

## Archived Decision for the Portfolio Holder for Environment & Sustainability 2015

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### ARCHIVED PORTFOLIO HOLDER DELEGATED DECISION

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**Decisions taken by Individual Portfolio Holders**

**County Councillor G.R. Banks  
Portfolio Holder for Property and Assets**

**County Councillor R.G. Brown  
Portfolio Holder for Commissioning and Procurement**

**County Councillor W.J.T. Powell  
Portfolio Holder for Environment and Sustainability**

**Decision taken 19 January 2015  
Decision published 20 January 2015  
Decision effective from 28 January 2015**

**Options for the future of responsive buildings repair and maintenance services**

<b>DECISION</b>	<b>Reason for decision</b>
<ol style="list-style-type: none"> <li data-bbox="248 931 770 1144">1. To undertake soft market test for the delivery of Housing and Corporate Property Responsive repairs and maintenance with a public or private sector partner.</li> <li data-bbox="248 1149 759 1256">2. To appoint legal, financial and ICT specialists to support the entire process.</li> </ol>	<p data-bbox="807 931 1299 1111">To ensure that the Council is properly informed of the market response before inviting competitive tenders through a compliant process.</p> <p data-bbox="807 1149 1315 1256">To ensure that a compliant procurement process is followed and the JVC is set up correctly.</p>

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**CYNGOR SIR POWYS COUNTY COUNCIL**  
**PORTFOLIO HOLDER DELEGATED DECISION**  
**by**

**County Councillor John Powell**  
**(Portfolio Holder for Highways and Environmental Health)**

**County Councillor Graham Brown**  
**(Portfolio Holder for Commissioning and Procurement)**

**County Councillor Garry Banks**  
**(Portfolio Holder for Property and Assets)**

**7<sup>th</sup> January 2015**

**REPORT AUTHOR: Head of Service, Regeneration Property & Commissioning (Place)**

**SUBJECT: Options for the future of responsive buildings repair and maintenance services**

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**REPORT FOR: Decision**

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**1 Summary**

- 1.1 At its meeting held on 15<sup>th</sup> July 2014 the Cabinet resolved to undertake a procurement exercise to identify a suitable established industry partner from either the private or public sector for the creation of a Powys based Joint Venture Company for the delivery of a responsive buildings repair and maintenance service (Minute C152-2014).
- 1.2 This report discusses the proposed first stage procurement process, scope of services to be included in the soft market test documentation and reference visits to other Local Authorities with similar delivery models.
- 1.3 The proposals were discussed with Portfolio Holders on 21<sup>st</sup> October 2014 and briefed on 6<sup>th</sup> January 2015. Following consideration by the Solicitor to the Council, it was necessary to seek some early legal advice. Following approval of a Management of Change Funding Application, internal and external project support can now be put in place.

## 2 Proposal

- 2.1 Legal and Commercial Services have recommended that a soft market test is undertaken, similar to that conducted for the proposed Leisure Services management contract. This will help to inform the tender process and assure the Council of the viability of the proposal.
- 2.2 Scope. For the purposes of the soft market test, it is proposed that the services described in the documents will include the following current Housing Revenue Account (HRA) and Corporate Property (CP) services, although the feedback from the Soft Market Test and other consultation will inform the final scope of service :
- Housing: Responsive repairs and maintenance, statutory testing and servicing, works and projects (not part of WHQS program). This could include associated professional/consultancy services to deliver these works with in-house labour, and could include issuing and managing work carried out by external contractors.
  - Corporate Property: Responsive repairs and maintenance, statutory testing and servicing, revenue and capital funded smaller value projects, this could include associated professional/consultancy services to manage the delivery of these works with in-house and external contractors.
  - Customer Services: Call handling for all property matters will transfer.
- 2.3 The annual approximate value of these services is £5m to £10m per annum dependant on the extent of the work included, as described in point 2.2 above. The scope will be examined throughout the procurement process with internal workshops to inform the proposal included in the Soft Market Test. The process will also reflect on the learning gained from peer Local Authorities during reference calls/visits.
- 2.4 Legal services have advised that it should be stated from the outset of the procurement exercise that if the Council may wish in the future to extend the scope of the JVC if it proves successful, this fact must be specified in the OJEU Notice and in the tender. The Council may find it necessary, at some future time, to review the delivery of other Property related functions and if there is a provision to extend the scope of the JVC in this way, future procurement and set up costs would be minimised and avoid the potential of inefficiencies caused due to multiple providers delivering Property services. Including this option does not

commit the Council to transferring these services in the future, but is an enabling action designed to facilitate additional transfers to the JVC without the need to re-tender.

2.5 Process: Commercial Services have advised that the following procurement process should be followed. The process is similar to the one adopted for Leisure Services:

- Issue Prior Information Notice (PIN) to the market
  - Advert for Soft Market Test (SMT)
  - Issue SMT information document
  - Receive Market response at meet the buyer days
- The Leader and Portfolio holders are in the process of making contact with other Local Authorities who have similar JVC arrangements with public and private sector partners as a learning opportunity. At the time of writing, a teleconference with Barnsley MBC has been completed.

2.6 Additional resource: Aside from existing establishment staff and manager costs, additional resources are estimated to cost £98,000 over 20 months. It was recognised that there was insufficient capacity and specialist knowledge in-house. An initial timeline has been plotted leading to June 2016, some three months after start-up of the JVC. This work can be supported by the approved Management of Change Funding and the HRA.

The funding will be used to:

- Employ a part time Project Manager 3 days per week
- Legal external advisors who have specialist knowledge as this expertise is not available with the Powys legal team.
- Finance/ICT external advisors as the Powys team does not have the capacity to take on additional work

### **3 One Powys Plan**

3.1 One of the priorities of the One Powys Plan is to “Remodel Council Services to respond to reduced funding”. The aim of this initial proposal is to provide an efficient responsive building repairs and maintenance service to ensure Powys Public Buildings remain viable and operational for services to operate from, delivering the priorities of the One Plan. In addition, to provide efficient building maintenance services to ensure that the Powys owned Housing portfolio is well maintained and supporting stronger, safer and economically viable communities.

3.2 The One Powys Plan has a priority of “developing the economy”. The Company would provide and invest in local employment for Powys staff

and residents and would continue to use Powys based contractors and suppliers, thus supporting stronger, safer and economically viable communities. The Council has also been approached by Powys teaching Health Board and Dyfed Powys Police Authority to discuss their responsive building, repair and maintenance needs.

- 3.3 When considering the options the Council must be aware of the risks of using a model that lacks resilience, as any failure can leave the Council vulnerable as the local supply chain is not equipped to undertake all the work required and it can prove difficult to attract other contractors to operate in the County due to the challenging geography.

#### **4 Options Considered/Available**

- 4.1 Legal and Commercial Services have recommended that a similar procurement process be followed to the one adopted for Leisure Services. A procurement process can be followed without undertaking a Soft Market Test or talking to reference sites, however, this is considered unwise. This early process informs the Council of the appropriate approach to the market in the tender exercise and greatly increases the chances of a positive outcome.
- 4.2 The offer must be attractive to the market, hence the scope to be included needs to be economically viable. The value also needs to be sufficient to deliver meaningful savings to the Council. The proposed scope is considered appropriate at this time. However, the soft market test will help inform the final scope.
- 4.3 The proposal to state from the outset that the Council may choose in the future to extend the scope of the JVC could be excluded. However, this will limit the use of the JVC in the future. Additional procurement and set up costs would be incurred by the Council to commission other property services. Removing the option to extend the scope in the future will reduce the attractiveness of the offer to the market.

#### **5 Preferred Choice and Reasons**

- 5.1 The preferred choice is to proceed with the early procurement process as set out in the proposal to ensure that the Council is properly informed of the market response before inviting competitive tenders through a compliant process.
- 5.2 To appoint legal and financial specialists to support the entire process to ensure that a compliant procurement process is followed and the JVC is set up correctly.

#### **6 Sustainability and Environmental Issues/Equalities/Crime and Disorder, /Welsh Language/Other Policies etc.**

6.1 Policies such as Sustainability, the Environment, Equalities and Welsh Language will be considered and included as part of the business case and any subsequent contractual negotiations if the model is taken forward.

## **7 Children and Young People's Impact Statement - Safeguarding and Wellbeing**

7.1 By ensuring the continued provision of resilient and efficient building maintenance services, council owned houses, schools and properties will support and promote the wellbeing of children and young people

## **8 Local Member(s)**

8.1 The proposal does not have particular effect on or significance for only one or some electoral divisions.

## **9 Other Front Line Services**

9.1 The proposal will have implications for front line services as potentially a different provider will be maintaining the buildings they operate from. During the development of the business case, front line services will be consulted. The Housing Tenant Liaison Forum will be consulted as required by the Housing Act 1985.

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

10.1 Legal – The recommendation can be supported from a legal point of view

10.2 Finance – Finance have noted the detail in the report and can confirm that the virement for the additional resources of £98k have been actioned.

## **11 Local Service Board/Partnerships/Stakeholders etc**

11.1 The Council has also been approached by Powys teaching Health Board and the Dyfed Powys Police Authority to discuss their responsive repair building and maintenance needs. They have indicated that in the future they may wish to use the services of the JV Company.

## **12 Corporate Communications**

12.1 None specifically at this stage of the process.

## **13 Statutory Officers**

13.1 Strategic Director Resources (Section 151 Officer): The Strategic Director Resources notes the comments made by finance.

13.2 Solicitor to the Council (Monitoring Officer):” I have nothing to add to the report”.

**14 Members’ Interests**

14.1 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Portfolio Holder(s) have an interest he/ they should declare, complete the relevant notification form and refer the matter to Cabinet for decision.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
1. Undertake Soft Market Test for the delivery of Housing and Corporate Property Responsive repairs and maintenance with a Public or Private sector partner.	To ensure that the Council is properly informed of the market response before inviting competitive tenders through a compliant process.
2. Appoint legal, financial and ICT specialists to support the entire process	To ensure that a compliant procurement process is followed and the JVC is set up correctly.

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

<b>Relevant Local Member(s):</b>	N/A
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<b>Person(s) To Implement Decision:</b>	Sue Bolter
<b>Date By When Decision To Be Implemented:</b>	January 2015

Contact Officer Name:	Tel:	Fax:	Email:
Sue Bolter	01597 826195		<a href="mailto:sue.bolter@powys.gov.uk">sue.bolter@powys.gov.uk</a>

**Background Papers used to prepare Report:**

15<sup>th</sup> July 2014 Cabinet report “Options for the future of responsive buildings repair and maintenance services” and minute C152-2014

CABINET REPORT TEMPLATE VERSION 4

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**Decisions taken by Individual Portfolio Holders**

**County Councillor W.J.T. Powell  
Portfolio Holder for Environment and Sustainability**

**Decision Taken 5 February  
Decision published 5 February 2015  
Decision effective from 13 February 2015**

**Revision of Cemetery Regulations, Policy and Procedures**

<b>DECISION</b>	<b>Reason for Decision:</b>
<b>That the revised Cemetery Regulations, Policy and Procedures annexed to the report are approved</b>	<b>To ensure that current working practices are reflected in the approved document.</b>

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**CYNGOR SIR POWYS COUNTY COUNCIL.**

**PORTFOLIO HOLDER DELEGATED DECISION**

**by**

**COUNTY COUNCILLOR JOHN T POWELL**

**( PORTFOLIO HOLDER FOR ENVIRONMENT AND SUSTAINABILITY)**

**Date: January**

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

**SUBJECT: Revision of Cemetery Regulations, Policy and  
Procedures**

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**REPORT FOR: Decision**

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**1 Summary**

- 1.1 In 2003, a report was presented to the Board with a recommendation that a policy relating to the management of the Council's cemeteries and memorial safety was approved.
- 1.2 A recent audit report on cemetery management highlighted the fact that the policy had not been formally revised since 2003. The report seeks approval for a revised Cemetery Regulations, Policy and Procedures document which appears in the Annex to this report.

**2 Proposal**

- 2.1 Powys County Council is responsible for the management of 19 cemeteries, two of which are closed. The cemeteries are as follows:

1. Brecon Cemetery, Cradoc Road, Brecon, Powys
2. Buttington Cemetery, Buttington, Powys
3. Castle Caereinion Cemetery, Castle Caereinion, Powys
4. Guilsfield Cemetery, Cemetery Lane, Guilsfield, Powys
5. Hay-on-Wye Cemetery, Brecon Road, Hay-on-Wye, Powys
6. Knighton New Cemetery, Knighton, Powys, LD7 1HY
7. Knighton Old Cemetery, Knighton, Powys, LD7 1EW
8. Llandrindod Wells Cemetery, Llandrindod Wells, Powys, LD1 6AS
9. Llanfilo Cemetery, Llanfilo, Brecon, Powys
10. Llanfyllin Cemetery, Bridge Street, Llanfyllin, Powys
11. Llanwrtyd Wells Cemetery, Llanwrtyd Wells, Powys, LD5 4AD
12. Machynlleth Cemetery, Tregarth, Machynlleth, Powys
13. Maesgwastad Cemetery, Mount Street, Welshpool, Powys
14. Montgomery Cemetery, Tanymur, Montgomery, Powys
15. Newtown Cemetery, Pool Road, Newtown, Powys
16. Presteigne Cemetery, Presteigne, Powys, LD8 2LR
17. Rhayader Cemetery, Rhayader, Powys, LD6 5DH
18. Odd Fellows Road Cemetery, Ystradgynlais (closed)
19. Nant Ddu Cemetery, Merthyr Tydfil (closed)

- 2.2 The purpose of the original document was to outline procedural arrangement for the management of these cemeteries to assist in the provision of a consistent service and provide guidance to staff, service users and the public.

The procedures also contain the Cemetery Regulations.

2.3 Very few amendments have been made in the revised document. The reason for this is that the majority of the procedural arrangements detailed in the report remain valid and continue to be implemented today.

2.4 The changes incorporated into the revised documents are summarised as follows:

- a. The original document included copies of a wide range of letters which are used in the day to day management of cemeteries and generic guidance notes. These have been removed and only key letters retained within the revised document.
- b. Officers are periodically asked to provide guidance on home burials. A standard advice letter is included in the procedures.
- c. Occasionally, requests are received for a bricked grave. The Council permits their installation but customers are required to make their own arrangements. The document details the required specification to ensure a standard approach.
- d. The Council receives numerous complaints regarding unauthorised memorials on graves. These include items such as wooden fences, wind chimes, plant pots and toys. Unauthorised memorials can present safety hazards and interfere with ground maintenance work. Council officers can request the removal of such items and a standard letter has been included in the procedures.
- e. Officers have traditionally carried out inspections of the cemeteries when attending site. However no formal procedure has been in place. An inspection form has been incorporated into the procedures document.

### **3 One Powys Plan**

- 3.1 The Council's responsibilities for cemeteries does not form one of the One Powys Plan's priorities.

### **4 Options Considered/Available**

- 4.1 To approve the revised policy and procedures document.
- 4.2 To leave the policy unrevised and so not reflective of current day to day practice.

### **5 Preferred Choice and Reasons**

- 5.1 Option 1- To approve the revised policy and procedures document.

### **6 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc**

- 6.1 The proposal does not have any impact on the policies of the Council.

### **7 Children and Young People's Impact Statement - Safeguarding and Wellbeing**

N/A

### **8 Local Member(s)**

N/A

## **9 Other Front Line Services**

N/A

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

10.1 Legal: The report can be supported from a legal point of view.

10.2 Finance: Finance have noted the changes contained within the revised cemetery management policy. A standardised approach to administering cemeteries management will mitigate risk and minimise cost, while managing public expectation. Any additional costs associated with the new procedures will be met within current resources.

## **11 Local Service Board/Partnerships/Stakeholders etc**

N/A

## **12 Corporate Communications**

12.1 The report is of public and service user interest and requires a news release to publicise cabinet decision.

## **13 Statutory Officers**

13.1 The Strategic Director Resources (S151 Officer) notes the comments made by Finance.

13.2 Solicitor to the Council ( Monitoring Officer) : “ I have nothing to add to the report”

## **14 Members' Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Portfolio Holder(s) have an interest he/ they should declare, complete the relevant notification form and refer the matter to Cabinet for decision.

## **15 Future Status of the Report**

Members are invited to consider the future status of this report and whether it can be made available to the press and public either immediately following the meeting or at some specified point in the future.

The view of the Monitoring Officer is that:

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>That the revised Cemetery Regulations, Policy and Procedures annexed to the report are approved</b>	<b>To ensure that current working practices are reflected in the approved document.</b>

<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>
<b>Date By When Decision To Be Implemented:</b>	<b>Immediately</b>

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
Nia Wyn Hughes	01938 551299	01938 551248	niah@powys.gov.uk

**Background Papers used to prepare Report:**

CABINET REPORT TEMPLATE VERSION 3



CYNGOR SIR POWYS COUNTY COUNCIL

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ENVIRONMENTAL HEALTH

ENVIRONMENTAL PROTECTION SECTION

## **Cemetery Regulations, Policy and Procedures**

Council Offices	Council Offices	Council Offices
Neuadd Brycheiniog	Neuadd Maldwyn	The Gwalia
Cambrian Way	Severn Road	Ithon Road
Brecon	Welshpool	Llandrindod Wells
Powys	Powys	Powys
LD3 7HR	SY21 7AS	LD1 6AA

Issue 2 January 2015

Amendments are not permitted without the prior approval of the Professional Lead - Environmental Health (Environmental Protection) and Senior Environmental Health Officer – Environmental Protection.

### Amendment Record

ISSUE	DATE	APPROVED	SUMMARY OF CHANGE
1	23 <sup>rd</sup> December 2003	Martin Gregory Team Leader – Environmental Protection	Original document approved

**CYNGOR SIR POWYS COUNTY COUNCIL  
CEMETERY POLICY & PROCEDURES  
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## **CYNGOR SIR POWYS COUNTY COUNCIL**

### **REGULATIONS FOR THE MANAGEMENT OF CEMETERIES IN POWYS**

These Regulations are made under powers granted to Powys County Council by Article 3 of the Local Authorities' Cemeteries Order 1977.

#### **DEFINITIONS**

1. In these Regulations: -

“Applicant” is a person other than a funeral director who wishes to arrange a funeral.

“Council” means Powys County Council

“Cemetery” or “Cemeteries” means the Cemeteries belonging to or under the control of Powys County Council.

“Authorised Officer” shall be a person appointed by the Council to act in the Council’s name.

“Space” means the area of land purchased or granted for the burial of a coffin or cremation casket.

“Grave Space” means the area of land in which a coffin has been or will be buried.

“Cremation Space” means the area in which cremated remains have been or will be buried.

“Grave” means an excavation within a space for burial of a coffin without any internal wall brickwork or stonework or any artificial lining.

“Burial” (Interment) means to place in a grave or tomb.

“Memorial” means a permanent structure that serves as a memorial of a person or persons buried.

“Vault” includes underground places of every description, except graves to which the word “grave” interpreted as aforesaid applies.

“Funeral Director” shall be a person appointed by relatives or an agent of the deceased to arrange a funeral.

#### **CONDUCT OF PERSONS IN CEMETERIES**

2. All persons admitted to the cemetery will be subject to these Regulations and any person may be removed from the Cemetery for an infringement thereof.
3. Children under 10 years of age will not be admitted except under the care of a responsible person.

Dogs must be kept on a lead whilst in the cemetery and any dog fouling must be removed by the person in control of the dog.

4. No vehicles shall be parked in cemeteries so as to cause an obstruction. All vehicles within cemeteries shall observe speed limits, where applicable.
5. No person shall: -
  - a) willfully create any disturbance in a cemetery;
  - b) commit any nuisance in a cemetery;
  - c) willfully interfere with any burial taking place in a cemetery;
  - d) willfully interfere with any grave, vault, monument or any flowers or plants or any such articles or property within the cemetery; or
  - e) play at any game or sport in a cemetery.

(Article 18(1), The Local Authorities' Cemeteries Order, 1977)

7. Every person who contravenes any of the provisions in paragraph 6 (a) to (e) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and for a continuing offence to a daily penalty for each day during which the offence continues after conviction.

(Article 19, The Local Authorities' Cemeteries Order, 1977)

## **BURIALS**

8. a) The minimum depths for burials and minimum cover requirements for burials are: -
  - 1<sup>st</sup> burial – minimum depth of 1.95 metres (6 feet).
  - 2<sup>nd</sup> burial – minimum depth of 1.35 metres (4feet)
  - Minimum cover for burials- 900mm (3 feet)
  - The minimum separation between 1<sup>st</sup> and 2<sup>nd</sup> coffin - 150mm (6")

These dimensions are illustrated in the specification for burial depths contained in the Council's Cemetery Procedures.

In exceptional circumstances and only when the Council is satisfied that soil conditions allow, a minimum cover depth of 600mm (2 feet) can be allowed.

- b) All new burials will be up to double depth. No triple depth burials will be permitted in Council Cemeteries.
- c) Funeral Directors or Applicants shall be responsible for burial arrangements ensuring that the relevant memorial (if any) is removed to safety to allow access for grave excavation and reinstatement.
- d) No burial, scattering of ashes, erection of memorial or engraving of additional inscriptions onto monuments shall take place without permission of an Authorised Officer.

- e) Notices of Interment must be accompanied by the Registrar's or Coroner's Certificate of Burial or Certificate from Crematorium.
- f) Exclusive right of burial should be purchased before the first burial takes place. A grave space will be allocated at the discretion of the Council. Charges will be levied in accordance with the Council's fees and charges scheme. A scale of charges and explanatory notes relating to charges can be viewed on request at the local Council Offices.
- g) The exclusive right of burial shall be limited to a period not exceeding 50 years, subject to renewal on application, after 45 years.
- h) Where an exclusive right of burial in a particular space has been purchased, the consent of the owner or his agent to a burial in that space is to be given to the Council with the Notice of Interment. Before an interment takes place the Council will also normally require the grant of exclusive right of burial, or evidence to demonstrate that a legal transfer of exclusive right of burial has been effected.
- i) All appropriate fees shall be paid to the Council prior to the burial or works being carried out and an official Council receipt will then be issued.
- j) A grave or cremation space will be allocated by an Authorised Officer at the time of purchase or application. Spaces within a cemetery will be identified by an Authorised Officer prior to a burial.
- k) A minimum of 3 working days notice of a burial must be given to the Council. Working days do not include Saturdays, Sundays and Bank Holidays. No applications for burials will be received on Saturday, Sunday or Bank Holidays.
- l) In cases of religious need, the Council will consider an interment outside the 3 working days notice period.
- m) Written approval from an Authorised Officer is required prior to the construction of a vault or bricked grave. An Authorised Officer will inspect a vault or brick grave prior to interment to ensure that it is of suitable construction. Persons wishing to construct vaults or bricked grave must make arrangements privately for doing so and bear the expense of such work. Persons wishing to construct a vault or bricked grave must comply with the Council's specification for the work, and be able to demonstrate that they are competent to carry out the work.
- n) No funeral will be allowed to take place on any week day (Monday – Friday) before 09.00 hours or after 14.30 hours in the winter period (1<sup>st</sup> November to 1<sup>st</sup> March) or after 16.00 hours in the summer period (2<sup>nd</sup> March to 31<sup>st</sup> October). On Saturdays no funeral will be allowed to take place before 09:00 hours or after 13:00 hours throughout the year.
- o) No funeral will be allowed to take place on Sundays, Christmas Day, Good Friday and Bank Holidays except in cases of urgency upon the order of the Consultant in Communicable Disease Control.
- p) No excavations in cemeteries are to take place except by the Council's contractor, or Authorised contractor.

- q) A plan of the cemetery showing the situation of each space can be seen at the Council's Shire Offices.

9. **CREMATED REMAINS**

The minimum depth of cover for the burial of cremated remains is 300mm (1'). Cremated Remains will be buried or scattered in a designated area in a cemetery where such an area is available. Cremated remains can be scattered on or buried in an existing grave space on request. The number of burials of cremated remains within a grave space will be at the discretion of the Council.

10. **MEMORIALS**

- a) Owners of the Exclusive Right of Burial may apply to the Council for permission to erect or replace a suitable memorial at the place of burial, subject to the compliance with the remainder of this clause.
- b) Applications shall be made to the Council for permission to erect a memorial or to add an inscription and the appropriate fee paid. Applications to replace a memorial will not be subject to charge. The period allowed for a memorial to remain in place on a grave shall be limited to twenty five years, or, the outstanding balance of 25 years if a replacement memorial is erected.
- c) An application to renew the right for the memorial to remain on a grave will only be considered twenty years or more after the original approval was granted.
- e) Memorials shall not exceed the maximum permitted dimensions (see figure 1 & 2 in the procedures document) and where provision for a flower receptacle is required this shall be incorporated within these dimensions.
- f) The Council reserves the right to request the removal of items placed on a grave because of unsuitability, inappropriateness, or the potential to obstruct ground maintenance activities. If such items are not removed, the Council will remove the items to a secure location for a period of 6 months prior to disposal. The Council reserves the right to recover expenses incurred in the removal of such items.
- g) The following items are not permitted on graves: -  
- Chippings on lawned cemetery areas  
- Windmills or windchimes  
- Fences  
- Lights  
- Ornaments  
- Any item made of china or glass such as vases  
- Any plantings (bushes, trees, pot plants etc.)  
This list is not exhaustive and the Council reserves the right to request the removal of any items placed on graves that are considered to be unsuitable or inappropriate.
- h) Kerbstones are not permitted in lawned cemeteries.
- i) Where kerbstones are permitted, the dimensions must not exceed the maximum permitted dimensions and kerbing must not encroach onto neighbouring graves.

- j) Wooden crosses are permitted subject to being within the size restrictions for memorials and to being kept in good repair.
- k) In all graves after initial settlement has taken place, the ground space shall be made level with the adjoining ground. Raised grave or cremation spaces shall not be permitted in lawned cemeteries.
- l) Where cremated remains are scattered in an area of the cemetery engraved memorial plaques may be fixed on a designated surface, where available, subject to permission from the Council.
- m) Memorials shall not be erected until the natural settlement of the back fill is complete and the area of burial is level with the surrounding ground. This will be at least 6 months from the date of interment. There is no such requirement in respect of cremated remains.
- n) Memorials shall be erected in accordance with the Council's conditions and specifications. Memorials or kerbstones erected without the consent of the Council, or, that fail to comply with the conditions and specifications for memorials, or that fail to be erected in accordance with the memorial application will be removed to a secure location for a period of 6 months prior to disposal. The Council reserves the right to recover expenses incurred in the removal of such items.
- o) Grave owners shall be responsible for the repair and maintenance of memorials in safe condition.
- p) The Council are not responsible for any damage to or theft of memorials caused by a third party.
- q) All memorials in Council cemeteries will be subject to routine safety inspections by Council Officers or Contractors

#### **PUBLIC LIABILITY INSURANCE**

11. All contractors, funeral directors and monumental masons Authorised to work in Council cemeteries, shall possess a current public liability insurance policy, details of which shall be supplied to an Authorised Officer on request.

#### **REVISION OF THE REGULATIONS**

12. The Council reserves the right to revise these Regulations.

## **POLICY FOR THE ADMINISTRATION OF BURIALS IN CEMETERIES CONTROLLED BY POWYS COUNTY COUNCIL**

It is the Council's policy to administer burials in cemeteries controlled by Powys County Council in accordance with procedures and the Regulations for the Management of Cemeteries in Powys adopted by the Council. These procedures and regulations will be regularly reviewed and revised where necessary to ensure that efficient service standards are maintained.

### **PROCEDURES FOR THE ADMINISTRATION OF BURIALS IN POWYS COUNTY COUNCIL'S CEMETERIES**

#### **1. Introduction**

- 1.1 The administration of cemeteries is the responsibility of the Environmental Protection Service of Powys County Council.
- 1.2 The powers to provide and manage cemeteries are governed by Section 214 of, and Schedule 26 to, the Local Government Act 1972 and The Local Authorities' Cemeteries Order 1977. The Council has approved Regulations for the Management of Cemeteries under powers granted to the Council by Article 3 of the Local Authorities' Cemeteries Order 1977.
- 1.3 These procedures have been formulated by representatives of the Environmental Protection Service and apply to the administration of cemeteries throughout Powys.
- 1.4 The preparation of graves and the maintenance of cemeteries is undertaken by either the County Council's Local Environment teams or by Sub Contactors.
- 1.5 It is important that these procedures are followed by all staff involved in the administration of burials in Powys to ensure that an efficient and consistent service is provided.
- 1.6 The administration of burials is to be recorded on the Council's cemetery management computer software system, BACAS.

#### **2.. Burials, Including Interment of Ashes**

- 2.1 Before a burial can take place the funeral director or applicant must submit the following to the Council:-
  - a completed Notice of Interment. **The Notice of Interment form is attached as Appendix 1;**
  - the appropriate fee as prescribed in the Council's Schedule of Fees and Charges;
  - the Certificate of Burial. **The Certificate of Burial is attached as Appendix 2**The completed Notice of Interment must be returned to the Council no less than 3 working days prior to the burial to allow time for grave preparation.

The Certificate of Burial must be forwarded to the Council before the burial can take place.

1.

- 2.2 An allowance of 3 hours must be given between each burial and 2 hours between each interment of ashes.
- 2.3 If the burial is to take place in a new grave, then an application for an Exclusive Right of Burial (ERB) (Appendix 3) must be completed.
- Once approved a Certificate of Exclusive Rights of Burial will be issued together with a covering letter (Appendix 4).
- 2.4 Burials in purchased graves can only be arranged when Exclusive Right of Burial (ERB) is established to the satisfaction of the Council and confirmed by it in writing.
- The Council Officer will check the cemetery plan to confirm the location of the grave.
- 2.5 On receipt of a **Notice of Interment**, the Council Officer shall, as appropriate, check:-
- **the cemetery plan for the location of the grave**
  - **the BACAS software database**
  - **Register of Graves**
  - **Exclusive Right of Burial Register**
  - **Register of Burials (on a re-opening of a grave) to ensure identification of the correct grave ownership and adequate depth for a burial.**
- 2.6 Once a grave is allocated, all burial details must be entered onto the BACAS cemetery software system (BACAS). The cemetery plan must be marked to identify the allocated grave. The Register of Burials and Register of Graves can also be completed with details of the burial at the discretion of the Council Officer.
- 2.7 All burial fees shall be doubled if at the time of death:-
- a person in receipt of state pension has lived outside Powys for more than 10 years;
  - a person not in receipt of a state pension has lived outside Powys for more than 3 years.
- 2.8 The fee for the pre-purchase of an Exclusive Rights of Burial shall be doubled if the person resides outside Powys.
- 2.9 Any fees due in respect of memorials shall be charged at the standard rate for non- Powys residents.
- 2.10 The Council's Regulations for the Management of Cemeteries specify that no triple depth burials will be permitted. In the event that a pre-purchased triple depth grave is recorded on an Exclusive Right of Burial Certificate, then a replacement double grave plot with, where possible, an adjoining single grave plot will be offered .

2.

### **3. Burial Instructions and Procedures**

- 3.1 Once all burial details have been entered onto BACAS, the **Information for Grave Digging Form, attached as Appendix 5**, shall be produced and faxed to the Contractor together with a copy of the marked cemetery plan.
- 3.2 Before the Information for Grave Digging Form is issued, the Council Officer should check records of adjoining graves to avoid placing grave excavations on an adjoining grave on sensitive dates such as birthdays, anniversaries etc.
- 3.3 If a headstone is to be removed from the grave prior to excavation then the appropriate funeral director or applicant shall be informed so that they may arrange for its removal at least 2 days before the interment. A record of this should be maintained on file and recorded on BACAS.
- 3.4 Grave spaces within the cemetery should be identified and marked on site by the Council Officer unless otherwise agreed with the contractor. Once a grave has been dug the Council Officer may check that the grave has been prepared correctly.
- 3.5 The Council Officer will ensure that at least three grave spaces are maintained between graves being excavated on the same day.
- 3.6 The minimum burial depths are detailed in Regulation 8(a) of the Council's Regulations for the Management of Cemeteries and illustrated in **Appendix 6** of these procedures.

#### **4. Payment and the Issuing of Receipts**

- 4.1 On receipt of payment the Council Officer will record the full income code on the reverse of a cheque, where applicable, which will be paid into the Council's cash office. Two receipts are obtained from the cash office. One receipt is given to the Funeral director/Applicant and the other is to be attached to the Interment form which will be filed by the Council Officer.
- 4.2 **Explanatory notes relating to the Council's cemetery charges are contained in Appendix 7.**

#### **5. Memorials**

- 5.1 **All memorial applications must be made on the Application for Grant of Right to Erect and Maintain, or, Add an Inscription on a Memorial Form, attached as Appendix 8.** Payment must be made with the application.
- 5.2 Receipts are to be issued following the same procedure as in paragraph 4.
- 5.3 The Council Officer shall identify the grave on site for the monumental mason, on request.
- 5.4 The block and grave number must be clearly inscribed on the reverse side of the headstone in letters leaded or blackened to correspond with the inscription.
- 5.5 Details of the memorial shall be recorded on BACAS and in the '**Register of Graves and/or Register of Memorials**' at the discretion of the Council Officer.

3.

- 5.6 Memorial applications shall be assessed as to suitability of size, appearance,

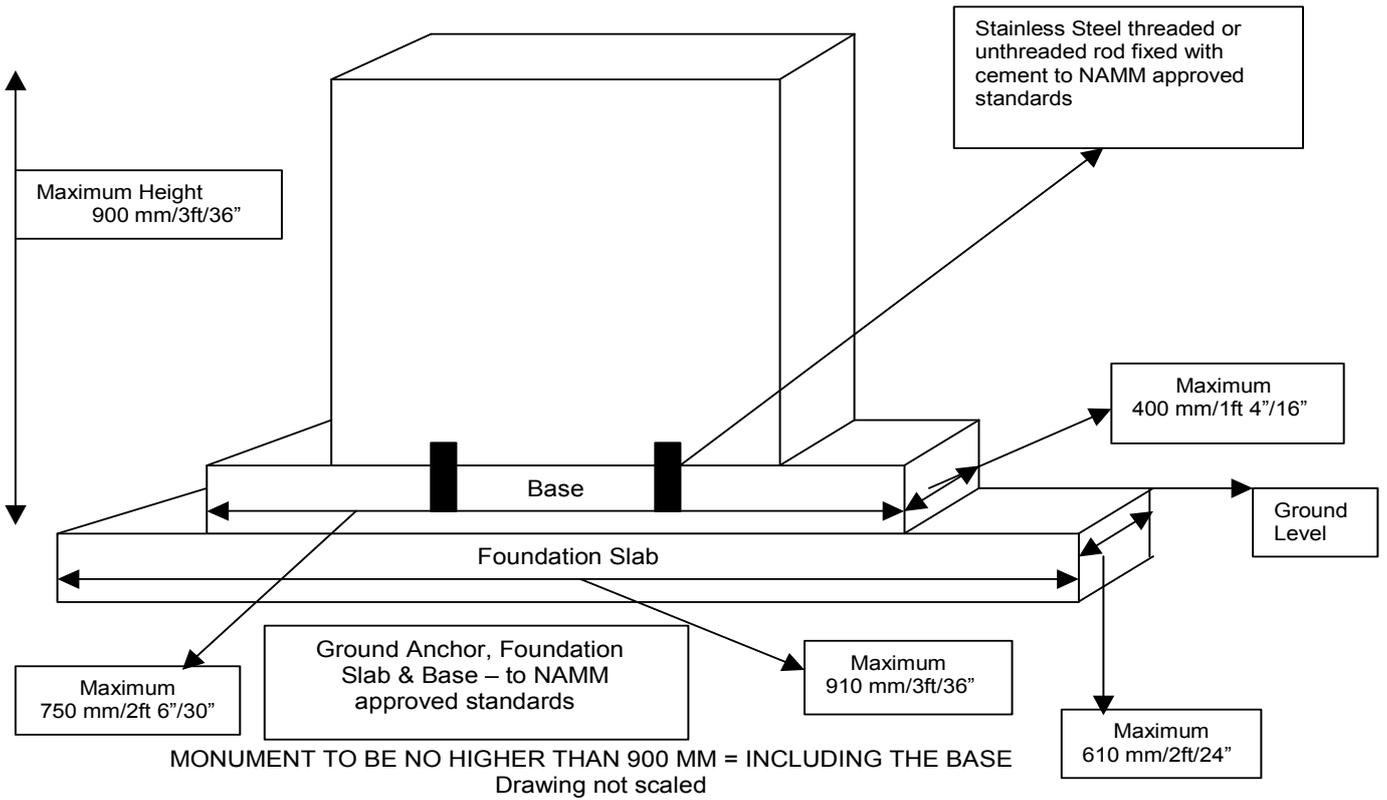
correct and appropriate wording and safety as specified in the 'Council's **Regulations for the Management of Cemeteries**' and in the Conditions and Specifications for memorials as listed below and in Figures 1 & 2.

### Conditions and Specifications for Memorials

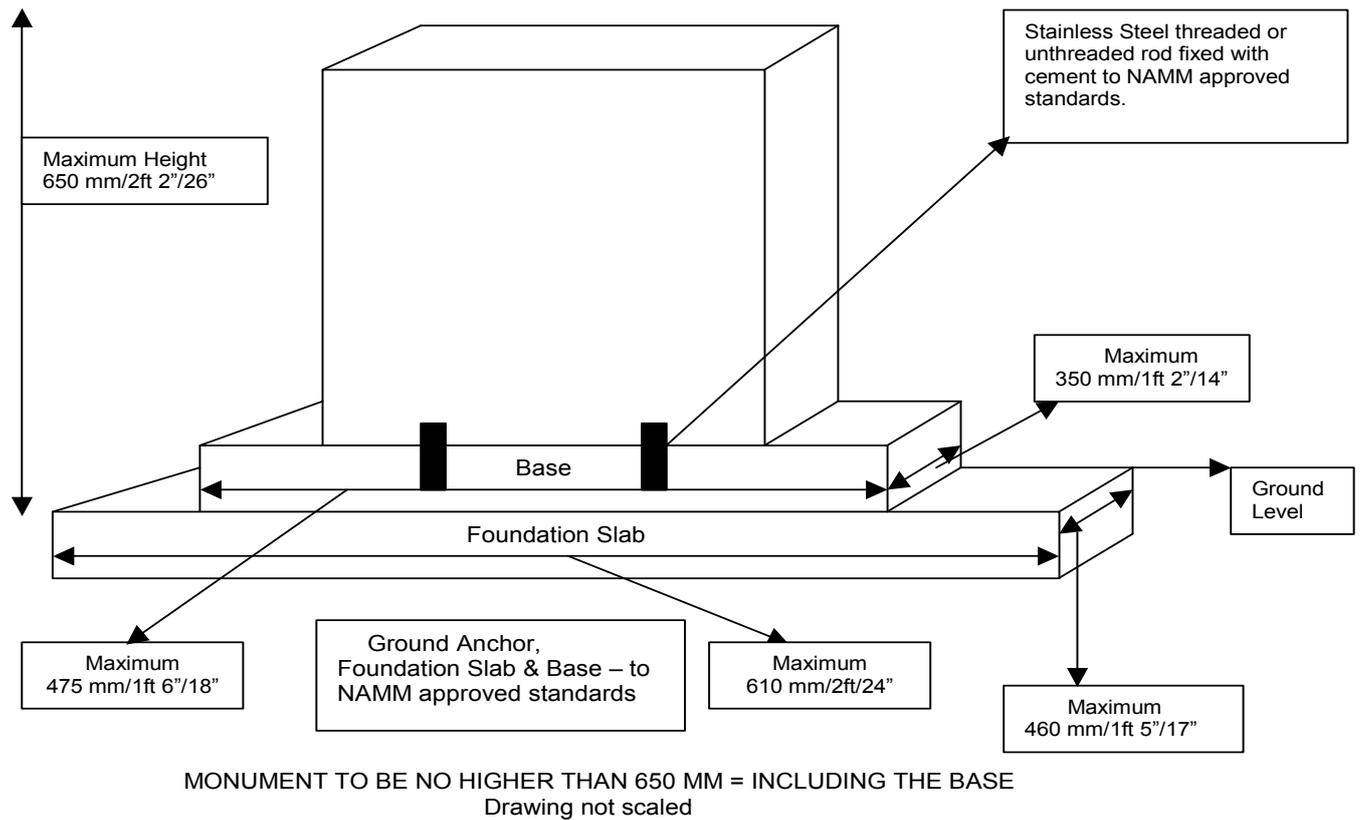
1. Permission for memorials will normally only be granted where an exclusive right of burial has been purchased by the applicant or his agent or the written consent of the owner of the exclusive right of burial has been obtained.
2. The period allowed for a memorial to remain in place on a grave shall be limited to 25 years and subject to renewal after 20 years.
3. Memorials shall comply with the Council's current Cemetery Regulations.
4. The block and grave number must be clearly inscribed on the reverse side of the headstone in letters leaded or blackened to correspond with the inscription.
5. The fees and charges for the erection of memorials, gravestones etc. and for inscriptions are those prescribed in the Authority's current scale of charges; such fees must be paid and the right given before the work is carried out. Cheques to be payable to 'Powys County Council'.
6. No inscription can be allowed for persons not buried in the grave concerned unless a note is included that they are not buried there.
7. The Council can refuse to grant a right to erect a memorial.
8. Memorial headstones shall be doveled and grouted to the plinths. Dowels are to be adequate sized stainless steel threaded or unthreaded rods fixed with cement. Grouting is to be of epoxy resin, cement or arboseal. (Detailed specifications are contained in the current Cemetery Regulations.)
9. Alternative headstone fixing methods to approved NAMM standards are acceptable. Details of the proposed fixing methods must be submitted with the application.
10. Wooden Crosses are permitted subject to being within the size restrictions for memorials and to being kept in good repair.
11. Grave owners shall be responsible for the repair and maintenance of memorials in a safe condition.
12. The Council is not responsible for any damage to or theft of memorials.

**Figure 1**  
Specifications for Memorials

**HEADSTONE FIXING DETAIL**



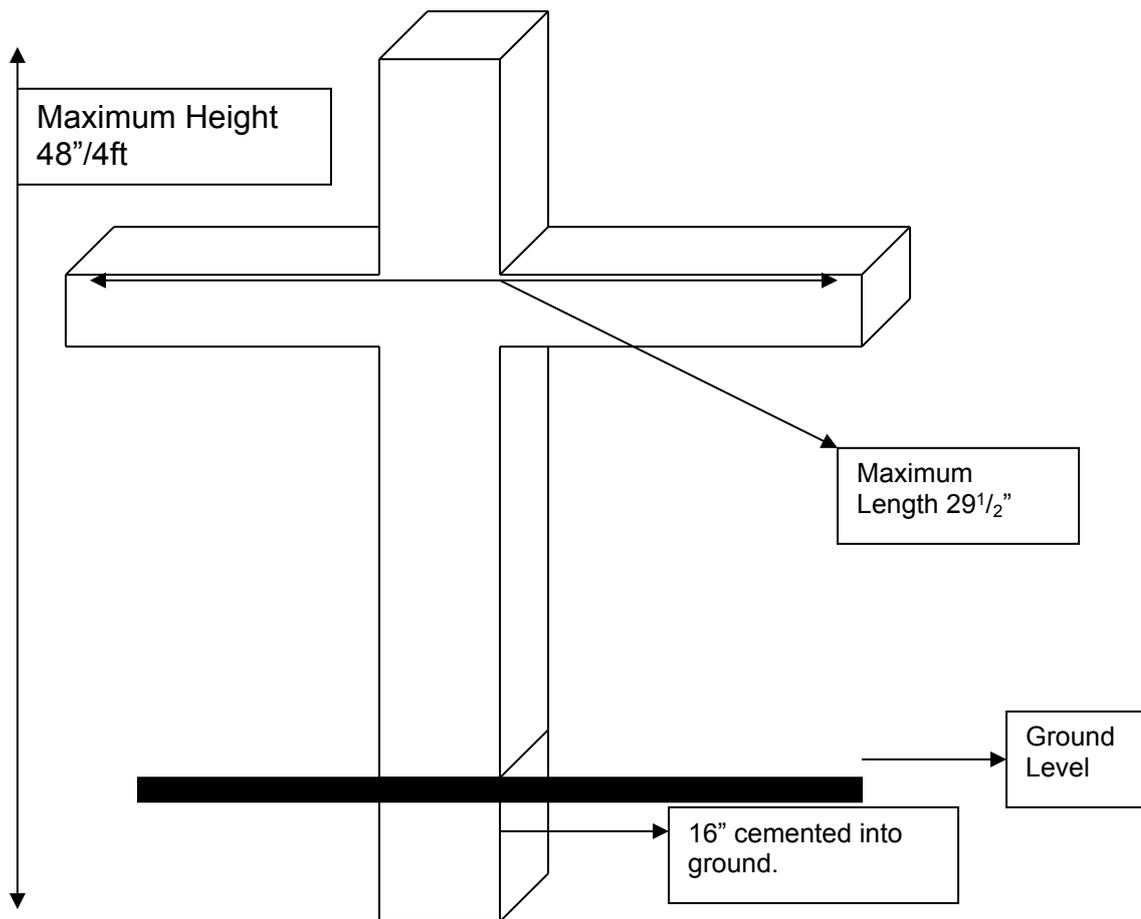
**CREMATION HEADSTONE FIXING DETAIL**



**Figure 2**

Specifications for a Wooden Cross

**WOODEN CROSS FIXING DETAIL**



MONUMENT TO BE NO HIGHER THAN 48 inches / 4 feet or 1200 mm  
Drawing not scaled

- 5.7 Once an application for grant of right for memorial has been considered, the Council Officer will write to the applicant **granting or refusing an application**. These letters are contained in **Appendix 9 (a) (b) & (c)**.
- 5.8 The period allowed for a memorial to remain in place on a grave shall be limited to 25 years subject to renewal after 20 years.
- 5.9 Letters will also be sent to the monumental mason when **granting permission to erect or inscribe memorials**. These letters are contained in **Appendix 6(d) and 9(e)** respectively. If required, a copy of the cemetery plan identifying the grave is to be sent to the monumental mason with these letters.
- 5.10 Letters will be sent to the applicant **refusing the application to erect a memorial or add an inscription on a memorial** where the Council is not satisfied that they have a right to make such an application. These letters are contained in **Appendix 9(f) and 9(g)** respectively.
- 5.11 Once a memorial has been erected or inscribed the monumental mason will notify the Council using either the **Notice of Erection or Inscription on a Memorial** as contained in **Appendix 9(h) and 9(i)** respectively.
- 5.12 Memorials erected without the consent of the Council or that fail to comply with the conditions and specifications for memorials can be removed by the Council if the applicant fails to do so. The Council will recover the costs of removing the memorial from the applicant under section 14 of Local Authority Cemeteries Order 1977. In such cases, the standard letters contained in **Appendix 9(j) and 9(k)** can be sent to applicants, as required.

In the event that the Council removes the memorial, photographs of the memorial will be taken before and after removal. The memorial will be removed to a secure location for a period of 6 months and the applicant will be advised accordingly in writing.

## **6. Documented Procedure for Exhumations**

- 6.1 If an exhumation is requested or required the following procedures should be followed.
- a. The applicant to obtain an 'Application for a licence for the removal of buried human remains (including cremated remains) in England and Wales'. This may be obtained from:  
  
Ministry of Justice  
Coroners & Burials Division  
Civil, Family & Legal Aid Policy Directorate  
102 Petty France  
London SW1H 9AJ
  - b. Once a licence has been granted (there is no charge), the details of the disinterment must be entered on the '**Register of Disinterments Form**' (**Appendix 10**). The licence should be kept in the register.
  - c. A copy of the 'Register of Disinterments Form' and a copy of the licence must then be passed on to the Professional Lead-Environmental Health (Environmental Protection) or Senior Environmental Health Officer.
  - d. An Officer will be delegated to attend the exhumation and a fee levied.
- 6.2 A **guidance leaflet for the public on exhumations** is available and attached as **Appendix 11**.

## **7. Home Burials**

Home burials are not subject to any of the procedures outlined in this document. However, Council Officers will provide advice on home burials and may issue an **advice letter**, as attached in **Appendix 12**.

## **8. Specification for a Walled Grave or Vault**

The Council will allow walled graves or vaults to be constructed on request, which must comply with the **specification** contained in **Appendix 13**. The funeral director or applicant is responsible for the construction of a walled grave or vault following excavations.

## **9. Cemetery Management**

Council officers can request grave owners to remove items on graves that may present safety hazards, interfere with ground maintenance work or because of unsuitability or inappropriateness. A **cemetery management letter** can be used for this purpose and is contained in **Appendix 14**.

**10. Grounds Maintenance**

It is important that regular inspection of all cemeteries are undertaken to identify any hazards or maintenance work requested.

When carrying out inspection, details shall be recorded on the Cemetery Inspection sheet (Appendix 15).

Any significant issues identified during the inspection shall be brought to the attention of the Senior Environmental Health Officer or Professional Lead – Environmental Health (Environmental Protection).

**11. Review of this Policy & Procedures**

This policy and these procedures will be regularly reviewed by the Council.

## APPENDIX 1 – NOTICE OF INTERMENT

**POWYS COUNTY COUNCIL**

**Grant No.  
(for office use only)  
CEMETERY**

**NOTICE OF INTERMENT**

This Notice is to be delivered between the hours of 9 a.m. & 4 p.m. (Monday to Fridays) to the office of Powys County Council, Environmental Health Service, at least three clear days (exclusive of Saturday, Sunday and public holiday) previous to any interment. If the interment is to take place in a vault or bricked grave, then four days' notice must be given.

1. Full name of person to be buried	
2. Occupation of person to be buried	
3. Age of person to be buried	
4. Date of death (Day/Month/Year)	
5. Residence of person to be buried	
6. If not residence, state place where death occurred	
7. Date of Burial (Day/Month/Year)	
8. Time burial at the Cemetery	
9. Name of Officiating Minister & Denomination	
10. Grave Number	
11. Whether in Consecrated or Unconsecrated ground (where applicable)	
12. If the Exclusive Right of Burial is to be purchased, please provide the full name and & address of the person in whose name the Grant is to be made out.	
13. Whether in an Unbricked , Bricked grave or Vault/Cremation Space	
14. Is the Exclusive Right of Burial purchased - If <b>YES</b> - please enter Grant Number & Date of Purchase.	
15. Full name(s) of owner of the Exclusive Right of Burial	
16. If burial to take place is that of anyone other than the owner(s) of the Exclusive Rights of Burial, has permission been granted by the owner(s)? (Please attach written permission)	
17. Proposed Depth, Width & Length of Grave	
18. Grave to be excavated by	
19. Greens to be supplied Yes/No	
20. Name & Address of applicant	
21. Relationship of applicant to deceased	
22. Name & Address of Funeral Director	
23. Amount of fee paid	

Signed ..... Funeral Director/applicant

Print ..... Date .....

## **APPENDIX 1 – NOTICE OF INTERMENT (REAR PAGE)**

### **IMPORTANT NOTES FOR APPLICANTS**

1. Where headstones, kerbs etc. are already in existence, it is the applicants responsibility to arrange for their removal to permit the preparation of the grave.
2. The Certificate for Burial or Cremation (Parts B and C) must be delivered to the Council prior to the interment taking place.

<b><u>TABLE OF FEES</u></b>	
1. Registration of Interment - all persons exceeding 12 years old (no charge for children under 12 years old)	£
2. a) Excavation, filling and re-opening of graves ( adult over 12 years old)	
- Double depth or re-opening	£
- Single depth	£
b) Burial of cremated remains	£
c) Burial of children over 1 month and under 12 years	£
d) Burial of stillborn and children under 1 month	£
3. a) Purchase of exclusive right of burial (adult over 12 years old)	£
b) Purchase of exclusive right of burial – cremated remains	£
c) Purchase of exclusive right of burial – children over 1 month and under 12 years.	£
d) Purchase of exclusive right of burial – stillborn or under 1 month	£
4. Scattering of ashes	£
5. Hire of Chapel	£
NB. Double fees are due in respect of certain persons residing outside Powys.	

Summary of fees payable in respect of this notice:- (Please refer to current table of fees)

1. Registration of Interment	£.....
2. a. Excavation, filling & re-opening of graves	£.....
b. Burial of cremated remains	£.....
c. Burial of children over 1 month and under 12 years	£.....
d. Burial of stillborn and children under 1 month	£.....
3. a. Purchase of exclusive right of burial – adult over 12 years old	£.....
b. Purchase of exclusive right of burial - cremated remains	£.....
c. Purchase of exclusive right of burial – children over 1 month & under 12 years	£.....
d. Purchase of exclusive right of burial – stillborn or under 1 month	£.....
4. Scattering of Ashes	£.....
	<b>Sub Total</b> £.....
5. Residents outside Powys - Double Fees	<b>x 2</b> £.....
6. Hire of Chapel	£.....
	<b><u>Total Payable</u></b> £.....

**Please make cheques payable to Powys County Council**

**APPENDIX 2 – CERTIFICATE OF BURIAL FORM (FRONT PAGE)**

Unless this document is delivered intact to the person mentioned overleaf, the burial or cremation may be delayed.  
 Oni throsgwyddir y ddogfen hon yn gyfan i'r person y cyfeirir ato/i drosodd, gellir gohirio'r gladdedigaeth neu'r amlosgiad.

PART B  
 Births and Deaths Registration Act 1953, s. 24(1)

DIS 28 272464

**CERTIFICATE FOR BURIAL OR CREMATION** (issued after registration) **TYSTYSGRIF AR GYFER CLADDU NEU AMLOSGI** (rhoddyd ar ôl cofrestru)

I, the undersigned registrar, do hereby certify that the death of **Rwyf fi, y cofrestrydd sydd â'm llofnod isod, yma'n tystio bod marwolaeth** }  
 aged ..... who died on .....  
 a oedd yn ..... oed, a fu farw ar .....  
 at .....  
 yn .....

has been registered by me at Entry No. } Date  
 wedi ei cofrestru gennyf dan Gofnod Rhif. } Dyddiad

Signature } (Registrar of Births and Deaths)  
 Llofnod } (Cofrestrydd Genedigaethau a Marwolaethau)

Registration District } Sub-district  
 Dosbarth Cofrestru } Is-ddosbarth

**CERTIFICATE FOR BURIAL** (issued before registration) **TYSTYSGRIF AR GYFER CLADDU** (rhoddyd cyn cofrestru)  
 (This certificate is not available for purposes of Cremation) (Nid yw'r dystysgrif hon ar gael at ddibenion Amlosgi)

I, the undersigned registrar, do hereby certify that the death of **Rwyf fi, y cofrestrydd sydd â'm llofnod isod, yma'n tystio bod hysbysed am farwolaeth** }  
 aged ..... who died on .....  
 a oedd yn ..... oed, a fu farw ar .....  
 at .....  
 yn .....

has been notified to me. } Date  
 wedi ei gyflwyno i mi. } Dyddiad

Signature } (Registrar of Births and Deaths)  
 Llofnod } (Cofrestrydd Genedigaethau a Marwolaethau)

Registration District } Sub-district  
 Dosbarth Cofrestru } Is-ddosbarth

IMPORTANT: If the death has not been registered it must be registered within 14 days of the date on which it happened by a relative of the deceased or by one of the other people required by law to give information.

FWYSIG: Os nad yw'r farwolaeth wedi ei cofrestru mae'n rhaid i berthynas y sawl sydd wedi marw neu un o'r bobl eraill y mae'n ofynnol iddynt yn gyfreithiol i roi gwybodaeth, ei cofrestru o fewn 14 diwrnod i ddyddiad y farwolaeth.

If the burial or cremation is to take place outside England or Wales the Coroner must be notified before the body is moved. The registrar who issued this certificate can provide a form on which to notify the Coroner.

Os bydd y gladdedigaeth neu'r amlosgiad yn cael ei gynnal y tu allan i Gymru neu Loegr mae'n rhaid hysbysu'r Crwner cyn symud y corff. Gall y cofrestrydd a gyflwynodd y dystysgrif ddarparu ffurflen ar gyfer hysbysu'r Crwner.

PART C

DIS 28 272464

**NOTIFICATION OF BURIAL OR CREMATION (see back)**  
**HYSBYSIAD O GLADDIGAETH NEU GORFFLOSGIAD (gweler trosodd)**

Births and Deaths Registration Act 1953, s. 3(1) (Form prescribed by the Registration of Births and Deaths (Welsh Language) Regulations 1987)

This is to notify that the body of **Hyn sydd i hysbysu bod corff** }  
 deceased, who died on ..... at .....  
 yr ymddawedig, a fu farw ar ..... yn .....  
 was buried\*/cremated\* on ..... at .....  
 wedi ei gladdu\*/gorfflosgi\* ar ..... yn .....

Signature } on behalf of }  
 Llofnod } ar rann }  
 Date .....  
 Dyddiad .....

\*Strike out whichever does not apply  
 \*Dylid dileu fel y bo'r achos

## **APPENDIX 2 – CERTIFICATE OF BURIAL FORM (BACK PAGE)**

### **NOTE**

The person to whom this certificate must be delivered is:

- (a) if the body is to be buried,
  - (i) the person by whom or by whose officer the register in which the burial is to be recorded is kept, or
  - (ii) in the case of a burial in a churchyard under the Burial Laws Amendment Act 1880 or Section 4 of the Welsh Church (Burial Grounds) Act 1945, the relative, friend or legal representative of the deceased having the charge of or being responsible for the burial.
- (b) if the body is to be cremated,
  - the medical referee appointed by the cremation authority.

**A certificate for burial, issued before registration of the death, is of no use for the purpose of cremation.**

### **NODYN**

Y person y mae'n rhaid danfon y dystysgrif lion atoli yw:

- (a) os bydd y corff yn cael ei gladdu,
  - (i) y person, neu ei swyddog, sy'n cadw'r gofrestr y cofrestrir y gladdedigaeth ynddi
  - (ii) yn achos claddedigaeth mewn mynwent dan Ddeddf Diwygio +Cyfreithiau Claddu 1880 neu Adran 4 Deddf Eglwys Cymru (Claddfeydd) 1945, perthynas, eyfaill neu gynrychiolydd cyfreithiol y sawl a fu farw sydd A gofal am y gladdedigaeth a chyfrifoldeb amdani.
- (b) os bydd y corff yn cael ei amlosgi,
  - y canolwr meddygol a benodwyd gan yr awdurdod amlosgi.

**Nid yw dystysgrif claddu, a roddwydd cyn cofrestru'r farwolaeth, o unrhyw fudd at ddiiben amlosgi.**

---

#### NOTE TO PART C

On the burial or cremation of the body of the deceased person to whom this certificate relates, the person effecting the burial, or in the case of cremation, the Registrar of the Crematorium, must within 96 hours fill up the Form of Notification on the other side (Part C), detach it from Part B and send it to the Registrar of Births and Deaths by whom the certificate was given. The certificate itself (Part B) should be retained by the person effecting the burial, etc. (See Note to Part B). The Part C of this certificate must not be used to notify the burial or cremation of any body except that of the deceased person to whom the certificate relates.

NAME AND ADDRESS OF REGISTRAR  
ENW A CHYFEHUAD Y COFRESTRYDD

#### NODYN AR GYFER RHAN C

Wrth gladdu neu amlosgi corff y sawl a fu farw yr ymwna'r dystysgrif hon ag ef/i/W, mae'n rhaid i'r person sy'n cynnal y gladdedigaeth, neu yn achos arfflosgiad, Gofestrydd yr Arfflosgfa, gwbiau'r Ffurflen Hysbysu ar yr ochr arall (Rhan C), ci thorri oddi wrth Rhan B a'i gyrru at y Cofrestrydd Genedigaethau a Marwolaethau a roddodd y dystysgrif, a hynny cyn pen 96 awr. Dylai'r person sy'n cynnal y gladdedigaeth etc. gadw'r dystysgrif ei hun (Rhan B). (Gweler nodyn i Rhan B). Ni ddylid defnyddio Rhan C y dystysgrif hon i hysbysu claddedigaeth neu amlosgiad unrhyw gorff ae cithrio claddedigaeth neu amlosgiad y person hwnnw a fu farw yr ymwna'r dystysgrif ag cf/hi.



**CYNGOR SIR POWYS COUNTY COUNCIL  
ENVIRONMENTAL HEALTH SERVICE**

**APPLICATION TO PURCHASE AN EXCLUSIVE RIGHT OF BURIAL**

Name of Cemetery: \_\_\_\_\_

Application in respect of Burial Plot Reference No: \_\_\_\_\_

Full Name(s) of Applicant(s): (1) \_\_\_\_\_

(Please include Title: Mr, Mrs, Miss etc.) (2) \_\_\_\_\_

(i.e. person(s) to be granted Exclusive Right of Burial Certificate)

Address(es) of Applicant(s) (1) \_\_\_\_\_

\_\_\_\_\_  
(2) \_\_\_\_\_

(1) Telephone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

(2) Telephone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Signature (1) \_\_\_\_\_

Signature (2) \_\_\_\_\_

Date of Application: \_\_\_\_\_

Purchase of Exclusive Right of Burial Fee £ \_\_\_\_\_

(Cheques made payable to Powys County Council)

---

**FOR OFFICE USE:**

Appropriate Fee Received £ \_\_\_\_\_ Receipt No: \_\_\_\_\_

Account No: \_\_\_\_\_ Date: \_\_\_\_\_

ERB Certificate No: \_\_\_\_\_ Date of issue: \_\_\_\_\_

Included on Plan: \_\_\_\_\_ Included in Fees Book: \_\_\_\_\_

Included on Index: \_\_\_\_\_ Included on RPG: \_\_\_\_\_



# Grant of Exclusive Right of Burial

The Powys County Council in pursuance of the Local Government Act 1972 and all other enabling powers, and in consideration of the fee specified in the first column of the schedule hereto (the receipt of which is hereby acknowledged) DO HEREBY GRANT to the person(s) named in the second column of the Schedule (the Grantee(s) ) the exclusive right of burial and interment in the grave space specified in the third column of the schedule and identified on the cemetery plan in the possession of the Council.

To hold the same unto the Grantee for the term of 50 Years from the date specified in the fourth column of the schedule for the purpose of burial, subject to such regulations made by the Council as may be in force for the cemetery in respect of which the grant is made.

It is hereby certified that the transaction hereby effected does not form part of a larger transaction or a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds £60,000.

Dated the

## THE SCHEDULE

Page 42

GRANT NUMBER	NAME AND ADDRESS OF GRANTEE	GRAVE SPACE	TERM COMMENCES
FEE PAID			

Signed on behalf of Powys County Council ..... Authorised Officer of the Council

PURCHASE OF A GRAVE  Double/Single Depth or 'for Cremated Remains'
---

**This Grant of Exclusive Right of Burial must be produced whenever the grave is required to be re-opened.**

## **APPENDIX 4 – LETTER TO BE SENT WITH THE EXCLUSIVE RIGHT OF BURIAL**

**Sue Bolter**

*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

**Gwasanaeth Iechyd yr Amgylchedd/  
Environmental Health Service**

*Ffôn / Tel :* \*

*Ffacs / Fax :* \*

*E-bost / E-mail :* \*

*Eich cyf / Your ref :*

*Ein cyf / Our ref :* PP\*

*Dyddiad / Date :* \*

*Os yn galw gofynnwch am /*  
If calling please ask for: \*

Dear

### **\* CEMETERY - GRAVE NO. \***

Please find enclosed for your retention, the grant of exclusive right of burial for the above grave space. This confers upon you and any person with your permission, the exclusive right to be buried in that grave space, but does **not** authorise you to construct any memorial on the grave without the prior written consent of the Council.

As the owner(s) of the exclusive rights of burial of the above grave space you are advised that this now forms part of your estate and if you choose not to leave a 'Last Will and Testament' bequeathing the said exclusive rights of burial, then in the absence of any legal documents e.g. Grant of Probate or Grant of letters of Administration (these documents are used to establish ownership of the exclusive rights of burial) a Statutory Declaration or other documentation will be required to transfer ownership.

You are reminded that, should you or any named person on the Exclusive Right of Burial change any details registered with the Council in respect of the said grant or if the grave is to be transferred to another person, you should notify the Environmental Health Service immediately so that the Council's records can be amended.

You are advised that memorials allowed in the Council's cemeteries include headstones and horizontal slabs. Restrictions may apply to any other form of memorial. If you wish to obtain consent to erect a memorial, you should contact the Environmental Health Service who will advise on the procedure for making an application. Alternatively a Monumental Mason may act on your behalf.

Please note the following extracts from the Council's Regulations for the Management of Cemeteries concerning restrictions on items that can be placed on a grave:

The Council reserves the right to request the removal of items placed on a grave because of unsuitability, inappropriateness, or the potential to obstruct ground maintenance activities.

#### **The following items are not permitted on graves: -**

- **Chippings on lawned cemetery areas**
- **Windmills or windchimes**
- **Fences**
- **Lights**
- **Ornaments**
- **Any item made of china or glass such as vases**

On rare occasions it may be necessary to place excavations from adjoining graves onto this grave to facilitate grave digging. The Council will ensure that the grave is suitably protected and returned to its original condition on completion of back filling of the excavated grave.

Responsibility for the maintenance and repair of any memorial placed on the above grave is yours. The Council inspects memorials to ensure safety within the cemetery. During this time if the memorial is found to be in need of repair or is unsafe the Council will inform you in writing. Please note that if the memorial is found to be in a dangerous condition the Authority will act to make the structure safe and then advise you of our actions.

The Council would like to take this opportunity to recommend that you take out an insurance policy to cover the memorial for accidental damage. This will ensure that you have peace of mind should the memorial be damaged. The Council do not hold themselves responsible for any damage or theft of or to memorials.

We would suggest that you contact your insurance company or, alternatively, advice can be given by the Funeral Director or Monumental Mason making arrangements for you.

Please do not hesitate to contact me if I can assist you further.

Yours sincerely

**APPENDIX 5**



**INFORMATION FOR GRAVE DIGGING**

Cemetery: \_\_\_\_\_

Section: \_\_\_\_\_ Grave: \_\_\_\_\_

Deceased Name: \_\_\_\_\_

Date of Interment: \_\_\_\_\_ Time: \_\_\_\_\_

Burial Type: \_\_\_\_\_

Opening Type: \_\_\_\_\_ Grave Type: \_\_\_\_\_

Container: \_\_\_\_\_

Grave Size: Length: \_\_\_\_\_ Width: \_\_\_\_\_ Depth: \_\_\_\_\_

Funeral Director: \_\_\_\_\_

Person Providing Information: \_\_\_\_\_ Telephone: \_\_\_\_\_

Burial Notes: \_\_\_\_\_

Grave Notes: \_\_\_\_\_

Official Order No: \_\_\_\_\_

Interment Details: \_\_\_\_\_

Burial Date	Burial Number	Container	Deceased Name	Deceased Age

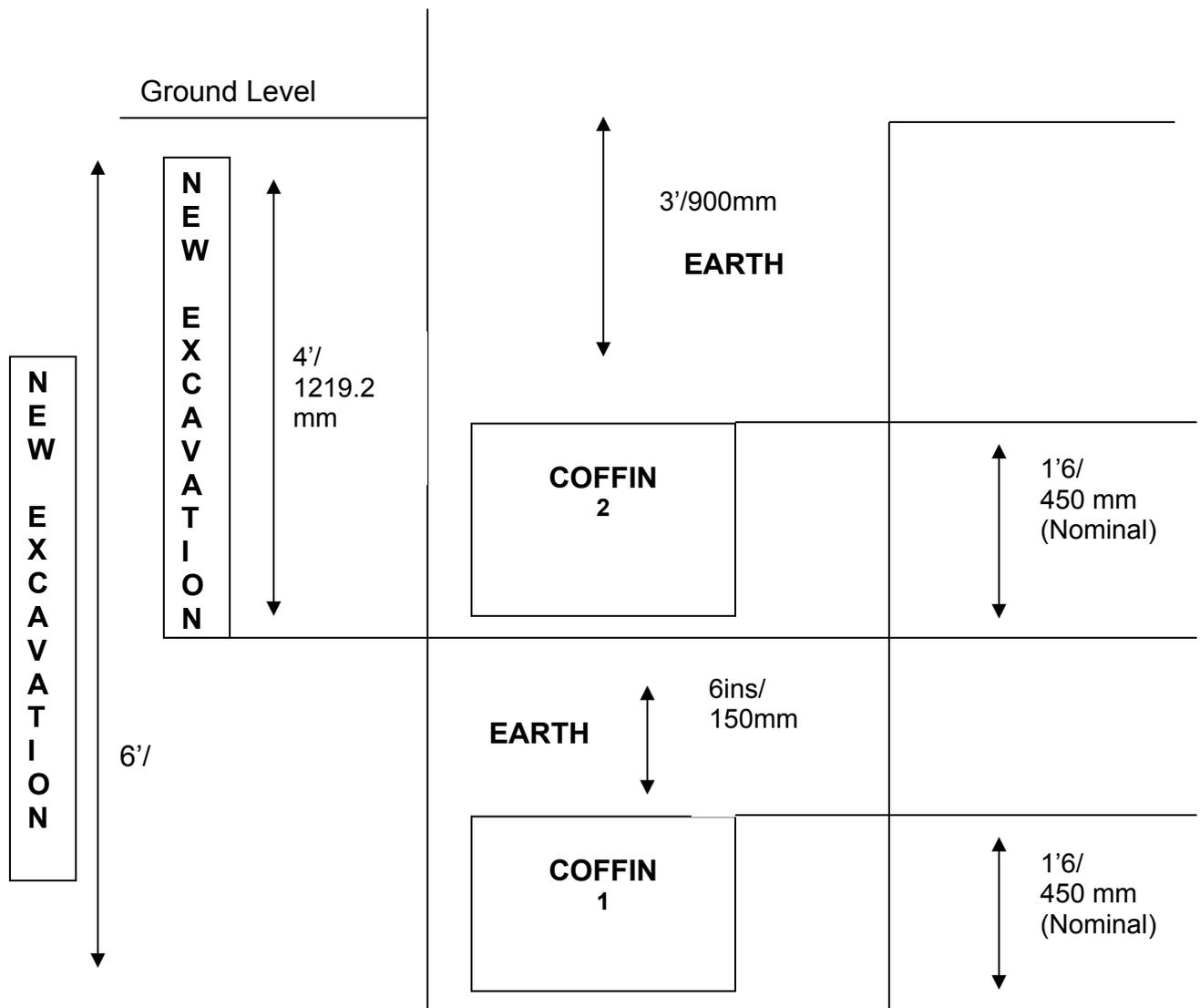
Signature of Officer completing form.....

Name of Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Confirmation and Orders should be faxed and then original order sent, if required.

IMPORTANT – Attach Grave Plan

**Minimum Burial Depths**



NB. Graves that are marked out in new areas of cemeteries e.g. extensions, shall be 9ft length by 4ft wide.

## **Explanatory Notes Relating to Powys County Council's Cemetery Charges**

### Exclusive Right of Burial Fee

#### a) Burial

The purchase of a grave space grants exclusive rights of burial for 50 years in a designated grave space for the owner and subject to the consent of the owner, or his agent, for the burial of others. A total of two burials, depending on the depth of the first burial, may be made. In addition cremated remains may be interred on application to the Council. The exclusive right of burial fee covers the cost of maintenance of the cemetery and regular inspection of memorials, but excludes maintenance of memorials.

#### b) Cremated Remains

The purchase of a Cremated Space grants exclusive rights of burial for 50 years in a designated space for the owner and subject to the consent of the owner, or his agent, for the burial of others. The number of burials to be at the discretion of the Council. The exclusive right of burial fee covers the cost of maintenance of the cemetery and regular inspection of memorials, but excludes maintenance of memorials.

### Registration of Burial Fee

A fee is payable in every instance where a burial or the scattering of ashes is required. This fee covers the costs of the administration of records.

### Excavation Fee

This fee is payable to the Council for burial excavations, it is a fee to cover the cost of excavation, grave preparation, back filling and removal of spoil.

### Memorial Registration Fee

This is a fee to cover the cost of registration of memorials, checking burial records, identification and location of a grave space.

### Exhumation Fees at Council Cemeteries

These fees cover the registration of disinterment, attendance at the scene of an exhumation & ground contractors charges. If a re-interment of the deceased is to take place at a Council cemetery interment fees will be payable. (The funeral director or applicant will be responsible for the costs of obtaining a licence to Remove Human Remains, excavation, screening and back filling).



**CYNGOR SIR POWYS COUNTY COUNCIL  
ENVIRONMENTAL HEALTH SERVICE**

**APPLICATION FOR GRANT OF RIGHT TO ERECT, REPLACE & MAINTAIN,  
OR ADD AN INSCRIPTION ON A MEMORIAL**

**DETAILS OF MONUMENTAL MASON**

Name \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_

Tel No \_\_\_\_\_

---

**GRAVE DETAILS**

**Full Name of Deceased:** \_\_\_\_\_

**Cemetery** \_\_\_\_\_ **Grave No.** \_\_\_\_\_

**Exclusive Right of Burial Grant No.** \_\_\_\_\_

**Full Name & Address of Owner of Exclusive Right of Burial**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

---

**MEMORIAL DETAILS**

**Describe proposed Memorial (in full)**

**Nature of Material** \_\_\_\_\_ **Height of Headstone** \_\_\_\_\_

**Size of Kerbs** \_\_\_\_\_ **Width of Headstone** \_\_\_\_\_  
(In cemeteries with existing kerbs)

**Dowel thickness** \_\_\_\_\_ **Dowel length** \_\_\_\_\_

---

**Sketch of the Proposed Memorial & Proposed Inscription**

**APPENDIX 8 (Page 2)**

**DETAILS OF APPLICANTS** (please delete as applicable)

I/We \_\_\_\_\_

of \_\_\_\_\_

**Relationship to deceased** \_\_\_\_\_

Hereby apply for a grant of right to (erect & maintain) (add an inscription on) the memorial - particulars of which are set out on previous sheet.

**I enclose the appropriate fee(s) of £.....**

(Please refer to current Scale of Charges and Condition 5 below).

I/We **DECLARE** that

(Please delete as appropriate)

- I am/we are the owners of the exclusive right of burial in respect of the above mentioned grave or vault.
- I am acting on behalf of the owner of the exclusive right of burial and agree to accept responsibility for the maintenance of the memorial.
- I am acting as an executor of the deceased's estate and will not be taking on responsibility for the maintenance of the memorial.

**Print name(s) in full & signature of all registered owners/applicants/executor(s)**

**Print Name** \_\_\_\_\_ **Signed** \_\_\_\_\_

**Date** \_\_\_\_\_

**Address** \_\_\_\_\_

I the Monumental Mason have read & understood the Powys County Council regulations & agree to abide by them. I hereby confirm that the work will be/has been carried out in accordance with the Council's conditions and specifications.

**Print Name** \_\_\_\_\_ **Signed** \_\_\_\_\_

**Date** \_\_\_\_\_

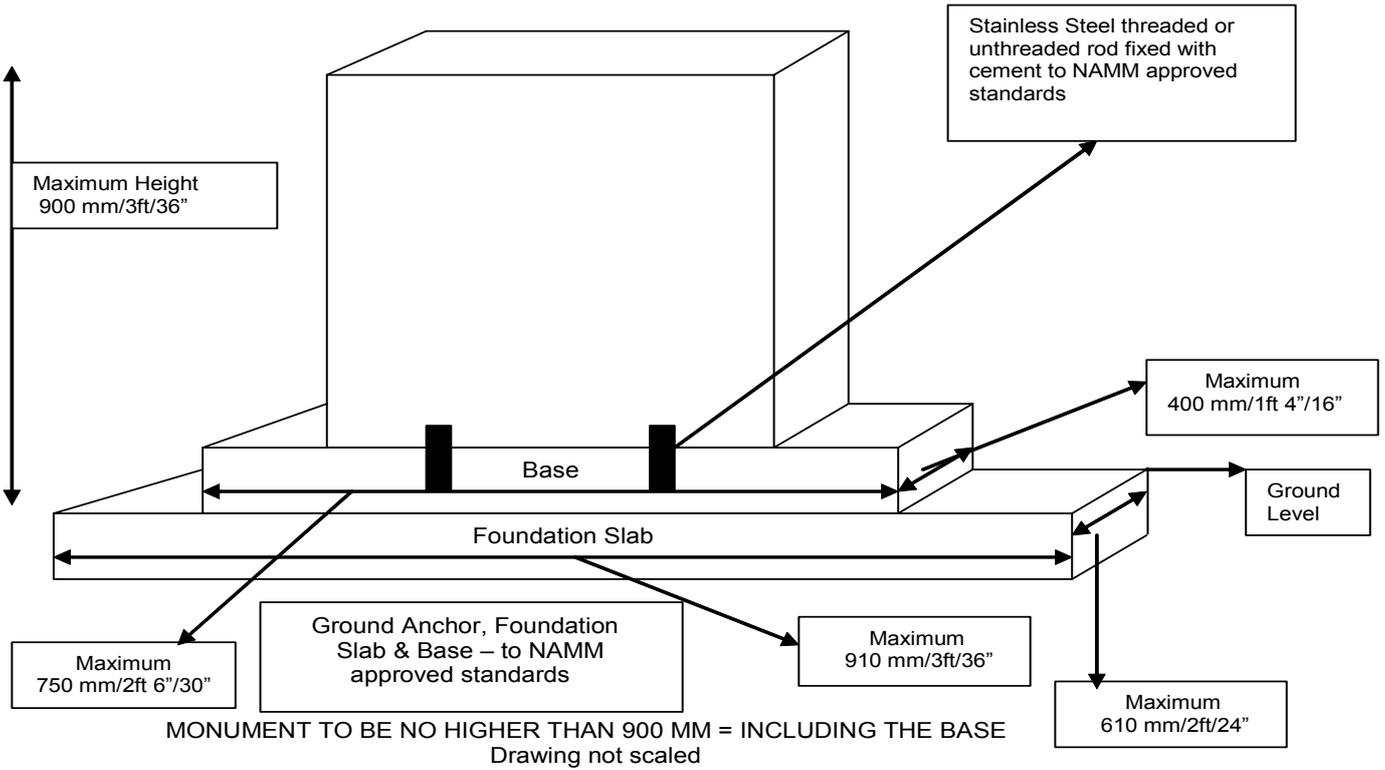
**Note – The block and grave number must be inscribed on all memorials.**

**Conditions and Specifications**

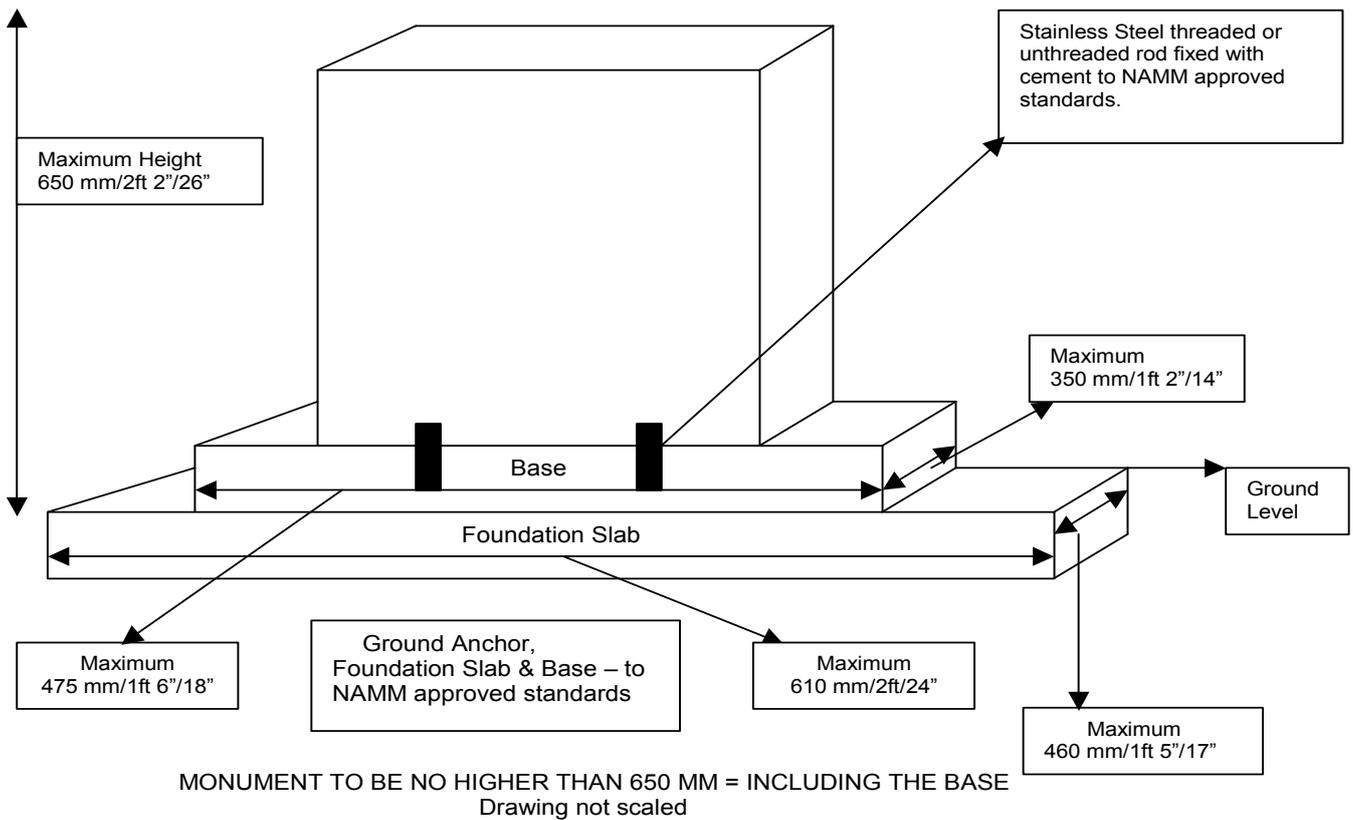
1. Permission for memorials will normally only be granted where exclusive right of burial has been purchased by the applicant or his agent or the written consent of the owner of the exclusive right of burial has been obtained.
2. The period allowed for a memorial to remain in place on a grave shall be limited to 25 years and subject to renewal after 20 years.
3. Memorials shall comply with the Council's current Cemetery Regulations.
4. The block and grave number must be clearly inscribed on the reverse side of the headstone in letters leaded or blackened to correspond with the inscription.
5. The fees and charges for the erection of memorials, gravestones etc. and for inscriptions are those prescribed in the authority's current scale of charges; such fees must be paid and the right given before the work is carried out. Cheques to be payable to 'Powys County Council'.
6. No inscription can be allowed for persons not buried in the grave concerned unless a note is included that they are not buried there.
7. The Council can refuse grant of right to erect a memorial.
8. Memorial headstones shall be doweled and grouted to the plinths. Dowels are to be adequate sized stainless steel threaded or unthreaded rods fixed with cement. Grouting is to be of epoxy resin, cement or arboseal. (Detailed specifications are contained in the current Cemetery Regulations).
9. Alternative headstone fixing methods to approved NAMM standards are acceptable, details of the proposed fixing methods must be submitted with this application.
10. Wooden Crosses are permitted subject to being within the size restrictions for memorials and to being kept in good repair.
11. Grave owners shall be responsible for the repair and maintenance of memorials in safe conditions.
12. The Council are not responsible for any damage to or theft of memorials.

Specifications for Memorials

**HEADSTONE FIXING DETAIL**



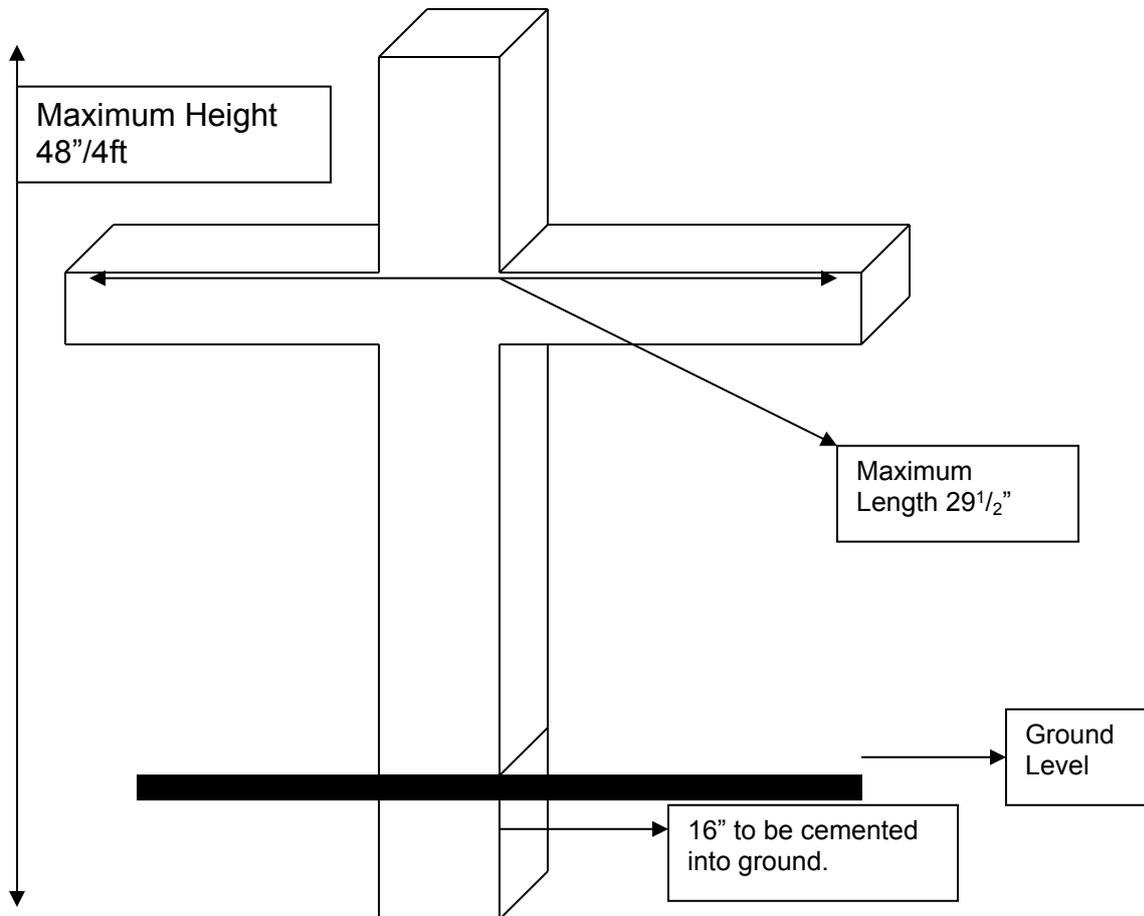
**CREMATION HEADSTONE FIXING DETAIL**



**Appendix 8 (page 4)**

**Specifications for a Wooden Cross**

**WOODEN CROSS FIXING DETAIL**



MONUMENT TO BE NO HIGHER THAN 48 inches / 4 feet or 1200 mm  
Drawing not scaled

---

Please return the completed application to:- (deleted as appropriate)

Neuadd Maldwyn  
Severn Road  
Welshpool  
Powys  
SY21 7AS  
01938 551120

The Gwalia  
Ithon Road  
Llandrindod Wells  
Powys  
LD1 6AA  
01597 827368

Neuadd Brycheiniog  
Cambrian Way  
Brecon  
Powys  
LD3 7HR  
01874 612252

## **APPENDIX 9(a) - CONSENT TO ERECT A MEMORIAL**

**Sue Bolter**  
*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

**Gwasanaeth Iechyd yr Amgylchedd/  
Environmental Health Service**

*Ffôn / Tel :* \*  
*Ffacs / Fax :* \*  
*E-bost / E-mail :* \*  
*Eich cyf / Your ref :*  
*Ein cyf / Our ref :* PP\*  
*Dyddiad / Date :* \*

*Os yn galw gofynnwch am /*  
If calling please ask for: \*

Dear

### **GRANT OF RIGHT TO ERECT A MEMORIAL AT \* CEMETERY, GRAVE NO. \***

I write with respect to your recent application to erect a memorial in \* cemetery.

The description, details and drawing of the memorial contained within the application comply with the Powys County Council Regulations and consent is thereby given by the Council for the memorial to be erected.

\* who applied on your behalf has been advised of the Council's decision.

The period allowed for a memorial to remain in place on a grave shall be limited to 25 years and subject to renewal after 20 years. The Council has adopted this policy in the interests of memorial safety, so that it may be easier to keep in contact with owners of Exclusive Rights of Burial who are responsible for the maintenance and repair of their memorials.

Please be advised that you are responsible for the maintenance and repair of any memorial placed on the above grave. The Council inspects memorials to ensure safety within the cemetery. During this time if the memorial is found to be in need of repair or is unsafe the Council will attempt to inform you in writing. Please note that if the memorial is found to be in a dangerous condition the Authority will act to make the structure safe and then advise you of the actions taken.

The Council would like to take this opportunity to recommend that you take out an insurance policy to cover the memorial for accidental damage. This will ensure that you have peace of mind should the memorial be damaged. The Council do not hold themselves responsible for any damage to or theft of memorials.

We would suggest that you contact your insurance company or, alternatively, advice can be given by the undertaker or monumental mason making arrangements for you.

Should you require any further advice or information, please do not hesitate to contact me at this office.

Yours sincerely

**APPENDIX 9(b) - CONSENT TO ADD AN INSCRIPTION ON AN EXISTING MEMORIAL**

**Sue Bolter**  
*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

**Gwasanaeth Iechyd yr Amgylchedd/  
Environmental Health Service**

*Ffôn / Tel :* \*  
*Ffacs / Fax :* \*  
*E-bost / E-mail :* \*  
*Eich cyf / Your ref :* \*  
*Ein cyf / Our ref :* \*  
*Dyddiad / Date :* \*

*Os yn galw gofynnwch am /*  
If calling please ask for: \*

Dear

**GRANT OF RIGHT TO ADD AN INSCRIPTION ON AN EXISTING MEMORIAL AT  
\* CEMETERY, GRAVE NO. \***

I write with respect to your recent application to add an inscription to an existing memorial in \* cemetery .

The description and details of the inscription contained within the application comply with the Powys County Council Regulations and consent is thereby given by the Council for the memorial to be inscribed.

\* who applied on your behalf has been advised of the Council's decision.

Please be advised that you are responsible for the maintenance and repair of any memorial placed on the above grave. The Council inspects memorials to ensure safety within the cemetery. During this time if the memorial is found to be in need of repair or is unsafe the Council will attempt to inform you in writing. Please note that if the memorial is found to be in a dangerous condition the Authority will act to make the structure safe and then advise you of the actions taken.

The Council would like to take this opportunity to recommend that you take out an insurance policy to cover the memorial for accidental damage. This will ensure that you have peace of mind should the memorial be damaged. The Council do not hold themselves responsible for any damage to or theft of memorials.

We would suggest that you contact your insurance company or, alternatively, advice can be given by the undertaker or monumental mason making arrangements for you.

Should you require any further advice or information, please do not hesitate to contact me at this office.

Yours sincerely

**APPENDIX 9(c) - REFUSAL TO ERECT or ADD AN INSCRIPTION ON A MEMORIAL**  
**- LISTED REASONS**

**Sue Bolter**  
*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

**Gwasanaeth Iechyd yr Amgylchedd/  
Environmental Health Service**

*Ffôn / Tel :* \*  
*Ffacs / Fax :* \*  
*E-bost / E-mail :* \*  
*Eich cyf / Your ref :*  
*Ein cyf / Our ref :* PP\*  
*Dyddiad / Date :* \*

*Os yn galw gofynnwch am /*  
If calling please ask for: \*

Dear

**RE: REFUSAL OF RIGHT TO ERECT/ADD AN INSCRIPTION ON A MEMORIAL**  
**AT \* CEMETERY, GRAVE NO. \***

An application to (erect/add an inscription on) (a/the) Memorial in the name of \* in \* cemetery was received by this Department on \*.

I regret to inform you that your application is refused on the following grounds:-

- The memorial does not fall within the Council's height restrictions contained within the Council's Cemetery Regulations.
- The material to be used to construct the memorial does not fall within the Council's Cemetery Regulations.
- The wording is not deemed fitting and may be offensive to others.
- The details of the registered owner of the Exclusive Rights of Burial held within the Council's records differ to those given on the application form.
- The type (kerbing/fencing etc.) of memorial applied for is not permitted in Council Cemeteries.
- The dowel length/width is not sufficient for the size of the memorial applied for.

\* Monumental Mason has applied on your behalf has been advised of the Council's decision.

If you wish to discuss this matter further please contact \* on the above number.

Yours sincerely

**APPENDIX 9(d) – LETTER TO MASON GRANTING PERMISSION TO ERECT A MEMORIAL**

**Sue Bolter**  
*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

**Gwasanaeth Iechyd yr Amgylchedd/  
Environmental Health Service**

*Ffôn / Tel :* \*  
*Ffacs / Fax :* \*  
*E-bost / E-mail :* \*  
*Eich cyf / Your ref :*  
*Ein cyf / Our ref :* PP\*  
*Dyddiad / Date :* \*

*Os yn galw gofynnwch am /*  
If calling please ask for: \*

Dear

**GRANT OF RIGHT TO ERECT A MEMORIAL AT  
\* CEMETERY, GRAVE NO. \***

I write with respect to your recent application to erect a memorial in \* cemetery.

The application for the erection of the memorial for the grave has been approved, and you are now at liberty to proceed with the work, providing that the memorial complies with the Council's conditions and specifications in respect of memorials.

If not already present, could you please inscribe clearly on the reverse of the headstone the grave number in letters leaded or blacked to correspond with the inscription.

Please find enclosed a memorial erection form which should be completed and returned to the above address on completion of the work.

Yours sincerely

**APPENDIX 9(e) – LETTER TO MASON GRANTING PERMISSION TO ADD AN INSCRIPTION ON AN EXISTING MEMORIAL**

**Sue Bolter**  
*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

**Gwasanaeth Iechyd yr Amgylchedd/  
Environmental Health Service**

*Ffôn / Tel :* \*  
*Ffacs / Fax :* \*  
*E-bost / E-mail :* \*  
*Eich cyf / Your ref :*  
*Ein cyf / Our ref :* PP\*  
*Dyddiad / Date :* \*

*Os yn galw gofynnwch am /*  
If calling please ask for: \*

Dear

**GRANT OF RIGHT TO ADD AN INSCRIPTION ON AN EXISTING MEMORIAL AT\*  
CEMETERY, GRAVE NO. \***

I write with respect to your recent application to add an inscription to an existing memorial in \* cemetery.

The design of and inscription for the memorial for the grave has been approved, and you are now at liberty to proceed with the work, providing that the memorial complies with the Council's conditions and specifications in respect of memorials.

If not already present, could you please inscribe clearly on the reverse of the headstone the grave number in letters leaded or blackened to correspond with the inscription.

Please find enclosed a memorial inscription form which should be completed and returned to the above address on completion of the work.

Yours sincerely

**APPENDIX 9(f) – REFUSAL TO ERECT A MEMORIAL – NOT NAMED ON ERB**

**Sue Bolter**  
*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

**Gwasanaeth Iechyd yr Amgylchedd/  
Environmental Health Service**

*Ffôn / Tel :* \*  
*Ffacs / Fax :* \*  
*E-bost / E-mail :* \*  
*Eich cyf / Your ref :*  
*Ein cyf / Our ref :* PP\*  
*Dyddiad / Date :* \*

*Os yn galw gofynnwch am /*  
*If calling please ask for:* \*

Dear

**RE: APPLICATION TO ERECT MEMORIAL AT**  
**\* CEMETERY GRAVE NO \***

I write with respect to your recent application to erect a memorial in \* Cemetery.

Our records show that you are not named on the grant of exclusive right of burial. The owner(s) of the exclusive right of burial are the only persons who can request works to be carried out at the grave.

If you feel you may be entitled to ownership of the grave you should contact me at the above address to discuss the matter further.

Yours sincerely

**APPENDIX 9(g) – REFUSAL TO ADD AN INSCRIPTION ON A MEMORIAL – NOT NAMED ON ERB**

**Sue Bolter**  
*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

**Gwasanaeth Iechyd yr Amgylchedd/  
Environmental Health Service**

*Ffôn / Tel :* \*  
*Ffacs / Fax :* \*  
*E-bost / E-mail :* \*  
*Eich cyf / Your ref :*  
*Ein cyf / Our ref :* PP\*  
*Dyddiad / Date :* \*

*Os yn galw gofynnwch am /*  
If calling please ask for: \*

Dear

**RE: APPLICATION TO ADD AN INSCRIPTION ON AN EXISTING MEMORIAL AT\* CEMETERY GRAVE NO \***

I write with respect to your recent application to add an inscription to an existing memorial in \* Cemetery..

Our records show that you are not named on the grant of exclusive right of burial. The owner(s) of the exclusive right of burial are the only persons who can request works to be carried out at the grave.

If you feel you may be entitled to ownership of the grave you should contact me at the above address to discuss the matter further.

Yours sincerely

**APPENDIX 9(h) – NOTICE OF ERECTION OF MEMORIAL**

Please returned notice of completion to:-

Powys County Council  
Environmental Health  
Service  
Neuadd Brycheiniog  
Cambrian Way  
Brecon  
Powys, LD3 7HR  
Tel: (01874) 612262

Powys County Council  
Environmental Health  
Service  
The Gwalia  
Ithon Road  
Llandrindod Wells  
Powys LD1 6AA  
Tel: (01597) 827343

Powys County Council  
Environmental Health  
Service  
Neuadd Maldwyn  
Severn Road  
Welshpool  
Powys SY21 7AS  
Tel: (01938) 551120

Cemetery:	<u>Name of Deceased</u>
Grave No:	
Type of memorial: Grant of Right to Erect	
Memorial Supplier:	
I confirm that the work on the memorial, for which permission was previously granted on * ( <i>approved date</i> ) was completed on	
Day: <input type="text"/>	Month: <input type="text"/> Year: <input type="text"/>
Signed: _____ Memorial Mason	
<b>For office use</b>	
Memorial inspected	
Signed: _____	
Date:- Day: <input type="text"/>	Month: <input type="text"/> Year: <input type="text"/>
Comments:-	



**APPENDIX 9 (j) - NOTIFICATION OF MEMORIAL NOT COMPLYING WITH SPECIFICATIONS.**

**Sue Bolter**  
*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

**Gwasanaeth Iechyd yr Amgylchedd/  
Environmental Health Service**

\*

*Ffôn / Tel :* \*  
*Ffacs / Fax :* \*  
*E-bost / E-mail :* \*  
*Eich cyf / Your ref :*  
*Ein cyf / Our ref :* PP\*  
*Dyddiad / Date :* \*

*Os yn galw gofynnwch am /*  
If calling please ask for: \*

Dear \*

**RE: REFUSAL OF RIGHT TO ERECT A MEMORIAL AT \* CEMETERY, GRAVE NO.\***

I write with respect to your recent application to erect a Memorial on the above grave.

Consent to erect the memorial was granted on the \*, and our records show that the memorial was installed on the \*. Unfortunately, the memorial that was erected does not conform to the specification provided by the memorial mason and as such does not comply with the Council's Regulations.

This being the case I regret to inform you that the memorial must be removed or modified so that it does comply with the Council's Regulations. I suggest that you consult your memorial mason for assistance in the matter.

In the event that the memorial is to be replaced or modified, it will be necessary for a formal application to be submitted to the Council.

If you wish to discuss this matter then please do not hesitate to contact me.

Yours sincerely

\*

**APPENDIX 9 (k) – MEMORIAL REMOVAL WARNING LETTER**

**Sue Bolter**  
*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

***Gwasanaeth Iechyd yr Amgylchedd/***  
**Environmental Health Service**

\*

*Ffôn / Tel :* \*  
*Ffacs / Fax :* \*  
*E-bost / E-mail :* \*  
*Eich cyf / Your ref :*  
*Ein cyf / Our ref :* PP\*  
*Dyddiad / Date :* \*  
  
*Os yn galw gofynnwch am /*  
*If calling please ask for:* \*

Dear \*

**RE: MEMORIAL AT \* CEMETERY, GRAVE NO:\***

I write further to my letter dated the \*, when I advised you that the memorial erected on the above grave did not conform with the Council's Cemetery Regulations.

At that time, I advised you that the memorial must be modified or removed and that to assist you in this matter you should consult the Memorial Mason that undertook this work on your behalf.

To date, I have no record of you having contacted this Department or of having carried out any works to rectify this matter. I must therefore, once again request that you either contact this Department or carry out the necessary works to rectify this matter.

I regret that if I do not hear from you within 28 days then the Council will arrange for the removal of the memorial from the above grave and recover the cost of doing so from you.

Please contact me if you would like to discuss this matter.

Yours sincerely

\*

**APPENDIX 10**

**Powys County Council**

**Register of Disinterments Form**

Date of disinterment .....

Name of cemetery where remains are disinterred .....

Number of grave or vault where remains are disinterred.....

Names, in full, of the person whose remains are disinterred.....

.....

The book, page and entry number of the burial .....

Particulars of the authority for disinterment .....

.....

If the disinterred remains are re-interred in a Powys County Council cemetery, the name of the cemetery, grave number and date of re-interment.

.....

If the remains are to be re-interred or cremated elsewhere, date and place of re-interment/cremation.

.....



**CYNGOR SIR POWYS COUNTY COUNCIL**

**GUIDANCE ON EXHUMATIONS**

There are occasions when it is necessary to exhume human remains, including cremated remains, however this is a very traumatic event and should only be entered into after giving it every consideration.

Please think carefully about why you wish to exhume, from their burial place, your loved one or relative. Take your time and consult your family, before you make a final decision. All next of kin to the deceased are important in obtaining a licence to exhume a body or cremated remains.

The exhumation from the ground of a body or cremated remains is traumatic for families and the cemetery staff. Arrangements take a long time and it is an upsetting and expensive business.

**IT IS ILLEGAL TO EXHUME ANY HUMAN REMAINS WITHOUT FIRST OBTAINING THE LAWFUL AUTHORITIES NECESSARY.**

If you decide to proceed, please follow these steps:

**STEP 1**

Contact the cemetery staff they will advise you on all aspects of the exhumation. Please keep in touch with the cemetery staff throughout the following process. In addition to the Council's exhumation fees, the following costs must be considered.

1. Registration fee for disinterment.
2. Funeral Directors' charges including the removal of any memorial, new coffin/casket and removal to new site.
3. Bishops Faculty if required.

**STEP 2**

**LICENCE FROM THE MINISTRY OF JUSTICE**

Obtain an application form from the Ministry of Justice. Complete Part A. Pass the forms to the Council's Cemetery Officer who will check that the details are correct, for example grave numbers etc. They will add a statement to the form if there are any objections to the exhumation, for example consent has not been obtained from the next of kin or if other bodies need to be disturbed. You will be advised of this. The form must be signed by the Council's Cemetery Officer and forwarded to the Ministry of Justice.

- The Ministry of Justice does not charge for issuing a licence.
- Complete a separate form for each set of remains.
- It takes approximately eight weeks for a licence to be issued if there are no problems.

A copy of the licence should be sent to the Environmental Health Officer in the Council's Environmental Protection Section, who must attend the exhumation.

### STEP 3

#### BISHOPS FACULTY

If a body or cremated remains are buried in consecrated grounds according to the rites of the Church of Wales, you must obtain a Bishops Faculty. The cemetery staff will advise you if the burial was in a consecrated area of the cemetery. If it was not, you DO NOT NEED a Bishops Faculty.

Obtain an application form from the Bishops Registrar. Complete it and pass the forms to the cemetery staff with the Registrar's fee and a letter of consent from the Vicar of the Authority where the remains are to be re-interred.

The cemetery staff will add a letter of consent to the application form and a copy of the Ministry of Justice Licence. They will forward all these to the Registrar.

The Registrar, on your behalf, presents a petition to the Bishop.

It takes another eight weeks for a Bishops Faculty to be granted, if there are no problems. When you receive this approval, forward it to the cemetery staff.

### STEP 4

#### THE FUNERAL DIRECTOR

Contact a Funeral Director and make enquiries regarding the fees. Arrange for a coffin to be at the cemetery ready for the transfer of the remains and the transportation to where the remains are to be re-interred. You will have to contact the Burial Authority, where the remains are to be re-interred yourself or through the Funeral Director and make the arrangements for burial, after arranging the date of exhumation with the cemetery staff. The Funeral Director will act on your behalf over any problems when the grave is opened.

### STEP 5

#### THE EXHUMATION

When you have received the Ministry of Justice Licence and if necessary the Bishops Faculty, arrange a suitable date for the exhumation with the cemetery staff. The Exhumation will take place early in the morning before the cemetery is open. It will be carried out with decency and decorum. YOU WILL NOT BE ALLOWED to attend the exhumation.

Those present are:-

1. The funeral director – who is your representative.
2. An Environmental Health Officer – who ensures there is no public health threat to the staff carrying out the exhumation and for subsequent visitors to the cemetery.

An Environmental Health Officer does not have to be present for exhumation of cremated remains.

3. The cemetery staff carrying out and supervising the exhumation.

There are conditions attached to the Ministry of Justice Licence and Bishops Faculty which must be adhered to. The cemetery staff will explain these to you.

Each exhumation is different, with its own set of circumstances, which often are not known until the day of the exhumation when the grave is opened. Decomposition of a body and coffin depends on a number of factors, including how long the body has been buried and ground conditions.

Contact details;

Ministry of Justice  
Coroners & Burials Division  
Civil, Family & Legal Aid Policy Directorate  
102 Petty France  
London SW1H 9AJ

If you need to discuss matters further please contact one of the following Council offices:-

Powys County Council  
Environmental Health  
Service  
Neuadd Brycheiniog  
Cambrian Way  
Brecon  
Powys, LD3 7HR  
Tel: (01874) 612262

Powys County Council  
Environmental Health  
Service  
The Gwalia  
Ithon Road  
Llandrindod Wells  
Powys LD1 6AA  
Tel: (01597) 827343

Powys County Council  
Environmental Health  
Service  
Neuadd Maldwyn  
Severn Road  
Welshpool  
Powys SY21 7AS  
Tel: (01938) 551249

## **APPENDIX 12 – Home Burials Advice Letter**

**Sue Bolter**  
*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

**Gwasanaeth Iechyd yr Amgylchedd/  
Environmental Health Service**

*Ffôn / Tel :* \*  
*Ffacs / Fax :* \*  
*E-bost / E-mail :* \*  
*Eich cyf / Your ref :*  
*Ein cyf / Our ref :* PP\*  
*Dyddiad / Date :* \*

*Os yn galw gofynnwch am /*  
*If calling please ask for:* \*

Dear

### **RE: HOME BURIALS**

Further to your recent enquiry, I can provide the following advice:

There is no specific legislation restricting home burials, but I list below general matters that need to be considered.

- a) The burial site should be at least 250 metres from any well, borehole or spring, 30 metres from any other watercourse and 10 metres from any field with drainage.
- b) The grave should be dug to a suitable depth, approximately 1.8 metres and no part of the coffin should be less than 0.9 metres below ground level.
- c) The deceased should not have died from a notifiable or dangerous disease. In the event of such an occurrence, the disposal would become subject to Sections 43 and 45, 47 and 48 of the Public Health (Control of Disease) Act, 1984. In these circumstances, the body would need to be cremated or buried in a cemetery to ensure no risk to public health.
- d) The Registrar of Births and Deaths must be notified as to the date and place of burial. The Registrar will issue a Certificate for disposal of the body. I would advise that details of the burial should be provided to the Environmental Health Service of the Council at the above address. The notification to the Council should include a copy of the Registrars disposal certificate, the address where the burial took place, a site plan identifying the grave position and written approval of the landowner.
- e) An entry on the Land Charge Registrar may also be appropriate as an entry on the property deeds is advisable.
- f) It is advisable to notify the Police when a home burial is to be carried out.

- g) It may also be advisable to notify neighbouring property owners of the intent to carry out a home burial on your property.
- h) Consideration should be given to cremation and burial or scattering of ashes as an alternative to a coffin burial, as the presence of such on a property may lead to problems, if in the future the property may be sold, rights of access to relatives or the deceased may no longer exist if there is a new property owner.
- i) It should also be noted that once a burial takes place, the remains should not be disturbed. Any exhumation must only be carried out in accordance with a Licence issued by the Home Office.

I trust that above information is of value and please do not hesitate to contact me for further assistance.

Yours sincerely

## **APPENDIX 13 – SPECIFICATION FOR A WALLED GRAVE/VAULT**

11.1 Every walled grave or vault shall be properly constructed of suitable materials.

11.2 In accordance with the Local Authorities Cemetery Order 1977:-

Within 24 hours of any burial in a walled grave or vault, the coffin, shall be –

- (a) embedded in concrete, and covered with a layer of concrete not less than six inches thick; or
- (b) enclosed in a separate cell or compartment of brick slate, stone flagging or precast concrete slabs of a 1:2:4 mix, in any case not less than two inches thick, in such a manner as to prevent, as far as is possible, the escape of any noxious gas from the interior of the cell or compartment.

11.3 The Institute of Cemetery & Cremation Management Recommended Code of Practice is as follows:

### **Recommended Code of Practice**

1. Excavate to maximum depth achievable leaving 6” of soil above the last coffin buried.
2. Ensure that the length and width of the excavation are sufficient to allow the construction of the walls of a cell or compartment and allow the coffin free passage at the committal.
3. Construct a solid foundation in the bottom of the grave by either the preparation of footings around the perimeter of the bottom of the grave or by inserting a pre-formed concrete foundation slab. Alternatively a layer of dry mix concrete can be spread over the bottom of the grave.
4. Construct 4.5” brick walls around the inside the grave (alternatively a proprietary pre-formed concrete sleeve can be lowered into the grave).
5. Ensure that there are no gaps in the mortar between bricks.
6. Carry out the interment with the coffin coming to rest within the brick cell or compartment formed.
7. Seal the top of the cell or compartment by bedding concrete slabs of at least 2 “ in thickness onto mortar ensuring that no gaps exist.
8. Backfill remaining depth with soil.  
In order to remain within the requirements of LACO the cell or compartment

## **APPENDIX 14 – Cemetery Management Letter**

**Sue Bolter**  
*Pennaeth Adfywio, Eiddo a Chomisiynu*  
Head of Regeneration, Property &  
Commissioning

**Gwasanaeth Iechyd yr Amgylchedd/  
Environmental Health Service**

*Ffôn / Tel :* \*  
*Ffacs / Fax :* \*  
*E-bost / E-mail :* \*  
*Eich cyf / Your ref :*  
*Ein cyf / Our ref :* PP\*  
*Dyddiad / Date :* \*

*Os yn galw gofynnwch am /  
If calling please ask for:* \*

Dear

**RE: \* CEMETERY, GRAVE NO. \***

During a recent cemetery inspection it was noted that ..... was/were present on the above grave.

I am writing to inform you that such items are not permitted to be placed on the grave for the following reasons:-

- Permission was not obtained from the Council.
- Permission for ..... was not obtained from the Council.
- The ..... present(s) a safety hazard.
- The ..... interferes with ground maintenance work.
- The ..... is considered to be unsuitable and inappropriate for the cemetery.

I would therefore ask that these items be removed at your earliest convenience.

Thank you for your co-operation.

If you require any further assistance please do not hesitate to contact me.

Yours sincerely

**APPENDIX 15**

**CEMETERY INSPECTION**

Name of Cemetery \_\_\_\_\_ Date of Visit \_\_\_\_\_ Officer \_\_\_\_\_

The inspecting officer should tick the box of each subject inspected leaving it blank if not applicable. If the hazard or unsatisfactory boxes are ticked, a written note on the location and problem should be added in the comments box. The comment box may also be used for any other matter which needs to be drawn to the attention of the client.

SUBJECT	SATISFACTORY	UNSATISFACTORY	COMMENTS
<b>BOUNDARIES</b>			
Cemetery Signs			
Hedges			
Fences			
Gates			
Steps			
<b>BUILDINGS ETC.</b>			
Toilets			
Stores			
Chapel			
Taps & Water Cans			
<b>GRASS AREAS &amp; GRAVES</b>			
Standard Cut			
Moles/Pest Control			
<b>PLANTED AREAS &amp; TREES</b>			
Beds & Borders			
Trees			

<b>ROADS/PATHS</b>			
Paths			
Roadways			
<b>GENERAL</b>			
Litter			
Litter Bins			
Spoil Heaps			

**ANY OTHER COMMENTS:**

**Decisions taken by Individual Portfolio Holders**

**County Councillor W.J.T. Powell  
Portfolio Holder for Environment and Sustainability**

**Decision Taken 4 March 2015  
Decision published 4 March 2015  
Decision effective from 12 March 2015**

**Food and Animal Feed Plan  
Health and Safety Plan**

<b>DECISION</b>	<b>Reason for Decision:</b>
<p><b>That both the Food and Animal Feed Plan and the Health and Safety Plan for 2014-2015 be approved.</b></p>	<p><b>These Plans set out the way in which food and feeding stuffs and health and safety enforcement work is carried out in the County of Powys by the Environmental Health and Trading Standards services of the Authority in 2014/15. The Plans aim to ensure that national and local priorities and standards are addressed.</b></p>

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**CYNGOR SIR POWYS COUNTY COUNCIL**

**Report for Delegated Decision  
Portfolio Holder for Environmental and Sustainability**

**March 2015**

**REPORT AUTHOR: Professional Lead Environmental Health - Commercial**

**SUBJECT: Food and Animal Feed Plan  
and the Health and Safety Plan**

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**REPORT FOR: Decision**

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## **INTRODUCTION**

Approval is sought for two operational plans, the Food and Animal Feed Plan and the Health and Safety Plan.

## **BACKGROUND**

### **Food and Animal Feed Plan**

The Framework Agreement on Official Feed and Food Controls by Local Authorities provides the Food Standards Agency with a mechanism for implementing its powers under the Food Standards Act to influence and oversee local authority enforcement activity.

The Agreement applies to local enforcement of all feed and food laws, and incorporates the latest guidance and standards on feed and food law enforcement.

The Agreement requires for publicly available local service plans to be produced covering specific areas as detailed within the framework agreement to increase transparency of local enforcement services.

The attached food and animal feed plan has therefore been produced in line with the standards as laid out within the framework agreement.

### **Health and Safety Plan**

The Health and Safety Executive (HSE) has issued guidance to Local Authorities under Section 18 of the Health and Safety at Work etc. Act 1974 (HASWA). Under this Act, Local Authorities are required to make adequate arrangements for the enforcement of health and safety in their areas.

Every Enforcing Authority is required to set out its priorities and plan of interventions for the current year which should take into account, national & regional priorities, targets and plans, locally derived objectives and relevant guidance and policies.

The attached health and safety plan has been produced to comply with these requirements

## **COST**

The proposals outlined in both plans are as permitted within existing budgets.

## **PROPOSAL**

It is a requirement of both plans that they be approved at the appropriate member level. This report attaches the two plans for their consideration and approval.

### **Support Services (Legal, Finance, HR, ICT, BPU)**

The Lead Professional – Legal has commented as follows:

The legal services support this proposal.

The Finance Officer (Resources) has commented as follows:

There are no financial implications. Any costs associated with the new food and feed plans will be met within current resources.

### **Statutory Officers**

The Solicitor for the Council (Monitoring Officer) has commented as follows:

“I note the legal comment and have nothing to add to the report”.

The Strategic Director Resources (S151 Officer) has commented as follows:

‘The Strategic Director Resources (S151 Officer) notes the comments made by finance’.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
That both the Food and Animal Feed Plan and the Health and Safety Plan for 2014-2015 be approved.	These Plans set out the way in which food and feeding stuffs and health and safety enforcement work is carried out in the County of Powys by the Environmental Health and Trading Standards services of the Authority in 2014/15. The Plans aim to ensure that national and local priorities and standards are addressed.

<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>
<b>Relevant Portfolio Member(s):</b>	<b>County Councillor John Powell</b>

<b>Person(s) To Implement Decision:</b>	<b>Beverley Cadwallader &amp; Clive Jones</b>
<b>Date By When Decision To Be Implemented:</b>	<b>With immediate effect</b>

<b>Contact Officer</b>	<b>Tel:</b>	<b>Email:</b>
Beverley Cadwallader	01938 551222	<a href="mailto:beverley.cadwallader@powys.gov.uk">beverley.cadwallader@powys.gov.uk</a>

**Background Papers used to prepare report:**

**Food Standards Agency Framework Agreement - FSA  
HSE S18 Standard**

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**Decisions taken by Individual Portfolio Holders**

**County Councillor W.J.T. Powell  
Portfolio Holder for Environment and Sustainability**

**Decision Taken 10 March 2015  
Decision published 16 March 2015  
Decision effective from 24 March 2015**

**Budget Virement Llanidloes Depot**

<b>DECISION</b>	<b>Reason for Decision</b>
<b>That the budget virement in respect of works at Llanidloes Depot be approved.</b>	<b>In accordance with Financial Standing Orders</b>

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**Capital Budget Virement Application Form**

*[Please see guidance notes on page 2532 of the Intranet]*

To Head of Finance

From Place \_\_\_\_\_ (Directorate)

Regeneration, Property & Commissioning (Service)

Susan Bolter \_\_\_\_\_ (Head of Service)

Neil Clutton \_\_\_\_\_ (Budget Holder)

Neil Clutton \_\_\_\_\_ (Project Manager)

Date 3 March 2014

**Details of Virement** (please refer to notes to ensure all the relevant details are included and extend box to additional page if required)

The full extent of works still to be carried out at Llanidloes depot are still to be identified but surveys have been undertaken and they will include additional connection to the sewer as part of the works to comply with Environmental Legislation.

This budget was originally funded by the Welsh Government in the nature of a compensation payment when the trunk road they were building necessitated the relocation of our depot while they carried out the works and also reorganisation of the existing depot before it could be re-used.

Approval is requested to roll forward £50k of the budget to enable the works to be carried out in 2015/16.

**Budget Increases**

Scheme Name						
Job Code						
	£	£	£	£	£	£
Existing Budget	55,446.16		55,446.16	0.00	0.00	
Revised Budget	55,446.16		5,446.16	50,000.00		
Increase Required	0.00	0.00	-50,000.00	50,000.00	0.00	0.00

**Financing**

Job Code						
	Total Cost	Prior Years	2014-15	2015-16	2016-17	Future Years
	£	£	£	£	£	£
Existing Budget	0.00		0.00			
Revised Budget	0.00		0.00			
Decrease Required	0.00	0.00	0.00	0.00	0.00	0.00

**Other Financial Implications** (e.g. future years capital & revenue – must not be left blank)

None

**Approvals**

**Signatures**

In all cases	Head of Service		Date	4/3/15
In all cases	Head of Finance		Date	4/3/15
£25,001 - £75,000	Portfolio Cabinet Member		Date	10/3/15
£75,001 - £300,000	Cabinet Minute Ref.		Date	
Over £300,000	Council Minute Ref.		Date	

**FMS Updated (office use only)**

Accountant: Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

**Copy of Authorised form returned to Head of Service**

Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

**Decisions taken by Individual Portfolio Holders**

**County Councillor W.J.T. Powell  
Portfolio Holder for Environment and Sustainability**

**Decisions Taken 19 June 2015**

**Decisions Published 22 June 2015**

**Decisions Effective 30 June 2015**

**The Private Water Supplies (Wales) Regulations 2010**

<b>DECISION</b>	<b>Reason for Decision:</b>
<b>That the proposed charging scheme set out in Table 2 of the report is adopted with effect from the 1<sup>st</sup> July 2015</b>	<b>To enable the Council to meet its statutory obligations and ensure that private water supplies are wholesome and safe to drink</b>

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June- 2015

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**REPORT FOR DELEGATED DECISION  
BY  
COUNTY COUNCILLOR JOHN T POWELL  
PORTFOLIO HOLDER FOR ENVIRONMENT AND SUSTAINABILITY**

**Date: June 2015**

**REPORT AUTHOR: Sue Bolter-Head of Regeneration Property and  
Commissioning**

**SUBJECT: The Private Water Supplies (Wales) Regulations 2010**

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**REPORT FOR: Decision**

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**1.0 Summary**

- 1.1 The Private Water Supplies (Wales) Regulations 2010 came into force on the 4<sup>th</sup> February, 2010. The Regulations placed a duty on local authorities to sample and risk assess all private water supplies within its area, with the exception of single supplies. In the case of single supplies, the duty only exists if requested to do so and a charge will be levied.
- 1.2 The Regulations required that all risk assessments be completed within a 5 year period. To assist local authorities in Wales, Welsh Government provided grant funding equivalent to £100 for each risk assessment which otherwise would have to be met by the owners of the supplies. The 5 years have now elapsed and the funding has been withdrawn. However the legal requirement to risk assess the supplies remains.
- 1.3 In May 2010, the Board approved a charging scheme in accordance with the new Regulations. However, because of the existence of the grant scheme, no provision was made for the risk assessment of premises that were not single supplies. Consequently, the Council is currently not in a position to undertake further risk assessments.
- 1.4 The purpose of this report is to seek approval for a revised scheme of fees and charges

**2.0 Proposal**

- 2.1 In 2010, the Council estimated that it had 1050 private water supplies that were subject to the sampling and risk assessment requirements of

the Private Water Supplies (Wales) Regulations 2010. By the end of the 5 year period the Council had achieved 97.2% compliance.

- 2.2 The Regulations place a duty on the Council to risk assess all the qualifying premises every 5 years. In order to do so, it is necessary to adopt a revised charging scheme.
- 2.3 The Regulations state that local authorities may charge a fee for the activities listed below provided they represent the “reasonable cost” of providing the service subject to maximum amounts specified in the Table 1 below:

**Table 1**

Service	Maximum fees allowed by the regulations (£)	Current fee
Risk assessment of private water supply other than single supply	500	N/A(*)
Risk assessment for single supply (by request only)	500	100
Sampling	100 plus cost of analysis	100 plus cost of analysis
Investigation	100	100
Granting an authorisation for temporary exemption from certain limits in impurities	100	100
*-cost previously covered by grant from Welsh Government		

- 2.4 It is currently anticipated that revised Regulations will be issued towards the end of 2015. However in order for the Council to satisfy its statutory obligations then it is imperative that a revised charging scheme is agreed as a matter of urgency. Once the new Regulations are issued a revised report will be presented to Cabinet.
- 2.5 A risk assessment requires officers to inspect the supply from source to tap. The extent of the assessment can vary significantly depending on the location of the source. Some properties may be supplied by a borehole located in the garden whilst others may be supplied by a spring located on the top of a mountain.
- 2.6 As part of the assessment, officers will identify areas of potential contamination e.g. condition of storage tanks, proximity of grazing animals. They will also identify whether any treatment systems are present and whether they are operating effectively.

- 2.7 Having completed the assessment, officers will complete a risk assessment form, noting all findings and issue the risk assessment to the person responsible for the supply. The risk assessment will also highlight any areas of improvement required.
- 2.8 In the case of properties previously risk assessed, the time taken to review the supply will be reduced. However with new supplies, the comprehensive approach will have to be adopted.
- 2.9 In light of this, it is proposed that a tiered charging is adopted.
- 2.10 In order to demonstrate that the fees proposed represent the “reasonable cost” of carrying out a risk assessment, a breakdown of various stages of undertaking a risk assessment and the estimated average costs are provided in **the Annex to this report**. Based on these costs, it is proposed that the fee for carrying out a risk assessment is £200. In the case of supplies which have been previously risk assessed, it is proposed that the fee is £125.
- 2.11 It should be noted that the Council may charge up to £500 for each risk assessment. However it is felt that this level of charging would be prohibitive on the basis of the following:
- 1) Most supplies are located in remote rural locations where there is no access to mains supply. A fee of £500 could impose a significant financial burden on supply owners and small businesses.
  - 2) In order to undertake the assessment, supply owners must allow access to officers. A fee of £500 could result in owners refusing access to their properties. There are powers of entry powers available to officers and ultimately the option of applying to the courts for a warrant to access the property. However the process is laborious and bureaucratic and is likely to result in a lack of cooperation from supply owners. This will make it difficult for officers to undertake their duties effectively.
  - 3) The fee is likely to result in increased debt recovery to secure the fees payable.
- 2.12 In summary, the fees proposed are summarised in Table 2 below. It is not the intention to revise any other fees as the current charge is the maximum permitted under the Regulations. However in the event that

the revised Regulations alter the maximum fees chargeable then these fees will be reviewed.

**Table 2**

Service	Maximum fees allowed by the regulations (£)	Current fee (£)
Risk assessment of private water supply other than single supply not previously assessed	500	200
Risk assessment of private water supply other than single supply previously assessed	500	125
Risk assessment for single supply (by request only)	500	100
Sampling	100 plus cost of analysis	100 plus cost of analysis
Investigation	100	100
Granting an authorisation for temporary exemption from certain limits in impurities	100	100

### **3.0 One Powys Plan**

The proposal would support Stronger, Safer and Economically viable communities.

### **4.0 Options Considered/Available**

The Regulations allow local authorities to charge between £100 and £500 for each risk assessment. The report details the rationale for the proposed charging scheme and the disadvantages of charging the maximum fee permissible.

## **5.0 Preferred Choice and Reasons**

The preferred choice is to charge a tiered charging structure to reflect the level of input required by officers to undertake a risk assessment. It is felt that this is the most equitable approach to adopt.

## **6.0 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc**

The Regulations are in place to ensure a private water supply is wholesome and safe to drink.

The proposed fees are in keeping with the Council's policy of full cost recovery as outlined in the Council's Statement of Intent 2014-17.

## **7.0 Children and Young People's Impact Statement - Safeguarding and Wellbeing**

N/A

## **8.0 Local Member(s)**

N/A

## **9.0 Other Front Line Services**

N/A

## **10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

Finance note the contents of the report and the risks around charging for the service, the charge reflect more of a contribution towards each assessment than the grant provided for so should not have a negative financial effect. An affordable charge would avoid non- compliance and bad debts.

The Professional Lead –Legal supports the recommendation proposes being based on proportionality of the work required as well as being based on a cost neutral basis”

## **11.0 Local Service Board/Partnerships/Stakeholders etc**

N/A

## **12.0 Corporate Communications**

Communications Comment: The report is of public interest and requires news release and use of social media to publicise the decision.

### **13.0 Statutory Officers**

The Solicitor to the Council (Monitoring Officer) has made the following comment ; “ I note the legal comment and have nothing to add to the report.”

‘The Strategic Director Resources (S151 Officer) notes the comments made by finance’

### **14.0 Members’ Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>That the proposed charging scheme set out in Table 2 of the report is adopted with effect from the 1<sup>st</sup> July 2015</b>	<b>To enable the Council to meet its statutory obligations and ensure that private water supplies are wholesome and safe to drink</b>

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

<b>Relevant Local Member(s):</b>	N/A
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<b>Person(s) To Implement Decision:</b>	<b>Nia Wyn Hughes</b>
<b>Date By When Decision To Be Implemented:</b>	<b>1<sup>st</sup> July 2015</b>

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
Nia Wyn Hughes	01938551299	01938551248	niah@powys.gov.uk

### **Background Papers used to prepare Report:**

**Powys County Council Statement of Intent 2014-17 (2015 update)**

CABINET REPORT TEMPLATE VERSION 3

**Private Water Supply Costs**

Hourly rate: £40.50

(Inclusive on costs inc. travel, supplies and central recharges)

	<b>Revised Risk Assessment</b>	<b>New Risk Assessment</b>
<b>Preparation i.e. Questionnaires, classification letters, appointments</b>	N/A (information already held on file)	60 mins
<b>Travel</b>	45 mins (based on having visited before and familiar with site)	60 mins (based on new location)
<b>Onsite</b>	60 mins (revision of previous risk assessment only)	75 mins (assessment from source to tap)
<b>Writing up</b>	60 mins (revision of previous information)	75 mins (new inputting of data)
<b>Updating M3</b>	15 mins (revision only)	30 mins (new details)
<b>Total</b>	3 hours x £40.50 £121.50 = £125.00	5 x £40.50 £202.50 = £200.00

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**Decisions taken by Individual Portfolio Holders**

**County Councillor W.J.T. Powell  
Portfolio Holder for Environment and Sustainability**

**Decisions Taken 3 July 2015  
Decisions Published 8 July 2015  
Decisions Effective 16 July 2015**

**Letting of New House, Knighton**

<b>DECISION</b>	<b>Reason for decision:</b>
<b>That Mr Timothy Clarke be offered the tenancy of New House, Knighton at the tendered rent.</b>	<b>Following interview conducted by Councillors W.J.T. Powell, H. Lewis, P.J. Medlicott and G. Williams.</b>

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Jeremy Patterson  
Chief Executive/Prif Weithredwr

County Hall / Neuadd y Sir  
Llandrindod Wells  
Powys  
LD1 5LG

26 June 2015

Dear Member

Your attendance is requested at the meeting of an Interview Panel to be held in the Video Conference Room, County Hall, Llandrindod Wells on Friday 3<sup>rd</sup> July 2015 at 1.30 p.m.

Yours sincerely,

Jeremy Patterson

Chief Executive/Prif Weithredwr

## **AGENDA**

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. CONFIDENTIAL MATTERS**

The Monitoring Officer has determined that categories 1 and 3 of the Access to Information Procedure Rules applies to the following item. His view on the public interest test (having taken account of the provisions of Rule 11.8 of the Council's Access to Information Rules) was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider these factors when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

#### **4. LETTING OF NEW HOUSE FARM, KNIGHTON**

To interview applicants for the tenancy of New House, Knighton.

(Applications enclosed)

**Panel members wishing to inspect the farms in the morning are asked to meet at Reception in County Hall at 11.30 am.**

Distribution:

Councillor John Powell

Councillor Hywel Lewis

Councillor Gwilym Williams

Councillor Peter Medicott, Local Member

Hugo Van-Rees

Phil Wear

Minute Book

**Decisions taken by Individual Portfolio Holders**

**County Councillor W.J.T. Powell**  
**Portfolio Holder for Environment and Sustainability**

**Decisions Taken 13 July 2014**  
**Decisions Published 14 July 2015**  
**Decisions Effective 22 July 2015**

**Food Standards Agency Audit**

<b>DECISION</b>	<b>Reason for Decision:</b>
<b>To note the contents of the audit report and the action plan devised in response.</b>	<b>To ensure compliance with Food Standards Agency requirements</b>

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**CYNGOR SIR POWYS COUNTY COUNCIL.****Portfolio Holder Delegated Decision Report  
7th July 2015**

**REPORT AUTHOR:** County Councillor John Powell  
Portfolio Holder for Environment and Sustainability

**SUBJECT:** Food Standards Agency Audit

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**REPORT FOR:** Discussion / Information

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## **1. Background**

1.1 The Food Standards Agency (FSA) is an independent food safety watchdog set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food. The FSA provides advice and information to the public and Government on food safety from farm to fork, nutrition and diet. It also protects consumers through effective food enforcement and monitoring.

## **2. Local Authority Audits**

2.1 Audits of local authorities' food law enforcement services are part of the FSA's arrangements to improve consumer protection and confidence in relation to food. The FSA's local authority audit scheme, which was launched in 2001, is the process by which the Agency conducts a qualitative assessment of local authority performance.

2.2 Local Authorities are audited against the Food Law Enforcement Standard in a Framework Agreement, which sets out minimum standards of performance expected from local authorities across the full range of their food law enforcement activities. The assessment includes the local authority arrangements in place for inspections of food businesses and foodstuffs, sampling and analysis, internal management, food safety promotion and educational activities.

## **3. Powys County Council Audit**

3.1 The Food Standards Agency visited Powys County Council in November 2013 to ascertain how the Council was meeting the standards set in the Framework Agreement on Local Authority Food Law Enforcement, in respect of food hygiene, food standards and animal feeds. The on-site element of the audit took place across the Authority's offices between 25 and 29 November 2013 and included reality checks at a number of the Authority's establishments.

3.2 Following the on-site audit, a report has been produced. This report incorporates an executive summary report which highlights the key strengths and key areas for improvement for the Authority as follows:

### **3.3 The Authority's Strengths**

#### **Food Standards and Feed Complaints**

The authority had carried out timely and thorough investigations in response to food standards and feed complaints, ensuring complainants were informed of the outcome of investigations.

#### **Advice to Business**

It was clear that the authority placed importance on the provision of helpful advice to businesses to assist them in complying with food hygiene, food standards and feed legislation. Targeted advice had been provided to childminders and butchers specific to their needs and drop-in sessions had been provided across the authority's area to increase business awareness of the Food Hygiene Rating Scheme. Comprehensive business information was available on the authority's website in respect of food hygiene, food standards and feed.

#### **Control and Investigation of Outbreaks and Food Related Infectious Disease**

The authority was able to demonstrate that it had responded appropriately to notifications of food related infectious disease and outbreaks and had maintained detailed records of its actions on file.

#### **Food Safety Incidents**

The authority was able to demonstrate that it had implemented its documented Food Alerts and Incidents Procedure. Effective liaison arrangements were in place between food hygiene and food standards officers to provide a response. Incidents arising locally with wider food safety implications had been notified to the FSA.

#### **Food Hygiene Records and Interventions/Inspections Reports**

Comprehensive records of food hygiene interventions were being maintained which were easily retrievable.

#### **Liaison with Other Organisations**

The authority was able to demonstrate that it had arrangements in place for effective liaison with other organisations on food and feed issues. The food hygiene service had been involved in developing and effectively delivering consistency training in the application of the Food Hygiene Rating Scheme to local authority officers across Wales.

#### **Food Safety and Standards Promotion**

The authority had delivered a number of initiatives with the aim of promoting food safety and standards.

### **3.4 The Authority's Key Areas for Improvement**

#### **Authorisation of food standards and feed officers**

The criteria for determining feed and food standards officer competencies prior to authorisation and arrangements for authorising new or returning officers had not been documented. Further, insufficient resources had been allocated to the delivery of official feed controls.

#### **Food Standards and Feed Interventions and Inspections**

The authority was not carrying out food standards or feed interventions at the minimum frequencies required in the Codes of Practice. Interventions carried out at the minimum

frequency ensure that risks associated with food and feed businesses are identified and followed up. Where food standards and feed inspection records were available, these were not sufficiently detailed to establish that effective interventions had been carried out, or to inform a graduated approach to enforcement. A significant number of feed establishments had not been subject to an intervention.

### **Food Standards and Feed Inspection Reports**

Records relating to feed inspections were not consistently being maintained by the authority for the minimum period required by the Feed Law Enforcement Code of Practice. Further, food standards and feed reports provided to food/feed businesses operators following inspections did not contain all of the information required by the relevant Codes of Practice.

### **Internal Monitoring Food Standards and Feed**

The authority was performing some quantitative monitoring of food standards and feed law enforcement activities, but needs to confirm conformance across all food and feed law enforcement activities with the requirements of the relevant Codes of Practice.

### **Food Standards Sampling**

The authority had not taken appropriate follow-up action in response to unsatisfactory food standards sampling results.

## **4. Next Steps**

4.1 A copy of the full report is attached to this report as Appendix A.

4.2 In response to the audit an action plan has been produced by the Authority and this is incorporated within the audit report attached. The action plan places particular emphasis on securing improvements in the areas identified.

4.3 A copy of the final report will be made publicly available and placed on the Agency's website ([www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring)), this has not yet occurred but when they do so they will also announce the publication to the local media.

### **One Powys Plan**

Food Safety contributes in a cross cutting manner to various aspects of the One Powys Plan and the audit and subsequent action plan will serve to build on this.

### **Options Considered/Available**

Whilst the authority accepts the FSA `s Audit Report in full, discussions with the FSA in regard to the findings on Food Standards and Feed controls have revealed that in a time of diminishing resources within local authorities, the Trading Standards `Intelligence Operating Model` (IOM) will inevitably mean resources being targeted at areas of most concern, rather than blanket inspection of premises as previously required by the Code of Practice. An action plan has been produced and agreed with the Food Standards Agency to address the issues raised by the audit and the service will ensure that the areas of concern highlighted are actioned.

### **Preferred Choice and Reasons**

The actions required to address the issues raised have been incorporated within the action plan approved by the Food Standards Agency. This will be the subject of review by the FSA to ensure progress is made against the action plan.

### **Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc**

The report does not directly impact on any of the above policies, although the work of the authority in tackling Food Fraud was noted within the report as good practice.

### **Children and Young People's Impact Statement - Safeguarding and Wellbeing**

There is no impact in relation to the above.

### **Local Member(s)**

This applies with equal force across the whole County.

### **Other Front Line Services**

There are no implications for other front line services.

### **Support Services (Legal, Finance, Corporate Property, HR, ICT, BPU)**

Senior Manager Property notes that the report has no implications.

ICT note that this report has no implications

HR - no implications

BSU – no implications for support services

Legal – The recommendation can be accepted from a legal point of view

Finance – there appears to be no implications

### **Local Service Board/Partnerships/Stakeholders etc**

This report has no implications in respect of the above.

### **Corporate Communications**

Report noted – no comments required.

### **Statutory Officers**

The Strategic Director Resources (S.151 Officer) notes the comments made by Finance

The Solicitor to the Council (Monitoring Officer) has commented as follows: “ I note the legal comment and have nothing to add to the report”

**Members’ Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>To note the contents of the audit report and the action plan devised in response.</b>	<b>To ensure compliance with Food Standards Agency requirements</b>

<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>All Members</b>
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<b>Person(s) To Implement Decision:</b>	<b>Bev Cadwallader / Clive Jones</b>
<b>Date By When Decision To Be Implemented:</b>	<b>As per action plan</b>

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
Ken Yorston	01597 825840		ken.yorston@powys.gov.uk

**Background Papers used to prepare Report:**

Appendix A – Food Standards Agency Audit Report in relation to Powys County Council

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**Decisions taken by Individual Portfolio Holders**

**County Councillor W.J.T. Powell  
Portfolio Holder for Environment and Sustainability**

**Decisions Taken 16 July 2015  
Decisions Published 17 July 2015  
Decisions Effective 24 July 2015**

**Letting of Cefn Cantref No 3**

<b>DECISION</b>	<b>Reason for decision:</b>
<b>That Mr Bruce Evans be offered the tenancy of Cefn Cantref No 3 at the tendered rent.</b>	<b>Following interview conducted by Councillors W.J.T. Powell, W.J. Evans, L. Fitzpatrick and J.G. Shearer.</b>

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Jeremy Patterson  
Chief Executive/Prif Weithredwr

County Hall / Neuadd y Sir  
Llandrindod Wells  
Powys  
LD1 5LG

9 July 2015

Dear Member

Your attendance is requested at the meeting of an Interview Panel to be held in Neuadd Brycheiniog, Brecon on Thursday 16<sup>th</sup> July 2015 at 1.45 p.m.

Yours sincerely,

Jeremy Patterson

Chief Executive/Prif Weithredwr

## **AGENDA**

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. CONFIDENTIAL MATTERS**

The Monitoring Officer has determined that categories 1 and 3 of the Access to Information Procedure Rules applies to the following item. His view on the public interest test (having taken account of the provisions of Rule 11.8 of the Council's Access to Information Rules) was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider these factors when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

**4. LETTING OF CEFN CANTREF NO. 3, BRECON**

To interview applicants for the tenancy of Cefn Cantref No , Brecon.

(Applications enclosed)

**Panel members wishing to inspect the farms in the morning are asked to meet at Reception in Neuadd Brycheiniog at 12.00 p.m.**

Distribution:

Councillor John Powell

Councillor John Evans

Councillor Joy Shearer

Councillor Liam Fitzpatrick, Local Member

Hugo Van-Rees

Phil Wear

Minute Book

**Decisions taken by Individual Portfolio Holders**

**County Councillor W.J.T. Powell  
Portfolio Holder for Environment and Sustainability**

**Decisions Taken 7 September 2015  
Decisions Published 7 September 2015  
Decisions Effective 15 September 2015**

**Sale of Land at Brynhyfryd, Penstrowed**

<b>DECISION</b>	<b>Reason for Decision:</b>
<p><b>Subject to the tenant surrendering 0.292 acres of his tenancy, the 0.292 acre land at Brynhyfryd, Penstrowed coloured blue and edged red on the plan at Appendix A to the report be sold to Tudor Griffiths Group for the sum reported (subject to a restriction so that it may only be used for agricultural purposes) but rising to the higher sum reported on the Purchaser successfully obtaining planning consent for development of the land.</b></p>	<p><b>To generate a useful revenue receipt for the County Council in the first instance and a capital receipt pending the Purchaser securing planning consent for development of the land.</b></p>

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By virtue of paragraph(s) 14 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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