

Item No. 8.	Classification: Open	Date: 19 April 2011	Meeting Name: Cabinet
Report title:		Consultation Options for Future Service Strategy for Southwark Cemeteries	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Barrie Hargrove - Transport, Environment and Recycling	

FOREWORD – COUNCILLOR BARRIE HARGROVE, CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING

1. There is an urgent need for a full review of bereavement services in the borough. Burial space is almost exhausted and the Council should look to create space that will allow burials to continue for the next few years. Subject to capital funding being made available, relevant permissions being granted and full plans being worked up, some areas within the existing cemeteries have been identified which will create burial space in the short term.
2. We must also look ahead and decide upon the options for the longer term future of the cemeteries service in Southwark. I am keen that we engage with our local stakeholders and involve them in the decision about the future of the service.
3. The purpose of this report is to set out what I believe to be possible short term solutions to the issue of lack of burial space and a number of options for the future of bereavement services in Southwark. I would like the Cabinet to agree the proposals for creating short term burial space and agree the options for long term burial space in the borough on which we will seek the community's views.

RECOMMENDATIONS

4. Cabinet to agree the proposal in paragraph 21 to create short term burial space at an estimated cost of £410,000 subject to agreement within the council's capital programme.
5. Cabinet considers the longer term options, including the option to use some or all of Honor Oak Park Recreation Ground, set out in paragraph 23 to address the problem of the borough's burial space shortage and agree which options should be consulted upon.
6. Cabinet agrees the consultation plan for the longer term options for Southwark's cemeteries at Appendix 2.
7. Cabinet to agree that following consultation a report on the outcomes of the consultation and the option/s for a long term solution be prepared for a future Cabinet meeting.

BACKGROUND INFORMATION

Historical background

8. In the 1850's, the Camberwell Burial Board was established to solve the problem of Camberwell's burial shortage in its churchyards. In 1855 the board bought 12 hectares of meadow land and established it as the Burial Ground of St Giles, Camberwell and now called Camberwell Old Cemetery. By 1984, 300,000 burials had been carried out at the cemetery, and whilst the cemetery continues to bury in the occasional pre purchased plot there is no formal recognised space left in the cemetery for new burial provision.
9. When it became clear that Camberwell Old Cemetery was fast using up space Camberwell New Cemetery was opened in 1927. It currently occupies 14.85 hectares of burial space most of which is now used.
10. Honor Oak Crematorium was built in 1939. The crematorium has a chapel which can hold approximately 150 people for religious and non religious services. There is approximately 1.5 hectares of space to the north and south of the crematorium for interment and memorialisation of ashes. Over 1000 cremations take place per year at the crematorium.
11. Nunhead Cemetery occupies 20.5 hectares, was opened in 1840 and is the second largest Victorian cemetery in London. In 1975 Southwark Council took possession of the privately owned Nunhead Cemetery when its owners, the London Cemetery Company went into liquidation. The site operated as a cemetery from that time but is now considered full other than a few pre-purchased plots.
12. In 1999 Heritage Lottery funding was secured to restore the site to its former glory. The works were completed in May 2001. Because of the sites importance for nature conservation part of the site was designated as a local nature reserve in 2003.

Cemeteries service

13. The cemeteries service is responsible for, on average, 380 burials per year of which 210 are in new plots and the rest are re-openings of pre-purchased plots for family member interments.
14. Graves are most frequently sold as double depth plots (2 interments) as families are keen to purchase enough space to bury relatives together. At current rates it is estimated that double depth plots in the borough will be completely exhausted by May 2011. There are enough single plots to enable burials until late summer 2011 and then all burial space will be exhausted. Experience shows that families will only purchase single depth plots when all double depth plots have been sold.
15. Table 1 indicates the plots available in February 2011 and their location. New burial space is being created from old roadways and this space will soon run out. Cemetery staff are working hard to indentify any areas that could accommodate grave space so the figures below are subject to change. However it is not sustainable to create burial space in this way. Also it can be detrimental to the appearance of the cemetery as space is created in an unplanned way.

Table 1: Remaining Burial Space – February 2011

	Camberwell New Cemetery	Camberwell Old Cemetery	Nunhead Cemetery
For 1 Interment	15	60	4
For 2 Interments	26	50	0
TOTAL	41	110	4

16. There is now an urgent need for a full review of burial provision in the borough and for the council to decide upon a future burial policy for Southwark.

Southwark's demographic and the impact on burial provision

17. Currently the population of Southwark is one of the youngest populations in England on average 5 years younger than England as a whole. Over the past decade there has been an increase in 30 to 44 year olds and a net decrease in those aged 65 to 84.
18. Southwark has a very diverse population with just under half the population who consider themselves to be from black or minority ethnic groups. A high proportion of the ethnic population prefers burial to cremation and the Muslim faith requires burial.

Current and future demand for burial provision

19. Providing cemeteries is not a statutory duty thus there is the option of not creating new burial space which would mean that after 170 years Southwark would cease to offer this service. However there continues to be a demand for burial despite the trend being that the majority of people opt for cremation. In England the comparative average figure given for percentage cremations against burial is approximately a 70%:30% split in favour of cremation. In Southwark, the cremation figures are some 5% less than the national average.
20. Over the last 3 years death rates in Southwark and the number of burials appears to be remaining relatively static. Analysis of burial numbers shows that new purchases require approximately 0.15 hectares per annum thus for 50 years of burial provision Southwark will require 7.5 hectares of burial space. This does not take into account space for cremated remains or public burials.

KEY ISSUES FOR CONSIDERATION

Creation of short term burial space

21. There are a number of solutions that are immediately available to the Council to deal with the shorter term needs for additional burial space. These are listed below and this report recommends that action is taken to create the following burial spaces:

- Use of an area in Camberwell New Cemetery that is virgin ground. With provision of a new road, some scrub and vegetation clearance, this will provide access to sufficient space for a further 100 plots within this area.
- Use of the newly cleared site at Camberwell New Cemetery near Honor Oak Park railway station could provide around 450 new plots. This proposal would require planning consent.
- The re-use of common grave areas at Camberwell Old Cemetery. This would provide Southwark with up to 1200 plots. This proposal will require approved contractors to be appointed and may require a planning application for consent to under take this work.

22. Table 2 below illustrates that these proposals will create around 8.3 years of burial space. Precise costs remain to be established through the procurement process but the current estimate is that works will cost £410,000. This funding is subject to future agreement.

Table 2: Short Term Burial Solutions

	Number of new plots	Years of Burial*	Capital Costs
Site A at Camberwell New Cemetery	450	2.1	£48,000
Common grave top up and rebury Camberwell Old Cemetery	1200	5.7	£332,000
Plot creation in Camberwell New Cemetery	100	0.5	£30,000
Total	1,750	8.3	£410,000

*based upon 210 new plot purchases p.a.

Options for consultation for longer term solutions to the borough's burial space shortage.

23. There is a range of options available to the Council to deliver a sustainable future for the provision of a burial service in Southwark. These include:-
- Use of virgin ground
 - Use all or some of Honor Oak Recreation Ground
 - Re-use of private graves
 - Re-use of common graves
 - Use of burial chambers.
 - Find a burial site outside of Southwark
 - Share a cemetery elsewhere or buy graves off someone else
 - Work with other local authorities to source land for a new cemetery
 - Stop burying in Southwark
24. An outline of each option is set out below and estimated costs, where available, can be found in Appendix 3.

Use of Virgin Ground

25. Virgin Ground is land within the existing cemeteries that has not previously been used for burials. All known virgin ground has been used or has been earmarked for short term burial solutions. However extensive work is being undertaken to ensure that all virgin ground has been exhausted.

Use all or some of Honor Oak Park Recreation Ground for burial space

26. Honor Oak Park Recreation Ground was purchased for burial space in 1901 but has been used as a recreation ground for some years as the land was not needed for burial space. The land is considered to be virgin ground as it has not been used for burial before.
27. The site could accommodate a high number of earthen burials at a relatively low cost and the site would allow burials to continue for a long time (over 30 years). However there is a strong body of opposition against using the recreation ground in this way. Local residents use Honor Oak Park Recreation Ground for football, the children's play area, for dog walking and general recreation. Should the site be used as burial space a number of these activities would no longer be possible on the site.
28. Whilst similar facilities do exist in the local area they may be further away for some local people to travel (particularly on the Lewisham side) and the loss of the football pitches may put additional pressure on other nearby facilities. Nearest alternative facilities are One Tree Hill, Brenchley Gardens (open space only) and Peckham Rye Park (sports facilities and children's play) in Southwark and Blythe Hill Fields (children's play area) and Hilly Fields (sports facilities and children's play area) in Lewisham.
29. It would be possible to use only part of the site as burial space rather than all of it. It would also be possible to relocate the children's play area – although this would require extra capital funding to be made available.

Re-use of private grave areas

30. Section 9 of the Greater London Council (General Powers) Act 1976 enables burial authorities in London to reclaim and then re-use a grave where the rights of interment have not been exercised for 75 years. It is best practice to wait until graves are over 100 years old and where notices and letters have not identified living relatives who can make a claim to the grave. This option only applies to Camberwell Old Cemetery due to the age of the cemeteries.
31. In the past graves some graves have been purchased to accommodate 2 or more bodies but subsequently not fully utilised. In these circumstances it is possible to reclaim and sell remaining space. This option still requires notices and every effort to be made to identify any living relative.
32. It is also possible to re-use private graves through a practice called 'dig and deepen' where the human remains are reburied at a greater depth to allow for burials on top. This allows the appropriate depth for the new burial and does not disturb the human remains already buried within the grave.

33. Re-use is considered to be the most sustainable option by industry experts however few local authorities are currently undertaking re-use schemes. The City of London, Newham and Croydon councils are undertaking the practice described in paragraph 31.
34. There are some concerns about the re-use of private graves – mainly because it remains widely un-tested. If significant human remains are found it is not considered appropriate to re-use the grave. This may be an issue in Southwark as in heavy London soil decomposition rates are slower. Administratively the process is intensive, notices must be on the site for 2 years (this is best practice and City of London put notices up for 5 years) and all efforts must be made to find living relatives. If living relatives are found and want to make a claim to the grave and purchase extended rights to the grave, the section cannot be used.

Re-use of common graves

35. It is possible to re-use common graves by making up the soil level on top of the area of graves in order to provide the appropriate depth for new burials as described in the short term proposals section of the report. This prevents the disturbance of human remains. It is also possible to use chamber systems on top of common graves to achieve the same effect. This method is particularly useful when an area is on a slope and it would not be possible to increase soil levels.
36. Raising the soil levels above common graves requires an approved contractor to construct a new area on top of the existing graves. It is generally approved development although the actual construction work may be subject to planning controls. Apart from the area identified as one of the short term solutions there may be other areas of the cemeteries where this would be a suitable option.
37. It is also possible to re-use areas of common graves on consecrated land, which is land that has been solemnly dedicated for use by a religious group. Where land is consecrated it can be re-used subject to permission by the relevant Diocesan Authority , provided that the graves are old enough (different Diocese have different lower age limits) and provided that remains are exhumed and reburied in another area of consecrated ground.
38. Exhumations need to be dealt with sensitively and as this practice is not common in Southwark it might be necessary to commission experts to clear areas of common graves on consecrated ground.

Use of burial chambers

39. There are other options that can be considered such as chamber systems or mausoleum systems. The use of burial chambers is a much more expensive option and could make this cost prohibitive (£2.5m for the area identified at Camberwell Old Cemetery as opposed to £330k for soil top up).
40. Some industry experts consider them to simply relocate the problem of lack of space to above the ground. However due to the nature of the systems it is possible to fit more graves into a space compared to earthen burials. These systems are slightly less maintenance intensive too.

Find a burial site outside of Southwark

41. It may be possible to identify land outside of Southwark that could be purchased and used as burial space. If this is possible and not cost prohibitive, residents of the borough would need to travel to wherever the site is to visit the graves of loved ones. The council does not currently own land that is suitable for this use.

Share a cemetery elsewhere or purchase buy graves from a private supplier

42. The council could seek a partner or partners who the council could work with to find an innovative solution to the lack of burial space. A local funeral director is in the process of developing land outside the Borough as a private cemetery and early discussions have been held with him with a view to pre-purchasing space within that facility which may be operational within the next two years

Work with other local authorities to source land for a new cemetery

43. As the majority of inner London Local Authorities are in a similar position to Southwark it may be possible to find solutions to this issue together. The council is working with neighbouring boroughs to think through the possible solutions to this issue.

Stop burying in Southwark

44. It is possible for the council to consider ceasing burial altogether. Providing a burial service is not a statutory responsibility. However maintaining cemeteries in its ownership is a statutory responsibility of the local authority. Ceasing to bury in the borough would mean a year on year reduction in income for Southwark, whilst the costs of maintenance would remain. If burials in the borough cease the crematorium would continue to operate and hence the council could continue to meet its statutory duties.
45. Should burials in the borough cease those whose religion, culture or family traditions dictates that cremation is not an option would be forced to go to neighbouring boroughs where they would be charged up to 3 times the normal residential rate.
46. If no new plots are made available after existing space is exhausted re-openings and interments will have to cease and burials will have to stop. The income deficit will then reach approximately £469k and increase each year from then on. Once all interments cease staffing costs are likely to reduce, however there will be an ongoing requirement to manage and maintain the sites as burial grounds. The crematorium would continue to operate.

Proposals for consultation on the options

47. As a result of the concerns raised by the community in relation to Honor Oak Park Recreation Ground, the council has given assurances that the views of all stakeholders would be sought prior to making any decisions regarding the long term provision for the service. Members are asked to consider which of the options set out above they would like to consult on. A consultation plan can be found at Appendix 2 for consideration.
48. It is proposed that, following the consultation period, officers will report back to the Cabinet with a full report on the results of the consultation which will inform the decision on the preferred option/s for the long term.

Policy implications

Provision of burial space and dealing with human remains

49. Southwark Council, in keeping with all Local Authorities, is not required to provide cemeteries and crematoriums as a statutory duty. The requirement is discretionary and the Local Authorities' Cemeteries Order 1977 (LACO77) states that a Local Authority may provide and maintain cemeteries inside or outside of its area. Article 4(1) of LACO77, requires that a Local Authority must keep any cemetery that they are responsible for in good order, including buildings and infrastructure.
50. In addition to the above, the requirements of the Public Health (Control of Disease) Act 1964 need to be met. Under this legislation, a Local Authority becomes responsible for the disposal of any person who dies within its boundary where no suitable funeral arrangements have been made.

Exclusive rights of burial

51. Article 10(1) of the Local Authorities Cemeteries Order 1977, sets out the terms and conditions a burial authority may consider in relation to granting rights of burial. The rights subsist for the period specified in the respective grants and such period is to begin from the date of the grant and must not exceed 100 years, though the burial authority may from time to time extend the period of any grant. In Southwark, in common with many other London local authorities, exclusive rights are commonly purchased for 50 years. As burial space diminishes a number of local authorities including Southwark are now offering a 25 year option.
52. Section 9 of the Greater London Council (General Powers) Act 1976 enables burial authorities in London to reclaim and then re-use a grave where the rights of interment have not been exercised for 75 years and notice has been published. More often exclusive rights are renewed or extended.
53. It is clear that there is a need for significant reform of exclusive rights of burial and re-use policy and central guidance about these issues, which in the long term is the only way to tackle the issue of lack of burial space in London. The ICCM (Institute of Cemetery and Crematorium Management) is lobbying government in this respect.

Planning Issues

54. The land upon which sits the current cemeteries and crematorium is designated as Metropolitan Open Land (MOL) in the Southwark Plan. In addition the newly cleared site adjacent to the railway line at Camberwell New Cemetery and the recreation ground are also designated as MOL. In principle burial ground is a suitable use of MOL.
55. Creation of new burial space would require planning permission and planners would consider current uses of the sites. This may, in the case of the recreation ground, trigger policy to consider protection of community use (Southwark Plan policy 2.1).
56. The Council's Open Spaces Strategy has yet to be completed. However it is clear from the emerging strategy that Nunhead and Peckham Rye community council area and generally the south of the borough has plenty of open space. Even if Honor Oak Park Recreation Ground was used for burial space in the

future it would still be considered open space as it would still be MOL and open access.

Community impact statement

57. Borough residents currently have an expectation that they will have access to a burial service in the borough. It is especially important to consider those groups for whom culture or religion dictates that they cannot be cremated. If burial space runs out completely, for these groups the only option available will be out of borough burial. This is normally three times the normal resident rate.
58. Honor Oak Park residents have expressed concern about the possibility of losing the recreation ground to burial land. A petition has been circulated and to date this has been signed by about a significant number of people. The council has widely circulated statements with the message that no decision has yet been made, and will be made, until full and in-depth consultation has been undertaken.

Resource implications

59. The costs of the immediate solutions for short term burial space are set out in table 2 and are estimated to be £410k. No provision currently exists for these costs within the Environment Department's capital programme and thus funding will be subject to agreement within the council's capital programme.
60. As part of the budget setting process for 2011/12 the cemetery and crematorium service's income target was increased by £160k. Implementing the short term solutions recommended in this report will enable the service to meet its income target of £1.29m. The revenue costs of maintaining the additional plots will be contained within existing budgets
61. The revenue costs of undertaking the consultation on the long term future provision are estimated to be less than £10k and can be met from within the Environment Department's budget for 2011/12.

Consultation

62. No formal consultation has yet taken place on these issues and options. Proposals for future community consultation are set out in paragraph 47 above.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

63. The reports correctly outlines the law including that Southwark, by virtue of the Local Government Act 1972 as a burial authorities may provide and maintain cemeteries whether in or outside their area. In exercise of their powers under Article 3(1) of the Local Authorities Cemeteries Order 1977 the Council may do all things necessary for the proper management, regulation and control of the cemeteries, under their control.

Finance Director

64. This report recommends the creation of burial space at an estimated capital cost of £408,000. The current capital programme does not yet include this project, however, this can be included for consideration in the refresh of the capital programme to be considered by Cabinet in May 2011, and Council Assembly in July 2011.
65. The creation of these plots will have revenue consequences both in terms of expenditure on maintenance, and income in terms of the sale of the plots, these costs will be contained within existing budgets.
66. The finance director notes the recommendation for consultation on longer term options for Southwark cemeteries which will have some revenue costs to complete, again these will be met from within existing resources.
67. The capital consequences of any decision on the longer term proposals will be brought forward in a separate report, when required.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Cemeteries Financial Review	Parks and Open Spaces, 3 rd Floor, 160 Tooley Street, London SE1 2QH	Rebecca Towers 020 7525 0771
Strategic Review of the Requirement for New Burial Provision	Parks and Open Spaces, 3 rd Floor, 160 Tooley Street, London SE1 2QH	Rebecca Towers 020 7525 0771

APPENDICES

No.	Title
Appendix 1	Site maps indicating locations for new burial space
Appendix 2	Communications and Consultation plan
Appendix 3	Summary of short term proposals and long term options and costs

AUDIT TRAIL

Cabinet Member	Councillor Barrie Hargrove - Transport, Environment and Recycling	
Lead Officer	Gill Davies, Strategic Director Environment and Housing	
Report Author	Rebecca Towers, Parks and Open Spaces Manager	
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CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
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Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	Yes	Yes
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