

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 3 APRIL 2018
REPORT OF THE EXECUTIVE DIRECTOR (RESOURCES, ENVIRONMENT AND
CULTURAL SERVICES)

FUTURE OF BEREAVEMENT SERVICES

1 Executive Summary

- 1.1 In December 2016, Cemetery Development Services Limited (CDS) submitted a planning application on behalf of the Council seeking permission for the demolition of the existing buildings located at the Welwyn Hatfield Lawn Cemetery and re-locate them to the south west of the grounds. The new development includes the incorporation of the equipment required to conduct cremations as well as upgrading parking provision and generally improve bereavement facilities for the borough.
- 1.2 The planning application was subsequently considered by the Development Management Committee on 30 March 2017, and the planning application was approved.
- 1.3 In June 2017, a company called Crematoria Management Limited, lodged a judicial review against the council's decision to grant planning permission for a development of a crematorium. They subsequently succeeded on one out of three grounds of the judicial review claim in March 2018.
- 1.4 In light of the outcome of the judicial review, the status of the planning application for the crematorium remains undetermined and the purpose of this report is to seek agreement on the way forward for the project.

2 Recommendation(s)

- 2.1 That Cabinet agree for officers to work with CDS Ltd to refresh the planning application for the enhanced bereavement facilities at Welwyn Hatfield Lawn Cemetery and resubmit to the Development Management Committee for consideration at a future date.

3 Explanation

- 3.1 The existing Lawn Cemetery provides plots for burials, internments, and includes a mausoleum, whilst also offering other forms of memorialisation. The existing chapel however is of a very poor standard (in design, scale and condition), and is not befitting of the important role a chapel plays in a funeral service. The existing facilities are therefore significantly limited in what they can offer the public whilst critically they currently do not allow for cremation services, as there is no cremation facility on site.
- 3.2 Following a procurement process, Cabinet agreed in January 2016 to appoint a company called Cemetery Development Services Limited (CDS) to assist the council to work on a proposal and to submit a planning application to provide

enhanced facilities for burial services. The proposal includes the ability for cremation services at the Lawn Cemetery site and also the removal of the existing unsightly buildings that do not meet current needs. The general facilities, including parking, site maintenance, waiting areas, landscaping, welfare, and general bereavement services will be greatly improved by the proposed development.

- 3.3 CDS Ltd subsequently submitted a planning application on the proposal in December 2016 and it was approved by the Development Management Committee in March 2017.
- 3.4 In June 2017, a company called Crematoria Management Limited, lodged a judicial review against the council's decision to grant planning permission for a development of a crematorium. They subsequently succeeded on one out three grounds of the judicial review claim in March 2018.
- 3.5 In light of the outcome of the judicial review, the current status of the planning application remains undetermined and therefore the council can choose to refresh the planning application documents (as some of the documents are now 15-months old), and submit them for consideration by the Development Management Committee at a future date.
- 3.6 The continuation of the project would enable the enhancement of our bereavement services described above, subject to the approval of the planning application. The planning application documents would also set out the benefits and the rationale for continuing with the project.

Implications

4 Legal Implication(s)

- 4.1 All procurements are being undertaken in accordance the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.
- 4.2 By virtue of Section 214 of the Local Government Act 1972 and Section 4 of the Crematorium Act 1902, the Council has the power to build and operate a crematorium. Section 9 of the Cremation Act 1902 provides a power for the Council to charge in respect of the provision of cremation.

5 Financial Implication(s)

- 5.1 The Council has already set up a £4m capital budget to bring the enhanced bereavement facilities project into fruition subject to the planning permission being granted. The current medium term financial plan assumes that £400k of net income will be generated from the new facilities to support the council's General Fund budget in future years.

6 Risk Management Implications

- 6.1 There is a risk that planning consent may not be granted for the scheme, which will mean that all the costs incurred thus far will need to be funded by revenue. There is also a risk that the council may receive a judicial review challenge again.

7 Security & Terrorism Implication(s)

- 7.1 There are no security or terrorism implications

8 Procurement Implication(s)

- 8.1 All procurements (anticipatory or otherwise) associated with this project will be undertaken in accordance with the Public Contracts Regulations 2015 and the European Procurement Directives.

9 Climate Change Implication(s)

- 9.1 There are no direct climate change implications to consider.

10 Link to Corporate Priorities

- 10.1 The subject of this report is linked to the following Council's Corporate Priority:

- "Engage with our communities and provide value for money"

11 Equality and Diversity

- 11.1 An Equality Impact Assessment (EIA) has been carried out in connection with the enhanced bereavement facilities proposals in this report. .

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