

## REPORT TO SAFER NEIGHBOURHOODS AND ACTIVE COMMUNITIES SCRUTINY BOARD

**21 November 2019**

<b>Subject:</b>	Impact of burials of non-Sandwell residents in the borough
<b>Cabinet Portfolio:</b>	Resources and Core Services
<b>Director:</b>	Director – Law and Governance - Surjit Tour
<b>Contribution towards Vision 2030:</b>	 
<b>Contact Officer(s):</b>	Mark Satchwell Service Manager – Registration Mark_Satchwell@sandwell.gov.uk

### **DECISION RECOMMENDATIONS**

**That, the Scrutiny Board:**

1. consider the impact of burials of non-Sandwell residents has on cemetery space and income generated from services provided to these families has in Sandwell.
  
2. identifies any recommendations it wishes to make to Cabinet.

#### **1 PURPOSE OF THE REPORT**

- 1.1 As with many Burial Authorities, the space for new burials in some of Sandwell towns is running out. Therefore, Sandwell needs to consider what actions if any, the burial of non – Sandwell residents has on both cemetery capacity and subsequent income generated from associated bereavement related services.
  
- 1.2 At its meeting on 21<sup>st</sup> February 2019 the Safer Neighbourhoods and Active Communities Scrutiny Board made several recommendations in respect of burial space in Sandwell.

- 1.3 One of those recommendations was for the Director – Law and Governance and Monitoring Officer to provide a further report to the relevant Scrutiny Board in 2019/20 in respect of the burial of non-Sandwell residents in Sandwell cemeteries, including an impact analysis of any changes to the fees.
- 1.4 Any recommendations arising from the consideration of this report will be reported to the Cabinet.

## **2 IMPLICATIONS FOR VISION 2030**

- 2.1 Making recommendations will support the council's ambition that Sandwell towns will be successful centres of the community and places where people choose to bring up their families.
- 2.2 It will also support our ambition for Sandwell to have a national reputation for getting things done.

## **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 Operating as both a Burial and a Cremation authority, the Council through its Registration Service provides several essential services for the hygienic disposal of the dead.
- 3.2 Latest statistics for England and Wales suggest approximately 80% of bereaved families are now choosing cremation, the remaining 20% chose burial.
- 3.3 Whilst each year there continues to be a decline in the number of bereaved families choosing burial for their loved one, cultural or religious beliefs and choices made through generations, suggest it is unlikely the demand for burial will ever subside completely.
- 3.4 There are currently two crematoria and eight operational cemeteries in Sandwell. Only five of these cemeteries can accommodate new burials.
- 3.5 In 2018 the number of families who chose burial, in a cemetery in Sandwell for their loved one was 911.
- 3.6 Of those families 151 which equates to 17% of all burials for that year were of non-residents of the borough.
- 3.7 The surcharge applied for the burials of non-Sandwell residents is currently 15%.

3.8 Income generated including the 15% surcharge from the burial of non-Sandwell residents for 2018/2019 was therefore estimated to be in the region of £221,000.

#### 4 THE CURRENT POSITION

4.1 The eight operational cemeteries in Sandwell which are managed by its Registration Services are;

- Fallings Heath Cemetery, Beebee Road, Wednesbury, WS10 9RX
- Heath Lane Cemetery, Walsall Road, West Bromwich, B71 3HR
- Oldbury Cemetery, St Pauls Road, Smethwick, B66 1QT
- Powke Lane Cemetery, Powke Lane, Rowley Regis, B65 0AG
- Tipton Cemetery, Alexandra Road, Tipton, DY4 7NP
- Thimblemill Cemetery, Thimblemill Road, Smethwick, B67 6LS
- Uplands Cemetery, Manor Road, Smethwick, B67 6SJ
- Wood Green Cemetery, Wood Green Road, Wednesbury, WS10 9QS.

4.2 Only five of these sites, Heath Lane, Tipton, Thimblemill, Fallings Heath and Powke Lane cemeteries are currently able to accommodate new burials.

4.3 When historic burial data and the number of graves available at each site are considered, it is possible to anticipate when each site will no longer be able to accommodate new burials.

4.4 To date and based on current provision, the anticipated burial capacity in Sandwell can be found in the table below.

Cemetery	Approximate number of adult grave spaces available	Average number of adult burials into new graves per annum over the last 3 years.	Estimated capacity in years.	Estimated number of burials per annum if it were for Sandwell residents only( -17%)	Estimated capacity in years – Sandwell residents only
Fallings Heath	6980	21	332	17	411
Heath Lane	460	49	9	41	11
Powke Lane	190	43	4	36	5
Thimblemill	1700	90	19	75	23
Tipton	1200	26	46	22	55

- 4.5 When capacity as set out in the table above is considered, the burial of non-Sandwell has a relatively small impact on future burial space capacity with West Bromwich and Rowley Regis still likely run out in just a few more years.
- 4.6 Bereaved families who choose burial can be quite parochial in the choices and tend to follow similar arrangements generation after generation when choosing a final resting place for their loved one. It would be fair to suggest many cemeteries in Sandwell have significant numbers of burials from the same family whether they are Sandwell residents or not.
- 4.7 When considering the suitability of any surcharge applied for the burial of non - Sandwell residents, benchmarking of local fees and charges for burial related services is necessary.
- 4.8 Comparative key burial fees benchmarking table:

2019 Fees	Sandwell	Dudley	Wolverhampton	Walsall	Birmingham
Excl Rights of Burial Fee(2 persons)	£1929	£2213	£1922	£2291	£2445
Interment Fee	£995	£1210	£1040	£1288	£1054
Total	£2924	£3423	£2962	£3579	£3499
Surcharge applied for non -residents	15%	100%	100%	100%	Approx'300%

## 5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 The level of bereavement related fees and charges is subject to regular discussion at the West Midlands Regional Registration Group and Funeral Directors Liaison meetings.
- 5.2 Sandwell's approach on fees coupled with investment in its excellent facilities is regularly commended by those who use its services.
- 5.3 Local benchmarking with neighbouring authorities suggest Registration related fees and charges continue to see key burial and cremation fees overall remain lower when compared to those across Birmingham and the Black Country.

5.4 Comparative key burial fees can be found in the benchmarking table as set out in 4.8 of this report.

## 6 OPTIONS

### 6.1 Increase surcharge

6.1.1 The current surcharge applied for the burial of non-Sandwell residents for 2019 is 15%. When this surcharge is compared (see *table 4.8*), to those applied across Birmingham and the Black Country it is noticeably less than other burial authorities.

6.1.2 In setting the level of surcharge to be applied, the overall cost of a burial in Sandwell to non-residents has considered burial fees locally to ensure that Sandwell are competitive both to Sandwell and non-Sandwell residents.

6.1.3 This approach has historically has been to encourage non-residents to use Sandwell bereavement related services which continues to have a positive impact on income it generates by capturing a greater market share.

6.1.4 Any increase on this surcharge of more than 5% (total 20%) above the existing rate will see the burial cost of a non- Sandwell resident in Sandwell exceed those associated with similar burial services for bereaved families in Birmingham, Dudley and Walsall, all of whom have geographic borders with Sandwell.

6.1.5 Assuming there is a degree of consistency in respect of the death rate nationally, it is likely that should the cost of burial exceed the cost of similar services in other boroughs locally, the number of burials of non-Sandwell residents will reduce, impacting on income generated from the fees and charges that are applied.

6.1.6 With income generated from fees and charges offsetting all expenditure associated with Registration related services, mitigating action to reduce expenditure will be necessary should a reduction in income materialise from any change.

6.1.7 However, any reduction in the annual number of burials that take place in Sandwell will certainly have a positive impact on burial capacity across the borough.

## **6.2 Decrease or remove surcharge**

- 6.2.1 As set out in 6.1.2, the surcharge of 15% applied to the cost of a burial in Sandwell of non-residents has been set to ensure Sandwell is competitive when compared locally.
- 6.2.2 A significant reduction or indeed by not applying any surcharge at all would likely have a positive impact on the number of non-Sandwell residents choosing to use our bereavement related services.
- 6.2.3 Again, assuming consistency in respect of the death rate nationally on previous years, our market share would likely increase. It is however, uncertain as to what level or indeed if the increase in numbers would be sufficient to offset the current level of income generated from the surcharge when applied.
- 6.2.4 A significant increase in burial numbers annually would adversely impact on burial space capacity across the borough.

## **6.3 Do nothing.**

- 6.3.1 By leaving the surcharge at 15%, there is a degree of certainty in terms of current burial capacity, the number of burials of non-residents and subsequent income generated from associated bereavement related services.
- 6.3.2 A need to identify new burial space in the borough is unchanged, with options to deliver solutions to capacity issues in both West Bromwich and Rowley Regis being explored.
- 6.3.3 The capital investment necessary to develop two new sites will subject to cabinet approval, will likely be financed from increases in fees and charges associated with Registration related services.
- 6.3.4 Adjusting the surcharge will likely have some impact on income generated making it more difficult to predict the level of increase that will be necessary to fund the developments as set out in 6.3.3.

## **7 STRATEGIC RESOURCE IMPLICATIONS.**

- 7.1 Again, expenditure associated Registration related services is funded by the fees and charges that are applied to the services it provides. These charges are reviewed and approved annually by Council.

- 7.2 Burial and cremation fees in Sandwell are amongst the lowest nationally and the lowest locally which encourages families from across Birmingham and the Black Country to use Sandwell's bereavement related services.
- 7.3 For the financial year 2018/2019 the total income derived from Registration related services was £4,861,513. with income generated from burial related services being approximately £1,300,000.
- 7.4 In the event a non-resident bereaved family were to use services provided by other Burial Authorities locally to them, this would likely impact significantly on the income Sandwell receives for these types of services.
- 7.5 This impact would need to be assessed and mitigated against and would likely mean a reduction in expenditure would be necessary, potentially impacting significantly on the resources available to provide other burial and cremation related services.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 The Council is permitted to charge fees relating to Registration Services by virtue of the Cremation Act 1902, the Cremation Regulations 2016, the Local Authorities Cemeteries Order 1977 and the Local Government Act 2003. Whilst the Council has discretion over many of the fees, a number relating to the registration of births, marriages and deaths are set by statute.
- 8.2 Buried human remains may not be disturbed without specific authority. Section 25 of the Burial Act 1857 makes it an offence to remove buried human remains without a licence from the Secretary of State or, in relation to ground consecrated according to the rites of the Church of England, a faculty (permission from the Church)
- 8.3 Sandwell has no legal obligation to act as Burial Authority.

## **9 EQUALITY IMPACT ASSESSMENT.**

- 9.1 Whilst we cannot predict to what level the number of families who choose an alternative end of life option such as cremation to that of burial in the future, it is unlikely the demand for burial space will subside completely.
- 9.2 We can say this with a degree of certainty with certain community groups from different religious backgrounds such as Muslims, Jewish or those of the Catholic faith historically choosing burial as predominantly their only end of life option.

9.3 Any change to the surcharge would impact most on these groups with no surcharge applied to cremation for non-residents using Sandwell's bereavement related services.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

10.1 The proposals in this report do not relate to changes in the management of personal data, and therefore have no impact on data protection

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

11.1 There is no specific impact on crime and disorder as a result of these proposals.

## **12 SUSTAINABILITY OF PROPOSALS.**

12.1 There is no other sustainability impact other than those outlined in 6.1 ,6.2 or 6.3.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE).**

13.1 There are no health and wellbeing implications associated within this report.

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND.**

14.1 A variation in the surcharge applied to the burial of non-Sandwell residents may impact on burial capacity in the borough.

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 The Council recognises the profound impact, in particular bereavement, has on families and the importance other Registration related services to these families.

15.2 Through its Registration Service, the Council provides a suite of services for the residents and non-residents of the borough and those organisations and families who choose to use its excellent facilities.

15.3 Whilst as with many burial authorities Sandwell needs to consider its position in respect of future burial space and how best this can be managed, services provided to non-Sandwell residents contribute to the annual financial targets set for Registration Services.

15.4 Setting the right level of Registration related fees and charges is crucial. The options in this report should enable scrutiny board to reflect on the appropriateness of the current surcharge applied to the burial of non-Sandwell residents.

## 16 **BACKGROUND PAPERS**

16.1 None.

## 17 **APPENDICES:**

None.

**Surjit Tour**

**Director – Law and Governance and Monitoring Officer**