



Notice to all residents

WEST RAINTON CEMETERY

Purpose of this the Notice

1. The purpose of this notification is to advise residents of:
 - The legal framework and supporting guidance under which the Parish Council is required to manage the cemetery, which inform its policies and rules relating to the cemetery.
 - Recent maintenance work undertaken in the cemetery which has led to a number of concerns being made by some residents questioning the justification, unfairness and the lack of consultation of council policies.

Legal Framework.

2. West Rainton Cemetery, established in 1939, is owned and managed by West Rainton & Leamside Parish Council.
3. As a burial authority, the management of the cemetery is governed by Local Authorities' Cemetery Order 1977 (LACO) and the Health and Safety Act 1974 (HASA).
4. Under LACO, the Parish Council has a general duty to keep the cemetery in good order and under the HASA it has a duty of care to do all that is reasonably practicable to ensure that all visitors and those working in the cemetery are not exposed to risks to their health and safety.
5. Compliance with these statutory obligations is therefore the priority consideration under which the Parish Council determines its policies, procedures and rules relating to the management of the cemetery.
6. LACO does not prescribe how these obligations should be met. Consequently, the Parish Council may do all such things as it considers necessary or desirable for the proper management, regulation and control of the cemetery. This includes:
 - Making arrangements for effective maintenance of the whole site. This includes, grounds management, waste disposal, repair & maintenance of walls, fences and any buildings.
 - Creating a pleasant and safe environment for burials, friends and relatives, and all visitors.

- Determining policies in relation to the burial environment. This involves making decisions on:
 - What type of burial plots can be provided in different areas of the cemetery e.g., cremated remains, traditional or lawn burial areas.
 - What is allowed and what is not allowed in the cemetery. This includes memorial installations and other types of memorabilia that can be placed on graves, which will vary depending on what type of grave plot is purchased.
 - Burial Fees and related services.
7. In determining its policies and procedures for the management of the cemetery the Parish Council must also plan ahead and give consideration to:
- Forecasting the future demand for burial plots and those potentially available so as to estimate the longevity of the site.
 - The financial implications of the cost of maintaining the cemetery in good order over the longevity of the site and the potential level of income that the cemetery generates from fees.
 - The government expectation that all cemeteries should to be self financing with the cost of creating and maintaining cemeteries being met from the income that they generate. However, it is recognised that this may not always be achievable as costs, the demands for plots and the affordability of fees will differ from site to site. Consequently, there is provision within the legal framework for Parish Council's to subsidise the cost of managing the cemetery from its mainstream funds, the precept.
 - The annual cost of maintaining West Rainton cemetery substantially exceeds the income it generates, with only 5-6 new burials a year. Pressure on budgets will increase further in years to come as the proportion of older graves will become increasingly greater than the number of new graves that can be opened and the maintenance costs of older graves, and an established site environment, can be expected to be disproportionately higher.

Recent grounds maintenance work undertaken in the Cemetery.

8. In the last few weeks, the Parish Council has been undertaking maintenance work in the cemetery to top up and grass seed a number of sunken graves. These graves were a mixture of newer graves, in the current burial area to the rear of the cemetery, that had fully settled and older graves in other parts of the cemetery which had badly sunken over time and it was practical to make good. The latter work is part of a rolling programme of such work to improve the appearance and safety of the site.
9. In some cases, this work required the co-operation of those persons with exclusive rights of burial (referred to as grave owners) to remove tributes placed on graves to allow this work to be carried out effectively and allow the grass to be established. Once established, the grass will be regularly cut by the Parish Council's grounds maintenance contractor.

10. The co-operation of all grave owners who responded to the notification that this work was due to commence, and removed tributes as requested, is greatly appreciated.
11. This work has led to a number of concerns and allegations being made by some residents questioning the justification, unfairness and the lack of consultation relating to the rules on the installation of memorials and the placing of tributes on graves in different parts of the cemetery. Concerns were also raised about the lack of permission or agreement for this work to be undertaken and the motive behind grassing over graves and the Parish Council's ultimate long-term plan for what the cemetery would look like in years to come. It was suggested that this was part of the Parish Council's ultimate long-term plan to grass over the whole of the cemetery in the future years.
12. No service provider can meet the expectations of its users all the time and complaints relating to the level of fees and what can and can not be put on graves are not uncommon in other cemeteries.
13. The Parish Council takes all residents concerns about the management of the cemetery seriously and a summary of recent concerns raised and detailed responses given are available on the Parish Councils website:
www.westraintonandleamsidepc.gov.uk.
14. It should be noted that concerns raised about the unfairness of current policies will be considered as part of a comprehensive review of all cemetery policy and associated rules and regulations. This work is in progress but will inevitably take some time to complete as there are a number of policies, rules and administrative procedures associated with the management of the cemetery which are all interconnected. If any amendments to council policy are approved as a result of this review, time will also be needed to effectively communicate these to all interested parties and amend any related procedures and guidance before they could be implemented.
15. In the interim, if anyone has any further questions or concerns about the cemetery please get in touch. If you have any concerns about any contractors working in the cemetery it would be much appreciated if you could also let the Parish Council know, rather than raising issues with the contractor directly. All contractors work under contract terms and conditions or specific instruction from the Parish Council and consequently it is very important that we are made aware of any issues first so that these can be appropriately considered and resolved.

Cllr Avril Wallage
Chair, West Rainton & Leamside Parish Council