have been considered as the guidance has been developed on the previous instruction of this committee albeit this being some while ago.

**Implications & Risks**

**Financial and Resource Implications**

There will be a cost implication to produce the pamphlets and this could be drawn down from either reserves or contingencies in order for them to be produced and distributed this financial year, or else it could be held over to next year and budgeted through 2009/2010 estimates that are to be considered elsewhere in this meeting. There would be a small ongoing cost of replacing leaflets whenever a stockpile runs out; this could easily be managed via the contingencies budget.

**Legal Implications and Legislative Powers**

Officers are not aware of any legal implications however they do feel that the burial authority has an obligation to keep the public and the bereaved informed about policy issues concerning them in respect of Devizes cemetery.

**Environmental Implications**

Officers are not aware of any environmental implications.

**Risk Assessment**

To produce and issue customer guidance for Devizes cemetery will help to alleviate any misunderstanding with regard to cemetery rules and regulations.

**Crime and Disorder**

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

**12. REPORT FOR DECISION – WRITE OFF OF FIXED ASSETS AND ARRANGE IT DISPOSAL**

**Recommendation**

That the committee considers writing off a Kabota mower from its asset list as it is beyond economical repair and permit officers to arrange for its disposal.

**Purpose of the Report**

To deal with and financial matter concerning fixed assets.

**Background**

The Joint Burial committee has on its assets register a Kabota mower which has long since stopped being used as it not longer functions. The cost of repairing the mower far exceeds it value.

Under the new service level standard, Town Council staff will continue to use Town Council owed equipment eliminating the need for the Burial Committee to own any equipment. The current value on the burial committees is minimal and therefore will have a negligible impact on the balance sheet.

As this piece of equipment has no value and is not worth repairing it will be disposed of as scrap.

**Options Considered**

The committee needs to decide if they are in agreement that the equipment is written off.

**Implications & Risks**

**Financial and Resource Implications**

The will be a small reduction in the authorities balance sheet value and an increased depreciation cost for 2008-09

**Legal Implications and Legislative Powers**

This decision is ancillary to the the Open Space Act 1906 ss 9 & 10 and the Local Government act 1972 s 214, which gives both Devizes Town Council and Roundway Parish Council with the powers to provide and maintain burial grounds and which is discharged through the joint burial committee.

**Environmental Implications**

Officers are not aware of any environmental implications associated with this decision.

**Risk Assessment**

Officers are not aware of any risk implications associated with this decision

**Crime and Disorder**

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

**13. QUESTION TIME**

Members will be allowed a short period in which to put questions on matters of concern to the Committee, which are not contained in the report of matters formally considered by the Committee at this meeting. The question may be answered at the meeting or may be referred back to the Committee at a later date. The question may not be the subject of any further debate.

CLERK TO THE JOINT BURIAL COMMITTEE