

## Report of the Director of Place to the meeting of the Executive to be held on 5 February 2019

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**Subject: PETITION AGAINST CONSIDERATION OF LITTLEMOOR PARK AS A SITE FOR A NEW CREMATORIUM**

### **Summary statement:**

The petition against consideration of Littlemoor Park as a site for a new crematorium was received by Full Council on 15 January 2019 and referred for consideration by Executive.

The petition relates to the inclusion of Littlemoor Park as one of 2 sites under consideration for the building of a new crematorium to replace the facility at Scholemoor cemetery.

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**Overview & Scrutiny Area:**

Regeneration and Environment

## 1. SUMMARY

The petition against consideration of Littlemoor Park as a site for a new crematorium was received by Full Council on 15 January 2019 and referred for consideration by Executive.

The petition relates to the inclusion of Littlemoor Park as one of 2 sites under consideration for the building of a new crematorium to replace the facility at Scholemoor cemetery

## 2. BACKGROUND

2.1 The Executive adopted a strategy for the Bereavement Service in November 2016 covering future development of the Council's cemeteries and crematoria including key recommendations to provide 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.

2.2 Table top assessment has identified two possible sites for the replacement of Scholemoor crematorium, one of these sites is privately owned and the other is Littlemoor Park which is held in trust through the Corporate Trustees. 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.

2.3 The Council's stated preference is to pursue the purchase of private land for new crematoria and Full Council on 16<sup>th</sup> October resolved on an item relating to the possible use of a different park for a crematorium, to note that:-

*The Council values the parks and green spaces of Bradford and would always by preference avoid using them for this special purpose. It will always respect the decision of trustees regarding the parks*

2.4 The area of restricted land required for a crematorium at Littlemoor Park is estimated at 20% of the total area of the Charitable Trust. Procurement of the necessary land would require both Corporate Trustee & Charity Commission approval.

2.5 The Regulatory and Appeals Committee of the Council sitting as Corporate trustees were approached in July 2018 for a view on using part of the site for a crematorium. The Trustees asked that the potential benefit for the Trust be quantified and public consultation carried out before making any decision to progress the matter to the Charity Commission.

2.6 A petition against consideration of Littlemoor Park as a Site for a New Crematorium' was received by Full Council on 15 January 2019 and referred for consideration by Executive.

2.7 The petition, containing 1700 signatures,(in paper and online forms), summarises the issues/background, as follows:

*'We the undersigned are concerned citizens who urge our leaders to act now. We believe Littlemoor Park belongs to the citizens of Queensbury and the decision to build a new crematorium should only be made by the people. Keep Littlemoor as it was intended – a 'Green Lung' for Queensbury for generations to come'.*

**2.8** The written copy of the address to Full Council summarises to the following main messages:-

- The Council's approach to the site is completely against the spirit of the Foster family's gift.
- The Council's initial desktop feasibility study ignores the constraints arising from the site being a recognised habitat network used and lived in by many rare and rapidly declining species.
- The Council is ignoring the opinions of the Charity's beneficiaries.
- A plea for the Council to respect the deeds, statuses and listings and in doing so act in the best interest of the Charity by removing it immediately from the list of potential sites.

### **3. OTHER CONSIDERATIONS**

**3.1** Executive on 10 July 2018 approved the procurement of external specialist resources to complete a full feasibility study for all identified sites as part of the contract brief. An initial desktop feasibility study was also specified and due for completion by the end of December to establish whether there are any factors, either absolute or in combination, that render any sites unsuitable for consideration for new crematoria.

**3.2** The external specialists have submitted the 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, one of which is Littlemoor Park, have similar, but low levels of severe constraints.

**3.3** Based on the information supplied within the site appraisal overview, Executive on 8 January 2019 confirmed the intention to prioritise the private site options through the following resolution:-

*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.*

Further resolutions confirmed that, following completion of the feasibility study and land negotiations, a report recommending the two sites to be approved for the construction of new crematoria and the estimated costs should be provided at the earliest opportunity.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

The decision as to which sites to take forward for the building of two new crematoria will include consideration of the costs involved. The on-going specialist research and design activity will provide more robust and reliable project costs as part of the full feasibility study report due from the external specialist team in Spring 2019 to allow informed decisions to be made prior to build. Further work is being undertaken by the Estates Service to establish likely land acquisition costs for inclusion in the overall project costings.

#### **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.

#### **6. LEGAL APPRAISAL**

- 6.1 The Council would have to consider any proposal to use any part of Littlemoor Park in its role as corporate trustee, which is discharged through the Regulatory and Appeals Committee. In this role the committee would have to act in the best interests of the trust, which may conflict with the interests as the Council.
- 6.2 For example if the Executive went against recommendations of this report and concluded that the Park is the best option for a crematorium site, that would not be something that should carry any particular weight with the Regulatory and Appeals committee in deciding whether it was in the best interest of the trust to proceed with the proposal.
- 6.3 Any scheme would also need approval from the Charity commission for both the land disposal in principle under section 121 Charities Act 2011 and the fact it is being disposed of to the Council as a 'connected person' under section 118 Charities Act 2011 .

#### **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.

##### **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

### **7.7 IMPLICATIONS FOR CORPORATE PARENTING**

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

### **7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

Implementation of any element 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**

None

## **9. OPTIONS**

Whilst the initial indications suggest that the privately owned site may be viable, Executive confirmed last month its intentions to retain options upon other sites, Littlemoor Park being one, until at least receipt of the full feasibility report.

There has been no material change in circumstances to suggest that removal from the list at this stage could be anything but prejudicial to the Council's overall aim to provide a fit for purpose crematoria service.

It is for these reasons that the option to withdraw Littlemoor Park from the list of sites is not recommended at this time.

## **10. RECOMMENDATIONS**

It is recommended that the Executive:-

- 10.1 Note receipt of the petition and its content.
- 10.2 Instruct the Director of Place to ensure that the contents of the petition are considered within the current Feasibility Study
- 10.3 Instruct the Director of Place to include the petition as part of the future report presenting recommendations for the potential locations to build crematoria in line with the Bereavement Strategy.

## **11. APPENDICES**

Statement Submitted with Petition

## **12. BACKGROUND DOCUMENTS**

Petition submitted to Council on 15 January 2019