

Joint Report of the Directors of Place and Corporate Resources to the meeting of the Executive to be held on 10 July 2018

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Subject:

The Bereavement Strategy

Summary statement:

A progress update on delivery of the adopted Bereavement Services Strategy together with an overview of other issues arising from the development of a corporate Bereavement Strategy to include the Forensic Science Centre and Coroner Services.

Appendices 2, 3 and 4 of this report are not for publication.

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Portfolio:

Healthy People & Places

Overview & Scrutiny Area:

Regeneration and Environment

1 SUMMARY

A progress update on delivery of the adopted Bereavement Services Strategy together with an overview of other issues arising from the development of a corporate Bereavement Strategy to include the Forensic Science Centre and Coroner Services.

2 BACKGROUND

The Executive adopted a strategy for the Bereavement Service in November 2016 covering future development of the Council's cemeteries and crematoria with an indicative capital requirement of £17m. It is now recognised that a more extensive strategy is required to cover all Council services dealing with bereavement including both the Forensic Science Centre and Coroner services. This report offers an update on progress of the delivery plan for the Bereavement Service whilst introducing key issues within the wider services as part of the emerging Bereavement Strategy.

2.1 The Bereavement Service

2.1.1 Crematoria

Some 80% of the Bereavement Service's funeral activity relates to cremation (circa 3000 annually) through the 3 existing crematoria all of which are aged with all cremators beyond their recommended life span. The districts existing six cremators, three at Scholemoor, two at Nab Wood and one at Oakworth together with the ancillary equipment are almost 20 years old and are operating 4 years beyond the manufacturer's stated working life.

The cremators fail to comply with DEFRA's current air quality emission requirements as they are not fitted with mercury abatement equipment, requiring the Council to purchase 'credits' under the Crematoria Abatement of Mercury Emissions Organisation (CAMEO) scheme.

The key recommendations within the bereavement strategy therefore relate to the provision of sustainable, modern, fit for purpose crematoria to enhance the service provision for the District's residents. The current footprint of Nab Wood crematorium cannot be significantly expanded and is insufficient to allow upgrade without a total rebuild. Scholemoor crematorium could be extended although costs would be higher due to its heritage listing. This location is also surrounded by an inadequate highway network with issues of immediate access and egress to the site which is a well-used cemetery and this has a significant impact on funeral parties using the crematorium.

The preferred delivery method is to build two new crematoria to replace Scholemoor and Nab Wood facilities, whilst Oakworth will be refurbished. Should any of the existing crematoria be decommissioned, appropriate uses will be identified for the buildings and the surrounding cemeteries will remain open and maintained to allow the public to continue to pay respects to loved ones.

Table top assessment has identified two potential sites for new provision in the south of Bradford and three possible sites in Shipley/Keighley, a total of five potential sites across the District. Options have been limited due to the Cremation

Act 1902 not allowing building of a crematorium within 200 yards of a dwelling house except with the consent of the landlord, tenant and occupier of the house or within 50 yards of any public highway.

Three of the 5 sites identified are located on privately owned land and, as detailed in section 8 below, are not for publication as their publication would prejudice the Council securing Best Value for purchase options and construction costs. However, in the public interest, the 2 Council owned sites are named.

The two potential southern sites are an area of privately owned land central to the target area and Littlemoor Park although both sites have a number of known issues which may render either as unsuitable during detailed design and planning processes. Both sites will require investment in local highway infrastructure.

Three sites are under consideration for the replacement of Nab Wood crematorium, all being within 2 miles of this busiest of all the existing facilities. Two of these sites are privately owned and the other is Northcliffe Park.

The preference is to pursue the purchase of private land for the development of the crematoriums and this will be progressed in the first instance. It should be noted that Littlemoor Park and Northcliffe Park are held in separate Charitable Trusts. The area of restricted land required for the Crematoria facilities on these two sites is estimated at 20% and 5% of the total areas of Littlemoor Park and Northcliffe Park respectively. Procurement of the necessary land would require both Charity Commission & Trustee approval.

Given that the Nab Wood replacement sites are all central to the District, there is a clear business case for retaining and refurbishing the existing facility at Oakworth.

2.1.2 Cemeteries

Sufficient space exists within the Council's cemeteries to cover existing levels of burial activity for some 30 years, with the exception of Muslim burials at Scholemoor for which there is currently 2 to 3 years of burial space available. The delivery plan proposes conversion of further land at Scholemoor to increase this provision to 8-10 years.

The need for new cemetery provision beyond 10 years is recognised for both Muslim burial and more generally within the Shipley/Keighley corridor.

2.1.3 Muslim Burial Ground Lease

The existing lease with the Council for Mosques originates from the mid-1980s and requires updating. Officers and members are keen to progress this matter to an early conclusion.

Future proofing Muslim Burial provision for 8-10 years will require investment at Scholemoor Cemetery to prepare additional land for burial use.

OTHER CONSIDERATIONS

3.1 The Bereavement Service

The delivery of improved and sustainable crematoria services is now business critical due to the condition and age of the existing facilities and cremators. However, the lack of ideal sites for new crematoria, particularly within the south of Bradford, is challenging and likely to exert significant pressure upon historic estimated costs.

There is a clear need to further improve the Burial Service provided to the Muslim Community through agreement of a more comprehensive, transparent and financially balanced land lease.

4. FINANCIAL & RESOURCE APPRAISAL

4.1 The Bereavement Service

The adopted Strategy identified a compelling case for significant and immediate capital investment in the Council's Crematoria to ensure that the residents of Bradford District retain a service that is fit for purpose. A planned and phased approach to such investment is required to mitigate against the possibility of partial service failure causing further significant pressure on the quality of service delivered.

The Capital Programme agreed by Executive in November 2016 to deliver the Bereavement Services Strategy was estimated at £17m to cover the following service developments:-

- Extension of Muslim Burial Ground at Scholemoor Cemetery
- Refurishment of Oakworth Crematory
- Two new crematoria to replace Scholemoor and Nab Wood

In seeking approval to proceed to the first stage of the crematoria design and build process, it has been necessary to set aside £250k to procure external specialists to complete the feasibility stage; this was provided for at 2017/18 year-end from reserves.

The programme is expected to be delivered in a number of stages over a 5 year period. The first phase of the programme involves the work to the Muslim burial ground and the refurbishment of the crematory at Oakworth crematorium. A business case is being prepared to identify the final cost of this initial stage for approval.

4.2 Coroner's Court and Office Accommodation

Appendix 3 contains a Not for Publication report concerning the Coroner's Court and Office Accommodation needs.

4.3 Forensic Science Centre

Appendix 4 contains a Not for Publication report concerning the Forensic Science Centre.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

5.1 The Bereavement Service

- 5.1.1 Any significant and lengthy failure in the provision of a cremation service would cause both reputational and also financial damage to the Council.
- 5.1.2 There is a reputational risk to the Council if a revised lease cannot be completed with the Council for Mosques
- 5.1.3 It is likely that the estimated project costs contained within the strategy will be inadequate given the discovered issues at all of the potential crematoria sites. Proposed specialist research and design activity will provide robust and reliable project costs to allow informed decisions to be made prior to build.
- 5.1.4 In addition to the feasibility study, a business case is required to test that the estimated capital investment of £17m is cost neutral over a 15-20 year period when set against the projected annual financial revenues.
- 5.1.5 The scheme has been referred to the Council's taxation advisor in order for VAT and the council's VAT partial exemption risks to be accounted for.
- 5.1.6 Before the Council legally commits to each stage of the project, a further report, including a full review of the cost modelling together with all risks and the actions proposed to mitigate these risks, will be brought to the Council's Project Appraisal Group (PAG) for consideration.

6. LEGAL APPRAISAL

- 6.1 Under the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977 a local authority may provide and maintain cemeteries.
- 6.2 Section 4 of the Cremation Act 1902 provides that a Burial Authority's powers to provide and maintain burial grounds or cemeteries or anything ancillary or incidental to the provision of cemeteries shall be deemed to extend to the provision and maintenance of crematoria. This legislation provides for a local authority to own and operate cemeteries and crematoria and charge such fees as they see fit. In addition to this, the legislation extends to statutory requirements for keeping registers for burial and cremation together with site plans.
- 6.3 The Cremation (England & Wales) Regulations 2008 also requires that a cremation authority must ensure that a crematorium is maintained in good working order.
- 6.4 Further, the cremation of human remains is also governed by the Environmental Protection legislation with regard to emissions from cremator operation. The level of emissions must be recorded to allow annual certification by the local Environmental Health office. Crematoria across England & Wales have been required to abate emissions of Mercury by 50% (of 2003 levels) since 31 December 2012.
- 6.5 A full feasibility analysis including title and deed investigation, consultation with any interested parties and confirmation that planning and environmental health are satisfied in policy and regulatory terms is required before any new sites for the

crematoria can be recommended for approval. .

- 6.6 All procurement activity must be undertaken in accordance with Council's Contract Standing Orders and in line with internal governance requirements.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

The Bereavement Services Strategy aims to deliver the objectives of the Council's Organisational Equalities Culture by ensuring services are well run, fit for purpose, and fair and inclusive in their approach.

The Strategy recognises and supports equality of opportunity between different groups, particularly religious in nature, through provision of relevant, accessible and in some cases bespoke services.

An Equality Impact Assessment is included at Appendix 1

7.2 SUSTAINABILITY IMPLICATIONS

The strategy seeks to deliver the most sustainable service achievable over a 15-20 year period and beyond through a programme of capital investment.

The proposed new crematoria will be designed to include energy reduction and recovery systems together with more efficient cremators to reduce both fuel use and carbon footprint.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

The Council's 6 cremators currently fail to comply with DEFRA's air quality emission requirements as they are not fitted with mercury abatement equipment. The strategy, when implemented in full, will include filtration equipment to all cremators in line with these regulations which aim to abate emissions of Mercury by 50% (of 2003 levels).

7.4 COMMUNITY SAFETY IMPLICATIONS

There are no known Community Safety Implications arising from this report.

7.5 HUMAN RIGHTS ACT

There are no known Human Rights Implications arising from this report.

7.6 TRADE UNION

There are no significant staffing implications arising from this report although the Trade Unions will be consulted as required through the Council's IR Framework.

7.7 IMPLICATIONS FOR CORPORATE PARENTING

There are no known corporate parenting implications arising from this report.

7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

Implementation of the Bereavement Service strategy will not affect the current and compliant processes in place to ensure privacy of personal data in accordance with the legislation in place.

8. NOT FOR PUBLICATION DOCUMENTS

8.1 Appendices 2, 3 and 4 of this Report are not for publication.

8.2 In view of the financial and business content of Appendices 2, 3 and 4, the public interest in maintaining the exemption outweighs the public interest in disclosing the details contained within those Appendices...

8.2 The rationale behind this decision is based upon the fact that the information contained within those Appendices includes:

- details relating to the option to acquire sites for new crematoria in the district, which could undermine the Council's ability to negotiate the best option and price for these sites.
- details relating to the anticipated development plans and costs for the Coroner's Service, which could undermine the Authority's ability to negotiate the best options at the most reasonable price.

8.3 On this basis, the stated Appendices are not for publication as their publication would prejudice the Council securing Best Value for purchase options, construction costs and could prejudice the Council's position with regard to future negotiations in relation to the Coroner's service..

9. OPTIONS

9.1 Bereavement Services Strategy

New Crematoria

Two of the five identified sites need to be progressed to deliver the new facilities and the following options are available to achieve this end:-

9.1.1 Select one site each for 'south' and 'central/north' new crematoria and procure external specialist resources to complete feasibility stage, deliver progress to RIBA stage 3 and, subject to further approval, design and build the facilities.

Given the current known issues with all 5 of the sites, selection of only two might not deliver best value and could cause further delay in new provision.

9.1.2 Take forward all 5 sites and procure external specialist resources to complete feasibility stage on all 5, and, subject to further approval, deliver progress to RIBA stage 3 for the design and build of the two selected new facilities.

Whilst more expensive in terms of detailed feasibility, will allow selection of the most advantageous schemes in terms of value and timescale.

Burial Ground Lease

- 9.1.3 Continue to negotiate a revised lease with CfM within a defined time period prior to providing in-house delivery if necessary.

Gives maximum opportunity for improvement to, and continuation of, an arrangement that has been proved to deliver a bespoke service to meet the cultural and religious needs of the Muslim community.

Oakworth Crematorium Upgrade

- 9.1.4 Upgrade the crematory at Oakworth Crematorium at the earliest opportunity

Early upgrade will not only demonstrate the Council's commitment to reduction of mercury emissions but also offer a level of service resilience should either of the other two facilities suffer significant failure prior to new build. A pre-planned upgrade during the quietest period of activity will lower the risk of failure at other facilities resulting from the increased workload.

- 9.1.5 Upgrade the crematory at Oakworth Crematorium after the proposed new facility replacement for Nab Wood is commissioned.

Delay in upgrade will increase the risk of lengthy closure of this facility due to a significant failure of its single cremator. The consequent additional levels of activity transferring to Nab Wood/Scholemoor will increase the risk of similar failure at one of these major facilities. The Council will continue to pay the maximum annual fee for failing to comply with mercury emission regulations until the first new build is commissioned.

10. RECOMMENDATIONS

It is recommended that the Executive:-

- 10.1 Approve the procurement of external specialist resources to complete the feasibility stage for all 5 identified sites and subject to further approval, deliver progress to RIBA stage 3 for the design and build of two new crematoria. (option 9.1.2)
- 10.2 Authorise the Director of Place to negotiate a revised lease with Bradford Council for Mosques by the end of 2018 (option 9.1.3)
- 10.3 Subject to the requirements of recommendation 10.1.2 being delivered, authorise the Director of Place to open negotiations with Bradford Council for Mosques to determine a lease/licence for the new burial space being developed at Scholemoor cemetery.
- 10.4 Delegate approval of spend to the Director of Place in consultation with the S151 officer for the extension of Scholemoor Cemetery to create additional burial space at the earliest opportunity.
- 10.5 Delegate approval of spend to the Director of Place in consultation with the S151 officer to upgrade the crematory at Oakworth Crematorium, to include mercury abatement, at the earliest opportunity (option 9.1.4)

- 10.6 As regards Not for Publication Appendix 3 approve the relocation of the Coroner's Service in accordance with the details outlined and authorise the Interim Strategic Director Corporate Resources in consultation with the Leader to take all necessary steps to implement the decision.
- 10.7 As regards Not for Publication Appendix 4 approve the recommended course of action with regard to the service outlined and authorise the Interim Strategic Director Corporate Resources in consultation with the Leader to take all necessary steps to implement the decision (that decision to be exempted from call-in owing to the prejudice caused by delay).

11. APPENDICES

- 1 Equality Impact Assessment – Bereavement Services
- 2 Appendix 2 Bereavement Service confidential Information not for publication concerning potential sites for new crematoria.
- 3 Appendix 3 Not for Publication report concerning the Coroner's Court and Office Accommodation needs.
- 4 Appendix 4 Not for Publication report concerning the Forensic Science Centre.

12. BACKGROUND DOCUMENTS

Bereavement Services Strategy 2016-2031

Appendix 1 – Bereavement Services Strategy EIA

Equality Impact Assessment Form

Reference –BerSerStrat

Department	Place	Version no	1.0
Assessed by	John Scholefield	Date created	May 2018
Approved by		Date approved	
Updated by		Date updated	
Final approval		Date signed off	

The Equality Act 2010 requires the Council to have due regard to the need to

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups

Section 1: What is being assessed?

1.1 Name of proposal to be assessed.

The Bereavement Services Strategy

1.2 Describe the proposal under assessment and what change it would result in if implemented.

A strategy covering the future provision of burial and cremation services beyond 2030. The main elements of the proposed delivery plan cover improved crematoria facilities, infrastructure repairs to cemeteries, continuation of an improved Muslim burial service and changes to the council's memorial policy.

The level of capital expenditure required to improve crematoria provision may result in above inflation rises in the charge for cremations.

Section 2: What the impact of the proposal is likely to be

2.1 Will this proposal advance equality of opportunity for people who share a protected characteristic and/or foster good relations between people who share a protected characteristic and those that do not? If yes, please explain further.

Service improvements in the partnership agreement for Muslim Burial Grounds should enhance the existing high level of opportunity for this particular community to receive a burial in line with their faith and customs.

There will be new facilities as a result of the changes proposed which will benefit the whole community and provide for several faith groups, increasing community services for people with the protected characteristics.

2.2 Will this proposal have a positive impact and help to eliminate discrimination and harassment against, or the victimisation of people who share a protected characteristic? If yes, please explain further.

Not applicable

2.3 Will this proposal potentially have a negative or disproportionate impact on people who share a protected characteristic? If yes, please explain further.

Yes

2.4 Please indicate the level of negative impact on each of the protected characteristics?

(Please indicate high (H), medium (M), low (L), no effect (N) for each)

Protected Characteristics:	Impact (H, M, L, N)
Age	N
Disability	N
Gender reassignment	N
Race	N
Religion/Belief	N
Pregnancy and maternity	N
Sexual Orientation	N
Sex	N
Marriage and civil partnership	N
Additional Consideration:	
Low income/low wage	L

2.5 How could the disproportionate negative impacts be mitigated or eliminated?

Bradford's charges for cremation remain significantly lower than the West Yorkshire Council average and reflect, to an extent, the quality of the existing provision. Any potential future price increases will be determined with due consideration of those of neighbouring facilities to ensure they remain proportionate in terms of the quality of provision and also the comparative affordability of the service to the community.

Section 3: Dependencies from other proposals

3.1 Please consider which other services would need to know about your proposal and the impacts you have identified. Identify below which services you have consulted, and any consequent additional equality impacts that have been identified.

None

Section 4: What evidence you have used?

4.1 What evidence do you hold to back up this assessment?

- Comparative local charges over 5 years
- Knowledge of rationale behind above inflation price changes in recent years

4.2 Do you need further evidence?

The current level of knowledge is regarded as sufficient to support this analysis

Section 5: Consultation Feedback

5.1 Results from any previous consultations prior to the proposal development.

There are no known specific consultation results for the Bereavement Services Strategy although there has been corporate consultation over above inflation price rises over the past 4 years.

5.2 The departmental feedback you provided on the previous consultation (as at 5.1).

None required

5.3 Feedback from current consultation following the proposal development (e.g. following approval by Executive for budget consultation).

Awaited

5.4 Your departmental response to the feedback on the current consultation (as at 5.3) – include any changes made to the proposal as a result of the feedback.

N/A