
MARGATE CEMETERY – EXTENSION PROPOSALS

To: **Cabinet – 17 November 2011**

Main Portfolio Area: **Commercial Services**

By: **Mark Seed, Commercial Services Manager**

Classification: **Unrestricted**

Ward: **Salmestone and Sir Moses Montefiore**

Summary: **To consider the availability of burial facilities at Manston Road, Margate, and Cecilia Road, Ramsgate, and to recommend the proposals for the extension of the current facilities at Margate Cemetery to make provision for the future of the service in Thanet.**

For Decision

1.0 Introduction and Background

- 1.1 Thanet District Council administers two facilities for burial – St. John's Cemetery (commonly called Margate Cemetery) and Ramsgate Cemetery.
- 1.2 Interments at Margate Cemetery commenced in 1856 and it has been extended a number of times – the latest in 2001. Annually some 120 adult interments take place and, despite the establishment of the Thanet Crematorium in 1966, the demand for burial has remained constant for many years.
- 1.3 The 2001 extension at Margate was into land that had been secured some years previously. At present we do not own any more adjacent land, except for the allotment site, in which to make a further extension at Manston Road. The layout of the extension was designed to take accessibility into account. This reduced the quantity of plots available but introduced greater accessibility and also addressed identified health and safety issues. The current estimate is that there is approximately five years 'new' capacity at the Margate site in the traditional burial ground, with varying capacities in sections set aside for the diversity of local communities and faiths, as well as the area for children's burials.
- 1.4 Ramsgate Cemetery commenced in 1871 and has approximately 60 interments each year. However, due to its position within the town it has very minimal scope for extension. In 1986, the council's Works Committee resolved not to extend the cemetery but "that at the appropriate time private grave spaces be available for purchase at Margate only". A limited number of unused plots are available, but the vast majority of 'new' graves are in fact those which were buried in over 100 years previously, and were not secured by purchase of burial rights. It is calculated that a maximum of 10 years space remains at the site.

- 1.5 This report is recommending an extension to the Margate Cemetery, but combine these with changes in granted periods of burial rights and revision of burial practices to make a more sustainable and economical use of land. This should ensure provision of local and accessible burial facilities available to Thanet residents for many generations.

2.0 The Current Situation at Margate Cemetery

2.1 Original Cemetery

The original cemetery has a number of different areas as set out in the plan in Annex 1 and the following sets out some background details associated with these:

- The older partition of the cemetery still has some designated areas within which there are grave-spaces. These are: the Children's section (Section LIX), the Greek community section (also, Section LIX), the Reformed Hebrew section (Section LIII) and the Baha'i faith section (also, Section LIII).
- The Children's section commenced in 1990 and has approximately 90 plots remaining; each for one individual interment. Approximately 12 plots are used per year. This gives approximately 7 years further capacity in this section.
- The Baha'i Faith section commenced in 1991 and comprises of 48 plots, 6 of which are currently used. In accordance with custom, each grave is single and brick-lined for interment. This gives approximately 150 years further capacity in this section.
- The Greek community section commenced in 1978 and has 280 plots remaining. Approximately 6 plots are used per year, and this gives about 45 years further capacity in this section.
- The original Reformed Hebrew section commenced in 1986. It consisted of 48 plots which are all either buried in or pre-purchased; and is now effectively 'full'. Approximately 2 plots are used per year. In 2011 a request was made on behalf of the community to realign the direction of graves and this has reduced the remaining capacity to 24 plots giving approximately 12 years. However, the community do make use of cremations, and the layout allows for the burial of cremated remains which assists with the capacity of this section.

2.2 The 2001 Cemetery Extension

The extension also has a number of different areas that are shown in Annexes 1 and 2 and addressed in more detail below:

- **Section S** is completely full.
- **Section T** comprises 360 plots in the more recently amended layout. Of these 140 have already been used. Around 70 plots are used per year, which gives approximately 3 years further capacity in this section.
Section U is divided into two areas— one laid out for members of the Muslim faith and one for general graves (these are communal graves where there are no privately owned plots). Based on previous usage there could be as much as 100 year's capacity in the Muslim faith section. In the general section approximately 7 plots (28 individual interments) are used annually. With over 260 remaining, this gives approximately 37 years further capacity on the current layout usage (September 2011). With use, from October 2011, of Margate Cemetery by the whole of the East Kent Hospitals NHS Foundation Trust in respect of their 'contract burials' it is possible that an additional 4 plots per year may be used. This reduces capacity to approximately 24 years.

One possibility for releasing more private grave-spaces (thereby extending the capacity of the cemetery) would be to utilize the area set aside for general interments in Section U. However, based on the usage rate of 70 plots per year for private graves, and reducing the general grave space to 7 years this would only provide a further 2 years of capacity for private burials.

- **Section V** comprises 130 plots in an amended layout. It is primarily intended for open use, and on this basis it would have 2 years' capacity. However, an approach has been made by the Egyptian community to be considered for a special section here comprising 32 plots, used by specific families and having the capacity for up to 4 interments per plot. Usage rates are unknown in relation to this community. Although further discussions are required on this front the request is reasonable, but would need to be considered in the light of the decision on the wider proposals to extend the cemetery.

3.0 Options

3.1 Provision of cemeteries

Cemetery and crematorium services are normally seen as a basic requirement for a community and though not all councils provide cremation services, the majority have and continue to provide for burials. Should an authority choose to provide services they are bound in the case of burial to provide the service in accordance with the Local Authorities Cemeteries Order 1977 and its amendments and with cremation by the Cremation (England and Wales) Regulations 2008.

As from 1st April 1974, the council assumed the functions of any previously existing burial boards, joint burial boards and committees and as such took on the general powers and duties of burial and cemetery authorities that may be summarised as follows:

- To provide and regulate cemeteries under the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1977, as amended by the Local Authorities Cemeteries (Amendment) Order 1986.
- To undertake the disposal of dead bodies.
- To carry out the statutory requirements regarding the registration of burials.

3.2 Note on legislative changes regarding grave re-use

During 2009, it was announced that the government did not intend to progress or make any statement on the subject of the re-use of graves at the present time, with the reason being that it did not feel it appropriate to do so in the current economic climate.

Areas of Margate Cemetery that are bound by the 100 year Deeds of Exclusive Right of Burial are not likely to be considered for re-use until the middle of this century. Due to the changes in grave usage away from more multiple use within families it would be unlikely to yield much reusable space as the vast majority of these would have only been buried to single or double depths. Earlier private graves in the oldest parts of the cemetery, where the Burial Authority maintains 'in perpetuity' could not be easily considered for re-use in any case.

3.3 Burial Arrangements

The long term operation of a cemetery extension and its lifespan are also dependant on the specific burial arrangements. For previous areas in the cemetery these have effectively removed the ability to re-use plots in any practical way. On this basis it is proposed that for any unused and unallocated plots in the existing cemetery and for the proposed new extension, the following burial arrangements should apply:

- Reduction of Exclusive Right of Burial from the current 50 years to 25 years (considered to be 'one generation'). The extension would therefore require at least 25 years of space before plots could be returned to if the burial rights are not renewed.
- Introduce a standard charge for burial, irrespective of depth.
- Introduce policy for commencing use of adult graves at maximum possible depth in order to maximize land use. At Margate this would give each plot the capacity for four full burials.
- The thinking behind this strategy is that a plot used for one burial and with the burial rights not renewed after 25 years could be 'resold' and used for up to three more burials (commencing with the next available depth). This would extend the 'life' of that grave by a further 25 years.
- This will not affect pre-purchased plots and will of course take account of specific community and faith based requirements.

3.4 Proposal Options

The proposals are considered to contain exempt information under Schedule 12A of the Local Government Act 1972 (as amended) and as such the relevant information has been included confidentially on the plan in Annex 3 and the proposal options in Annex 4. Consideration of the proposals contained in these annexes would require exclusion of the press and public.

It is proposed to take forward the preferred options set out in Annex 4.

4.0 Issues

4.1 Timescales

With as little as 7 years average capacity across the current areas of Margate Cemetery the council has to consider its position seriously on the principle of an extension at this stage, setting aside the required funding, and undertaking the layout work and establishment of the site properly will take several years.

If we do not agree to extend the cemetery then we will have to reconsider all the current space allocations to even up usage across the cemetery. This would be to seek as far as possible all the areas becoming full at the same time, and then ceasing the provision of a cemetery facility within Thanet.

4.2 Planning issues

The following information supplied by the Principal Planner (Strategic Planning) Development Services in September 2011 is relevant to the development of the proposals.

“The Adopted Local Plan allocates land under policy CF5 for an extension of Margate cemetery and ancillary uses and this adjoins an area it protects under a separate policy for allotment purposes.

It is important to note that while we recognise the needs for extension of the cemetery, we have competing needs for land which ultimately have to be considered comprehensively in arriving at preferred options to take forward into the Core Strategy and/ or site allocations document. Thus, in noting your preferred location option, we cannot at this stage confirm whether this would be the most suitable option in planning terms.

The level of future housing to be provided for has yet to be established, and when this is determined, appropriate site allocations will be selected through the planning process from a pool of potential sites.

I can confirm that the comments you have submitted will enable us to take account of the need for extension of the cemetery as part of our plan making process.”

5.0 Corporate Implications

5.1 Financial and VAT

VAT

The following advice has been provided in relation to the VAT position of the proposals:

- Providing any extension is being used in connection with the provision of additional burial services then this will be non-business, so there are no VAT implications. However, if a previous option to tax has been taken then this would be standard rated and may give rise to partial exemption implications; this would need to be confirmed prior in advance.
- Providing that additional car parking provided is free of charge then this would also be deemed to be a non-business activity connected to the provision of burial services so there would be no VAT implications.
- Any potential to let any surplus land until it is required would amount to an exempt supply and would have partial exemption implications. If undertaken this would require further advice before any leases/ licences are entered into so that these could be structured in the most tax efficient way possible.

Environmental Surcharge on adult burials

From April 2011 an environmental surcharge of £100 has been levied on all adult burials in both Margate and Ramsgate Cemeteries in order to provide funding for the future of cemetery provision.

Capital Funding

The Financial Services section advise that provisional sums of £140K for 2012/2013 and £230K for 2016/2017 have been allocated in the draft capital programme, based on an original submission for capital funding made in 2010. However, the business model is based on these costs being repaid over 20 years. The business case proposals set out below are now based on purchasing a smaller area of land than originally envisaged.

Business Case

A more detailed business assessment has been undertaken and confirmed by Financial Services that provided the following overall results for the proposals (based upon costs and income at 2016/17):

Expenditure	£
Annual repayment costs for works	21,288
Annual repayment costs for land (from 2011/12)	5,000
Annual additional maintenance costs	18,000
Annual loss of income from cemetery closures (2016/17) <i>(Assumes both Ramsgate and Margate close in 5 years)</i>	164,921
Total expenditure	214,209
Income	
Annual environmental levy (current from 2011/12)	15,071
Annual plot purchase (from 2016/17 – 130 burials)	78,000
Annual burial income (from 2016/17 – 130 burials)	130,000
Total income	223,071

This is based on a lower number of burials per annum than would normally be expected (see section 1) but the proposals show a surplus by 2016/17, and due to the levy operating from 2011 and an existing fund being created the project overall is always in surplus.

The size of the extension is based upon the proposal to reduce the Exclusive Rights of Burial to 25 years. This allows sufficient capacity, with an allowance for unexpected events, to cater for 25 years of burials, and then the plots would be reused. This has some risks if the rate of burials increases significantly, and adjacent land increases significantly in the meantime, but this can be anticipated well in advance and suitable plans developed.

5.2 Legal

The council has powers to acquire and set out land for cemetery purposes, and as a last resort could compulsorily purchase land for this use if required.

5.3 Corporate

5.3.1 Corporate Risk Issues

The following risks were identified as part of the 2010 capital funding bid:

Deliverability within Timescale/ Budget - would depend on funding being made available, but the business modelling has used conservative estimates in relation to burial levels and improvement costs.

Contractor Performance/Deliverability - to be able to use the land properly there will need to be a road infrastructure within the cemetery and water supplied, however, the risk should not be major even if this was delayed.

Burial Rate increases - Current forecasts are built on burial rates in the last 5 years, however, if this increased or there was an epidemic with significant deaths then this would severely impact on burial space capacity and reduce the 5-7 year forecast of capacity left. For example - calculations made in light of the 2009 outbreak of H1N1 swine flu, based on the 'worst-case scenario' of possible local population death-rate and taking into account the percentage of new graves normally used indicate that, over an estimated fifteen week period a pandemic is likely to impact, it could use up as many as 288 private graves. This equates to four years' worth of grave-space in approximately four months if no national emergency regulations come into effect in respect of the use of other burial systems.

Public/Political backlash - Unlike many other services, the emotions and sensitivity around bereavement means that there could be a major public or political backlash if TDC did not have sufficient burial space for the deceased in the future.

5.4 Equality Impact Assessment

5.4.1 Any cemetery extension would be subject to the same Equalities Impact Assessment as those carried out in February 2010 for the existing cemeteries.

5.4.2 The extended spacing of the newer burial plots satisfies areas of the Equality Impact Assessment which are required by the TDC Corporate Equality Plan.

5.4.3 Each standard adult grave space measures 7' by 3', with 2' clearance at the head and at each side; with a 6' wide service path between each pair of 'head to head' rows (imperial measures are still used in setting out graves).

5.4.4 This is repeated in the Muslim section (Section U), except with a 4' service path. The service path is not necessary in the designated general grave section (also Section U) as there are no memorials present and the graves, once full, will not be needed for reopening.

5.4.5 The improved provision for people with impaired mobility, and the continued provision of space in the cemetery for a wide range of communities and faiths demonstrates the council's commitment to equalities and the needs to meet our statutory public service equalities duties.

6.0 Recommendations

6.1 To extend the cemetery as set out in confidential Annexes 3 and 4, in accordance with the business case in section 5.1, including seeking planning approval;

6.2 To adopt the burial arrangement principles set out in paragraph 3.3 for unallocated plots in the existing cemetery and for all of the proposed extension.

7.0 Decision Making Process

7.1 This is a key decision but as it sits within the policy and budgetary framework the decision can be made by Cabinet.

Contact Officer:	Simon Woodgate, Crematorium and Cemeteries Officer and Registrar
Reporting to:	Mark Seed, Commercial Services Manager

Annex List

Annex 1	St. John's Cemetery, Margate – full plan
Annex 2	St. John's Cemetery, Margate – 2001 extension plan
Annex 3 - Confidential	St. John's Cemetery, Margate – possible extension areas
Annex 4 - Confidential	Proposal Options

Background Papers

Title	Details of where to access copy
Draft Local Plan	Steve Moore, Strategic Planning Officer

Corporate Consultation Undertaken

Finance	Sarah Martin, Financial Services Manager
Legal	Harvey Patterson, Corporate and Regulatory Services Manager
Communications	Justine Wingate, Corporate Information Manager