



THE GOVERNMENT REPLY TO THE
EIGHTH REPORT FROM THE
ENVIRONMENT, TRANSPORT AND
REGIONAL AFFAIRS COMMITTEE
SESSION 2000–2001 HC91

Cemeteries

**Presented to Parliament by the Secretary of State
for the Home Department
by Command of Her Majesty
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THE GOVERNMENT REPLY TO THE EIGHTH REPORT OF THE ENVIRONMENT, TRANSPORT AND REGIONAL AFFAIRS COMMITTEE SESSION 2000-2001 HC91

CEMETERIES

Preface

The way in which a society disposes of its dead can be a hallmark of civilisation. It was in response to public concerns about the cavalier approach adopted by churchwardens and cemetery owners, themselves responding to the huge population increases in the nineteenth century, that the legal framework that we still see today was introduced from the 1850s to regulate burial practice and procedure.

The questions which the Environmental Subcommittee of the Environmental, Transport and Regional Affairs Committee have successfully posed in its eighth report are whether the mid-nineteenth century solution has worked, is still valid, and can provide the right framework for the future, given the demographic, cultural, historical and environmental changes that have taken place in the last 150 years.

In the light of the evidence presented to the Subcommittee, the conclusion must be that, on the contrary, the existing framework needs to be re-examined and steps taken to ensure, as far as possible, that cemetery services meet the standards and aspirations of contemporary society.

The Government has itself been considering some of the issues raised in the report. What has been said about lack of burial space, and lack of direction for the burial industry, is a matter of concern. Burial facilities have long been the responsibility of the local community, which is usually best placed to respond to demand and to determine the kind of facilities needed. But the Subcommittee report suggests that delegation of responsibility can be taken only so far, and that there is a need to state, or re-state, the Government's central policies and to facilitate their delivery.

The Government believes that:

- the public should have a realistic choice in the funeral arrangements for their relatives;
- the services provided by burial and cremation authorities should be professional, caring and sensitive to the needs of the community; and that
- local burial and cremation facilities should offer a fitting environment for the bereaved and enhance the life of the community.

We also believe that we need to ensure that burials and cremations are carried out in accordance with the relevant law and procedures, and that the public have confidence in the way that their cemeteries and crematoria are managed. There is also a need to address the concerns of the minority faith communities in the light of the evidence submitted to the Select Committee. Finally, cemetery services must be consistent with broader Government policies on the environment and cultural heritage.

The Subcommittee has made forty one recommendations. The following pages set out the Government's response to each of them

Cemetery Provision

- (a) We believe that it is essential that Government address immediately the lack of basic information on the number, condition and operational liability of the country's cemeteries. We welcome the Minister's commitment to the collation of such information, and we recommend that the necessary research be set in train by the end of this year (paragraph 12).**

The Home Office accepts that detailed information will be required on the number, location and status of cemeteries if the Government is to be informed of the condition of burial grounds and burial space availability. Initially, it is proposed to seek the assistance and co-operation of relevant local authorities in undertaking a 'snap-shot' survey later this year with a view to completion and a report in 2002. For the longer term future, however, consideration will need to be given to creating a statutory obligation on burial ground owners to report on the opening or closing of burial grounds, while separate arrangements may be needed to provide information on condition and status.

The Value of Cemeteries

The Needs of the Bereaved

- (b) Although the desire to bury the dead is now, and has been for some time, a minority choice, we are firmly of the opinion that this preference should be respected (paragraph 14).**

In order to give practical effect to a legitimate demand for burial facilities, consideration will need to be given to requiring local authorities to provide burial grounds if adequate provision is not otherwise made by other burial authorities. This would require a change in the primary legislation. If the re-use of existing burial grounds were to be permitted in due course, and found to provide an effective and acceptable solution to the demand for burial facilities, the need for additional burial grounds may then become minimal or non-existent.

- (c) Local authorities will, we suggest, wish to ensure the widest possible access to the option of burial. This means that ways have to be found to ensure that local accessible burial space is provided. Local authorities should address this need in their Development Plans (paragraph 16).**

Government guidance on the preparation of development plans – PPG12¹ – already advises local authorities to take account of social needs when making their development plans, and this could include consideration of the need to provide sites for cemeteries and crematoria.

- (d) We commend those cemetery managers who are looking to improve the service they offer to the bereaved and encourage all those with responsibility for cemeteries to consider further how they can follow their example. This should include ensuring that the public has access to good, impartial advice about the options available to them (paragraph 19).**

Best practice might be most effectively promulgated through the industry's representative organisations, but the terms of the advice and the most appropriate way to bring it to the attention of all cemetery managers would benefit from discussion with burial authority representatives—most appropriately though the new advisory group, once established.

¹ A copy can be found at www.planning.dtlr.gov.uk/ppg12/index.htm

Cultural Value

- (e) There is an increasing public desire for greater memorialisation of the dead which cemeteries, properly maintained and managed, can play an essential role in fulfilling (paragraph 20).**
- (f) We recommend that local authorities pay more attention to the cultural significance of their cemeteries (paragraph 21).**

The Government agrees that cemeteries should be properly maintained and managed. The opportunity cemeteries provide to commemorate families and friends is important not just for the bereaved but also for demonstrating society's respect for the dead. The wider social and cultural role also needs to be taken into account by burial authorities when developing their management plans and policies. Whether a particular day each year should be nominated for commemoration or maintenance purposes might benefit from public consultation. These are issues which could usefully be considered initially by the new advisory group, once established.

Historical, Environmental and Amenity Value

- (g) Cemetery managers should evaluate the biodiversity potential of their cemeteries, and where appropriate, and in consultation with local Wildlife Trusts and other interested parties, manage the cemetery accordingly (paragraph 29).**

The Government recognises the potential value of the biodiversity to be found within many cemeteries. Subject to the overriding need to ensure burial facilities for the community in an appropriate and respectful setting, the Government considers that biodiversity opportunities in burial grounds should be encouraged.

- (h) Management of a cemetery for nature conservation purposes must not become an excuse for neglect (paragraph 30).**

The Government agrees that successful schemes to encourage biodiversity within cemeteries require positive management for species and habitats; they are not created through neglect.

- (i) We recommend that the Department for the Environment, Transport and the Regions consider ways in which the Living Churchyard and Cemetery Project can be enabled to continue and extend its good work in regenerating cemeteries and other burial grounds (paragraph 31).**

The Government endorses initiatives to regenerate cemeteries and burial grounds. Ways in which to take forward initiatives, such as the Living Churchyard and Cemetery Project, would appear to be an appropriate issue for the new advisory group to consider, once established.

- (j) English Heritage and English Nature should work together to formulate special assessment procedures for cemeteries which encourage co-operation between those seeking to protect the built and natural heritage value which they represent. Where appropriate, these should be used to draw up comprehensive management plans for cemeteries which pull together the various competing demands on the cemetery. In all cases, the primary purpose of the cemetery, as a place for the service of the bereaved, must be paramount, and historical, educational and amenity uses conducted with all due sensitivity (paragraph 33).**

On 13 March English Heritage, together with English Nature, the Countryside Agency and the Environment Agency, published the Quality of Life Capital methodology, which is designed to promote the collaborative approach recommended by the Select Committee. It is fully applicable to cemeteries.²

Cemeteries and the Urban Renaissance

- (k) We believe that cemeteries remain of great importance to our towns and cities, and have the potential to make a significant contribution to the aims of the Urban White Paper. The Minister for Local Government did not seem particularly keen to impress upon us that her Department was taking the issues surrounding cemeteries seriously as part of the Government's vision of an urban renaissance. The DETR should make clear its recognition that the problems facing cemeteries should be addressed, and their contribution appreciated, when developing urban policy (paragraph 40).**
- (l) We will be looking for the DETR to demonstrate in practice the welcome acknowledgement by the Minister at a later stage of the inquiry that cemeteries require special consideration as a particular kind of landscape (paragraph 41).**

The Government values all types of green spaces, including cemeteries, for the important contribution they make to enhancing the character and quality of our urban areas, and to the quality of peoples' lives, especially in urban areas. The Government believes that the quality of all such spaces should be improved, and that they should be protected.

The Urban White Paper "Our Towns and Cities: The Future" sets out a range of measures for improving green spaces, including the setting up of the Urban Green Spaces Taskforce to assist in developing the Government's policies for the future provision and management of green spaces. Although the focus of the Taskforce is parks and play areas, there is common ground in respect of the provision, management and maintenance of such spaces and the range of other types of green spaces, including cemeteries. As such, much of the Taskforce's consideration should be applicable to the management and maintenance of cemeteries.

Cemeteries in Decline

The condition of cemeteries

- (m) Unsafe, littered, vandalised, unkempt, [many] cemeteries shame all society in their lack of respect for the dead and the bereaved (paragraph 42).**

Many burial grounds are in a poor condition for lack of funds and attention. The Government considers that exhortation alone to do better will not be enough, and that practical, self-help, guidance will also be needed. There is no reason why imaginative solutions should not be found, especially ones which involve the local community. It will also help if ways can be found to bring the cemetery back into to use, either as a burial ground or an amenity.

Reasons for decline

- (n) It is clear that many local authorities need to devote substantially more resources to cemeteries if they are to address seriously the problems which they face (paragraph 45).**

Under best value, where authorities direct resources should be a matter of local priorities and local discretion. The Government believes this to remain the best approach. However, where a best value review shows high demand for cemetery maintenance, we would expect the authority to devote extra funds if necessary,

² A copy can be found on the internet at www.qualifyoflifecapital.org.uk

or risk the service not being considered best value by the Best Value Inspectorate. Once established, the new advisory group should also be able to provide advice on low-cost solutions and effective ways to harness local and volunteer assistance.

- (o) Our society still accords great importance to issues relating to the disposal of the dead. The evidence submitted to this inquiry suggests that this fact has not been sufficiently recognised at senior strategic and executive levels within local authorities. We encourage all those concerned with the provision of this essential local government service to re-examine their attitude towards it. We particularly encourage the Local Government Association to become actively involved in efforts to raise the profile and standing of cemetery services within local government, and to examine what else it might do by way of developing and encouraging good practice in the provision of this service by its member authorities (paragraph 47).**

The whole ethos of best value is that authorities have to address local priorities. As a function of a local authority, the provision of cemeteries must be subject to a best value review within a 5 year cycle. If cemeteries are given high priority in any authority area, and the service is poor, the Government would expect the matter to be addressed promptly. The Government cannot insist that an authority consider cemeteries as a matter of priority regardless of any other considerations, as this would interfere with local discretion. However, if there is clear evidence that an authority is paying inadequate attention to bereavement services, the service is unlikely to be considered to be best value by auditors or inspectors, and the authority could be required to act. Different considerations apply in church-owned burial grounds and the private sector and the Government would propose to look to the advisory group for advice on encouraging a similar approach here.

- (p) The Government's 'hands-off' approach to cemetery provision has given local authorities carte blanche to treat cemeteries as the lowest of low priorities. The Home Office and the Department of the Environment, Transport and the Regions cannot be allowed to abdicate responsibility for ensuring that this service is managed in an effective manner, and the most basic standards met (paragraph 48).**

The Home Office is to set up an advisory group, consisting of representatives of the Home Office, DTLR, DCMS, burial authorities and other relevant organisations in order to create a forum which can:

- provide advice to Government as required;
- make available appropriate expertise to cemetery managers;
- provide a steering group for the cemetery survey exercise; and
- help evaluate the outcome of the cemetery research project.

The Government considers that the advisory group will, at least initially, offer the most effective mechanism for exercising an appropriate level of supervision over a part-public/part-private independent service. It will harness the collective expertise of the industry, and provide better co-ordinated advice and information both to Government and to the burial authorities. The Government believes that the group will be well placed to oversee the implementation of the proposed survey of burial grounds, to take forward the results of the planned Home Office research work, and to offer guidance on appropriate service standards and their feasibility. All this will enable the Government to improve its knowledge and understanding of all aspects of cemetery provision and management, and provide a sound platform from which to consider the need for any more interventionist policies, including the case for a standing inspectorate.

- (g) We welcome the Home Office Minister's acknowledgement of the Government's leadership role, and we look forward to seeing the fruits of central Government's new attitude to cemetery provision (paragraph 49).**

It is clear from the responses to the cemetery inquiry that many burial authorities and cemetery managers, and those with an interest in burial grounds as a wider public amenity and historical resource, believe that the provision of burial facilities needs a focus and direction which the representational and professional bodies are not able to supply. The Government accepts that the time has come for it to restate its values on cemetery provision, to provide a framework within which standards can be set and monitored, to safeguard burial facilities for the future and to determine the cultural and environmental context in which burial grounds should be located.

Other causes for concern

Running out of space for burial

- (r) Research on the provision of burial space nationwide is urgently required. The research on cemeteries which we have above recommended take place should address this requirement (paragraph 55).**

The Government notes that much work has been undertaken to identify available burial space within London, but that this is still subject to qualification. A national survey may well prove equally as difficult, and possibly inconclusive. This is not to detract from the need to undertake such a survey, but the London experience suggests that the results may need to be treated with caution.

Legislation: closed churchyards

- (s) We are surprised and disappointed at [the judgement regarding repair of tombstones at St Mary's, Little Ilford,] which only serves to reinforce our conclusion that a review of the legislation pertaining to closed churchyards is urgently required (paragraph 62).**

The Government believes that any review of the legislation relating to closed churchyards would best be considered in the context of a wider review of burial legislation as a whole, with particular reference to the question of re-using old graves.

Halting decline: existing solutions

Funding for maintenance

- (t) Under current arrangements, it is becoming increasingly difficult to maintain cemeteries in a fashion fit and proper for the needs of the bereaved, and many are being left to fall into decay and neglect. The ever-increasing cost of the perpetual maintenance of graves risks raising the cost of burial to an unacceptable level. Crematoria cannot be expected to continue to subsidise cemeteries. A way must therefore be found for cemeteries to maintain a long term source of income (paragraph 67).**

The Home Office has already undertaken, as a first step, to carry out an assessment of the overall situation, in conjunction with the burial authorities. Solutions to any maintenance underfunding will need to take account of that assessment, together with the implications of possible change to burial practices (such as the re-use of graves). Different solutions may be necessary depending on whether the burial ground is operated by a municipal, private or church authority.

Funding for restoration

- (u) We believe that a substantial opportunity for the renovation of cemeteries is currently being missed. We therefore recommend that both the Heritage Lottery Fund and the New Opportunities Fund and its ‘Award Partners’ be more proactive in ensuring that appropriate applications come forward (paragraph 71).**

The New Opportunities Fund’s first environment programme, green spaces and sustainable communities, has been developed to deliver £125 million of funding for a range of environmental activities. Cemeteries did not emerge as a priority in the Fund’s consultation with key stakeholders, including local authorities, and are not specifically mentioned in the policy directions issued by the Government.

However, funding for cemeteries would be available under the green spaces and sustainable communities programme where communities can demonstrate that they address the relevant funding criteria. The New Opportunities Fund will share the recommendations made by the Select Committee with the Award Partners selected to deliver funding for green spaces and sustainable communities, to ensure that opportunities to fund projects within cemeteries are not missed.

Other grant programmes which could benefit cemeteries are the recently announced “Transforming Communities” programme, designed to improve quality of life in communities and to support community recycling and renewable energy schemes and the joint Lottery distributor programme, “Awards for All”, which provides grants of between £500 to £5,000 for small organisations for education, health and environment projects.

- (v) We welcome the suggestion by the Heritage Lottery Fund that it place an article in its newsletter explaining what it has done for cemeteries. We look forward to reading this article. We trust that the New Opportunities Fund will in due course be in a position to undertake a similar exercise (paragraph 72).**
- (w) We strongly encourage all those concerned with the condition of their local cemetery – whether Friends groups, cemetery managers, or concerned members of the public – to investigate the possibility of applying for funding from appropriate National Lottery distributing bodies. If they are to be given the best chance of success, however, it is very important that the application processes for funding from both NOF and HLF be as easy as possible for voluntary groups to follow (paragraph 73).**

The Government and the New Opportunities Fund welcome this recommendation. In England, the New Opportunities Fund schemes which provide most scope for funding projects within cemeteries include:

- “Doorstep Greens”, the Countryside Agency’s grant scheme for multi-purpose community greens
- “People’s Places”, the British Trust for Conservation Volunteers’ grant scheme to renovate green spaces through the use of volunteers
- “Wildspace!”, English Nature’s grant scheme to support the management and development of Local Nature Reserves
- “SEED” (Social, Economic, Environmental Development), a scheme managed by a consortia of organisations involved in sustainable development activities, led by the Royal Society for Nature Conservation (RSNC). Funding opportunities are available for a range of sustainable development projects.³

³ Assistance, general leaflets and application materials are available from the New Opportunity Fund’s general helpline (0845 0000 121) and website www.nof.org.uk

- (x) We recommend that the Secretary of State direct the New Opportunities Fund to make cemeteries a specific funding commitment (paragraph 74).**

Whilst funding for cemeteries is not specified in the New Opportunities Fund's Policy Directions, the responses to recommendations (u) and (w) make clear that there is provision within existing programmes for funding support of cemeteries. The Government will however be mindful of this recommendation for future New Opportunities Fund rounds.

Local authority management of cemeteries

- (y) We encourage those local authorities who have not already done so to consider whether their cemetery services might best be managed within a 'Bereavement Services' or similar department (paragraph 76).**

The outcome of a best value review will inform an authority of the best way to manage cemetery services within their organisation, as well as the detail of the service. We would expect an authority to consider the need for a bereavement services department as part of this.

- (z) We welcome the intention of the Institute of Burial and Cremation Administration to produce a manual of good practice for cemetery and crematorium managers, and we recommend that the DETR support this project (paragraph 78).**

Authorities are encouraged to adopt good practice from the industry concerned in designing services during a best value review. We would expect authorities to approach any guidance issued by the Institute of Burial and Cremation Administration on a similar basis.

- (aa) We recommend that all local authorities conduct their Best Value reviews of cemetery services with reference to IBCA's Charter for the Bereaved; and that they aim to meet the standards of service set out in that document. Future Best Value Performance Plans should assess performance against these standards (paragraph 84).**

We would expect authorities to consult a suitable professional body such as the Institute of Burial and Cremation Administration as part of any review involving such services. The Charter for the Bereaved would be useful in setting service standards. In the absence of stipulated best value performance indicators, authorities should set local indicators for this work. We see no reason why any useful indicators put forward by the IBCA should not be adopted, although if they were to cause any problems by conflicting with current best value indicators it would be necessary to resolve them through discussion with the Local Government Association (and the local authorities themselves).

- (bb) We recommend that the Audit Commission publish in due course a 'Lessons from Inspection' document on cemetery provision (paragraph 85).**

Nothing this specific has yet been produced, but the lessons from individual reviews and good practice, both from local authorities and from the Audit Commission, will doubtless circulate within the local government community.

Friends groups

- (cc) We strongly encourage anyone concerned about their local cemetery to investigate the possibility of setting up a 'Friends' or similar group. Good practice on the formation of Friends groups should be disseminated both through conservation bodies, such as English Heritage, the Heritage Lottery**

Fund, the Civic Trust, the National Federation of Cemetery Friends, and the British Trust for Conservation Volunteers, and through those concerned with cemetery management, such as the Institute for Burial and Cremation Administration and the Confederation of Burial Authorities (paragraph 86).

The Government attaches considerable importance to the value of involving voluntary groups in maintaining and developing community facilities. Much good work has already been done, but the Government accepts that there is scope for more. English Heritage is understood to be keen to support the work already being done by the Civic Trust and the Joint Committee of National Amenity Societies. English Heritage also already funded, through the Architectural Heritage Fund, capacity building among building preservation trusts, some of whom are active in repairing cemetery buildings. Once established, the new advisory group is likely to be in a position to provide appropriate guidance.

(dd) We encourage local authorities to work constructively with local ‘Friends’ and similar groups, but stress that in doing so they should not seek to abdicate their own responsibility for the proper maintenance of cemeteries, both working and closed (paragraph 87).

Best value requires an authority to consider all options for the delivery of services, including using the voluntary sector. If a “Friends” group is prepared to maintain a cemetery then this, with proper support, should be considered, provided that it does not breach their legal responsibilities.

English Heritage

(ee) English Heritage must reconsider its criteria for registering cemeteries, and for listing their structures, if statutory listing is adequately to reflect their historic importance (paragraph 91).

Power of Place makes it clear that it is important to recognise the value and significance of the historic environment even when it is not specifically listed or registered.

Nevertheless, as part of English Heritage’s forthcoming thematic study of cemeteries, the Government understands that the criteria for registration will be reviewed, and the case for listing individual cemetery structures will be carefully considered before English Heritage makes its recommendation to the Secretary of State for Culture Media and Sport. English Heritage have pointed out, however, that designation as conservation areas by local authorities would afford greater statutory protection than registration

(ff) We welcome English Heritage’s intention to supplement their national telephone information service by making all their statutory lists available on the Internet, and we recommend that this project be completed as soon as possible (paragraph 92).

English Heritage plan to implement stage one, which will give national amenity societies access to the database shortly. If the pilot is successful, English Heritage hope to roll the programme out as part of their *Images of England* project by June 2002.

(gg) We draw the attention of local authorities to English Heritage’s work on the historic interest of cemeteries, and strongly encourage those who have not already done so to consider whether cemeteries for which they are responsible should be protected through designation as a ‘Conservation Area’. To assist in this process, English Heritage’s guidance note on the conservation of historic

cemeteries should address *all* historic cemeteries, not just those of national significance. We also recommend that EH actively seek the opportunity to support the restoration of a historic cemetery as a pilot project which can serve as an example for others wishing to undertake similar work (paragraph 95).

English Heritage intend to address *all* historic cemeteries in their guidance note, which is expected to be published in Autumn 2001.

- (hh) We are concerned that the proper recognition and preservation not only of parks and cemeteries, but also of many other vital elements of the historic environment, may be being put at risk by the lack of the necessary resources. We urge the Government to study *Power of Place* carefully, and to take the necessary action, including allocation of resources, to ensure that England's historic environment is properly protected for the benefit of current and future generations (paragraph 96).**

The Government is currently preparing a major statement of policy towards the historic environment. We warmly welcome *Power of Place*, which raises a number of important issues, and which we are now considering carefully in preparing the Government's policy statement. The Government already considers provision carefully in the context of three-year spending reviews.

Training

- (ii) We welcome the Home Office Minister's recognition of the problem of the lack of properly trained staff for cemeteries, and we look forward to speedy Government action to remedy the situation. One of the first tasks of the Government's new advisory group should be to develop guidelines on the basic training needed for cemetery managers, drawing on the work already done by the Institute of Burial and Cremation Administration, and to disseminate these guidelines across all burial authorities, particularly the smaller ones. It should also carry out further research into where the training deficit is most serious, and recommend appropriate policies for addressing the problem. In particular, the advisory committee should consider whether it is necessary to specify minimum levels of training or qualifications for cemetery managers (paragraph 98).**

The planned Home Office research study should provide information about the extent and nature of poor practice, and how far this may be due to the lack of standards or training. The study should also provide an indicator of the extent of formal qualifications and training experience amongst cemetery managers and others. In the light of this information, the Government believes that, once established, the advisory group should be able to offer advice on the standards that should apply, and how best such standards can be achieved and maintained, including through qualifications and training. Whether qualifications or training should be compulsory, or whether standards can be raised in some other way, would also be a matter for the advisory group to comment on. It will be particularly important to consider the implications of any compulsory training or qualifications, or even increased demand for voluntary training. These will include costs and the scale of training provision. Alternatives to course-based training may have to be considered.

Cemetery Inspection

- (jj) We look forward to the speedy establishment of the Government's advisory group, which should at the earliest possible opportunity communicate to all burial authorities in the country its existence and expertise and the help it is able to offer. We recommend that it take on immediately the tasks of**

dissemination of good practice, setting of standards and policy development which we have identified for an inspectorate, including particularly the development and dissemination of guidelines on basic training. The advisory committee should urgently investigate the case for its replacement by a standing inspectorate, and the possible scope and size of such an inspectorate (paragraph 105).

The Government accepts the case for an advisory group which can pool all the relevant expertise from the industry and related organisations and provide advice both to burial authorities and cemetery managers, and to the Government. The Government agrees that such a group could make a major contribution to the setting of service standards, providing guidance on cultural, historical, environmental and amenity issues, and determining training needs. The group could be of particular value in helping the Government undertake research, consultation, and surveys. While the Government accepts that the views of the advisory group would be useful in considering the case for an inspectorate, it will be a matter for the Government of the day to decide whether there is a need, and whether the costs would be justified.

Monument Safety

(kk) Whilst we recognise the importance of ensuring that unsafe memorials do not cause any further deaths or serious injuries, we believe that the Health and Safety Executive could act with greater sensitivity towards the historical and cultural significance of such memorials. We recommend that the Health and Safety Executive have urgent discussions with English Heritage regarding memorial safety, and that it ensure that its inspectors are fully aware of the heritage and amenity value of cemeteries when taking decisions about enforcement action (paragraph 110).

The Health and Safety Executive notes the Committee's opinion that it could act with greater sensitivity towards the historical and cultural significance of unsafe memorials.

In discharging its remit under the Health and Safety at Work etc Act 1974 to protect the health and safety of workers and those affected by work activities, the Health and Safety Executive frequently has to deal sensitively with those affected by risks. As well as the bereaved and those workers and organisations affected by accidents, this includes the impact of other legislation or policy which might bear on any given case.

The Health and Safety Executive has discussed with English Heritage the potential conflict between historical and cultural policy objectives when there are risks to health and safety. It will extend these discussions to deal specifically with memorial safety. The Health and Safety Executive also proposes to participate in discussions with members of the new advisory group, once established. In the light of both sets of discussions, it will review its guidance to inspectors.

(ll) The Government should make available specified funds for selected programmes of renovation of unsafe memorials. Access to these funds should be conditional on the development of detailed management plans for the sites in question (paragraph 112).

While the Government recognises the strength of the case for funding the renovation of unsafe memorials, it believes that further consideration should be given to the extent of the problem, the size of the commitment, and to funding mechanisms which may provide an alternative to public funding.

Halting decline: change requiring legislative enactment

Reuse of Graves

(mm) We recommend that, wherever possible, comprehensive management plans be drawn up for individual cemeteries. The Government's new advisory group should produce and disseminate guidelines for cemetery managers on how this should be done (paragraph 126).

The Government agrees that burial authorities should be encouraged to introduce cemetery management plans, where they are not at present used, in order to maximise the use of existing facilities, and to address future demand.

(nn) If the public are to continue to have access to affordable, accessible burial in cemeteries fit for the needs of the bereaved, there appears to be no alternative to grave reuse. The Government's consultation paper on the reuse of graves – which we understand is now also to include a number of other matters relating to cemetery provision – should therefore be issued as soon as possible. If the Home Office requires further research before commencing this already long-delayed consultation, it should specify exactly what is required and ensure that it is carried out speedily, with due regard for the consequences of further delaying a resolution of this matter. For the reasons stated above, and assuming that the necessary safeguards are included, we are ourselves of the opinion that legislation should be introduced allowing burial to take place in reused graves (paragraph 127).

The Home Office does not believe that it would be appropriate to undertake public consultation on one aspect of burial reform alone – the re-use of graves – when this should be considered within a wider context of a review of burial legislation and the management of burial facilities. The Home Office therefore proposes to consult on these wider issues at the same time as views are sought on re-using graves. There would seem to be no reason to delay consultation pending the outcome of further research work, which is likely to focus on existing practice and problems.

Review of legislation

(oo) A complete review of the law relating to burial and cemetery management, including churchyards, is required. We recommend that the Government's new advisory group carry out this review and make recommendations for appropriate rationalisation and improvement of the law relating to the disposal of the dead. Once this is complete, it is imperative that legislative time be found for the necessary changes, and we shall be following progress in this regard closely (paragraph 128).

The Government believes that there is a need to overhaul *all* aspects of burial law, and proposes to issue a consultation document by the end of the year which will invite views on the areas and aspects which the Government believes is in need of reform. The issues for consideration can be expected to include:

- rationalisation of regulation across the public and private sectors;
- management of cemeteries;
- enforcement;
- disturbance of human remains.

Conclusion

The Select Committee report has raised important issues regarding the values which society attaches to cemeteries, both as worthy last resting places for the deceased, and as environmental, historical and cultural amenities for the local community. There are inevitably tensions between the two requirements, as there are with other competing demands on the use of land for a wide range of other purposes. These tensions need to be managed, and resolved.

In order to tackle these issues, the Government has decided to take the following steps:

- to set up an advisory group of appropriate organisations to provide advice and guidance on the wide range of issues affecting cemeteries and cemetery management;
- to undertake a survey of burial grounds;
- to carry out research into the management of burial grounds, including training, planning and maintenance standards;
- to consult widely on reform of burial legislation, including the case for the re-use of old graves.

These initiatives will be commenced this year. Further action will be considered in the course of 2002, having regard to progress and the emerging results of the initial tranche of work.

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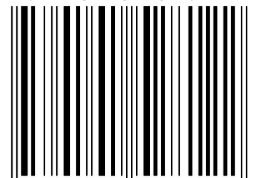
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