



## CABINET

13 July 2011

## REPORT

**Subject Heading:**

Requirement for additional burial ground

**Cabinet Member:**

Councillor Lesley Kelly

**CMT Lead:**

Cynthia Griffin

**Report Author and contact details:**

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**Policy context:**

The current level of available burial ground will run out in 2013. If the Council wishes to continue to offer burial within Havering, provision must be made for additional burial space.

**Financial summary:**

This report sets out the options for (a) ending the provision of cemetery land in Havering in 2013; (b) extending the existing cemetery land at Upminster and (c) the development of alternative sites within the Borough.

**Is this a Key Decision?**

Yes

**Is this a Strategic Decision?**

Yes

**When should this matter be reviewed?**

2013

**Reviewing OSC:**

Environment

**The subject matter of this report deals with the following Council Objectives**

Clean, safe and green borough	X
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	X
High customer satisfaction and a stable council tax	X

**SUMMARY**

There are currently around 370 full burials and 150 cremated remains burials carried out in Havering each year. At this rate, the London Borough of Havering has sufficient burial ground until September 2013. Preparation and construction of appropriate facilities for the extension or development of additional burial space on average takes five years after the land is selected.

A project to extend Upminster Cemetery has completed the preparation phase. Subject to the decision of members, the final design and tender process can be scheduled for 2011 in readiness for construction from April 2012. Landscaping could be completed during spring 2013 in readiness for September 2013.

However, implementation costs have risen significantly above a previous cost forecast of £1m. The current actual budget provision made is only £457,000. Therefore decisions need to be taken on whether Havering wishes to continue to make provision for burials within the Borough, the number of years to be provided for and how to fund this.

**RECOMMENDATIONS**

1. That Members consider whether they wish to provide additional burial land in the borough and the implications of such choices.
2. That Members decide whether or not to proceed with the option to develop the site (Stage 1) at Upminster to provide sufficient land for burials until 2019, at an estimated cost of £1.733m with the additional expenditure to be met by prudential borrowing;
3. That Members note that no alternative sites to Upminster have been identified at a reasonable cost.
4. That Members agree in principle to implement a review of fees in September 2011 to generate the necessary additional resources to fund the development of additional burial land at Upminster.
5. That should Members decide to proceed with the Upminster site, that Members delegate authority to the Cabinet Members for Value and Housing and Public Protection to approve the detailed schedule of fees;
6. That Members agree the Chief Executive presenting a report to Council to revise the Cemetery Regulations to address the anomaly which enables non-residents of Havering who have died within the borough to claim the reduced cemeteries fees;

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7. That Members agree the Chief Executive presenting a report to Council to amend the Cemetery Regulations to require that the first burial in a standard grave to be for a full burial, rather than a burial of cremated remains;
8. That Members agree a temporary suspension in the option to pre-purchase graves in Upminster Cemetery until the revised grave purchase fees have been implemented and that this service is re-instated at the new fee level immediately after implementation.

### **REPORT DETAIL**

#### 1. Background

- 1.1 The London Borough of Havering currently has four cemeteries: at Rainham, Hornchurch, Romford and Upminster. The cemeteries at Rainham and Hornchurch have no new graves, and therefore burials can only take place in existing family graves. The cemetery at Romford has limited capacity which is only expected to provide graves for a further year. The last extension to Upminster Cemetery was completed in 2001. The cemetery at Upminster currently has sufficient space only for burials until September 2013. A range of measures are being considered to increase capacity in these cemeteries but it is not considered likely that this will provide a solution to the current problem. These matters may be the subject of a further cabinet report.
- 1.2 The 370 full burials each year results in families purchasing approximately 210 new graves. Approximately 160 full burials and 120 cremated remains burials take place in existing family graves each year, with a further 30 burials of cremated remains taking place in smaller cremated remains graves. Approximately 48% of these subsequent burials take place within 5 years and 84% within 10 years of the original burial.
- 1.3 The cemeteries generated income of approximately £595,761 in 2010/11 but operational costs of approximately £732,798 mean that the net cost of the service was £137,037.
- 1.4 The local authority has no legal obligation to provide cemeteries. Where a local authority chooses to provide cemeteries, then there are regulations and standards that have to be adhered to, set out in Local Authorities Cemeteries Order 1977 and subsequent amendment orders. The minimum legal obligation of a local authority is to make provision for burials of people who have no means to do so for themselves. This could be done by arranging and paying for burials in other local authority or private cemeteries.
- 1.5 There is clearly pressure on burial land in London, with a number of cemeteries running out of space, and many local authorities without the potential to expand as they do not have sufficient land available to

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develop further provision. A previous scheme approved as part of the capital programme was established to extend the cemetery at Upminster. The costs of this option has increased from £1m to approximately £3m and this report identifies progress with that option and the other alternatives for Members to consider. These alternatives are: to decide not to provide more burial ground, to look at alternative ways, locations and strategies to resolve the problem and finally the costs and timescales associated with progressing the Upminster option.

### 2. Option Assessment

#### 2.1 Option 1 - Make no further provision for burials in the borough.

The Council has sufficient land to offer burials until 2013. After that time, it would no longer be able to do so. Residents would need to seek burial ground elsewhere. At present, the costs of maintaining the borough's cemeteries (£732,798 actual costs in 2010/11) are offset by the income that this part of the service operates, leaving a £137,037 gap in 2010/11.

In terms of a forward financial strategy, the Council would need to move the service onto a full cost recovery basis. Even having taken this remedial action, a budget pressure of approximately £415,037 would materialise in 2013, reflecting the loss of income and would need to be neutralised by reducing related costs in the service and other expenditure reductions elsewhere. There would be a residual cost of maintaining the cemeteries, even if no new burials generating income were taking place. It is estimated that a reduced workforce could achieve some savings, but this is likely to be offset by further reductions in income, as fewer burials are carried out.

If the Council decided not to make any further provision for burials in Havering, there would be no requirement for the capital provision currently made to fund the cemetery extension. This means that the capital provision of £437,000 would be released, less the £143,000 of fees already incurred. The local authority could also release the land it had acquired in Upminster. The current costs incurred in developing the Upminster extension of £143k would need to be written off.

#### 2.2 Option 2 – Examining alternative ways of providing additional burial space in the Borough

Given the costs of developing the Upminster cemetery extension, consideration has been given to identifying alternative, more cost effective, sites in the borough and other strategies that would reduce the cost/pressure to invest in additional burial land.

The cost of purchasing six hectares of land is approximately £250,000 - £500,000 if green belt land, or £1m per acre if development land. A review has recently been undertaken with property services to identify if the Council has any suitable land.

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All current sites of an appropriate size currently have alternative uses. Water table and soil type information indicates that these sites are likely to have similar groundwater issues to the Upminster site. A full evaluation of each site, including monitoring the water table would take time. There would also be a requirement to examine legal issues, such as title and covenants to ensure that the land is appropriate for cemetery use. Any new site would also require the construction of facilities for maintenance which currently exist at Upminster, but would need to be provided at any new site.

In addition to this, land adjacent to Romford cemetery has been examined. An informal view, given the proximity to water and history of the site, is that it is unlikely to meet the requirements of the legislation and therefore it has not been pursued. It does not appear at present that a suitable alternative site is available.

If alternative sites were to be explored then there is a likely indicative timetable, that would take the project beyond the date of September 2013. The following tasks would be required:

- 3 months desktop assessment/feasibility
- 1-2 years land repossession, applicable to most alternative sites.
- 1yr surveys (in parallel) - ecological, ordnance, flood RA, groundwater, traffic, topological, archaeological
- 1yr attenuation planning/design/Environment Agency liaison, if required
- 3 months design and costing
- 3 months corporate decision making - report prep
- 1 month final design
- 3 months planning
- 4 months tender prep, tender and evaluation
- 3 months pre-contract & mobilisation
- 7 months construction (12mths if buildings etc)
- 6-12mths land settling and landscaping

In addition, the costs of any alternative site would be approximately £2.25m, if no ground water remedial action is required. Any new site would need chapel, site storage and public toilets, as well as ground layout, paths, roads and headstone beams. It is unlikely that the costs of a new site would be less than the cost of extending the existing cemetery provision at Upminster. There would also need to be a further staff and equipment requirement in order to maintain a fifth cemetery in the borough.

Two other options are being explored at present. A review of the future prospects for the Bereavement Service has been commissioned and will report in October. This will recommend potential options on remaining "as is", seeking a partner or disposing of the business. Whilst this does not deal with the primary issue of concern to this report, it may provide some options on longer term funding and management of the service.

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The Greater London Council (General Powers) Act 1976 and the London Local Authorities Act 2007 allows the re-use of graves where the last burial was more than 75 years ago, subject to certain conditions. These include the requirement to advertise the intention to re-use the graves, and making efforts to contact the grave owner. If objections to re-use are received, then the grave cannot be re-used. Further re-use of graves legislation is expected which may enable a wider range of options.

The cemeteries in the London Borough of Havering are generally not very old. The oldest, Romford, was established in 1871, but it does have a current problem with the water table, as has been evidenced in both recent burials, and exhumations. It is also consecrated ground, and there would therefore be a requirement to obtain consent from the Diocese before any action could be taken to re-use the graves. The remaining cemeteries, Rainham and Upminster were established in 1902 and the most recent, Hornchurch was established in 1932, meaning that only the first four years of burials at Hornchurch would potentially available for re-use. It would be difficult to estimate what the potential for re-use is, as the graves may already have more than one interment in them, and therefore a grave by grave assessment would need to be undertaken to see whether there is capacity within existing graves, and secondly, whether any relevant graves are currently visited. Some of these graves will not have any available space above the last burial, and there will also be some grave owners of older graves not willing to agree to allow their graves to be re-used. The process is staff intensive, but there are precedents. Other London local authorities have attempted to adopt this course of action, but have encountered considerable opposition. Implementing re-use of graves would also require investment. This work will be undertaken as part of the Bereavement Services review, but is not likely to be a medium term solution to the shortage of burial land.

### 2.3 Option 3. Upminster Cemetery Option

The Council had previously decided to expand the cemetery at Upminster. A piece of land of 5.5 hectares was identified adjacent to the cemetery. This would have been able to provide 6,300 graves or 13,000 burials, sufficient based on current information for the next 30 years. The land was leased to a farmer and the lease was terminated and appropriate compensation paid. The full range of environmental surveys, as required by the regulation were undertaken. The intensive nature of surveys meant that they could not be undertaken whilst the land was leased out.

The surveys conducted by the Council's technical services partner, Jacobs, identified that the site had a high level of ground water and did not meet the Environment Agency requirement for the water table to be at least 1m below the bottom of a burial or for remedial action to be taken.

The Council asked its partner to look at the options for that remedial work and to cost them. Jacobs examined three options:

- Draining the land by pumping out water

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- Raising the level of the cemetery land
- Sealing the site and removing the ground water to permanently lower the water table

Of these options, the first was discarded because of the danger of contamination, and the running costs, and the second because of issues relating to the landfill (danger of contamination and settling time) and the prohibitive costs of building reinforced roadways made the project unaffordable.

The third option – sealing the site permanently, removing the ground water is a viable option. The table below shows that the scheme can be implemented in three stages, or a combination of Stages 1 & 2 first, followed by Stage 3 when required. This report recommends that if the option to continue with the extension project is agreed, then approval to proceed with Stages 1 alone should be adopted. Whilst there are advantages in implementing Stages 1 & 2 together, the borrowing costs of £317,000 a year would require a significant increase in fees straight away. Whilst the cost per grave does fall further if all three stages are developed together, the borrowing costs extend out to 30 years. Whilst it is likely that burial ground will be required for a further 30 years, there are increased risks associated with generating sufficient income to cover all these costs. It is therefore recommended that approval for Stage 1 alone is agreed now, and that a further review of the situation should be conducted in three years' time.

A more detailed explanation of how the option would work technically and a table showing the respective project costs of developing the different phases of the cemetery extension is set out at Appendix A. Appendix B shows a plan of the site and the proposed cemetery extension divided into three sections.

1. Approve Stage 1 at an additional cost of £280,765 per annum for the benefit of 6 years' grave provision;
2. Approve Stage 1 and 2 for simultaneous development at an additional cost of £317,272 per annum for the benefit of 17 years' graves provision;
3. Approve development of the whole site at an additional cost of £327,318 per annum for the benefit of 30 years' graves provision.

In view of the high costs of borrowing for the extension, and the uncertainties associated with future income for the whole service, it is recommended that approval is given to implementing Stage 1 now, and that a further review be conducted in 3 years' time.

### **Funding Mechanism & Fees**

Consideration has been given to how best to fund the development of a cemetery extension should Members wish to proceed with it.

There is a provision of £457k in the capital programme and it was hoped to increase this sum to £1m within the Council's overall capital programme by making further provision within the appropriate element of the 8 year capital

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programme. The Council has had to review its future capital programme in light of a downturn in receipts due to the recession, withdrawal of grant funding and pressure on the general fund. Given that Bereavement Services are an income generating service, it is proposed that the cost of any development should be funded by prudential borrowing and the costs met through an increase in burial and other fees.

It has already been identified that the cemeteries part of the service is making a small loss based on current levels of burials and this needs to be addressed. However, the Crematorium makes a surplus on its activities, although the national fall in the death rate has reduced this surplus over the last few years.

The combination of the need to cover these shortfalls and meeting the cost of the borrowing would mean that revenue from burials would need to increase by some £420,000 a year. (See Appendix C)

There are two main areas of fee income: the cemeteries service, and the Crematorium. It is important that to retain the current level of usage of the Crematorium, when there are a number of other local providers, both public and private, that the fees should remain in line with neighbouring Crematoria. For the Cemeteries Service, the considerations are different. This is a loss making service, and the high costs of development and maintenance mean that it is possible to raise fees to cover the costs, as there is a shortage of burial land generally in London. It is possible that the increase in fees may lead to a reduction in the use of the burial service, but this is acceptable given that this is an expensive service to develop and maintain. It is also proposed to address the anomaly of non residents, who die within the Borough's hospitals benefiting from the non resident rate as part of this review. This can be dealt with by way of an amendment to the Cemetery Regulations (Recommendation 5). It is also proposed, that the Cabinet consider recommending an amendment to the Cemetery Regulations to require that the first burial in any plot should be a full burial. There are occasions when burial plots are purchased for the burial of cremated remains. This means that a large plot is taken up, where this amount of land is not required for the purpose. Both these amendments to the Cemetery Regulations would require full Council approval.

The schedule of fees is complex, reflecting the range of choices available to the bereaved. It is proposed that the decision to approve the increased level of fees for Bereavement Services should therefore be delegated to the Lead Members for Value and Housing and Public Protection.

**REASONS AND OPTIONS**

**Reasons for the decision:**

This decision is presented to Members in view of the fact that the London Borough of Havering will have insufficient burial grounds for those wishing to be buried in the borough, after September 2013. Members have to decide whether to invest in this service, in order to continue with the provision of burial ground for local residents.

**Other options considered:**

This report sets out three options for Members to consider.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

This report considers a number of options in respect of the reported requirement for additional burial land. One option is to extend Upminster Cemetery, and finance this by prudential borrowing, which in turn would be financed from an increase in fees. The detailed business case for this, (including an assessment of the income risk), would need to be signed off by the Group Director Finance & Commerce.

**Legal implications and risks:**

The Council will need to comply with the various legal & technical regulations governing the creation of new burial grounds. The main issues are detailed elsewhere in this report. The value of the works are likely to be below the European procurement threshold but will still require a full tender procedure in accordance with the Council's own requirements.

**Human Resources implications and risks:**

There are no immediate Human Resources implications. The decision as to whether to continue to provide burial land after 2013 has an impact on staffing levels in this service area.

**Equalities implications and risks:**

The Council is a main, but not the only, provider of cemetery land in the Borough. There is separate provision within the Borough for other religions.

In view of the fact that the demographic population of Havering shows a profile that there is a higher than average older population, then the provision of good quality bereavement provision is essential to the Borough's services.

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The increase in fees will undoubtedly have an adverse effect on the older population, particularly where they already have members of their family within existing provision, and would wish to be buried with, or near to existing family members. This means that it is therefore essential to continue to provide cemetery land provision for the existing population. It would be impossible to continue to extend the land at Upminster, without sufficient income to cover the full costs of the capital, through borrowing. For those unable to pay the cost of full burial, there is a lower cost option, of cremation.

### **BACKGROUND PAPERS**

Cemetery and Crematorium Fees and Charges 2010-11  
London Fees Survey 2010  
Technical Report – Groundwater analysis

**Appendix A Upminster Cemetery extension option: further consideration of sub options**

A technical option has been proposed, and accepted in principle by the Environment Agency, which is to seal the site and to de-water by pumping out and removing the existing groundwater to permanently lower the water table. Strategic spaces would be left in the perimeter barrier and the groundwater channelled across the site through gravel drains lain under the roads and paths so that the water enters and leaves the site in the current flow patterns, but at a significantly reduced water table level. A reed bed would be planted and a pond built on the north-west boundary of the site to manage fluctuations in water levels. Wells located within the site would allow water levels to be monitored and, if required, the water level reduced on an ad-hoc basis. The full capital costs for the whole site would be £3.9m. This report recommends that if Members choose to extend the Upminster Cemetery, that the sub-option of developing Stages 1 & 2 only should be adopted, at a cost of £3.1m.

	Stage 1	Stage 2	Stage 1 & 2 Combined	Stage 3	Whole Site <sup>(2)</sup>	1,2,3 Separately Phased <sup>(2)</sup>	1&2 Combined, followed by 3
Surveys - Archaeological Phases 1 & 2	12000	12000	15000	12000	18000	36000	27000
Planning Fees <sup>(2)</sup>	2200	3300	5500	2000	8000	8000	8000
Construction cut-off wall, roads and drainage	1120497	1119123	2151772	754090	2792325*	2993710	2905862
Monitoring and dewatering Wells Installation	10714	14380	23594	13446	35793*	38540	37040
Landscaping	15000	15000	27000	15000	42000	45000	42000
Preparation of statutory maps & database set up	5000	7000	10000	7000	12000	19000	17000
Signage/Street furniture/water points etc	9000	8000	16000	5000	21000	22000	21000
General contingency at 15% <sup>(3)</sup>	176162	176820	337330	121280	439368	474338	458685
Jacobs hydrogeological and civils design, QS, contract and supervision costs	219068	166939	342427	129089	400697	515096	471516
Project management, Marketing and Communications <sup>(4)</sup>	20259	20334	38793	13947	50527	54549	52749
<b>Total Capital Cost</b>	<b>1732990</b>	<b>1542896</b>	<b>3110506</b>	<b>1072852</b>	<b>3962800</b>	<b>4349323</b>	<b>4040852</b>
Number of Graves	1300	2350	3650	2730	6380	6380	6380
Development cost per grave	1333	657	852	393	621	682	656
Approx number of years provision at 210 graves/annum	6.2	11.2	17.4	13.0	30.4	30.4	30.4
Prudential borrowing costs/annum	280765	173022	317272	100878	327318	360726	346432

**Ref.**

1 Topographical Survey, Environmental Impact Study, Flood Risk Assessment,

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Ecological survey

2 Recommendation for Planning Consent to be obtained for whole site from outset

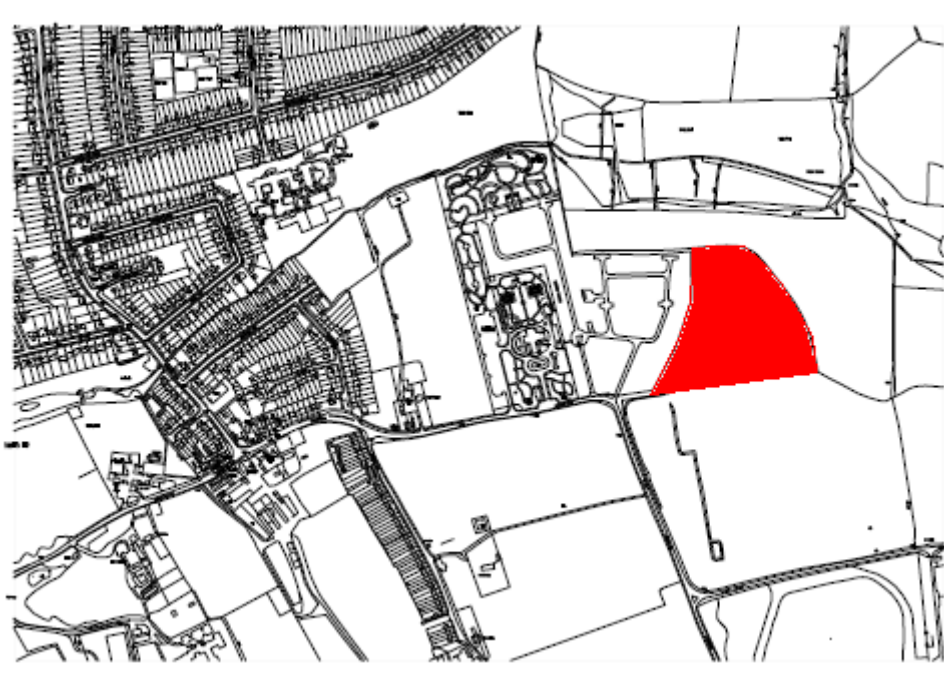
3 Risks until archaeological surveys/detailed design/EA approval/planning consent & conditions completed

4 Also includes Regulations review, Burial Policy preparation, Literature review, Marketing, Opening & Dedication Ceremony

**Appendix B**

**Site Plans**

*Figure 1 Site location*



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*Figure 2 Proposed Extension*

