

Item No. 7.	Classification: Open	Date: 19 June 2012	Meeting Name: Cabinet
Report title:		Future of Cemeteries Service	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Barrie Hargrove, Cabinet Member for Transport, Environment & Recycling	

FOREWORD - COUNCILLOR BARRIE HARGROVE, TRANSPORT, ENVIRONMENT & RECYCLING

I am very pleased to bring forward this report which has resulted from a wide ranging and extensive consultation with all people interested in the future of our burial services.

I am particularly satisfied that the proposals contained in this report represent significant progress towards providing a sustainable solution to the problem of space within the cemeteries.

Through the considered use of remaining available space, the sensitive re-use of areas previously used for burials and by working with other Boroughs and private cemetery providers on longer term provision as part of a London wide solution, I feel that the report balances conflicting desires for leisure and burial and offers the prospect that no recreational land will need to be used for burial in the foreseeable future, if at all.

RECOMMENDATIONS

1. That the Cabinet note the outcomes of the public consultation on future burial provision in the Borough undertaken in the summer of 2011(Appendix D).
2. That the Cabinet agrees the vision for the Cemetery service as set out in paragraphs 34 and 35 of this report.
3. That the Cabinet confirm its commitment to providing burial space within the Borough and to the adoption of the Cemetery Strategy (Appendix A)
4. That the Cabinet agree to the creation of short and medium term burial space in Camberwell Old and New Cemeteries as identified in the action plans subject to the agreement to the Council capital programme 2012-2022 (Appendix B and C).
5. That the Cabinet agree that the Council seek the amendment of the London Local Authorities Act 2007 to provide the Council with the powers to reuse graves currently available to all other London Boroughs.
6. That the Cabinet note the additional work being undertaken with the London Environmental Directors Network (LEDNET) and the Greater London Authority to identify a regional solution to the shortage of burial space in London.

7. That the Cabinet ask officers to explore further the procurement of burial space outside the Borough.

Comments from Overview and Scrutiny Committee

The Overview and Scrutiny Committee considered the report at its meeting on 8 May 2012. The committee noted that 3 additional potential sites for burial in Camberwell Old Cemetery had been identified after the main consultation was under way, and that residents closest to these sites may not be aware of this. The committee therefore recommended that the Cabinet request officers to carry out a risk assessment on the consultation process and consider whether any additional work was required in respect of these particular sites.

BACKGROUND INFORMATION

8. The need to identify burial space in the Borough has been an issue for the Council for several years. In July 1999, the Honor Oak Nursery Site Steering Group was formed, comprising locally elected members and local representatives drawn from both Southwark and Lewisham (“the Steering Group”) to consider options for burial at Camberwell New Cemetery.
9. In November 1999 the then Regeneration and Environment Committee met to discuss, the Management of Future Burials. The Committee agreed to reaffirm an October 1996 Committee decision on future burial to bring back into cemetery use the 3 acres of Honor Oak Recreation Ground.
10. In April 2000 the Regeneration and Environment Committee considered a report entitled “Honor Oak Former Nursery Site and Recreation Ground”. The April 2000 Report updated members on the position relating to the use of the recreation ground for burial, and reported that there had been an agreement to bring into use as open space at least 3 acres of a former horticultural Nursery Site adjacent to the cemetery in order to compensate for the 3 acres of recreation ground which was to revert to burial use. In addition, the Committee agreed that the former Nursery Site be marketed for disposal to release sufficient resources to fund the work.
11. In the April 2000 Report, the Committee discussed an alternative proposal, namely the use as extra burial land of the area of the Nursery Site which had previously been used for growing purposes. Although feasible, this was not recommended for logistical reasons. However the Steering Group did not agree and in November 2000, the Steering Group voted unanimously in favour of “supporting the use of the Nursery Site for cemetery use”. This is recorded in a report to the Development Control Committee on 15 November 2000. On the basis of the decision of the Steering Group, the Development Control Committee accordingly granted change of use in respect of the Nursery Site for burial.
12. Use of the former nursery site as burial land commenced in 2003 however by the end of 2010 the area was to all intents exhausted.
13. At its meeting on the 17th April 2011 the Cabinet considered a further report on the future of Southwark’s cemeteries and resolved:-
 - That the proposals in the report to create immediate term burial space be agreed subject to agreement within the council’s capital programme.

- That consultation on the longer term options set out in the report to address the problem of the borough's burial space shortage be undertaken, noting that the Cabinet viewed the use of Honor Oak Park recreation ground as the least preferred option.
- That following consultation a report on the outcomes of the consultation and the options for a long term solution be prepared for a future Cabinet meeting.
- That Cabinet seeks to work with Lewisham and other London authorities on joint solutions to the burial space shortage problem.

KEY ISSUES FOR CONSIDERATION

14. The purpose of this report is to update Cabinet on progress on the delivery of the immediate term burial space, report on the outcomes of the consultation on future options and to propose short, medium and long term options for the future cemetery strategy.

Update on immediate term burial Space

15. Following the Cabinet meeting of 19 April 2011 an allocation of £410k was made from the Council's capital programme for the delivery of the agreed immediate term options at Camberwell New and Camberwell Old Cemeteries.

Camberwell New Cemetery

16. The former site of the Council's Parks service nursery had in recent years been subject to illegal tipping of waste soils. Early in 2011 the removal of the contamination was completed and the area adjacent to the railway line was levelled, soiled and seeded. The site was included in the November 2000 planning consent for use as a cemetery and in early summer 2011 work commenced to carry out final investigations to check underlying ground conditions, and to discharge outstanding planning matters. Works to prepare the site for burial were completed in September 2011, releasing 210 plots and further works are due to complete by summer 2012, releasing a total of 435 plots providing sufficient burial capacity for two years (Appendix F, site A).
17. Another immediate term option considered by the Cabinet in April 2011 to use an area in Camberwell New Cemetery that is virgin ground, has not yet been implemented as a result of difficulties in accessing to the site (Appendix G, site D1). With provision of a new road and vegetation clearance, this will provide access to sufficient space for a further 220 plots within this area. This option will now be undertaken within the short term action plan (2015-22).

Camberwell Old Cemetery

Unused land

18. In June 2011 a small area of virgin land was identified in Camberwell Old cemetery adjacent to the main gates (map). This area has subsequently been cleared and prepared for burial releasing some 50 plots for use (Appendix G, site E).

Topping up of public burial area

19. An area of land within the cemetery (Appendix G, sites F & F1) that had been used for public burials was identified as being suitable for topping up with up to one metre of clean soil so as to provide new burial space. Steps have been taken to extinguish any private burial rights older than 75 years and a planning application for the associated works was submitted in March 2012. Works will include -
 - Clearance of scrub and trees.
 - A new temporary entrance for construction vehicles and site hoarding at Wood Vale
 - Delivery and distribution of approx. 4640m³ of soil
 - New foot paths including a new path for the Green Chain Walk
 - Creation of new lawns
 - Planting of new trees and shrubs
 - Installation of gravel memorial strips
20. Subject to planning approval the works are expected to be completed by December 2012 and will allow for 800 new burials at this location providing sufficient burial capacity for three and a half years.
21. In summary since the Cabinet decision in April 2011, to undertake a range of immediate term development with the existing cemeteries, some 1285 burial spaces equivalent to five and half years of required space has been delivered at the cost of £410k.

Pre-sales of grave space

22. Since 2008 due to the constraints of space at the cemeteries, the cemetery service ceased advanced sales of grave space. It is acknowledged that the withdrawal of "pre-sales " has caused some concern to residents anxious to secure their future burial rights and given the amount of additional space likely to be available from the end of the year, pre-sales of grave will re commence in January 2013.

Outcome of Consultation on future cemetery strategy

23. From 4th July to 30th September 2011 residents and stakeholders were consulted on the future options for burials in the borough. A summary of the findings are set out below and the full consultation report is attached in Appendix D.

Future demand for burial

24. Some 77% of respondents indicated that their preferred means of interment would be cremation, with some 22% requiring burial. These statistics vary from UK National averages of 70% and 30% respectively, suggesting a slightly higher percentage than average for those requiring cremation. Southwark's Cemetery and Crematorium service is currently performing burials for around 30% of service users.

25. There are, however, a significant number of Southwark residents who require burial in the future. In addition there was a clear preference from faith leaders that Southwark retains the capacity for burial and for certain faith groups burial was identified as the only acceptable option.
26. Among the respondents indicating a preference for cremation many cited reasons for their preferences as lack of space in the borough and loss of valuable green space vital to the health and enjoyment of the population. Similar reasons were cited for discontinuing the provision of burial. Some respondents who said burial was not important stated that they were in favour of burial outside the borough possibly in partnership with other Local Authorities.
27. Of the respondents preferring burial (22%) many emphasised the emotional attachment to their home place/Borough/connections to family buried in Southwark/and the ability to visit graves without travelling and family and cultural traditions were reasons given for continued provision of burial space. There were also concerns that if burial was moved out of the Borough, people's ability to visit loved ones graves would be diminished.

Preferred options

28. Respondents expressed preference for the various options, in the following order (most supported first):
 - 1) Re-use of public (common) graves was considered the most sustainable option with least impact on both the Borough's open spaces and bereaved relatives.
 - 2) Re-use of private graves.
 - 3) Use of burial chambers/mausoleums where maximising the use of available space. The potential for vandalism and mechanism for ultimate disposal of remains were raised as concerns.
 - 4) Working with other local authorities to source shared land for new cemeteries. Although a new Southwark burial site outside the borough was not greatly supported, for the reasons of reduced accessibility. Buying of grave space from a private supplier was also not a popular option and considered to be problematic on account of lack of confidence in the sustainability of the service.
 - 5) Stopping burial in Southwark -received very little support and even those preferring cremation were in favour of people having burial as a choice.
 - 6) Use of some or all of Honor Oak Recreation Ground for burials was the least favoured option and the one that attracted the most comment (214 comments were made objecting to the use of the park). A small number of respondents were in favour of using some or all of Honor Oak Recreation Ground for burial.

Table1. Preferences for future burial options expresses in public consultation.

<p>a. Re- use Private Graves</p> <ul style="list-style-type: none"> • 14% of people selected this as their first choice • For 31% of respondent re-using private graves was their second most preferred option • 17% made this option their 3rd choice <p>b. Re-use Common(Public) Graves</p> <ul style="list-style-type: none"> • 44% rated this option their 1st choice • 18% selected this as their 2nd choice. • 9% selected this as their 3rd choice. <p>c. Use of Burial Chambers</p> <ul style="list-style-type: none"> • 14% of people selected burial chambers as their first choice • For 8% of respondents it was their 2nd choice • The majority, 25%, had burial chambers as their 3rd most preferred option <p>d. Find a burial site outside of Southwark</p> <ul style="list-style-type: none"> • 12% of people selected this as their first option • The majority of respondents 20% had this option as their 4th choice <p>e. Share a cemetery space elsewhere or buy graves off someone else</p> <ul style="list-style-type: none"> • 11% of people selected this as their first option However most commonly this option was rated 4th,5th or 6th choice 	<p>f. Work with other local authorities to source land for a new cemetery</p> <ul style="list-style-type: none"> • This was neither a favourite nor least favourite option for most respondents. • 19% rated it 1st • Whilst similar number of people selected this as either their 2nd, 3rd, 4th, 5th of 6th or 7th choice. <p>g. Use all or some of Honor Oak Recreation Ground</p> <ul style="list-style-type: none"> • 79% of people selected this as their least preferred option • 9% had it as a first choice • Use of some or all of Honor Oak Recreation Ground for burials was the least favoured option and the one that attracted the most comment. <p>The key reasons for not using the site included:</p> <ul style="list-style-type: none"> • Consideration for it's current use for recreation • Lack of available open space in the Borough • Concerns that the Council would choose this as the cheapest option, without consideration of the impact its loss would have on the young people of the local area, who value it for recreation. <p>h. Stop Burying in Southwark</p> <ul style="list-style-type: none"> • 29% of people selected this as second least preferred option (7th choice) • 18% indicated it was their least preferred (8th choice) • 28% said to stop burying would be their 1st choice
---	---

29. In respect to re-use of grave spaces people felt that all efforts would need to be made to contact living family members and that records should be kept of reused graves with alternative memorials to the deceased created.

30. Interest was also expressed in woodland burials, these being thought of as sustainable and environmentally friendly.

Vision for the cemetery service

31. In setting out the future cemetery strategy the bereavement services has set itself the aim of becoming a model Bereavement Service constituting both a site of Excellence in Bereavement Services and in Cemetery and crematorium Management and Conservation.

32. To achieve this aim the following vision is set out for endorsement by the Cabinet.

“Southwark Council bereavement services will:-

- Serve the Residents of Southwark by achieving the highest standards in Customer Care, Sustainable Burial and Conservation Management achieving value for money.
- Ensure that Southwark continues to develop best practice in the provision of its burial service that provides sustainable facilities for the interment of the deceased whilst meeting the needs of the bereaved.
- In making provision for burials the Council will place a priority on the use of any currently unused land within its existing cemeteries, followed by the re-use of previously used grave space as permitted by burial law.
- Develop Southwark’s Cemeteries so that they will be appreciated for their amenity as much as they are now valued as a place to mourn, remember and respect the dead. “

Cemetery strategy

33. In line with the above vision the proposed cemetery strategy aims to address the shortfall of burial space by using, reusing and reclaiming existing land and burial space within the Council’s cemeteries (Camberwell Old Camberwell New and Nunhead).The legal and national policy framework to achieve this is set out in Appendix E.
34. This strategy takes into account the outcome of the consultation which highlighted the need to continue to provide burials in the borough with the clear public preference not to use additional open space, e.g. Honor Oak recreation ground. The proposed approach is to create new burial space within Camberwell Old and Camberwell New cemeteries over the short (next ten years) and medium term (2022-40) while at the same time working with other Local authorities to develop long term sustainable options for burial in London.

Short term proposals (2015 to 2022)

35. A short term action plan has been developed focussing on bringing into use the following areas;
- the entirety of the disused nursery site (Appendix F, site B)
 - The area of unused land at Camberwell New cemetery referred to in paragraph 20 (Appendix F, site D1)
 - an area in Camberwell Old Cemetery that is part topped up burial land and part virgin ground (Appendix G, site H1). It is proposed that appropriate landscaping be planted in this area to ensure a suitable screen for local residents. Residents of Ryedale Avenue will be consulted on this landscaping in the autumn of 2012.
36. These sites will provide burial space sufficient for the borough’s needs until 2022 and are estimated to cost £1.70m. All sites do have risks associated with planning issues such as the loss of trees and early discussions have commenced with planning officers on these matters.

Muslim Burial

37. The consultation also identified a need to provide burial space for Muslim burials and it is proposed to remediate an in Nunhead Cemetery adjacent the current Muslim burial ground to provide a further fourty spaces.

Medium Term proposals (2022 to 2040)

38. A further series of proposals have been identified to provide burial space from 2022 until approximately 2040 through the re-use of public graves, unused space in private graves and the construction of mausoleum.

Re-use of public graves

39. It is possible to re-use the unmarked public graves older than seventy five years old (and in most instances nearly ninety-five years old) in consecrated parts of Camberwell Old and Camberwell New. This would be subject to Church of England permission (a 'Faculty') and any remains encountered would be re-interred and recorded in adjacent consecrated graves (Appendix F, site D2) (Appendix G, sites H2, H3, J, K, L and G1). This has been approach has been successful elsewhere, notably in the City of London Cemetery. Included in this option is the remediation and use of a disturbed area of ground in the north west of Camberwell Old (Appendix G, site Z).

Unused space in private graves

40. In addition it is proposed that rights to private graves older than 75 years be extinguished under the provisions of the 1975 Act. Any unused space in that grave would then be reclaimed for burial, or alternatively, if the grave is set within consecrated ground, the grave would be re-used, subject to a Faculty. In these instances memorials would be selected and where appropriate restored and re-inscribed. Such reclamation of graves along with the restoration/re-inscription of memorials has also been successfully implemented at the City of London.

Mausoleum

41. There is an increasing interest in the use of mausoleums or above-ground vaults which could be covered and landscaped for the interment of remains. Mausoleums can offer advantages over underground burial. A smaller area of land is required and the controlled environment provides protection for the burial locations as opposed to the damage to graves caused by rain and inclement weather. Visitors enjoy the controlled environment of the mausoleum and a higher level of security. Mausoleums also offer a possible sustainable solution for burial space as typically remains are interred for a limited period (30 years) after which they are removed for alternative storage, thereby releasing the space for further use. There are suitable locations for mausoleums at both Camberwell Old and Camberwell New cemeteries (Appendix G, sites I1, I2 and I3).
42. These medium term proposals have been estimated to costs £3m at current day prices and will provide space until 2040 depending on burial rates.

Review and future consultation

43. Towards the end of the short and medium term periods reviews of burial figures will be required to check whether supply of plots is meeting demand and to consider, at each critical stage, what next steps need to be taken. These reviews will be subject to further public consultation and reported to future Cabinet meetings.

Summary of short and medium term proposals

44. The estimated costs of funding the Burial Space options are as follows:

Site	No. of Plots	Capital cost (£'000')
Short term		
Site B – Camberwell New	900	1000
Site D1 – Camberwell New	220	300
Site H1 – Camberwell Old	480	400
Total (short term)	1600	1700
Medium term		
Site G1 – Old	430	100
Site Z – Old	1,000	1,500
Site H2/3 – Old	775	250
Site J, K, L – Old	1,060	300
Site D2 – New	1,000	350
Mausoleum sites (I1, I2 and I3)	700	500
Total (medium term)	4965	3000
Total (2015-2040)	6565	4700
Cost per grave		0.71

Phasing

45. To allow the appropriate time to develop design and build proposals for each of the options the capital required to deliver the short terms options would need to be made available in 2014/15 and 2019/20 respectively.

Longer Term proposals (post 2040)

46. Longer term options focus the re-use and reclamation of both private and public graves. At Camberwell Old successive clearances of memorials in the late 20th Century, combined with the irregular and tight layout of plots and the numerous recent graves slotted in between historic graves, makes comprehensive re-use difficult. In addition the overgrown nature of parts of the site and the heritage value of other parts, makes comprehensive re-use inappropriate. For these reasons Camberwell New is proposed for re-use in the long term and that is proposed alongside continued but more limited reclamation and/or re-use in Camberwell Old.
47. However, other than for some limited areas of public burial, most areas of Camberwell New do not become 'old' enough for re-use until at least 2045, by which time all the short and medium term proposals will have been exhausted, leaving a potential short fall in provision from 2040 onwards.

48. Some of the shortfall in capacity may have to be made up by taking up a portion of recreational land or alternatively, recognising the feedback from the consultation, it may be possible to identify areas for limited reclamation/re-use in conjunction with restoration at Nunhead Cemetery. In addition the Council will be working to identify potential out of borough and London wide provision as described in paragraph 54.
49. Having met the shortfall and subject to having resolved the legal issue set out in paragraph 53 below and gained Faculty approval, Camberwell New may potentially be capable of carefully planned sustainable re-use in the long term from 2045 onwards.

Amendment to London Local Authorities Act

50. Whilst other authorities in London may re-use private graves in areas that are not consecrated (under the provisions of Acts of parliament of 1976 and 2007) that same provision does not extend to Southwark on account of the way the 2007 Act is drafted. The ability to use such graves is vital to the success of the long term cemetery strategy and it is proposed that the Council seeks legal clarification and/or a change in the law as soon as possible.

Cemetery Service Operations

51. The approach whereby sustainable, cyclical, re use of burial space is achieved on a long term basis is the overall aim of the strategy. Achieving that goal will not only depend on future demographics and burial preferences of Southwark's population but will also require a new approach to the management of the Council's cemeteries.
52. A range of actions need to be taken including the review and digitalisation of existing paper records together with the introduction of a protocol for assessing the heritage value of graves and memorials. New record keeping and management procedures will be introduced.

Regional Solutions

53. In addition to the physical measures set out in this report the Council is seeking to work in partnership with other London authorities to implement the recommendations of a report on burial provision commissioned by the Greater London Authority and undertaken by the Cemetery Research Group, University of York in March 2011. The GLA report identified that there are boroughs in all quarters of the capital where supply is deemed to be critical, and where demand is likely to be exhausted within the next ten years.
54. The GLA report concluded that London Boroughs have not taken advantage of the new powers introduced by the London Local Authorities Act, 2007 noting that for some Boroughs, dealing with monumentation and administrative complexity were both seen as being problematic. In addition, the option of re-using graves under faculty jurisdiction had not been considered by most boroughs even though many had expressed interest in the process. It was evident that further information for London Boroughs on the process of re-use under faculty would be welcomed.

55. The GLA report went on to make recommendations relating to;
- Local authorities sharing good practice on grave re-use including consideration of the obstacles to introducing the policy.
 - Training around various 'grave creation' strategies, these measures, together with grave reclamation, could preclude the later introduction of a more effective and sustainable re use policy.
 - English Heritage being engaged to provide guidance on the historic conservation impacts of all these measures.
56. Working through the London Environment Director's Network (LEDNET) officers have commissioned the Institute of Cemetery and Crematoria Management (ICCM), the University of York and Harrison Design Development Limited to implement the recommendations of the GLA report by producing good practice guidance, applicable to all London Boroughs that clearly sets out the legislative framework, technical solutions and management practices that apply to cemeteries and burial provision.
57. It is anticipated the production of this guidance, which will be available by the end of 2012, will provide material for training operational staff and reduce the need for individual boroughs to commission external consultants for advice.

Procurement of burial space outside of Southwark.

58. The Council now has sufficient burial space for five and half years and should Cabinet agree this report will have identified options which could provide sufficient for twenty eight years. While the public consultation show only limited support for burial outside of the Borough, the Council has been approached by a privately owned cemetery outside Southwark, with a proposal to purchase up to fifty burial spaces for the use of Southwark residents. Also a number of other London Authorities have expressed an interest in the joint procurement of burial space. Such provision may be a useful addition to the options available to the bereavement service but would need to be subject to the usual procurement processes.
59. LEDNET is currently seeking to engage resources, led by Southwark, to explore the options available both in terms of available land together with potential operational models for joint or shared management of such facilities. It is therefore proposed that the procurement of burial space outside the Borough be explored further, possibly in conjunction with other London Boroughs.

Policy implications

National Policy and legal framework

60. Appendix E details the national policy and legal framework that applies to re-use and reclaim of public/private graves that is fundamental to the approach of the strategy in delivering the aim of addressing the current shortfall in burial space.

London Plan

61. Policy 7.23 of the Mayor of London spatial development strategy for London states that the Mayor will work with boroughs, cemetery providers and other key stakeholders to protect existing burial spaces and to promote new provision and that Boroughs should ensure provision is made for London's burial needs, including the needs of those groups for whom burial is the only option. Provision should be based on the principle of proximity to local communities and reflect the different requirements for types of provision.

Open Space Policy

62. The open spaces strategy has been drafted and is currently out to consultation. There needs to be recognition that the Borough's cemeteries offer a positive contribution to open space in the Borough and a recognition of such a fact is that they are suitable for use as metropolitan open space. There also needs to be a commitment in the open spaces strategy to retain land within the existing service for use for burials and to meet the requirements of the Council's cemetery strategy.

Resource implications

Capital implications

63. An existing capital allocation of £410k will enable the delivery of the immediate term works. This will provide another 5 and half years additional burial capacity.
64. The total estimated cost of implementing both short and medium term options £4.7m. The current capital programme does not contain provision for the proposed options and bids will be submitted as part of the next capital refresh process. Therefore the proposed strategy and agreed options will be subject to identifying sufficient resources in the council's capital programme.

Revenue implications

65. The income target for cemeteries for 2011/12 was £738k and has been set at £813k for 2012/13.
66. All of all the options mentioned in Appendices B and C represent a significant investment in Southwark's cemeteries. Such capital investment will need to be reflected in the fees charged for the service. Despite significant increases in recent years fees remain below the London average. If sufficient revenue is to be generated to maintain the cemetery grounds at desirable standards further increases in fees will be required.
67. If any of options mentioned in Appendices B and C are not accepted, it is likely that the cemetery service will cease to generate income as a result of running out of burial spaces in five and a half years. This will create a budget pressure due to shortfall in income.

Community impact statement

68. When delivering the short and medium term burial options further detailed consultation on each option will be undertaken with the local community and users of the cemeteries to ensure that the detailed designs for each area mitigate where possible any highlighted concerns and will also take into account concerns related to the actual impact of implementation of the options. Work will also be planned in advance to ensure the concerns of the community are taken into account, for example it is planned to implement soft landscaping in the autumn of 2012 alongside Area H1 even though implementation is not planned until 2021.
69. Careful management and communication will be undertaken in accordance with prescribed legislation with regard the re-use and reclaim of burial space and a large proportion of this work will be agreed in advance with the Diocese.
70. Regular consultation meetings occur throughout the year with local funeral directors to understand their needs as a customer to ensure the burial options prescribed meet their needs and to also ensure that they are workable from a practical perspective. These meetings will continue and the delivery of the cemetery strategy will be discussed on an ongoing basis.

SUPPLEMENTARY ADVICE FROM OTHERS

Strategic Director of Communities, Law & Governance

71. The Report seeks Cabinet approval of the adoption of the cemetery strategy and the delivery of short and medium term burial space action plans subject to agreement within the council's capital programme.
72. In accordance with Part 3C this is a matter reserved for collective decision making by the Cabinet as it involves the approval of virements over £1,000,000 and up to £10,000,000 between capital projects or programme headings as set out in the overall programme approved by council assembly.
73. The report details that consultation has taken place with residents and stakeholders between 4 July – 30 September 2011. Consultation has taken place to gain views on the future of burial services in the borough as the borough's cemeteries are nearly full.
74. To reduce the risk of a legal challenge it is good practice for the Council to consult those who may be affected by the changes in service provision. For effective consultation to take place there are four requirements:
 - a. consultation must be conducted when proposals are at a formative stage;
 - b. the decision maker must give sufficient reasons for it's proposals to permit intelligent consideration and response;
 - c. adequate time must be given for consideration and response; and
 - d. the product of consultation must be conscientiously taken into account before making the relevant decision.
75. Each of these elements must be considered separately, evidenced and documented. The Report author refers to detailed consultation taking place, a copy of the Consultation Report being found at Appendix D.

76. It is not proposed to repeat the legal implications of the cemetery strategy as they have been thoroughly covered within Appendix E – Legal and Policy Framework.
77. The Equality Act 2010 introduced a single public sector equality duty. This duty requires us to have due regard in our decision making processes to the need to:
- (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - (b) Advance of equality of opportunity between persons who share a relevant protected characteristic and those who do not share it
 - (c) Foster good relations between those who share a relevant characteristic and those that do not share it.
78. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also applies to marriage and civil partnership, but only in relation to (a) above.
79. Local authorities are required to act in accordance with the equality duty and have due regard to these duties when carrying out its functions, which includes making decisions in the current context.
80. Equality impact assessments/analysis are an essential tool to assist councils to comply with our equalities duties and to make decisions fairly. Equalities and human rights impact assessments/analysis that are carried out should be mindful of the protected characteristics under the Equality Act 2010. A Equalities and Human Rights Impact Assessment (EqIA) was carried out and can be found at Appendix H. Following analysis of the public consultation results it was found that the cemetery strategy will allow the Council to continue with its existing service provision and that no equality group is disproportionately affected.

Finance Director (NR/02/12)

81. This report recommends that Cabinet notes the outcomes of the consultation undertaken in the Summer of 2011 and agrees to continue to providing burial space within the Borough, agrees to the adoption of the cemetery strategy and agrees to the creation of short and medium term burial space in Camberwell Old and New Cemeteries. In addition, notes the additional work being undertaken with LEDNET and the Greater London Authority to identify a regional solution to the shortage of burial space in London.
82. The Finance Director notes the resource implications contained within the report, in particular that the approved capital programme does not have provision for the proposed options. This issue will be addressed should Cabinet approve this report, by means of a capital outturn /refresh report in the first quarter of the new financial year, when members will be invited to formally approve amongst other items, the capital expenditure detailed in this report.
83. Officer time to effect the recommendations will be contained within existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Papers relating to future burial needs 1996 -2000	Council Offices, 160 Tooley Street	Des Waters 020 7525 2080
Individual comments to public consultation July 2011	Council Offices, 160 Tooley Street	Des Waters 020 7525 2080
Camberwell new and Honor Oak recreation ground use survey May 2011	Council Offices, 160 Tooley Street	Des Waters 020 7525 2080

APPENDICES – Circulated separately and available on the council's website: <http://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=302&Mid=4244&Ver=4>

No.	Title
Appendix A	Southwark Council Cemetery
Appendix B	Short term burial options (2015- 2022)
Appendix C	Medium term burial option (2022-40)
Appendix D	Southwark cemeteries, consultation report 2011
Appendix E	Burial legal and national policy framework
Appendix F	Plan of short and medium term proposals Camberwell New cemetery
Appendix G	Plan of short and medium term proposals Camberwell Old cemetery
Appendix H	Equalities and human rights impact assessment

AUDIT TRAIL

Cabinet Member	Barrie Hargrove, Cabinet Member for Environment, Transport and Recycling	
Lead Officer	Deborah Collins, Strategic Director, Environment & Leisure	
Report Author	Des Waters, Head of Public Realm, E&L	
Version	Final	
Dated	11 June 2012	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		11 June 2012