

# Portfolio Holder for Corporate Governance, Housing and Public Protection

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County Hall  
Llandrindod Wells  
Powys  
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31 July 2018

For further information please contact

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## NOTICE OF INTENDED PORTFOLIO HOLDER DELEGATED DECISION

The Portfolio Holder has received the following report for a decision to be taken under delegated authority. The decision will be taken on **6 August 2018** (i.e. 3 clear days after the date of this note). The decision will be published on the Council's website but will not be implemented until 5 clear days after the date of publication of the decision) to comply with the call-in process set out in Rule 7.37 of the Constitution.

1.	<b>CHILD BURIAL FEES</b>
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**CYNGOR SIR POWYS COUNTY COUNCIL**

**PORTFOLIO HOLDER DELEGATED DECISION**  
by  
**COUNTY COUNCILLOR JAMES EVANS**  
**PORTFOLIO HOLDER FOR CORPORATE GOVERNANCE, HOUSING**  
**AND PUBLIC PARTICIPATION)**  
August 2018

**REPORT AUTHOR:** Professional Lead-Environmental Health (Environmental Protection)

**SUBJECT:** Child burial fees

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**REPORT FOR:** Decision

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**1. Summary**

- 1.1 Following a campaign by Carolyn Harris (MP for Swansea East), Welsh Government is seeking agreement from local authorities to abolish child burial fees. To this end they have published a Memorandum of Understanding (MOU) between Welsh Government and local authorities to establish a consistent approach to child burial fees. The intention is scrap burial fees for children up to 18 years old.
- 1.2 The purpose of the report is to seek agreement that Powys County Council adopts the terms of the MOU.

**2. Proposal**

- 2.1 Prior to the introduction of the MOU, Powys County Council had a range of charges relating to the burial of a child. These are set out below:

**Registration**

Registration of interment of a person over 12 years	<b>£223.15</b>
No charge for children under 12 years	

**Excavation**

Burial of persons over 12 years (double)	£783.90
Burial of persons over 12 years (single)	£621.90
Burial of child over 1 month and under 12 years	£358.81
Burial of stillborn and child under 1 month	£188.81

### **Exclusive right of burial**

By purchasing an Exclusive Right of Burial (ERB), bereaved families are purchasing the right of burial in a grave space. They are not purchasing the land itself. The ERB is for 50 years but can be extended within 5 years of expiry. An ERB does not need to be purchased for a burial to take place but by not doing so families will have no right on any future internments and will not be permitted to erect any memorial on the grave.

Purchase of Exclusive right of burial of persons over 12 years old	£716.08
Purchase of exclusive right of burial of child over 1 month and under 12 years	£358.81
Purchase of Exclusive right of burial of stillborn and child under 1 month	£179.62

### **Headstone**

Right to erect a headstone and first inscription	£179.42
Subsequent inscription	£45.52

- 2.2 A copy of the Memorandum of Understanding (MOU) can be viewed at <http://gov.wales/about/cabinet/cabinetstatements/2017/endtolgfessforc hildburial/?lang=en>. It sets out a fair and consistent approach across Wales to the fees charged by local government in the burial and cremation of children.
- 2.4 The MOU states that “Burial authorities in Wales will not charge any fees in relation to the standard burial or cremation of a child, defined for these purposes as a person under the age of 18”.
- 2.5 This commitment relates to the standard fees that burial authorities charge relating to:
- a) The cremation of a person under the age of 18 (including stillborn and foetal remains)
  - b) The interment of a person under the age of 18 (including stillborn and foetal remains)
  - c) The exclusive right of burial, where required
  - d) Any other fees directly relating to the burial or cremation of a person, or the cremated remains of a person, under the age of 18 (e.g. fees charged for permission to erect a memorial)

The commitment does not relate to wider funeral costs such as cost of a memorial, funeral director fees, flowers etc.

- 2.6 In recognition of the financial implications in waiving the fees, Welsh Government will, while the MOU remains in force, annually make available the sum of £600,000 for allocation among principal councils in Wales that have agreed with the terms of the MOU. The proportion of grant allocated to local authorities will be determined on the basis of the Standard Spending assessment formula. In 2018/19 the sum allocated to Powys County Council is £26,345.
- 2.7 The availability of the funding is subject to satisfactory grant conditions being put in place. One such condition is that Principal councils will distribute appropriate sums to other burial authorities (i.e. town and community councils) who agree to abide by the terms of the MOU. The principal council may place such conditions on the provision of that funding as they consider appropriate.
- 2.8 All Town and Community Council have been contacted requesting that they advise whether they operate as a burial authority and if so, whether they agree to abide by the terms of the MOU. To date 20 burial authorities (including 1 private burial ground) have responded agreeing to abide by the MOU. A request was also made to provide details of the current fees and the number of child burials that have taken place in the last 3 years.
- 2.9 Whilst details of fees have been provided, many of the burial authorities had already abolished child fees therefore the rate of remuneration is difficult to quantify. The level of fees charged by each of these also varies considerably.
- 2.10 To give some indication of the appropriate level of grant to award, an average of the adult fees for burial and cremation has been calculated. The average cost of a burial is £491 and a cremation is £265. Based on these figures it is proposed that the amount of grant made available to burial authorities in Powys is fixed at £500 for burials and £300 for cremations.
- 2.11 In terms of the number of child burial undertaken in the last 3 years by other burial authorities, 3 child burials have taken place and of which one was since the MOU came into force.

### **3. Options Considered / Available**

3.1 The options available are as follows:

- 3.1.1. That Powys County Council agrees to abolish child burial fees and to abide by the terms of the MOU.

3.1.2. That the fees are not abolished and remain at current rates.

**4. Preferred Choice and Reasons**

4.1 Option 3.1.1. – that Powys County Council agrees to the terms of the MOU and abolishes the fees for child burials up to 18 years. The availability of a grant will offset the loss of income. This would result in a transparent and equitable charging scheme and bring Powys County Council in line with other welsh authorities.

**5. Impact Assessment**

5.1 Is an impact assessment required? No

5.2 If yes is it attached? N/A

**6. Corporate Improvement Plan**

6.1 A Healthier Wales-the removal of the fees will reduce stress on families at the most difficult times of their lives.

A more Equal Wales-the removal of the fees will assist less affluent families with funeral costs

**7. Local Member(s)**

7.1 N/A

**8. Other Front Line Services**

Does the recommendation impact on other services run by the Council or on behalf of the Council? Yes/No

If so please provide their comments

**9. Communications**

Have Communications seen a copy of this report? Yes

Have they made a comment? The report is of public interest and requires use of a news release and social media to publicise the decision.

**10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

- 10.1 Legal: The recommendations can be supported from a legal point of view.
- 10.2 Finance - The Finance Business Partner supports the preferred option as any loss of income will be offset by the grant received from Welsh government.

**11. Scrutiny**

Has this report been scrutinised?                      No

**12. Statutory Officers**

- 12.1 The Head of Financial Services (Deputy Section 151 Officer) notes the comment from the Finance Business Partner.
- 12.2 The Solicitor to the Council (Monitoring Officer ) commented as follows :  
 “ I note the legal comments and have nothing to add to the report.”

**13. Members’ Interests**

- 13.1 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Portfolio Holder has an interest, he/ she should declare it, complete the relevant notification for and refer the matter to Cabinet for decision.

Recommendation:	Reason for Recommendation:
<p><b>1. To abolish child burial fees and abide by the Memorandum of Understanding between Welsh Government and local authorities.</b></p> <p><b>2. That Powys County Council awards grants as outlined in section 2.10 on receipt of notification of a child burial having taken place.</b></p>	<p><b>To assist families with funeral costs and to ensure a consistent approach across Wales.</b></p>

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	<b>Y</b>	<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	<b>N/A</b>
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<b>Person(s) To Implement Decision:</b>	<b>Nia Wyn Hughes</b>
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<b>Date By When Decision To Be Implemented:</b>	<b>As soon as possible</b>
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**Background Papers used to prepare Report:**