

Report of the Strategic Director of Place to the meeting of the Executive to be held on 8 January 2019

Subject:

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Bereavement Services Strategy – Delivery Plan Update

Summary statement:

A progress update on delivery of the adopted Bereavement Services Strategy covering:-

- Appointment of external specialists to assist with delivery of crematoria programme
- Land Acquisition
- The new Muslim burial ground lease with the Bradford ‘Council for Mosques’
- Extension of Muslim burial ground at Scholemoor cemetery
- Infrastructure repair to cemeteries
- Revised Memorial Policy

Appendix 2 of this report is not for publication.

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Place

Portfolio:

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Overview & Scrutiny Area:

Regeneration and Environment

1 SUMMARY

A progress update on delivery of the adopted Bereavement Services Strategy covering:-

- Appointment of external specialists to assist with delivery of crematoria programme
- Land Acquisitions
- The new Muslim burial ground lease with the Bradford 'Council for Mosques'
- Extension of Muslim burial ground at Scholemoor cemetery
- Infrastructure repair to cemeteries
- Revised Memorial Policy

2 BACKGROUND

2.1 Governance

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.

An initial progress report on delivery of the adopted Bereavement Services Strategy was received by the Executive on 10 July 2018 with the following resolutions:-

- (1) That 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 to Document "L") be approved.
- (2) That the Strategic Director Place be authorised to negotiate a revised lease with Bradford Council for Mosques by the end of 2018 (option 9.1.3 to Document "L").
- (3) Subject to the requirements of resolution 2 above being delivered, the Strategic Director Place be authorised to open negotiations with Bradford Council for Mosques to determine a lease/licence for the new burial space being developed at Scholemoor cemetery.
- (4) The Strategic Director Place be given delegated approval of spend in consultation with the S151 officer for the extension of Scholemoor Cemetery to create additional burial space at the earliest opportunity.
- (5) The Strategic Director Place be given delegated approval of spend 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 to Document "L")

This report details the progress made to date on delivery of the adopted Bereavement Services Strategy including the above resolutions.

2.2 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 preferred delivery method is to build two new crematoria to replace the Scholemoor and Nab Wood facilities, whilst Oakworth will be refurbished.

Table top assessment has identified two potential sites for new provision in the south of Bradford and three possible sites in Shipley/Keighley area, a total of five potential sites across the District. Options have been limited due to the Cremation Act 1902 not allowing the 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, their location is not for publication as that could prejudice the Council securing Best Value for the purchase.

The two potential southern sites are an area of privately owned land, central to the target area, and Littlemoor Park. Both sites have a number of known issues which may render either as unsuitable during detailed design and planning processes.

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 third 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 on 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.

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.

2.3 Cemeteries

Sufficient space exists within the Council's cemeteries to cover current 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 remaining. 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.

Existing infrastructure within the Council's 23 cemeteries requires investment and the strategy identifies the use of Better Use of Budgets (BUB) bids to carry forward elements of Service revenue surplus to fund a programme of priority projects.

2.4 Muslim Burials

The majority of Muslim burials within the city area are undertaken by the Bradford Council for Mosques (CfM) under a land lease at Scholemoor Cemetery. The existing lease with the CfM originates from the mid-1980s and requires updating as the land currently being used is not explicitly covered whilst both parties recognise the need to further improve the quality of the service offer.

A further lease will be required to cover the proposed burial ground extension at Scholemoor cemetery.

2.5 Infrastructure repair to cemeteries

The majority of the district's cemeteries were established well over 100 years ago and built predominantly for pedestrian access. On-going maintenance and upkeep of the districts cemeteries is therefore not only vital for the safety of the public but also integral to preserving elements of the historical and cultural development of Bradford.

Whilst reactive minor repairs to walls, paths and steps generally identified through regular public safety inspections are on-going, it has become clear that a more substantial programme of works is required as allocated revenue budgets are proving inadequate. There are growing issues in cemeteries and closed Church of England churchyards related to the repair and maintenance to paths, roads, walls, fences and drains.

The agreed action plan within the adopted Strategy identified the use of 'Better Use of Budget' (BUB) bids to transfer elements of annual revenue surplus into the following year to support the repair programme.

2.6 Revised Memorial Policy

Memorials in cemeteries and closed church yards are owned by the named holder of the Exclusive Right of Burial; however the Council has overall responsibility for ensuring public safety in cemeteries, including memorials, through regular inspection and a programme of essential repair to graves where owners cannot be traced.

Whilst there is little more that can be done to reduce the liability from memorials erected prior to 1990, many of which do not carry ground anchors for headstones, a zero tolerance approach is required for new work. There remain a minority of monumental masons who continue to build without due regard to national industry standards creating not only potentially dangerous monuments but also future financial liabilities for grave owners or, by default, the Council. The adopted Bereavement Strategy requires the Memorial Policy to be reviewed and updated to allow more control on memorial activity.

The revised Memorial Strategy will also address the issue of informal memorials/memorabilia within cemeteries to determine either strict enforcement of the existing zero tolerance regime or the adoption of a less stringent and more flexible approach to memorabilia.

3.0 Progress Update

3.1 Appointment of external specialists

Following a competitive tender process in September/October, Bradford based Rex Procter and Partners (RPP) was appointed on 21 November 2018 to provide external specialist advice and services throughout the entire crematoria delivery programme.

RPP will lead a multi-disciplinary team over an anticipated 4 year period, split into 4 phases with phase one specified for completion within 4 months of appointment. The main activities listed in the tender document within each phase are as follows:

Phase One:

- An immediate, short term (4 weeks), desk top appraisal of two identified sites
- A detailed feasibility study of the five identified sites for two new crematoria.
- Production, design and preparation of tender documents for the refurbishment and extension of Oakworth Crematorium.
- Provision of specialist advice, information, analysis and reports on all aspects of crematoria and associated services particularly cremator provision

Phase Two:

- Produce design and prepare tenders for the building of two new crematoria
- Administer the construction of Oakworth Crematorium extension and refurbishment:

Phase Three:

- Administer the construction of one new crematorium

Phase Four:

- Administer the construction of the second new crematorium.
Rex Procter and partners organisations have commenced the immediate, short term (4 weeks), desk top appraisal of the two parks sites using their accumulated specialist knowledge and extensive experience to establish whether there are any factors, either absolute or in combination, that render the sites unsuitable for consideration for new crematoria.

Following an introductory meeting with RRP it was agreed that the initial desk top appraisal should be extended to all 5 possible sites with early feedback to inform the Council's decision making process.

Phase 1 activity to design the refurbishment of Oakworth crematorium is anticipated to commence early in 2019 although detailed design, estimates and tender documents are programmed for Spring 2019.

3.2 Land Acquisition

Initial discussions have been held between the Councils Estates Service and landowners for each of the three private sites identified for potential new crematoria; all have expressed an initial interest in possible disposal.

The Corporate Trustees for Northcliffe Park and Littlemoor Park have been approached for a view on using part of both sites for crematoria. The Trustees have asked that the potential benefit for each Trust is quantified and public consultation carried out in each community before making any decision to progress the matter to the Charity Commission.

There has been significant public opposition to the possible use of the parks sites with Shipley residents in particular very active through an informed and sustained campaign over Northcliffe Park with a petition containing 2286 signatures presented to Full Council in October.

RPP have submitted, as requested, a preliminary 'site appraisal overview' as part of the initial four week desk top study based on high level analysis and the combined specialist team experience. Indicative strengths and weaknesses of all sites have been reported together with any identified 'severe constraints' likely to render sites unsuitable.

The results of this preliminary overview suggest that both sites to the south of the city have similar, but low levels of severe constraints. Two of the three sites currently identified to replace Nab Wood crematoria have either low level or no severe constraints identified whilst Northcliffe Park has the highest number including two which are unique to this proposed site.

RPP report that one of the two unique severe constraints relating to Northcliffe Park involves 'potentially insurmountable issues in forming safe access from a busy, steeply sloping road'. Given the nature and severity of the constraints, it is therefore proposed to recommend removal of this park from the list of potential sites for a new crematorium.

3.3 Lease with Bradford Council for Mosques (CfM)

The existing lease with the CfM originates from the mid-1980s and requires updating, particularly as the land currently being used as a Muslim Burial Ground at Scholemoor is not explicitly covered. The new lease requires both parties to dedicate additional resources to the administration and management of the burial site to further improve the level of service delivery to the community. The lease is expected to be signed off before the end of January 2019.

3.4 Extension of Muslim burial ground at Scholemoor cemetery

Significant site clearance work is required to allow access to this derelict allotment site for the necessary ground surveys to inform the proposed design and subsequent planning approval. An application to the Forestry Commission for a felling licence is being prepared as the site has been classified as woodland cover due to the number of self-seeded trees. Tenders for this clearance work have been prepared and will be issued on receipt of the licence. Change of use planning permission is expected to be submitted in spring 2019 with construction work planned to start in summer 2019.

3.5 Infrastructure repair to cemeteries

The following significant projects have been carried out to date utilising successful BUBs for each of 2016/17 and 2017/18:-

Resurfacing access roads (£60k) – Scholemoor, Utley, Bowling & Oakworth
Drainage installation (£35k) – Scholemoor
Garden of Remembrance Scholemoor (£20k) – footway, walls and entrance

3.6 Memorials Policy

The revised Memorials policy has been completed and will be introduced imminently following Portfolio Holder sign-off. The Policy will strengthen the Service's ability to enforce adequate and suitable standards for new formal memorials thus reducing potential future liability in terms of the need for the Service to fund repair work to ensure public safety. The issue of informal 'memorabilia' has also been addressed resulting in lighter regulation on some elements particularly those placed upon individual grave spaces.

4. FINANCIAL & RESOURCE APPRAISAL

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 indicative capital requirement agreed by Executive in November 2016 to deliver the Bereavement Services Strategy was £17m to cover the following service developments:-

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

The £17m identified in 2016 did not reflect the increasing complexity of the project, particularly in terms of identifying suitable sites for new facilities. The extent of resource required from external specialists and the likely increased costs for land acquisition are likely to render this figure insufficient to deliver the strategy. Updated costs and capital requirements will be revised when Phase 1 reports are received and land negotiations have been completed up to the stage where an 'option to buy' commitment is required.

Executive on 10 July 2018 resolved that the procurement of external specialist resources to complete Phase 1 be approved, including the feasibility stage for all 5 identified sites. £150k was provided for this purpose from 2017/18 year-end reserves with a further £100k identified in a 2017/18 BUB. The tender price for completion of Phase 1 is within this figure.

Further approval for the external specialists to move into Phase 2 will be required at the same time as the preferred sites for new build are confirmed by Executive. Build costs for the two new crematoria will be available at the end of Phase 2 and will need to be approved by Executive together with authorisation to move into Phase 3.

Executive on 10 July 2018 also approved spend for the extension of Scholemoor cemetery to create additional burial space at the earliest opportunity. Initial site clearance works will be funded from revenue budgets. The indicative capital budget requirement remains at £1,000,000 until detailed design has been completed and planning permission obtained.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 Any significant and lengthy failure in the provision of a cremation service would cause both reputational and also financial damage to the Council.
- 5.2 There is a reputational risk to the Council if a revised lease cannot be completed with the Council for Mosques
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 Before the Council legally commits to each build 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 Appendix 2 of this Report is not for publication.

8.2 In view of the financial and business content of Appendix 2, the public interest in maintaining the exemption outweighs the public interest in disclosing the details contained within this Appendix.

8.3 The rationale behind this decision is based upon the fact that the information contained within this Appendix 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.
- elements of the submitted price by the appointed external specialists within a confidential competitive tendering exercise.

8.4 On this basis, the stated Appendix is not for publication as its publication would prejudice the Council securing Best Value for purchase options and also breach business confidentiality requirements.

9. OPTIONS

There are a limited number of decisions required within this update report and they relate to the proposed sites for new crematoria.

There is little option but to remove Northcliffe Park from the list of potential sites given the officer recommendation based on the severe and unique site constraints confirmed by the external specialist team. Advice suggests that the site is unviable for such a development and should be removed from the list.

There is a similar clear need to move forward on land acquisition negotiations in order to both establish availability and also obtain more robust cost estimates for inclusion in the end of Phase 1 report seeking approval to move into detailed design/construction phase.

10. RECOMMENDATIONS

It is recommended that the Executive:-

- 10.1 Approve the recommendation made by the Strategic Director Place to remove Northcliffe Park from the list of potential sites for a new crematorium
- 10.2 Instruct the Strategic Director Place to communicate the decision made for removal of Northcliffe Park from the list of proposed sites for a new crematorium to the Regulatory and Appeals Committee of the Council sitting as Corporate Trustees.
- 10.3 Instruct the Strategic Director Corporate Services to commence land acquisition negotiations up to the option to buy stage for the two sites specified within the Not for Publication Appendix 2 of this report.
- 10.4 Note and welcome the procurement of external specialist resources to complete the feasibility stage for the remaining 4 identified sites and subject to further approval, deliver progress to RIBA stage 3 for the design and build of two new crematoria
- 10.5 Instruct the Strategic Director Place to submit a report recommending the two sites to be approved for the construction of new crematoria and the estimated costs at the earliest opportunity.
- 10.6 Note and welcome the imminent signing of the revised lease with Bradford Council for Mosques for the Muslim burial area at Scholemoor cemetery.
- 10.7 Note and welcome adoption of the revised Memorial Policy

11. APPENDICES

- 1 Equality Impact Assessment – Bereavement Services
- 2 Confidential Information not for publication concerning potential sites for new crematoria and price elements received within a confidential competitive tender process.
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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