



**Kirklees**  
METROPOLITAN COUNCIL

**O  
V  
E  
R  
V  
I  
E  
W  
&  
S  
C  
R  
U  
T  
I  
N  
Y**

# **Ad Hoc Scrutiny Review**

Report on

## **The Maintenance of Church and Council Burial Grounds**

**July 2001**

**Kirklees Metropolitan Council**

## **BACKGROUND**

The Panel was established by the Scrutiny Executive at its meeting on 13 July 2000 after a reference by Mr P Mallpress, Official of St Paul's Church, Birkenshaw and Mrs K Ingham, Dewsbury Action Group (Dewsbury Cemetery).

## **MEMBERSHIP OF THE PANEL**

Councillor Margaret Fearnley (Chair)  
Councillor Beverley Warby

The Lead Support Officer was Kevin Kendall, Head of Building Control and Licensing and Committee Services support was provided by Julie McDowell.

## **Meetings**

The Panel held meetings on 2 November 2000, 14 November 2000, 4 December 2000, 11 December 2000, 9 January 2001, 18 January 2001, 9 February 2001 and 20 February 2001 and 4 May 2001.

There is a lot of interest from the general public and media in this review. There is strong feeling that something should be done to improve maintenance of burial grounds. For that reason the Panel interviewed a wide range of witnesses and gave consideration to future maintenance issues.

The Panel are grateful to the following witnesses who were interviewed during the course of the scrutiny:-

Mr C Green, Assistant Head of Service (Leisure Services)  
The Venerable R Inwood, Archdeacon of Halifax (Wakefield Diocese)  
Mrs L Box, Wakefield Diocese  
Councillor G Maniyar, East Kirklees Muslims  
Rev. M Stopford, Methodist Church, Dewsbury  
Rev. R Thompson, Huddersfield Methodist Mission  
Mr D Collingwood, Funeral Undertaker (Yorkshire Co-operative Society)  
Mr K Clegg, Funeral Undertaker (Huddersfield Co-operative Society)  
Mr A Oade, National Association of Funeral Directors  
Mr D Peace, Carriage Master  
Mrs Robinson, St Augustines Church, Scissett  
Mr M Haigh, Batley Cemetery Support Group  
Chair, Batley Cemetery Support Group  
Miss A Abbott, Environmental Concern  
Mrs J Wilcock, Dewsbury Cemetery Action Group  
Councillor C Walder, Lead Member for Leisure Services  
Mr K Gillespie, Head of Public, Private Partnerships (Kirklees MC)

The Panel received legal advice from Mr R Butterfield, Principal Legal Officer (Kirklees Metropolitan Council) concerning responsibility for unstable memorials where the Council has taken on responsibility for maintaining burial grounds located within church yards.

The Panel are also thankful for the suggestions received from members of the public and from fellow Kirklees Councillors, all of which were taken into consideration.

The Panel received information on maintenance regimes for Cemeteries and closed Churchyards in Council control from Bradford Metropolitan Council, Calderdale Council and City of Wakefield Metropolitan District Council.

The Panel undertook visits to the following burial grounds:-

Kirkheaton Cemetery  
Kirkheaton Churchyard  
Honley Churchyard  
Dewsbury Cemetery  
Dewsbury Parish Church  
Batley Cemetery  
St Paul's Church, Birkenshaw  
Whitechapel Parish Church, Cleckheaton  
Cleckheaton Cemetery  
Liversedge Cemetery

## **Report**

### Terms of Reference

The Panel's terms of reference were:-

- (i) To establish a baseline understanding of current Council practice, in particular how maintenance is managed and prioritised.
- (ii) To establish how resources are allocated for the maintenance of burial grounds which are the responsibility of the Council.
- (iii) To establish the Council's legal responsibilities in respect of closed churchyards, particularly headstones and memorials.
- (iv) To compare Council maintained with non-Council maintained burial grounds with a view to identifying best practice.
- (v) To investigate how other Local Authorities deal with the maintenance of burial grounds.

### Introduction

The Panel was established following a request for a Scrutiny Review by Mr P Mallpress, a Church Official in Birkenshaw. Mr Mallpress had expressed concern about the poor maintenance of churchyards and had asked whether the Council could take on responsibility for maintenance where churches cannot afford to do so. Dewsbury Action Group had also written to complain about poor maintenance in Council run cemeteries.

The Council owns and is directly responsible for 13 public cemeteries and 2 crematoria, which are run by a division of Leisure Services. Public cemeteries were laid out between 1850 and 1903 for health and safety reasons. There are also many other graveyards in private ownership (Church of England, Methodist, Quaker and others). There are very few new graves in these churchyards. Most churchyards are

full/ almost full or closed. Maintenance of private churchyards is the responsibility of the owner(s) and, not the Council. In closed churchyards any existing graves can be opened for burials. Statistics show that in existing burial grounds in Kirklees there will be no room for new burials within the next 50 years.

The Panel visited a number of burial grounds across Kirklees, seeing examples of Council owned cemeteries, private churchyards and closed churchyards maintained by the Council. There were marked differences in the conditions of the burial grounds. It was noted that input by voluntary groups and individuals makes a difference to the appearance of sites. The presence of volunteers helps to deter vandalism. The presence of a gardener on site at Liversedge cemetery was a factor in a well kept cemetery. The closeness of the graves, the levels of land, state of grass, gravestone style and layout makes a difference to their condition, appearance and to the ease of maintenance.

The Panel heard widespread evidence from a series of users (undertakers) religious bodies and cemetery support groups and the general public. There was an across the board view that the Council should provide more money for cemetery upkeep and improvements. There was also a common view that the Council should improve the Services it provides to support groups, undertakers, and others, many suggestions for improvement to services were made.

#### Privately Owned Grounds

The Panel heard evidence that churches are struggling to maintain graveyards and the number of people within families able to do so is reducing. Maintenance is beyond most people's financial and physical means. Churchyards are the responsibility of individual Church Councils (volunteers elected annually) and any money spent on them comes out of the church congregation's pocket. Small bands of volunteers do make a difference but tend to lose impetus after a while.

There is a perception amongst churchgoers that this is a problem of the community as a whole. In the past this was not the case because the Church and the wider community were the same.

People have moved away from membership of churches and as the number of cemeteries has increased people have become less involved. There is also probably less interest because in Kirklees more people are cremated than are buried.

#### Council Maintained Burial Grounds

Some 800 interments per year take place with the Council's thirteen public cemeteries. This represents some 90% of the total number of burials within Kirklees but is still only a small percentage because the vast majority of the deceased are cremated. Annually some 84% of the deceased in Kirklees are cremated.

Bereavement Services deals with the management of the cemeteries/crematoria. The Leisure Services Grounds Maintenance teams deal with horticultural maintenance. Staff within Bereavement Services deal with the grave diggers, burials and reinstatement once the burial has taken place. Generally the charges made to undertakers do not cover the cost of Bereavement Services work. Nor do they cover the cost of ongoing maintenance of the cemeteries which is met from the wider

Bereavement Services budget. The Leisure Services manager estimates the cost of maintenance at approximately £5,000 per acre per year.

Each of the cemeteries is controlled by conditions contained within statutory byelaws. The area within which graves are located includes consecrated ground. The Council needs the consent of the Faculty of Churches (an official religious body) to do any major work or alterations within consecrated areas in any cemetery.

Each cemetery (or group of cemeteries) is managed by an officer in Bereavement Services. Liaison meetings are held between this officer, and locally based undertakers and any relevant support group. Support groups are active in a number of cemeteries across Kirklees.

### Closed Churchyards

Under certain conditions where a burial ground is located within a churchyard owned by the Church of England, the churchyard can be deemed closed and the responsibility for maintaining it can be transferred from the Church of England to the Council on application to the Secretary of State. A recent example where responsibility was transferred to the Council is St Mary The Virgin in Honley. The Council could also choose to take on responsibility for churchyards. St Peter's Gardens in Huddersfield passed into Council ownership via a Section 106 Agreement because it was considered to be in the public interest.

In closed churchyards where the Council is responsible for maintenance, it is responsible for the upkeep of everything within the curtilage of the premises apart from the actual site of the individual grave, the building of Worship and the headstones/memorial stones on the grave. The grass, footpaths, walls and infrastructure are maintained by Leisure Services on behalf of the Council. Leisure Services strive to maintain the graveyards in the same condition as when transferred to the Council. Memorial stones remain in the ownership of the family concerned and responsibility for them cannot be transferred. Many headstones/memorial stones pose a danger and may topple over.

The Panel received legal advice concerning responsibility for unstable memorials where the Council has taken on responsibility for maintaining burial grounds within Churchyards. The Council's Legal Services advised, that, in respect of ownership of the gravestones, Leisure Services has a duty of care to its employees, volunteer workers and visitors.

### Health & Safety

Health & Safety is a matter of ongoing concern. The Leisure Services manager reports that a bid to the Corporate Capital Repairs Budget of £50,000 per year over the next three years has been made. The bid will cover the cost of risk assessments of monuments and headstones in both Council cemeteries and closed churchyards. The bid if successful will cover the cost of making defective monuments/headstones safe, but, will not provide monies to meet the cost of other works for example improvements and repairs to paths, walls, chapels, kerbs, lighting and the increasing costs of dealing with vandalism and graffiti.

## **Conclusions and Recommendations**

There is no specific budget for the maintenance of closed churchyards. The costs incurred in grounds maintenance are charged to the Council's wider Parks and Open Spaces budget, as are arboricultural works. Repairs to walls, footpaths and other premises repairs are charged to the wider, Council Leisure and Recreation repairs and maintenance budget. In 1999-2000 £57,700 in total was spent on closed churchyards.

At the time of transfer of closed churchyards photos are taken and the Bereavement Service tries to maintain the grounds in that condition. The Panel heard evidence from the Church representatives that people's expectations are raised when a churchyard passes into Council control and people are upset when maintenance does not improve.

The Panel considered a suggestion from Leisure Services that at the time of transfer an assessment should be made of the annual grounds maintenance costs based on existing quality standards. A contingency for premises repair and maintenance and repairs to potential dangerous headstones should be included in the assessment. A resultant figure should be established within the Bereavement Services budget. The Panel acknowledged the problem of funding this figure from the wider Leisure Services budget. This will be exacerbated in future years as more churchyards are closed.

**The Panel supports assessments of annual grounds maintenance costs being undertaken at the time of transfer of Churchyards: and that at least the standards of repair and maintenance at the time of hand over be maintained. The Panel recommends that the Council give consideration to how funding from a combination of existing budgets and new funds can be provided.**

Concern was expressed by witnesses about the dangerous condition of monuments caused by vandalism and the effects of ageing. The monuments also often become unstable because of subsidence in the graves themselves. The problem is particularly bad because of the deterioration of materials over time on older graves and monuments.

The Panel heard that Insurance Companies provide a scheme to cover for these eventualities but these schemes are not popular. Those that are taken out by owners often only last for the first few years after a burial takes place. On average maintenance of graves by relatives reduces as time passes. The Panel heard that nationally only 8% of people revisit burial grounds after the funeral.

The Panel heard that support groups are often keen to help with work to ensure the monuments can be properly maintained. Support groups are concerned however about the health and safety aspects of volunteers undertaking this work. They would like to see this matter resolved.

Leisure Services stated that they are conscious of the current problem and have bid for monies to undertake risk assessments and undertake safety work.

**The Panel recommends that urgent attention be given to the Health & Safety aspects and that, if possible, support groups should be encouraged to be actively involved in this work. The Panel also wishes to endorse the bid to Capital monies to fund the cost of risk assessments and works to make the headstones/monuments safe.**

Traditionally cemeteries were held in high esteem by local communities. Sadly this tradition has for the most disappeared. Cemeteries remain, however, a rich source of history and interest for the population living in the locality. The Council needs to work more closely with local groups and people to channel this interest into action which will help with the upkeep.

The Panel is pleased with the excellent work being done by support groups in many areas of Kirklees. The groups who gave evidence all expressed a willingness to participate further. At Batley cemetery the support group have developed a community archive and there are plans for the creation of a wildlife/woodland facility. Local schools, groups and businesses are also involved.

**The Panel recommends that Bereavement Services become more actively involved in developing local links and promoting good practice. Ideally activities should be extended so that support groups exist for every cemetery. The support and involvement of other Council Services should be sought. Education, Community Development, and the Heritage section of Planning could also have a part to play.**

The Council's Officers and the witnesses who gave evidence to the Panel acknowledged the importance of regular liaison meetings between Council Officers/Support Groups/Undertakers. Many witnesses felt that meetings need to be improved and held more regularly.

**The Panel recommends that Bereavement Services needs to improve the way it interfaces and liaises with interested groups so that everyone values the process and feels they have a role to fulfil. The regularity of meetings should also be reviewed.**

**The Panel further recommends that a consultation strategy be extended to include not only users, but the views of the wider Kirklees public. The strategy should extend to clergy/church representatives and other religious and ethnic bodies and groups. Consultation needs to be an ongoing process.**

The Panel heard that churchyards and owners of other small private burial grounds suffer from a chronic shortage of funds to properly maintain their grounds. Reliance is placed entirely on volunteers from parish or church groups. These groups would benefit from greater access to advice and expertise. This includes advice on such things as tree pruning, weed control and help with the provision of recycled material to help aid maintenance of paths, grave surrounds etc.

This review was instigated by a letter from Mr P Mallpress, Church Official in Birkenshaw who expressed concern that the burden of maintaining church burial grounds fell on volunteers. Mr Mallpress suggested that the Council take on responsibility for maintenance where Churches cannot afford to do so and that a team of caretakers be employed to act as peripatetic groundsmen. The Panel gave consideration to the request but it was felt that the Council does not have sufficient resources to undertake such work.

**The Panel recommends that Bereavement Services examine how advice and access to expertise might be provided. Also whether materials could be**

**supplied at either nil or minimum cost. Many of these churchyards will become closed and fall within the Council's responsibility.**

The Panel heard evidence of poor standards of work by contractors. Witnesses quoted examples of poor practice and attitudes by contracting staff, for example, where grave surrounds are left in piles, graves are opened on a Friday for burials on Monday, tyre tracks are left on graves by diggers. There was concern that there was insufficient control of contractors.

The Panel heard evidence that grounds maintenance works are undertaken by the Direct Service Organisation (DSO) on the basis of former Compulsory Competitive Tender (CCT) contracts. The DSO has quality systems that require it to report the quality of its operational performance to clients. Grave digging works are undertaken by staff employed directly by Bereavement Services. The relevant Cemetery Registrars are responsible for monitoring quality issues.

Visits to cemeteries by the Panel revealed that standards are best where both the Service and contracting staff can identify themselves more closely with a cemetery or small group of cemeteries. Such arrangements help in fostering links and contacts in the community. The highest standards exist where caretakers actually live on the site.

The Panel received evidence that bye-laws in cemeteries are not sufficiently policed and could be better policed by gravediggers and other staff.

**The Panel sees no merit in continuing existing arrangements and recommends that responsibility for grounds maintenance and grave digging be vested with one part of the organisation, rather than two as at present. The Panel believes that a combined approach may provide opportunities and economies of scale to create a permanent presence in the major cemeteries.**

**The Panel recommends that Bereavement Officers and maintenance staff be dedicated to working in particular cemeteries, with maintenance staff managed directly by Bereavement Officers. As mentioned in the earlier recommendations, Bereavement Officers should work more actively with the local community and schools. This should create a sense of ownership and pride in work, and help to deter vandalism. Staff should also be trained to enforce local cemetery bye-laws and be encouraged to embrace wider customer care issues.**

The Panel also noted that confusion surrounds enforcement of new rules introduced in August 2000 particularly in respect of kerb setts and picket fences around graves. The Panel heard evidence that they make it difficult to mow the grass between graves.

**The Panel recommends that enforcement of the rules should be reviewed and particular attention should be given not to allow the erecting of picket fences around graves during the first 12 months.**



The Panel noted that some graveyards contain buildings, a number of cemeteries and churchyards contain disused chapels. Until recently the Lodge House at Liversedge Cemetery was lived in by a Bereavement Services employee. In Batley Cemetery heritage funding has been obtained by Environmental Concern to turn the chapel into an ICT and Heritage Centre. Computers will be linked to Bereavement Services so that people can locate plots, to historical archives and possibly to Bagshaw Museum. A local tenants' association also wishes to use this resource to research and write a programme on local history. Once the chapel is refurbished the possibility of setting up an endowment fund to pay for ongoing costs is being explored. In Dewsbury Cemetery Leisure Services is applying for lottery funding to restore the two chapels.

**The Panel recommends that an asset review of all such buildings in Council owned cemeteries be undertaken then opportunities sought to bring buildings back into use in a way which is linked to custodianship and helps to deter vandalism.**

One witness suggested that responsibility for maintenance of cemeteries be devolved to the new Area Committees proposed from October 2001. Under this arrangement some Council activities would be subject to local decision making and/or influence.

**The Panel supports this proposal which would mean that local people are closer to decisions being made about Council run burial grounds in the locality. Area Committees may generate local interest in burial grounds. This proposal could possibly link to the proposal for dedicated staff in cemeteries.**

The Panel heard evidence that it is the practice of Muslims to be buried as soon as they have died. Whilst the Registrar and Coroner issue death certificates at the weekend in Kirklees the Local Authority does not provide for burials in its cemeteries at the weekend. Land is leased adjacent to the cemetery in Dewsbury for weekend Muslim burials.

**The Panel recommends that Bereavement Services should work with Muslim representatives to develop a policy to meet the community's needs.**

The Panel heard evidence that the Kirklees charge of £280 to open a grave and £580 to establish and open a new grave are similar to other West Yorkshire Authorities. The Panel noted, however, that the current level of charges made by the Council for burials did not cover the cost of the burial plus the cost of future maintenance of the grave. Operations in Cemeteries are subsidised by the surpluses from cremations in the wider Bereavement Services budget.

Concern was expressed by witnesses that standards in Kirklees are not as good as in other Local Authorities.

The Panel noted the evidence from the Council's lead member for Bereavement Services that the Service Management Board were currently broadening their considerations to include discussions with potential private partners in the future management of the Council's two crematoria.

**The Panel recommends that there should be a thorough review of the current charge levels made for both burials and cremations based on a Best Value**

approach. The review should include an extensive two way consultation process with undertakers and support groups etc.

The Panel also recommends a more expansive review of the Bereavement Services, which should include a feasibility study on options for delivering the service. These could include, subject to public consultation, trust and/or partner arrangements. There is evidence from similar reviews within the other Council Services that such arrangements provide access to sources of external funding.

### **Summary of Recommendations**

- 1. The Panel supports assessments of annual grounds maintenance costs being undertaken at the time of transfer of Churchyards: and that at least the standards of repair and maintenance at the time of hand over be maintained. The Panel recommends that the Council give consideration to how funding from a combination of existing budgets and new funds can be provided.**
- 2. The Panel recommends that urgent attention be given to the Health & Safety aspects and that, if possible, support groups should be encouraged to be actively involved in this work. The Panel also wishes to endorse the bid to Capital monies to fund the cost of risk assessments and works to make the headstones/monuments safe.**
- 3. The Panel recommends that Bereavement Services become more actively involved in developing local links and promoting good practice. Ideally activities should be extended so that support groups exist for every cemetery. The support and involvement of other Council Services should be sought. Education, Community Development, the Heritage section of Planning could also have a part to play.**
- 4. The Panel recommends that Bereavement Services need to improve the way it interfaces and liaises with interested groups so that everyone values the process and feels they have a role to fulfil. The regularity of meetings should also be reviewed.**
- 5. The Panel further recommends that a consultation strategy be extended to include not only users, but the views of the wider Kirklees public. The strategy should extend to clergy/church representatives and other religious and ethnic bodies and groups. Consultation needs to be an ongoing process.**
- 6. The Panel recommends that Officers examine how advice and access to expertise might be provided. Also whether materials could be supplied at either nil or minimum cost. Many of these churchyards will become closed and fall within the Council's responsibility.**
- 7. The Panel sees no merit in continuing existing arrangements and recommends that responsibility for grounds maintenance and grave digging be vested with one part of the organisation, rather than two as at present. The Panel believes that a combined approach may provide**

opportunities and economies of scale to create a permanent presence in the major cemeteries.

8. **The Panel recommends that Bereavement Officers and maintenance staff be dedicated to working in particular cemeteries, with maintenance staff managed directly by Bereavement Officers. As mentioned in the earlier recommendations, Bereavement Officers should work more actively with the local community and schools. This should create a sense of ownership and pride in work, and help to deter vandalism. Staff should also be trained to enforce local cemetery bye-laws and be encouraged to embrace wider customer care issues.**
9. **The Panel recommends that enforcement of the rules should be reviewed and particular attention should be given to the existing rule giving twelve months grace to people erecting picket fences around graves.**
10. **The Panel recommends that an asset review of all such buildings in Council owned cemeteries be undertaken then opportunities sought to bring buildings back into use in a way which is linked to custodianship and helps to deter vandalism.**
11. **The Panel supports the proposal for maintenance of cemeteries to be devolved to new Area Committees proposed from October 2001, which would mean that local people are closer to decisions being made about Council run burial grounds in the locality. Area Committees may generate local interest in burial grounds. This proposal could possibly link to the proposal for dedicated staff in cemeteries.**
12. **The Panel recommends that Bereavement Services should work with Muslim representatives to develop a policy to meet the community's needs.**
13. **The Panel recommends that there should be a thorough review of the current charge levels made for both burials and cremations based on a Best Value approach. The review should include an extensive two way consultation process with undertakers and support groups etc.**
14. **The Panel also recommends a more expansive review of the Bereavement Services, which should include a feasibility study on options for delivering the service. These could include, subject to public consultation, trust and/or partner arrangements. There is evidence from similar reviews within the other Council Services that such arrangements provide access to sources of external funding.**