

**Safer Neighbourhoods
and Active Communities
Scrutiny Board**

**Thursday 21 November, 2019 at 5.45pm
in Committee Room 1
at the Sandwell Council House, Oldbury**

Agenda

(Open to Public and Press)

1. Apologies for absence.
2. Members to declare:-
 - (a) any interest in matters to be discussed at the meeting;
 - (b) the existence and nature of any political Party Whip on any matter to be considered at the meeting.
3. To confirm the minutes of the meeting held on 3 October, 2019 as a correct record.
4. Discussion with the Cabinet Member for Homes.
5. Impact of burials of non-Sandwell residents in the borough.

D Stevens
Interim Chief Executive

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution:

Councillors Moore (Chair);

Councillor P M Hughes (Vice-Chair);

Councillors Bawa, Bostan, Akhter, Edwards, M Gill, M Yaseen, S Jones, Padda and Sandars.

Co-opted Member:-

Mr J Cash

**Agenda prepared by Alex Goddard
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Safer Neighbourhoods and Active Communities Scrutiny Board

Apologies for Absence

The Board will receive any apologies for absence from the members of the Board.

Safer Neighbourhoods and Active Communities Scrutiny Board

Declaration of Interests

Members to declare:-

- (a) any interest in matters to be discussed at the meeting;
- (b) the existence and nature of any political Party Whip on any matter to be considered at the meeting.

**Minutes of the Safer Neighbourhoods and Active Communities
Scrutiny Board**

**3rd October, 2019 at 5.45 pm
at Sandwell Council House, Oldbury**

- Present:** Councillor Moore (Chair);
Councillors Bawa, Edwards, M Y Hussain, Padda
and Sandars.
- Apologies:** Councillors Akhter, Bostan, M Gill and P M Hughes;
Mr J Cash (Co-opted member).
- In attendance:** Councillor Maria Crompton (Cabinet Member for
Safer Neighbourhoods);
Alison Knight (Executive Director –
Neighbourhoods);
Chris Jones (Commonwealth Games 2022
Aquatics Centre - Project Director).

11/19 **Minutes**

Resolved that the minutes of the meeting held on 1st August, 2019 be approved as a correct record subject to the inclusion of Councillor Padda in the list of members submitting apologies to the meeting.

12/19 **Commonwealth Games – Sandwell Aquatics Centre**

The Commonwealth Games Aquatics Centre – Project Director reported to the Scrutiny Board on the progress made on the project since it was approved by Cabinet in January 2018.

Since approval, the Council had undertaken consultation with local residents, including a community engagement leaflet and a pre-planning consultation process which included consultation packs delivered to local residents, an online survey and drop-in events local to the site at locations agreed with ward councillors. The consultation found that 80% of residents were positive about the

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project and that the Council was delivering against the principles that had been agreed during the initial engagement work.

Following the consultation process, a planning application for the Sandwell Aquatics Centre was considered and agreed in March 2019. In April the departure from the Development Plan was approved by Council. In July 2019 the site was closed to the public and enabling works commenced; this was to help ensure the timely delivery of Construction Phase 1.

Construction Phase 1 was due to start in January 2020 and would conclude in February 2022. This Phase included the frame and superstructure of the centre and fit out. The building would then be handed over to the Commonwealth Games Organising Committee for the work needed to allow the Centre to hold the aquatic sports for the Games between July and August 2022 – this was designated as Construction Phase 2.

Following the end of the Commonwealth Games 2022 the building would be handed back to the Council for Construction Phase 3, where the legacy construction would take place prior to the Centre opening to the public in May 2023.

From the comments and questions raised by members of the Scrutiny Board, the following responses were made and issues highlighted:-

- a report on the Contract was scheduled for consideration by the Cabinet in November;
- the Council was working with a range of partners on the project including Birmingham City Council, the Black Country Local Enterprise Partnership, Sport England and Swim England;
- there would be full Clerks of Works arrangements in place throughout the project;
- the site currently had a play area, this would be replaced with improved equipment as part of the site's development;
- the Council was continuing to engage with residents' groups throughout the project. For example, while approximately 40 trees had been felled as part of the preparatory works, over 200 trees and shrubs were being planted on the site; the

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species for the new plants were selected in conjunction with a residents' group;

- the Centre would have a changing village facility in line with Sports England standards; however, to meet locally expressed needs single-sex changing facilities would also be available;
- the Centre included a dry diving training facility; other centres did not tend to have such a dedicated facility on site;
- the enabling works that had taken place helped to reduce risk on Construction Phase 1 as they had taken place during the summer months avoiding wet weather;
- 'float' had been built into Construction Phases to mitigate risks, providing a buffer of time should any works overrun;
- a Traffic Regulation Order was in place on Londonderry Lane; the Council had worked with local residents to minimise impact on them including by installing drive on their properties if they didn't have them;
- the Commonwealth Games 2022 would be a 'public transport games' and there would be no parking on the site or nearby for spectators. Walking routes and park and ride options would be promoted to visitors attending the Games;
- the Sandwell Aquatics Centre progress would report to the Capital Programme Board for the Games along with the other capital projects that were underway to successfully hold the Games in Birmingham and Sandwell;
- Sandwell was represented on the Chief Executives Group of the Organising Committee;
- the project was included on the Council's Corporate Risk Register.

The Scrutiny Board requested further reports on the Sandwell Aquatics Centre Project, including details of financial implications for the Council and the project's risk register.

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Resolved:-

- (1) that a further progress report on the Sandwell Aquatics Centre be brought to the Safer Neighbourhoods and Active Communities Scrutiny Board in January 2020 to include further details on the project's financial implications for the Council and the project's risk register;
- (2) that a site visit for the members of the Safer Neighbourhoods and Active Communities Scrutiny Panel be arranged during Construction Phase 1.

13/19 Commonwealth Games - Legacy

The Commonwealth Games Aquatics Centre – Project Director gave an overview of the five Legacy Workstreams that had been identified:-

- Sport Development and Clubs;
- Physical Activity;
- Skills, Education and Raising Aspiration;
- Regeneration, Jobs, Tourism and Place Building;
- Culture and Communities.

These workstreams would link with current work and initiatives which the Aquatics Centre and Commonwealth Games 2022 could help to drive forward or increase the pace of. This could be through securing additional funding or inspiration generated from hosting the events. The intention was to leverage the best possible social and economic benefit from the Games for Sandwell.

Each workstream had a range of activities and aims that connected to the ambitions of Vision 2030. These included diverse goals including the creation of a West Midlands Diving pathway to maximise the benefits of both the dry dive training facility and the diving pool.

From the comments and questions raised by members of the Scrutiny Board, the following responses were made and issues highlighted:-

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- the Council was working with swimming and athletics clubs in the borough to prepare for an increase in public interest in taking part in sport and physical activity;
- the competition pool at the Aquatics Centre would have accessibility steps and ramps;
- the Council was working with the Canal and Rivers Trust to improve signage from canals in the borough to assist those using the towpaths to know what local attractions and facilities were available;
- a Business Expo was being held as part of the Commonwealth Games, which would have opportunities for local businesses to promote themselves;
- the development of the Legacy Plans was in its early stages and prior to them being considered by the Cabinet, it was intended to bring them to a future meeting of the Scrutiny Board for pre-decision scrutiny.

The Chair advised the meeting that no money for legacy projects and initiatives had been attached to the Commonwealth Games by the Government. The Birmingham Commonwealth Games Bill was currently progressing through Parliament and it was suggested that the Chair of the Scrutiny Board write to the Members of Parliament for Sandwell asking them to seek a commitment to Government funding for the legacy of the Commonwealth Games. The Chair extended an invitation to the Cabinet Member for Safer Neighbourhoods to send a joint letter on this matter, which she agreed to do.

Resolved that the Chair of the Safer Neighbourhoods and Active Communities and Cabinet Member for Safer Communities send a joint letter to the Members of Parliament for Sandwell asking them to seek a commitment to Government funding for the legacy of the Commonwealth Games as part of the Birmingham Commonwealth Games Bill that was progressing through Parliament.

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14/19 Discussion with Cabinet Member for Safer Neighbourhoods

The Scrutiny Board received a presentation from the Cabinet Member for Safer Neighbourhoods on current and future key areas of work within her portfolio.

The Safer Neighbourhoods portfolio included:-

- town and neighbourhood development and working;
- safer neighbourhoods;
- leisure and recreation;
- the local environment (including waste and street cleaning);
- emergency planning and resilience.

Key areas of work currently being undertaken by the Cabinet Member included:-

- being a member of the Safer Sandwell Partnership Police and Crime Board and working with partners on crime and community safety matters;
- borough-wide tasking meetings;
- signing the Slavery Free Sandwell Pledge;
- the West Bromwich Public Space Protection Order;
- review of the multi-agency flood plan;
- the Sandwell Aquatics Centre project;
- working with Sandwell Leisure Trust to review their Business Plan;
- on-going meetings with the Warley Sunday League on their needs and issues;
- looking at options for maximising the potential of Sandwell Valley;
- a review of the condition and management of Sandwell's pools and watercourses;
- considering different approach to grounds maintenance including the use of wildflower meadows;
- developing the capacity and capability of the voluntary sector in collaboration with Sandwell Council of Voluntary Organisations.

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From the comments and questions raised by members of the Scrutiny Board, the following responses were made and issues highlighted:-

- Lightwoods Park and Red House Park had recently been awarded Green Flag status, bringing the total number of parks in Sandwell with the award to 12;
- the Cabinet Member would be bringing a report to Cabinet to commit Sandwell to planting a tree per child starting school in September – if approved this would result in over 4000 trees planted per year over the next three years in conjunction with the Woodland Trust;
- the Council's CCTV network was being expanded over the next ten years to cover all remaining high-rise blocks in the borough;
- multi-agency days were held to carry out emergency planning, including mock scenarios. The Council worked with key partners such as the Police and Fire and Rescue Service on emergency planning matters. The Council's officer representative on the Local Resilience Forum was the Director – Homes and Communities;
- the Police and Crime Commissioner has recently established a West Midlands Violence Reduction Unit. It was important that the Council built good relationships with the Unit;
- the arrangements for Christmas trees across the borough had been reviewed due to cost pressures. The Cabinet Member reported that officers had worked hard to negotiate contracts so that one Christmas tree could be retained in each of the six towns. If local traders and businesses were willing to provide sponsorship then the Council would consider if additional trees could be provided at other locations;
- it was important to maintain the strong relationship that Sandwell had formed with strategic partners such as Sports England – this could result in invitations to bid for programmes and initiatives.

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In response to queries from members, the Scrutiny Board was advised that most issues relating to housing matters were the responsibility for the Cabinet Member for Homes. Questions relating to fire safety in the Council's flatted accommodation would be referred to Cabinet Member for Housing to provide further information to the Board when she attended a future meeting.

The Scrutiny Board thanked the Cabinet Member for attending the meeting.

Resolved:-

- (1) that a report on Emergency Planning and Resilience in Sandwell be brought to a future meeting of the Safer Neighbourhoods and Active Communities Scrutiny Board to include:-
 - (a) an overview of preparedness;
 - (b) relationships between key partners in relation to Emergency Planning;
 - (c) how the Council and partners test resilience.
- (2) that the Cabinet Member for Homes be requested to respond to questions about fire safety matters for the Council's high-rise flatted accommodation when she attends the November meeting of the Scrutiny Board.

(Meeting ended at 7.21 pm)

Contact Officer: Alex Goddard Democratic Services Unit 0121 569 3178
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REPORT TO SAFER NEIGHBOURHOODS AND ACTIVE COMMUNITIES SCRUTINY BOARD

21 November 2019

Subject:	Discussion with the Cabinet Member for Homes
Director:	Director – Law and Governance and Monitoring Officer – Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Alex Goddard alexander_goddard@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Safer Neighbourhoods and Active Communities Scrutiny Board:

1. Consider and comment upon the information presented by the Cabinet Member for Homes;
2. Identify any recommendations it wishes to make.

1 PURPOSE OF THE REPORT

- 1.1 The Scrutiny Board has asked the Cabinet Member for Homes to attend the meeting to discuss matters relating to her portfolio.

2 IMPLICATIONS FOR VISION 2030

- 2.1 The Homes portfolio contributes to a number of ambitions within Vision 2030:-

Ambition 1 – Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.

Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

Ambition 8 – Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

Ambition 10 – Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people’s lives and communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The Scrutiny Board has requested the Cabinet Member for Homes to attend the meeting to discuss matters relating to her portfolio.

4 THE CURRENT POSITION

- 4.1 The Cabinet Member for Homes will attend the meeting to discuss with the Scrutiny Board matters relating to her portfolio.
- 4.2 The Cabinet Member has responsibility within the Cabinet for the strategic delivery of Ambition 7.
- 4.3 Key areas of the Cabinet Member’s portfolio that relate to the terms of reference of the Scrutiny Board include:-

Strategic Housing Policy;
Social Housing;
Private rented sector rented accommodation;
Homelessness.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 No consultation was required in relation to this report.

6 ALTERNATIVE OPTIONS

- 6.1 If the Scrutiny Board does not consider the information presented to it then potential recommendations and actions to improve services would be missed.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 There are no specific strategic resources implications arising from this report.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 There are no specific legal or governance considerations arising from this report.

9 EQUALITY IMPACT ASSESSMENT

9.1 No equality impact assessment is required for this report.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 No data protection impact assessment is required for this report.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 There are no specific crime and disorder implications arising from this report, although individual subject matters discussed at the meeting may relate to crime and disorder.

12 SUSTAINABILITY OF PROPOSALS

12.1 There are no specific sustainability issues associated with this report.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 There are no specific health and wellbeing implications, although individual subject matters discussed at the meeting may have an impact on wellbeing.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 There are no specific implications for Council-managed property or land. Individual subject matters discussed at the meeting may involve Council managed property, in particular its housing stock.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The Board is invited to consider the information presented to it and determine if there are any recommendations it wishes to make.

16 BACKGROUND PAPERS

16.1 None.

Surjit Tour

Director – Law and Governance and Monitoring Officer

REPORT TO SAFER NEIGHBOURHOODS AND ACTIVE COMMUNITIES SCRUTINY BOARD

21 November 2019

Subject:	Impact of burials of non-Sandwell residents in the borough
Cabinet Portfolio:	Resources and Core Services
Director:	Director – Law and Governance - Surjit Tour
Contribution towards Vision 2030:	 
Contact Officer(s):	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 21st 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