

Minutes of: POLICY OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting: 15 June 2010

**Present: Councillor H Steen, (Chair)
Councillors A Barnes, Kenyon, Morris, Milling and
Sandiford (substituting for Christie)**

**In Attendance: Carolyn Sharples, Committee and Member Services
Manager
Jason Foster, Operations Manager
Tamzin Percival, Assistant Operations Manager
Councillor Essex, Portfolio Holder, Finance and Resources
Pat Couch, Scrutiny Support Officer**

1. APOLOGIES FOR ABSENCE

Apologies were submitted by Councillor Christie and C Pilling.

2. MINUTES OF THE LAST MEETING

Resolved:

That the Minutes of the last meeting held on 3 February 2010 be agreed as a correct record and signed by the Chair.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEMS OF BUSINESS

No urgent items were raised.

5. PUBLIC QUESTION TIME

There were no Members of the public present.

6. CHAIR'S UPDATE

The Chair welcomed everyone to the meeting.

The Chair informed Members that Enforcement Briefings would be withdrawn from the Annual Plan as a new Enforcement Strategy was being developed.

7. PETITIONS

The Committee and Member Services Manager presented a report on the Petitions Scheme for Handling Petitions made to the Council, which is a requirement in the Local Democracy, Economic Development and Construction Act 2009. All Authorities must provide a mechanism for making petitions and publish their petition scheme. The Act details the statutory minimum requirements of the Petitions Scheme as detailed below.

- anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response
- a facility for making electronic petitions is provided by the local authority
- petitions must be acknowledged within a time period specified by the local authority
- among the many possible steps that the principal local authority may choose to take in response to a petition, the following steps must be included amongst the options listed in the scheme:
 - age and safeguarding young people
 - taking the action requested in the petition
 - considering the petition at a meeting of the authority
 - holding an inquiry
 - holding a public meeting
 - commissioning research
 - a written response to the petition organiser setting out the authority's views on the request in the petition
 - referring the petition to an overview and scrutiny committee
 - mayor to decide whether to accept petitions, depending on numbers received
- petitions with a significant level of support trigger a debate of the full council. Councils will determine this threshold locally but it must be no higher than 5 per cent of the local population
- petitions with a requisite level of support, set by the local authority, trigger a senior local government officer to give evidence at a meeting of the authority's overview and scrutiny committee
- petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate

The Local Authorities (Petitions) (England) Order 2010 stipulates that the maximum threshold for petition signatures was 5% of the population, however the guidance recommends local authorities to set a lower threshold to encourage participation.

If it was considered that the threshold was set too high, the Secretary of State has the power to direct authorities to amend their petition schemes.

To ensure that the threshold was not set too high the Petitions Scheme has a mid-way threshold of 2.5% with a recommendation for Overview and Scrutiny to review the Scheme within 12 months.

A number of questions were raised by Members in relation to the following:

- E-petitions – the Committee and Member Services Manager confirmed that the software would be tested in the next few weeks
- Validity of signatures ie duplication
- Template design for petitions indicating that signature checks would be made
- Need to have a leaflet explaining the guidance of petitions
- Timescales when a petition is being debated at Full Council – it was felt that there should be flexibility with timescales and the number of signatures needed on the petition
- The need to ensure a response is sent to people who send a paper petition or electronic petition

Members briefly discussed the Community Impact Assessment (CIA) in relation to the any impact the Scheme would have. The Committee and Member Services Manager confirmed that there was no impact on any particular section, although there may be a need for a further CIA depending on who or how many use the Scheme.

Resolved:

1. That Members recommend to Council the approval of the Petitions Scheme, subject to amendments discussed at the meeting and all future amendments be delegated to the Director of Business in consultation with the Portfolio Holder.
2. That a review of the Petitions Scheme be undertaken by Policy Overview and Scrutiny in 12 months of the scheme being implemented.

8. MEMORIALS (ON A GRAVE)

The Operations Manager presented a report for consideration by Members around the current issues faced with enforcing the current Cemetery Rules and Regulations (conditions), in particular those in relation to memorials located on a grave.

In March 2008, following a lengthy consultation process with undertakers, funeral directors and memorial masons, the Cabinet agreed the new Cemetery Rules and Regulations.

The new conditions were introduced to mitigate the problems caused by various memorials, including kerbstones and edgings being placed on graves, which can cut across access routes in cemeteries. These can prohibit access to people with disabilities.

These new conditions recognise that there was not a consistent approach to erecting memorials in the past ie some memorials did not conform to the dimensions detailed in previous conditions and some memorials were placed legitimately at the time, but would not conform to the new conditions.

The Operations Manager asked Members to consider a number of options within the report with a preference being to enforce the existing cemetery rules and regulations for new graves only. Grave owners would be given time to remove memorials but staff would have to physically remove items where grave owners had refused to do so. In addition, it was likely that there would continue to be breaches which would lead to conflict and customer dissatisfaction, and new grave owners will feel aggrieved at the inequitable application of the conditions. This would also include those graves which are re-opened for further internments. Additional memorials would be removed at the time of re-opening and grave owners would not be able to replace them.

A number of questions were raised in relation to the following:

- The role of the Bereavement Support Officer
- Number of people who had been asked to remove the memorials but chose to ignore the regulations
- Need for better communication between the Council, funeral directors and memorial masons
- Need for signed confirmation that people have received the Cemetery Rules and Regulations
- Need to reserve the right to remove memorials should they become an operational policy

It was agreed that there would be a need for the Rules and Regulations to be revised to include sensitive information as well as information that would enable the Council to be 'tough' with funeral directors if they don't comply with the rules and regulations.

The Operations Manager indicated that customers have other options to consider through the memorials not on graves policy and the development of Ashes Plots.

There was discussion as to the start date for enforcing the regulations and whether this should be from the Cabinet meeting in March 2008 or when Cabinet approves the option in September 2010. Members felt that this should come in force after Cabinet in 2010.

Resolved:

1. That the Committee ask Cabinet to approve option 4.11.2/3 of the report as follows.

4.11.2 Enforce the existing cemetery rules and regulations for new graves only. As above, grave owners could be given time to remove memorials but staff would have to physically remove items where grave owners had refused to do so. The issues set out at 4.2 will remain for existing graves with additional memorials. In addition, it is likely that there will continue to be breaches which would lead to conflict and customer dissatisfaction, and new

grave owners will feel aggrieved at the inequitable application of the conditions.

4.11.3 As at 4.11.2 but also for those graves which are re-opened for further internments. Additional memorials would be removed at the time of re-opening and grave owners would not be able to replace them.

2. That a Bereavement Pack be produced to include confirmation that the customer has received a copy of the Rules and Regulations. The pack should also include information to funeral directors and memorials masons on enforcement if the rules are not adhered to.
3. That due to unrealistic timescales, the options report be deferred to Cabinet until September to enable the Operations Manager to put together the information pack requested by Members.
4. That if the option was agreed by Cabinet, then the new regulations would come into force in September 2010.

9. MEMORIALS (NOT ON A GRAVE)

The Operations Manager presented a report for consideration by Members prior to being presented to Cabinet on the adoption of Memorials (not located on a grave) policy.

The adoption of the policy would allow the Council to offer, in a clear, structured and more professional way, a positive and sustainable alternative way for bereaved families and friends to remember loved ones.

The Parks and Open Spaces Team currently allows the planting of memorial trees and installation of benches within the maintained estate, each request being dealt with on an individual basis.

The Policy was produced as a set of guidelines to give advice to staff on how to deal with each situation. There would be no set rules or regulations to follow as each case differs widely according to location, scale and sensitivity, but there could be a more structured approach regarding roles of staff and costs involved.

Although there were costs involved in the installation and maintenance of each memorial, currently no budget has been allocated. In light of the Medium Term Financial Strategy, it was necessary for the Council to ensure that all additional costs to the organisation were recovered. Therefore, as part of the new policy, it would be necessary to charge for the service in the same way that there were charges for other forms of memorials.

The amount charged would be benchmarked against neighbouring authorities and would be sufficient to cover installation and maintenance costs. The rate would be reviewed each year or when there was a significant change in supplier costs.

Resolved:

1. That the Committee recommend to Cabinet the adoption of the Policy.
2. That the Committee recommend to Cabinet that all future minor amendments to the policy be delegated to the Assistant Operations Manager in consultation with the Portfolio Holder.

10. DEVELOPMENT OF ASHES PLOT

The Assistant Operations Manager asked the Committee to consider recommending to Cabinet the approval for the development of ashes plots within the three Rosssendale Borough Council Cemeteries.

The Council manages four cemeteries, of which only one (Whitworth) has an ashes garden. The ashes are placed in an earthen plot underneath a flagstone and each plot has sufficient space for two caskets. Ashes can also be buried within a grave plot in any cemetery but this option is not always requested. An ashes garden provides a designated area and could be developed as an attractive and peaceful part of the cemetery.

There has been an increase in the number of enquiries regarding ashes plots, with at least 12 private enquiries being made during 2009, with a further three so far this year. There are regular requests from undertakers in Haslingden, with some waiting for this service.

In Bacup Cemetery the ashes plot could be located on the site of a demolished chapel, which is currently a small area of mown grass with no other purpose.

In Haslingden Cemetery, an area in the south east corner has been identified. Whilst this is adjacent to the existing Muslim plot – the number of planned Muslim graves would not be affected.

In Rawtenstall Cemetery, a corner of the currently wooded area could be developed.

The report indicates that several designs for the chambers had been considered and one style had been identified as particularly good value for money. Fifteen to thirty chambers would be constructed in one row with associated flagged path alongside. Each chamber could hold four caskets of ashes.

In addition to the chamber construction there would be some additional landscaping such as site preparation (tree felling or leveling) and planting to create an enclosed garden effect. This work could be carried out in house.

The suggested price for each chamber is £600, which would include:

- the charge for the right of interment;
- the granite memorial with flower vase;
- the interment fee; and
- the plaque with first inscription.

Subsequent inscriptions and interment fees would apply for each additional casket.

The price had been benchmarked against four neighbouring authorities and was lower than the nearest equivalent plot style, but higher than authorities which provide only plots directly in to the ground. This amount was considered to be value for money for the customer when considering the style, items and services provided within that cost. The prices will be reviewed annually.

Resolved:

1. That the Committee recommend to Cabinet the development of the ashes plots policy.
2. That the Committee recommend to Cabinet that all future minor amendments to the policy be delegated to the Assistant Operations Manager in consultation with the Portfolio Holder.

11. ANNUAL PLAN 2010/11

The Scrutiny Support Officer presented the Policy Overview and Scrutiny Committee Annual Plan 2010/11, which provided a list of Policies which are being presented to the Committee over the next 12 months.

Resolved:

That the Annual Plan 2010/11 be noted.

12 FORWARD PLAN FOR THE PERIOD 1ST JUNE TO 30TH SEPTEMBER 2010

The Scrutiny Support Officer indicated that the following policies were being presented to the next meeting in July 2010.

Vacant Property Strategy
Update on Core Strategy inc evidence base on Tourism/Renewable Energy
Homelessness Option Review
Redundancy Policy
Green Travel
Sexual Entertainment Venues

Members asked for the Medium Term Financial Strategy and Allocation of Performance Reward Grants to be presented to the Committee later in the year.

The meeting commenced at 6.30pm and closed at 8.40pm

Signed
(Chair)

Date