

EXECUTIVE COMMITTEE – 1 SEPTEMBER 2008

PUBLIC SERVICES & HEALTH POLICY & SCRUTINY COMMITTEE – 24 JULY 2008

PART I – DELEGATED

13b. MUSLIM SECTION - WOODCOCK HILL (DCES)

1. Summary

1.1 To advise Members on the extension to the Muslim Section within Woodcock Hill Cemetery and make suggestions to alter a previous Executive decision to bulk sell grave spaces to Batlers Wells Foundation (BWF)

2. Details

2.1 BWF, a charitable trust, currently administer the Muslim burials at Woodcock Hill. They purchased 500 gravespaces in a localised part of the cemetery. This space is running out and therefore a report to PSHPP on 30 August 2007 outlined a request by BWF to purchase an additional area of land. Two areas of land within the cemetery were suggested and Executive, at its meeting on 24 September 2007, endorsed that the tree nursery adjacent to the existing Muslim area be cleared of trees and that an appropriate number of gravespaces be sold to Batlers Wells (minute EX78/07 refers).

2.2 The tree nursery has now been cleared giving an area of land of 3860 sq. m. This would be enough to provide 750 graves and, if 200 were sold to Batlers Wells, it would generate an immediate income to the Council of £294,750 (based on current grave prices). BWF would then be expected to pay the increased cost of each gravespace at time of burial.

2.3 Officers had a further meeting with the Board of BWF in November 2007. At this meeting, officers became concerned that the sale of land to BWF was not equitable. In the first instance, the Council does not allow the pre-purchase of graves in any other part of the Cemetery. We have received complaints in the past from other religious denominations that the purchasing of a large area of land contravenes Cemetery policy. As detailed within the Cemetery Equality Impact Assessment (Appendix A) officers in the past have countered these complaints by arguing that it is due to the religious constraints regarding burial within the Islamic faith. The requirement of Islam for persons to be buried within 24 hours of death means that there are always at least 2 pre-dug graves within the Muslim section. This is not practical within other areas of the cemetery due to the large number of visitors and health and safety concerns. The graves within the Muslim section also all face East towards Mecca. This is against the natural incline within the cemetery and therefore only practised within this part.

2.4 A second concern is that during the past 3 years there has only been one interment of a Three Rivers resident within the Muslim Section. The majority of burials come from the Harrow / Stanmore area. Although the lack of interments of Three Rivers residents could be explained by the relatively low number of Muslims living within the district, officers were surprised that there had also been none from Watford Borough, as areas of West Watford are nearer to Woodcock Hill in location than Watford Borough's own cemetery in North Watford. It has been suggested that one of the reasons for this may be the desire for Sunni and Shiite burials to be kept separate. However, at the present time, officers are unsure of the validity of this and need to investigate further.

2.5 In order to raise the issue of inequity, officers have now had 2 subsequent meetings with representatives from Batlers Wells (representatives from Watford mosque were invited to the first meeting, but declined to attend). At both meetings BWF representatives stated that, whilst understanding the concerns of the Council, they still wished to bulk purchase the land, the reasons being given as follows:

- BWF would offer the Council financial stability as often, due to the 24 hour burial requirements, BWF deals with burial before the relatives have paid.
- BWF offers an open service, with access open to all sectors of the Muslim community
- The bulk purchase of the land would offer BWF long-term security and maybe enable TRDC to invest in other areas of the cemetery i.e. making the toilets DDA compliant.
- BWF has emotional ties with Woodcock Hill

2.6 In addition to the above BWF has provided a written policy supporting its desire to bulk purchase the graves. This is attached as Appendix B. It also undertook to write to all the local mosques and Muslim community groups advising them of its services and offering to administer burials on their behalf. At the time of writing this report, despite reminders, a copy of this letter has not been forthcoming. If made available prior to the PSHPSC, it will be circulated on the night.

2.7 A SWOT analysis of the bulk sale to BWF is attached as Appendix C. In officers' opinion, the threats and weaknesses outweigh the strengths and weaknesses and it is therefore recommended that the Authority does not bulk sell the land to BWF. Instead, it is suggested that the top half of the old nursery section be designated for Muslim burial and that each grave be sold as required. If this approach is adopted the Council would always make sure that there were 2 pre-dug graves within this Section to ensure that it could accommodate the 24hr Islamic burial requirements.

3. **Options/Reasons for Recommendation**

3.1 The recommendations ensure that there is an equity in service provision, as all community sectors will receive the same level of service.

3.2 Adopting the recommendations does not preclude Members from selling part of the designated Muslim burial section to BWF, at a later date.

4. **Policy/Budget Implications**

4.1 The recommendations in this report are within the Council's agreed policy of not permitting the pre-purchase of graves.

5. **Financial, Legal, Staffing implications, Customer Service, Environmental, Website and Community Safety Implications**

5.1. None specific.

6. **Equal Opportunities Implications**

6.1 **Relevance Test**

Has a relevance test been completed for Equality Impact?	Yes
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Did the relevance test conclude a full impact assessment was required?	yes
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6.2 The cemetery impact assessment is attached as Appendix A.

7. Risk Management Implications

7.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. The risk management implications of this report are detailed below.

7.2 The subject of this report is covered by the Environmental Protection service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

7.3 The following table gives the risks if the recommendation(s) are agreed, together with a scored assessment of their impact and likelihood:

Description of Risk	Impact	Likelihood
1. Information on next of kin difficult to trace after weekend burial, therefore loss of income to Authority.	I	E
2. BWF no longer use cemetery therefore no burials and income decreases.	II	D
3. Increase in administration	I	E

7.4 The following table gives the risks that would exist if the recommendation is rejected, together with a scored assessment of their impact and likelihood:

Description of Risk	Impact	Likelihood
4 Other non-Muslim land runs out within Cemetery	III	C
5 Complaint re. lack of equity from other Sectors	II	E

7.5 Of the risks above none are already included in service plans.

7.6 The above risks are plotted on the matrix below depending on the scored assessments of impact and likelihood, detailed definitions of which are included in the risk management strategy. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood are plotted in the shaded area of the matrix. The remaining risks require a treatment plan.

Likelihood ↑	A					Impact V = Catastrophic IV = Critical III = Significant II = Marginal I = Negligible	Likelihood A = >98% B = 75% - 98% C = 50% - 75% D = 25% - 50% E = 2% - 25% F = <2%
	B						
	C			4			
	D		2				
	E	1,3	5				
	F						
		I	II	III	IV		
Impact →							

7.7 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan, and are

therefore operational risks. The effectiveness of treatment plans are reviewed by the Audit Committee annually.

8. **Recommendation**

8.1 That Public Services and Health Policy and Scrutiny Committee recommend to Executive Committee that:

8.1.1 The Executive decision of 24 September 2007 to bulk sell gravespaces within the old nursery section to Batlers Wells Foundation be rescinded and instead designate 50% of this Section as available for Muslim burial.

8.1.2 That the sale of the gravespaces within the area designated above be as required, in line with other areas of the Cemetery.

8.1.3 That officers investigate the necessity of segregating the above designated Muslim Section further and if necessary take action to do so.

8.1.4 That officers publicise the new arrangements among local Muslim groups.

Report prepared by: Alison Page, Environmental Protection Manager

Background Papers

Report to PSHPP – Muslim Section, Woodcock Hill - 30 August 2007.

Appendices

Appendix A Cemetery Equality Impact Assessment

Appendix B: Submission from BWF supporting bulk purchase of graves

Appendix C: SWOT analysis on bulk sale of land to BWF

APPENDIX A

FULL EQUALITIES IMPACT ASSESSMENT FORM B
Function being assessed: Cemeteries
Is this a new function or a review of an existing function? Review of existing function
What are the aims/purpose of the function? To provide burial spaces for deceased persons To maintain the cemeteries for family and friends visiting the deceased.
Is the function designed to meet specific needs such as the needs of minority ethnic groups, older people, disabled people etc? Religion Woodcock Hill cemetery has a dedicated Muslim section. This is because within Islam, all persons must be buried facing east and where possible within 24 hours of death. For this reason there is a dedicated section for Muslims within the cemetery, which always has grave plots already dug within it. The land within this section has been prepurchased by Batlers Wells Foundation (a muslim community group) who co-ordinate the burial process. This may include contacting the grounds operative direct at the weekend. In the past the Council arranged for the bishop to consecrate large areas of land within the cemetery for Christian burials. This practice is no longer carried out, which means that a person of any religious denomination can be buried in any area of the cemetery (other than the muslim section). If required the individual grave plots can be consecrated at the time of burial. Similarly, although there is a chapel at Chorleywood Road cemetery there is not one at Woodcock Hill, in order to not preclude any religious faith. Muslims need to pray immediately after a burial takes place and they currently use the waiting room to do so. As both male and female toilets are accessed via this waiting room, the Council has received complaints from other cemetery users that this can be intimidating, and also this arrangement might be perceived as an unsatisfactory prayer facility. Age The Council does not charge for the cost of interment for a child under the age 12 months. There is a designated children's section for people under the age of 12. Full burial prices are charged in this Section (if over 12 months old). Other authorities offer a reduced rate.

APPENDIX A

Disabled

Certain parts of the cemetery have shingle pathways, which may make access with a wheelchair difficult. Neither male or female toilets are DDA compliant.

What information has been gathered on this function? (Indicate the type of information gathered e.g. statistics, consultation, other monitoring information)? Attach a summary or refer to where the evidence can be found.

Statistics – cemetery usage figures, gravespace records
Consultation with Batlers Wells Muslim group.
Benchmarking of prices with other Hertfordshire authorities.

Does your analysis of the information show different outcomes for different groups (higher or lower uptake/failure to access/receive a poorer or inferior service)? If yes, which aspects of the policy or function contribute to inequality?

The Council has received a small number of complaints that the prepurchase of land by Batlers Wells Foundation is inequitable, as no other religious denomination can prepurchase.

Are these differences justified (e.g. are there legislative or other constraints)? If they are, explain in what way.

These differences are justified due to the religious constraints regarding burial within the Islamic faith. The requirement of Islam for persons to be buried within 24 hours of death means that there are always at least 2 pre-dug graves within the muslim section. This would not be practical within other areas of the cemetery due to the large number of visitors and health and safety concerns. The graves within the muslim section also all face East towards Mecca. This is against the natural incline within the cemetery and therefore only practiced within this part.

Although public perception may be that Muslims are getting an enhanced level of service by allowing to pre-purchase, there is no financial gain – Batlers Wells pay the difference in price for the gravespace used, compared to when the land was bought. The graves are also not pre-allocated to any one person and the graves are filled up in lines, leaving no gaps. These 3 concerns were the basis of the Exec decision to cease the practice of pre-purchasing in other areas of the cemetery.

What action needs to be taken as a result of this Equality Impact Assessment to address any detrimental impacts or meet previously unidentified need?

A reduction in fees and charges for under 12s to be considered as part of the 2007 fees and charges review.

APPENDIX A

Cemetery toilets to be revisited as part of DDA review in 2008.

When will you evaluate the impact of action taken? (When next programmed on the Corporate Equality Plan? Post project review?)

March 2010

Assessment completed by:

NAME Alison Page

SERVICE Environmental Protection

DATE 30 March 2007

Please send your completed assessment to your service head. Completed forms should be attached as an appendix to the relevant report and a copy sent to the Community Partnerships Unit in Corporate Development, Strategic Services.

Woodcock Hill Cemetery and Battlers Well Foundation

The Battlers Well Foundation purchased 300 grave spaces in 1989 and subsequently purchased a further 200 grave spaces in 2002. The BWF has helped to create a Muslim burial section in the Cemetery. To date, by all accounts, the BWF has had a satisfactory record of usage of the cemetery and to our knowledge no complaints have been received.

The basic rites of burial are standard for all Muslims. In addition to facilitate the burial of any deceased Muslim is an obligation. In accordance with these tenets of Islam, it is the policy of the BWF to facilitate the burial of any Muslim upon request. In many cases the whole of the funeral rites are performed by the BWF. On other occasions families have used other centres or facilities to perform some of the rites before and after burial. In addition the BWF has streamlined the administration of the Muslim section. Up to now land costs have been paid in advance and fees due on burial are settled by the BWF. The Foundation has then collected the dues from the families of the deceased or their estates.

Indeed, as one would expect from the above, the records of the last eighteen years show that Muslims of different nationalities and denominational backgrounds have been buried in this section without any issues.

Now the opportunity has arisen to have access to a further 400+ grave spaces and upgrade the small pavilion in the cemetery. The BWF has shown its interest in acquiring the grave spaces on the same terms as the previous plots – i.e. paying in advance for the land cost and settling the balance on burial. We also confirm that we have access to the funds required to enter into this transaction.

The BWF wants to assure the Council that its policies for burial will remain transparent and accessible to all Muslims as has been the case for the last eighteen years. We also feel that the advance payment for the land which is offered by the BWF could help the Council to refurbish the pavilion and make it a pleasant meeting place for relatives visiting the cemetery as well as meeting its obligations under the Disability Discrimination Act.

The BWF would thus request the Council to consider granting a lease on the additional grave spaces on the same terms as previous purchases, save for the upward adjustment in prices as indicated. The BWF, in turn, would perform its obligation(s) as per its record over the last eighteen years with any enhancements suggested by the Council. In particular the BWF would welcome a representative of the Council to sit on a liaison committee with the Foundation to periodically review the usage of the facilities in the Muslim burial section of the cemetery. This arrangement would enable any emerging issues to be addressed expeditiously to the satisfaction of all parties.

February 2008

**SWOT ANALYSIS ON BULK SALE OF LAND IN MUSLIM SECTION
WOODCOCK HILL CEMETERY**

STRENGTHS	WEAKNESSES
<ol style="list-style-type: none"> 1. Provides Authority with Financial security, in that BWF will be responsible for chasing receipt of income from deceased family and will guarantee payment, even if this is not received. 2. Will provide Authority with a large capital receipt. 3. Less EP Administration – dealing with 1 group, rather than individuals. 4. Makes contacting burial staff at weekends easier – contact nos known by BWF – may not be by individual. 5. BWF responsible for ensuring Islamic Law adhered to 	<ol style="list-style-type: none"> 1. Possible lack of equity – some Muslim groups may not be fully engaged with BWF. 2. Council has no control over who is buried and can therefore provide limited marketing. 3. Does not address potential land shortage at Woodcock Hill in future, 4. Does not enable flexibility in land use and may prevent another faith from setting up similar arrangements.
OPPORTUNITIES	THREATS
<ol style="list-style-type: none"> 1. Capital receipt could be used for reinvestment in other parts of cemetery i.e. toilet block 	<ol style="list-style-type: none"> 1. Potential complaints from other Sectors not allowed to pre-purchase 2. Land in other areas of Cemetery could run out, leaving space in BWF leased area, which could be unused. 3. BWF could end up with slightly more interments within space, resulting in loss of income to Authority. 4. Price increases may make Woodcock Hill too expensive for BWF in future therefore large space of unused land or capital required to issue a refund.