

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

27 MARCH 2018

INTERMENT CHARGES FOR CHILDREN

1. Purpose of the Report

To seek Cabinet approval on the formal adoption of a Memorandum of Understanding (MoU) between Welsh Government and Local Government across Wales as attached at **Appendix 1** of this report. The MoU sets out a consistent approach in relation to children's interment fees.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The proposal described contributes to the Council's goals under the Corporate Plan Priority Two - Helping people to be more self-reliant, taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.

2.2 The proposal is also relevant to the Wellbeing of Future Generations (Wales) Act 2015, which is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place seven wellbeing goals and the content of this report links into three i.e. "a more equal Wales, a prosperous Wales and a healthier Wales".

3. Background

3.1 Bereavement services is one of the most sensitive frontline services provided by the Authority and Bridgend County Borough Council administers circa 400 coffin interments and 250 ashes interments in its municipal cemeteries per annum.

3.2 The Authority is responsible for the management of 11 municipal cemeteries and 3 churchyards across the county borough.

3.3 The statutory arrangements for the management of municipal cemeteries are contained in the Local Authorities Cemeteries Order 1977 (LACO).

3.4 Article 15(1) of LACO permits Local Authorities "to charge such fees as they think proper for or in connection with burials in a cemetery".

- 3.5 Members will be aware of the recent campaign led by Carolyn Harris (MP for Swansea East) to abolish charges imposed by Local Authorities for the interment of children.
- 3.6 Bridgend County Borough Council has not historically charged for interments of children under the age of 12 years in its municipal cemeteries. On 14th February 2017, Cabinet further resolved to increase the age at which the interment fee for a child is not charged in the Council's Cemeteries from under 12 years to under 17 years. However, there would still be costs associated with the purchase of the Exclusive Rights of Burial (ERoB) and Memorial Permits, if chosen by the bereaved family.
- 3.7 On 7th August 2017, the Welsh Local Government Association [WLGA] requested commitment from Local Authorities to work with Welsh Government on the formation of a MoU by which burial authorities would not charge any fees in relation to the standard burial or cremation of a child which is defined as a person under the age of 18 years. This report now sets out the details in this respect.

4. **Current Situation/Proposal**

- 4.1 Attached at **Appendix 1** is a copy of the MoU signed by Welsh Government, Welsh Local Government Association and One Voice Wales.
- 4.2 The MoU sets out a consistent approach in that a child is defined as a person under the age of 18 years. It gives a commitment that all standard fees that a burial or cremation authority may charge in relation to this are waived as outlined below:
- (i) The cremation of a person under the age of 18 years;
 - (ii) The interment of a person under the age of 18 years;
 - (iii) The Exclusive Rights of Burial (ERoB) where required;
 - (iv) Any other fees directly relating to the burial or cremation of a person under the age of 18 years such as fees to erect a memorial, for example.
- 4.3 Members should note that this does not relate to any wider funeral costs such as flowers, the cost of a memorial or funeral directors fees.
- 4.4 Should a bereaved family wish to excavate a grave to a depth which would facilitate the interment of the parents in the grave at a future date, no charges would be applied when interring the child at this depth but the WLGA has confirmed that in order to ensure equality, the normal pricing structure would apply in the future when the adults were interred in the grave. For clarification, this would relate to the charges for the ERoB, interment charges and a permit fee for the right to erect a memorial, for example.
- 4.5 Members will note that the MoU is not open-ended in terms of its duration and that a two year review period has been built in. This will allow Welsh Government to observe the practical effect of the implementation of the MoU and to record any feedback, successful or otherwise of the process.

5. **Effect upon Policy Framework and Procedure Rules**

5.1 There are no effects.

6. **Equalities Impact Assessment**

6.1 There are no potential equalities implications associated with this report for any specific groups or individuals, as the proposal will apply universally to all children under the age of eighteen therefore a full Equalities Impact Assessment has not been carried out

7. **Financial Implications**

7.1 In recognition of the costs to be incurred, Welsh Government has allocated £600,000, which will be apportioned between the Local Authorities in Wales that adopt the MoU.

7.2 This funding will be transferred via a specific grant to each Local Authority. Welsh Government is currently finalising the grant and will contact each Local Authority in due course with more detailed information. This grant will be available from April 2018. However, if interments of children take place between now and the new financial year, Welsh Government will make the grant available where requested, upon the Local Authority providing an outline of the local arrangements or the interim arrangements for the remainder of the year.

8. **Recommendation**

8.1 Cabinet is requested to endorse the formal adoption of the MoU as attached at **Appendix 1** of this report.

Mark Shephard
CORPORATE DIRECTOR - COMMUNITIES
March 2018

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Background Papers:

Report to Cabinet on 14th February 2017 – Interment Charges for Children

Appendices:

Appendix 1 - Memorandum of Understanding

APPENDIX 1



Memorandum of Understanding

1. The Parties

- 1.1 This Memorandum of Understanding (MOU) is between the Welsh Ministers, the Welsh Local Government Association (the WLGA) and One Voice Wales (OVW) (together, “the Parties”).
- 1.2 In entering into the arrangements which this MOU describes the WLGA and OVW are respectively representing principal councils and community and town councils in Wales.

2. Purpose

- 2.1 The MOU sets out a fair and consistent approach across Wales to the fees charged by local government for the burial and cremation of children.
- 2.2 This MOU has been prepared in partnership between the Welsh Government, which oversees the strategic policy and funding framework in respect of local government in Wales; and local government burial authorities¹, who provide and maintain cemeteries and crematoria in Wales.

3. A shared commitment

- 3.1 Burial authorities in Wales will not charge any fees in relation to the standard burial or cremation of a child, defined for these purposes as a person under the age of 18.
- 3.2 This commitment applies to standard fees that burial authorities charge relating to:

¹ Under the Local Government Act 1972 a ‘burial authority’ within Wales is a County or Country Borough Council or a Community or Town Council. In this MOU, “burial authorities” refers to county councils, county borough councils and community and town councils in Wales.



- i. The *cremation* of a person under the age of 18 years (including stillborn and foetal remains);
- ii. The *interment* of a person under the age of 18 years (including stillborn and foetal remains);
- iii. The *exclusive right of burial*², where required;
- iv. Any *other fees* directly relating to the burial or cremation of a person, or the cremated remains of a person, under the age of 18 years (for example, the fees charged for permission to erect a memorial).

3.3 Burial authorities will waive the fees described in section 3.1 and 3.2 in all circumstances.

3.4 The commitment in this section does not relate to wider funeral costs such as (non exhaustively) the cost of a memorial, funeral director fees, flowers or coffins.

4. Funding

4.1 In recognition of the financial implications of waiving the fees described in section 3, the Welsh Government will, while this MOU remains in force, annually make available the sum of £600,000 for allocation among principal councils in Wales that have agreed to comply with the commitment in section 3.

4.2 Provision by the Welsh Government of that funding to principal councils is subject to satisfactory grant conditions having first been put in place.

4.3 Principal councils will distribute appropriate sums to other burial authorities, and other providers of the relevant services, in their area which have agreed to adopt the commitment set out in section 3.

4.4 Principal councils may place such conditions on the provision of that funding to other burial authorities and other providers of the relevant services as they consider appropriate.

² **Exclusive Right of Burial ('ERÖB')** means exclusive right, granted by deed, of the registered owner to determine who may be interred in or commemorated on the grave in question; such exclusive rights to be for a limited period which has been determined by the Council



5. Duration / Review

5.1 This MOU may be modified by mutual consent of the Parties, acting via authorised officials.

5.2 This MOU shall become effective upon signature on behalf of the Parties and will remain in effect until terminated by any one of the Parties.

5.3 Any Party may terminate this MOU by giving at least 3 months notice in writing to each other Party.

5.4 The operation of the MOU will be reviewed in advance of the financial year 2020/21.

1. Status of this MOU

6.1 This MOU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the Parties from this MOU.

A handwritten signature in blue ink, appearing to be 'Iwan Jones', is written over a horizontal line.

Date: 23/11/2017.

(Cabinet Secretary for Local Government and Public Services, on behalf of the Welsh Government)

A handwritten signature in black ink, appearing to be 'Dafydd Iwan', is written over a horizontal line.

Date: 23/11/2017.

(WGLA, representing principal councils in Wales)

A handwritten signature in black ink, appearing to be 'M Cuddy', is written over a horizontal line.

Date: 23/11/2017.

(OVW, representing community and town councils in Wales)