



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
STRATEGY AND RESOURCES COMMITTEE
3 FEBRUARY 2022**

REVIEW OF MEMORIALS IN CEMETERIES, PARKS AND OPEN SPACES POLICY

1. PURPOSE OF THE REPORT

- 1.1 The Memorials in Cemeteries, Parks and Open Spaces Policy was agreed to be reviewed annually at its implementation in 2017.
- 1.2 The sale of new benches is currently on hold due to an overwhelming range of difficulties with the current policy detailed within this report. The purpose of this report is to bring these matters to Members' attention and set out recommendations for an updated Policy.
- 1.3 This report has been updated following the meeting of the Strategy and Resources Committee on 6 January 2022. Consultation with Friends of Heybridge Cemetery and Councillor C Mayes, Chairperson of Friends of Maldon Cemetery has been sought and this report made available to them prior to this meeting.

2. RECOMMENDATIONS

To the Council:

- (i) That the sale of benches as an individual item available for purchase, which are then installed in our Parks and Open spaces, cease;
- (ii) That a new scheme be introduced where customers can lease a plaque on a bench for ten-year periods;
- (iii) That the updated Memorials in Cemeteries, Parks and Open Spaces Policy (**APPENDIX C**) be agreed and implemented no later than 1 April 2022;
- (iv) That the new scheme be introduced with effect from 1 April 2022 and will not be applied retrospectively.

3. SUMMARY OF KEY ISSUES

- 3.1 The historical issues regarding memorial benches, their ownership and maintenance is problematic within our cemeteries and open spaces. The current policy agreed in 2017 remains in parts slightly ambiguous and requires further clarification for ease of understanding for all service users. It is also restrictive in terms of availability and financial viability which this report also addresses. Although the policy states that any memorial (other than headstones) remains the property of Maldon District Council (MDC), customers understandably see benches as their own property and in several cases, have put covers over them, placed plant pots on them and even taken

them away to be varnished and repaired, before reinstalling themselves. Some local variations have been adopted following consultation with MDC but we must be mindful that members of the public feel welcome to use these benches and they do not become extensions of grave spaces in the cemeteries or personal tribute areas in our parks for the benefit or use of only a select few. The current policy states that a bench will be guaranteed for a minimum of five years, but there is no clarification for how long a bench will may in place. If a customer continuously repairs a bench, it could theoretically exist in that space indefinitely. In high traffic areas such as current burial areas, Promenade Park or Riverside Park, this means no new customers will get an opportunity to enjoy the memorial scheme. This is causing frustration to potential customers who are on a perpetual waiting list. We currently have on average one new request for a bench every week via Dashboard, Contact centre or direct to Cemeteries service with no means to accommodate these requests.,

- 3.2 The current policy states that we take no liability for damages to purchased benches. However as the benches are situated on Maldon District land, should a member of the public sustain injury from a damaged bench, the Health and Safety Executive (HSE) would support a case against this authority.
- 3.3 Despite best attempts by Officers at intervals in the last four years, some of our records remain incomplete, making identifying those who have purchased benches difficult to contact in many cases.

4. CONCLUSION

- 4.1 An improved and centrally recorded inspection programme for all benches on our land to be created with a supporting database with customer details, where they exist, and showing which benches are owned by the Authority. Any benches which have fallen into disrepair will be removed, once photographs have been taken to record the condition (for future reference/challenge). We will use a stability test to record the results ensuring a consistent standard is met (See **APPENDICES A and B**).
- 4.2 Where records permit, bench owners will be contacted if applicable to advise that the bench has fallen into disrepair and will be removed and the new arrangements will apply to any replacements. There will not be an automatic right to renew, which has sometimes been the perception in the past.
- 4.3 All benches on Maldon District land will be catalogued with a reference number, date-stamped photograph, and available spaces or vacant bench bases will be added to the database showing where availability is for new benches in the district.
- 4.4 This cataloguing project will aim to be completed by March 2022 and a yearly inspection will take place during March / April each year as the winter months are those which will most likely cause damage to benches through frosts and heavy rain. Informal inspections and reporting of faults as and when they may occur throughout the year will continue as part of standard site monitoring and staff checks.
- 4.5 Benches will no longer be sold by Maldon District Council. From 1 April 2022, customers can be offered the opportunity to lease a plaque on a bench purchased and owned by Maldon District Council. The lease period will be for ten years with an option to renew for additional periods if desired. Each bench will have space for three plaques which will enable more customers to take advantage of the scheme. This will also reduce costs for customers making it a more affordable option to more people. Families will be made aware that benches may bear more than one plaque

and consulted thoroughly. After the lease period has expired, the bench space can be leased again, however this is not an automatic right and is subject to agreement of the Cemeteries Team. This will enable us to build funds to purchase more benches in the district where there is space and/or a need. The cost of the maintenance work will be recharged to the maintenance team from the cemetery department bench scheme funds.

- 4.6 Any existing benches identified as being owned by MDC will be renovated, replaced, or removed depending on the need of the Authority.
- 4.7 All new benches will be made from recycled plastic making them more robust, longer lasting and environmentally friendly, in line with MDC's Climate Change strategy. These benches are an equivalent cost and appearance to the majority of the current timber bench provision. In exceptional circumstances, and in agreement with MDC, in writing, local variations can be adopted, i.e. in areas of conservation or locally listed assets. This will be at the discretion of the Cemeteries Team.
- 4.8 The new scheme will begin in April 2022. It does not apply to any benches which have previously been identified and confirmed as purchased by families. Additional plaques will not be placed on these benches. These benches will only be removed should they fall into disrepair and where a stability test has been carried out in line with the Scheme. Every effort will then be made to contact the original purchaser.
- 4.9 Where there is a properly constituted Friends Group recognised by MDC, they will be consulted on future developments and will act as a first point of contact for cemetery users and visitors.
- 4.10 The concept of having a Memorial Wall or Memorial Pavement where plaques or other can be placed needs further investigation and development. The Friends Groups will be consulted, and a proposed idea will be put to a future Council meeting later in the year.

5. IMPACT ON STRATEGIC THEMES

- 5.1 No detrimental impact on strategic themes.

6. IMPLICATIONS

- (i) **Impact on Customers** – Access to services will be improved as waiting lists will be reduced and more people will be able to take advantage of the scheme as there will be three plaques per bench. This is crucial in high traffic areas to meet demand. Similar schemes are operating successfully in other local authorities such as Braintree District Council.

Costs will be reduced for customers making it a more affordable option.

- (ii) **Impact on Equalities** – This scheme will be open to all service users with a clear process which must be followed by all internal and external bench requests.
- (iii) **Impact on Risk** – Not everyone will like this as some people will want their own bench. However, we are not under any obligation to provide this service and they can decline the scheme.

We often have complaints, sometimes through Members, that we are not dealing with bench requests. This scheme will enable us to assist more requests.

- (iv) **Impact on Resources (financial)** – The current cost of purchasing a bench is £1,200. The lease of a plaque on a bench for ten years is recommended to be set at £600 so that there is no Net loss brought by this change.

Our Costs

Bench with three plaques	= £771.74
Base materials and labour	= £150.00
Yearly maintenance for ten years	= £250
Total	= £1,171.74

Customer costs

1 x bench plaque leased for ten years	= £600 ¹
3 x plaques on a bench for ten years	= £1,800
Purchase of additional ten year periods	= £500.00
Purchase of additional five year period	= £300.00

- (v) **Impact on Resources (human)** – Officer time processing bench requests and carrying out inspections and maintenance.
- (vi) **Impact on the Environment** – Benches to be made from recycled plastic making them more environmentally friendly. Existing benches owned by the authority to be repaired and restored where possible to reduce waste.
- (vii) **Impact on Strengthening Communities** – A clear and fair memorial scheme will meet customer needs and provide places for people to sit and enjoy our district without a disproportionate number of benches in any area or any issues regarding ownership.

Background Papers: Memorials in Cemeteries, Parks and Open Spaces policy 2017.

Enquiries to: Debbie Horrey, Cemeteries and Bereavement Services Senior Coordinator.

¹ £250 maintenance charges is based on officer time and minor repairs and should be index linked to Consumer Price Index (CPI) and reviewed annually. Prices will be in line with inflation and are subject to annual fees and charges reviews and market costs.