

# Report of the Strategic Director, Place to the meeting of Regeneration and Environment Overview and Scrutiny Committee to be held on 20<sup>th</sup> June 2023

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## Subject:

Proposed Construction of Additional Cemetery Provision at Bowling Cemetery

## Summary statement:

This report requests the committee to note the intended spend may be in excess of £2m to construct infrastructure to extend Bowling Cemetery.

## Equality and 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.

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David Shepherd – Strategic Director,  
Place

Report Contact: Phil Barker  
Phone: (01274) 432616  
E-mail: [phil.barker@bradford.gov.uk](mailto:phil.barker@bradford.gov.uk)

## Portfolio:

Healthy People and Places

## Overview & Scrutiny Area:

Regeneration and Environment

## 1. SUMMARY

This report requests the committee note the intended spend may be in excess of £2m to construct additional infrastructure in Bowling Cemetery.

Current estimates suggest a contract value of £1.9 million, but with the current volatility of inflation within the construction industry it was determined to be prudent to table this report.

## 2. BACKGROUND

### 2.1 Programme Update

The Bereavement Services Strategy, adopted in late 2016, identified the challenges facing the Service and provided clear direction to enable the council to efficiently focus its resources, both capital and revenue, to deliver a sustainable service over a 15-20 year period. The Strategy is focussed upon improvements in service delivery to the public and includes, at its core, the need for infrastructure investment to prevent potential service failure.

Major elements of this strategy identified the need to invest in the Council's crematoria provision as well as ensuring that sufficient cemetery space was available for those wishing to be buried.

The Strategy highlighted the requirement for additional burial capacity in the medium term to ensure that satisfactory burial services continue to be provided to the Muslim community via a longstanding partnership with the Bradford Council for Mosques. This is particularly important in the south of the district where more than two thirds of the annual number of new burial plots are required.

The overall success and deliverability of the plan to deliver new cemeteries is dependent on a number of key factors. For simplicity, the overall project has been split into three phases all of which have different delivery timescales:

#### Phase 1

Extension of the existing Muslim burial ground at Scholemoor cemetery to provide immediate additional capacity.

#### Phase 2

Additional burial plots delivered through further interventions including:

- the extension of Bowling cemetery – outline' planning approval to proceed has been secured and the project has received final funding approval.
- the establishment of a new cemetery, potentially on Council owned land
- the acquisition of land to allow further and larger cemeteries to be

established.

### Phase 3

Development of a major new cemetery to deliver long term capacity beyond 2050. This will require further planning consents and funding approval.

Phase 1 works were completed in 2020 with the successful extension of the Muslim burial ground at Scholemoor cemetery. The Council also engaged specialists CDS (Cemetery Development Solutions) to assist with the identification, assessment and development of further burial capacity.

Phase 2 work, to date, has identified the remaining undeveloped land at Bowling Cemetery as suitable to provide half of the capacity required within this phase. The total project cost to include provision of the necessary new access infrastructure, site levelling and associated drainage is initially estimated at £2.38m.

Following recent planning approval relating to use of the land, final design details have been agreed and a detailed planning application has been submitted. Subject to approval of this planning consent, it is intended that works will start on site in Autumn 2023.

## **2.2 Governance Timeline**

Executive November 2016 – Adoption of the Bereavement Services Strategy

Executive July 2018 – Approved the procurement of external specialists to complete the options appraisal for 5 identified new crematoria sites and subject to further approval, deliver progress to RIBA Stage 3 (Detailed Design) for the design and build of two new crematoria. Also delegated 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

Executive June 2019 – Approved the revised and increased cost estimate for the refurbishment of Oakworth crematorium at £2.75m.

REOS July 2019 – Considered and noted the intentions to enter into two contracts for the refurbishment of Oakworth crematorium (£2.75m) and also to procure 5 cremators (estimated £3.5m).

Committee noted that Best Value considerations in terms of purchase, operating and maintenance costs led to the decision to adopt a single procurement exercise for cremators with call off provision when required within each of the construction programmes.

Procurement considerations were also covered with the intention to use the Bradford Framework for Construction to tender the refurbishment works at Oakworth and the YPO framework for procurement of the cremators.

Executive November 2019 - Delegated approval of spend to the Strategic Director, Place in consultation with the S151 officer for the construction of the first new crematorium within Heaton at a cost of £9.1m subject to land acquisition and planning permission

Executive approved the proposal that all necessary action be taken to negotiate the acquisition of the required land whilst also approving, in principle, the use of Compulsory Purchase if necessary.

Also approved the implementation of Phase 3 and 4 works by Rex Procter & Partners to finalise the designs for the new crematoria and administer the subsequent building contracts.

Executive January 2020 - Delegated approval of spend to the Strategic Director, Place in consultation with the S151 officer for the construction of the second new crematorium within Bierley at a cost of £10.3m subject to land acquisition and planning permission

Executive approved the proposal that all necessary action be taken to negotiate the acquisition of the required land whilst also approving, in principle, the use of Compulsory Purchase if necessary.

REOS December 2020 - Considered and noted the intentions to enter into a contract for the construction of Heaton crematorium.

Procurement considerations were covered with the intention to use the in house General Contractors Framework for Construction to tender the construction works.

Executive October 2021 - Approval for the Strategic Director, Place in consultation with the Director of Finance & IT to award the contract to the successful tenderer for the construction of Heaton Crematorium as detailed in the report within the overall programme budget of £23 million.

A further report to be presented to the Executive on the costs for Bierley Crematorium in due course.

Executive February 2022 - Approval for the Strategic Director, Place in consultation with the Director of Finance & IT to progress with the delivery of the Bereavement Investment Plan as detailed in the report within a revised overall programme budget of £29.7 million.

Approval for the Strategic Director of Place in conjunction with the Strategic Director of Corporate Resources and in consultation with the City Solicitor to agree and finalise the terms of the acquisition of the land at Bierley

REOS July 2022 - Considered and noted the intention to tender the construction of a new crematorium at Bierley at a value in excess of £2m.

### **3. REPORT ISSUES**

#### **3.1 Proposed Procurement Protocol**

Tenders will be invited through the Council's own General Highways Projects Framework with a quality/price evaluation process to include assessment of proposed social value contributions by each tenderer.

Use of the Council's framework is compliant with the requirements of Contracts Standing Orders:

*Section 5 In all instances the procurement of works, goods or services should be done through existing approved arrangements where they exist. These include:*

*Section 5.1.2.1 The use of Council Corporate Contracts / Framework Agreements / DPS awarded by the Council shall be considered in the first instance in consultation with the Head of Procurement for all works, goods and services that have been included in the scope of those arrangements.*

The framework ensures compliance with the Council's Contract Standing Orders and the Public Contracts Regulations by providing an opportunity for competition with a pre-vetted, restricted supply base. It allows Officers to call-off Contractors in a timely manner. These contractors have been robustly vetted at the outset of the framework; and call-offs allow for competitive pricing tailored to the size and complexity of the works project to achieve the best price at the time of the requirement of the works. This will further ensure corporate compliance by using set procedures and documentation.

Furthermore, the use of the framework will deliver best value and commercial gain as the opportunity will only be open to the contractors appointed to the framework, creating competitive tension between the bidding contractors, as each has a reasonable chance of success. Bidding for a large construction contract is a timely and expensive activity for contractors and when bidders have knowledge that the competition is of known size then typically they are more prepared to bid.

#### **3.2 Form of Contract.**

Bearing in mind that the works are essentially civil engineering in nature, the JCT Intermediate contract has been selected, retaining some contractor design elements such as retaining walls.

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

The extension of Scholemoor cemetery cost c. £750,000 and was mainly funded through a provision of £1m within the capital programme. This was allocated when the Bereavement Services Strategy was first adopted.

Phase 2 of the cemetery delivery plan will cost an estimated £5.98m and has been included in the Councils capital programme incrementally over the next 2 years.

Careful consideration has been given by the Project Appraisal Group (PAG) to determine the source and extent of capital funding required for Phase 2 of the programme.

It was noted that there is already a requirement for the Service to fund an element of prudential borrowing to deliver the crematoria programme. Furthermore, Phase 2 of the Cemetery delivery plan seeks to provide additional capacity simply to maintain, rather than increase, activity levels resulting in no change to income profiling. Given these facts, it was determined that the service revenue budget was not in a position to accommodate any further borrowing charges.

The intention is then to use corporate capital to fund Phase 2 of the delivery plan with Bowling Cemetery extension to be specifically included in the capital programme at £2.38m for 2023/24.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 There is a need to provide additional burial grounds to ensure that the partnership arrangement with the Bradford Council for Mosques can continue to deliver funerals according to the faith and culture of the Muslim community.

## **6. LEGAL APPRAISAL**

- 6.1 The Cremation Act 1902 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.

## **7. OTHER IMPLICATIONS**

### **7.1 Sustainability Implications**

The strategy seeks to deliver the most sustainable service achievable over a 30-40 year period and beyond through a programme of capital investment.

Extended or new cemeteries will provide opportunities for biodiversity gain over and above replacement of any essential loss of biodiversity.

### **7.2 Greenhouse Gas Emissions Impacts**

Five of the six Council 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). The facilities will be market leading by also using nitrous

oxide abatement technology.

### **7.3 Community Safety Implications**

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

### **7.4 Human Rights Act Implications**

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

### **7.5 Trade Union Implications**

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.

### **7.6 Ward Implications**

The project is taking place in the Bowling and Barkerend Ward. Ward Members have been in regular contact with the project team through the development of the scheme.

### **7.7 Implications for Children and Young People**

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**

None

## **9. RECOMMENDATIONS**

That the committee: -

9.1 Notes the progress made to date on delivering the Council's Bereavement Services Strategy.

9.2 Notes the intention to tender the construction of new infrastructure at Bowling Cemetery at a value potentially in excess of £2m, the anticipated construction costs for the works is circa £1.9m

**10. APPENDICES**

None

**11. BACKGROUND DOCUMENTS**

Bereavement Services Strategy 2016-2031