

# TONBRIDGE & MALLING BOROUGH COUNCIL

## CABINET

14 February 2019

### Supplementary Report of the Director of Street Scene, Leisure & Technical Services

#### Part 1- Public

#### Executive Key Decisions

#### 1 **CEMETERY CHARGES**

##### Summary

**This supplementary report considers further the Council's approach to cemetery charges for children in light of pending Government legislation.**

#### 1.1 **Background**

1.1.1 At the Communities and Housing Advisory Board on the 12 November 2018 Members considered the Tonbridge Cemetery charges for 2019/20 and made recommendations to Cabinet, as reported in these papers. Since the meeting of the Board correspondence has been received from Tracey Crouch MP regarding the Governments' pending legislation in relation to children's burial fees and the current £1 charge levied by this Council for the burial of stillborns.

#### 1.2 **Setting of Charges**

1.2.1 All reports to Members on the setting of charges across the organisation make reference to the Council's guiding principles for the setting of fees and charges approved by the Finance, Innovation & Property Advisory Board. Whilst there is no doubt that the services provided are of an emotive nature, the report also serves to offer Members the reassurance that the review of charges is in line with corporate guidance. It is accepted that this aspect of the report could be written in a slightly more sensitive style in the future and this will be addressed for the 2020/21 charges review.

#### 1.3 **Pending Legislation**

1.3.1 Whilst the Council is fully aware of the Government's proposal to require the removal of fees for child burials by local authorities, to date no official communication has been received by the Council regarding this change. The Government has indicated that it will fund this proposed change. Liaison has been undertaken with the Chief Executive of the Institute of Cemeteries & Crematoria Management (ICCM) who has advised that whilst the Government has the intention to bring in the fund to allow for the removal of the fees, she is

unaware that this has yet been implemented. The ICCM are monitoring the situation and are seeking regular updates from Government so it can then clarify the position for local authorities. The advice they have given this Council to date is to continue 'as is' at the current time until the Government provide clarity on the establishment of the fund, how it will work and how to access it.

- 1.3.2 The Council has the option to follow the advice of the ICCM or act in advance of the change in legislation and introduce the proposed amendment at its own cost. The estimated cost to the Council of acting in advance and offering free burials to under 18s is not straightforward to assess as the Council's current charges consider a child to be under 12 years of age. Having said that, it is not anticipated that the financial impact would be in excess of approximately £1,250 per annum. Taking into account the relatively low level of financial impact, and that in the longer term this will hopefully be met by central Government, it is suggested that this Council implement the Government's proposed change in advance.

#### **1.4 Stillborn Burials**

- 1.4.1 With regard to the existing £1 charge for stillborn burials I would advise Members that this refers to the purchase of the plot for a 60 year period and the Council makes no charge for the burial itself. The purchase of the plot legally requires a charge to be levied to make it a valid contract and therefore a small peppercorn charge of £1 is applied. It is therefore not proposed to make any changes to the existing charges but in future the need for the £1 purchase charge for the plot will be more clearly explained in the report to avoid any potential misunderstanding.

#### **1.5 Legal Implications**

- 1.5.1 The Council's Financial Rules require that all fees and charges must be reviewed at least once a year, and be reported to the appropriate Advisory Board.

#### **1.6 Financial and Value for Money Considerations**

- 1.6.1 As outlined in the report.

#### **1.7 Risk Assessment**

- 1.7.1 None.

#### **1.8 Equality Impact Assessment**

- 1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

#### **1.9 Policy Considerations**

- 1.9.1 Asset Management  
1.9.2 Community

## **1.10 Recommendations**

1.10.1 It is RECOMMENDED to CABINET that the existing charges for child burials at Tonbridge Cemetery be amended, with future burials for all under 18 years olds being free of charge with immediate effect.

Background papers:

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Nil

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