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**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

7th October, 2022

MEETING OF PEOPLE AND COMMUNITIES COMMITTEE

Dear Alderman/Councillor,

In addition to those matters previously notified to you, item 2 (b) Community Asset Management Framework will also be considered.

Please note that the report for item 4 (f) Correspondence from LCCC and DfC has been updated to include a response from the Department for Communities. These items will be considered at the meeting to be held at 5.15 pm on Tuesday, 11th October, 2022.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

2. Restricted

- (b) Community Asset Management Framework - Pilot Community Benefit Sites
(Pages 1 - 10)

4. Committee/Strategic Issues

- (f) Correspondence from Lisburn and Castlereagh City Council re Blaris Cemetery Fees and Response from DfC re review of burial ground regulations in relation to fees (Pages 11 - 18)

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By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Correspondence from Lisburn and Castlereagh City Council re Blaris Cemetery Fees and Response from DfC re review of burial ground regulations in relation to fees
Date:	11th October, 2022
Reporting Officer:	Siobhan Toland, Director of City Services
Contact Officer:	Seamus McBride, City Protection Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	To note the correspondence received from Lisburn and Castlereagh City Council re Blaris Cemetery Fees and Department for Communities re review of burial ground regulations in relation to fees.
2.0	Recommendations
2.1	The Committee is asked to <ul style="list-style-type: none"> Note the correspondence as set out in the report.

3.0	Main report
	<p data-bbox="272 226 421 255"><u>Key Issues</u></p> <p data-bbox="165 300 1469 633">3.1 The Committee will recall that, at its meeting on 9th August, 2022, the Committee agreed to write to Lisburn and Castlereagh (LCCC) to seek a review of non-residential fees for the re-opening of graves in Blaris Cemetery for Collin Residents and also to write to the Department for Communities to establish if there was any plans to review the Burial Ground Regulations in relation to fees for burials and to ascertain if the Department had any plans to work with Councils to ensure that residents were not faced with disproportionate charges during a bereavement.</p> <p data-bbox="165 703 1469 786">3.2 The Committee was referred to responses that had been received from LCCC's Head of Service and from the Director, Local Government and Housing Regulation Division.</p> <p data-bbox="165 855 1469 1391">3.3 In his response from LCCC the officer notes that, as Members would be aware, as a result of Local Government Reform, the Council boundary had changed which had resulted in certain areas of the former Lisburn City Council (and former Castlereagh Borough Council) transferring to the Belfast City Council area, which included the Collin Area. In recognising the potential financial impact of this on former ratepayers, Lisburn and Castlereagh City Council (L&CCC) had agreed to offer a time bound 3-year subsidy to those former ratepayers making use of Lisburn and Castlereagh City Council cemeteries. This subsidy had been supported from April 2015 until March 2018 and matched the overall regional rates convergence scheme which had been implemented by Central Government for household rates. Both of these schemes had ended on 31 March 2018 and at the conclusion of this subsidy the council had been consistent in its approach.</p> <p data-bbox="165 1460 1469 1744">3.4 He reported that from April 2015 there had been a number of requests around the same subject. Officers had maintained a consistent approach and complied with the policy and any previous queries/complaints of this nature had not been upheld. Furthermore, the Council had also been reviewed by the Northern Ireland Public Services Ombudsman (NIPSO) on a similar challenge and had been supported in the decision making and consistency of approach concerning this matter.</p> <p data-bbox="165 1814 1469 1946">3.5 He also drew reference to the position of former Castlereagh ratepayers who had existing graves within Knockbreda Cemetery. Highlighting that many of the former Castlereagh Borough Council ratepayers within the newly formed L&CCC had graves within Knockbreda.</p>

	<p>He detailed that Belfast City Council had never subsidised any former Castlereagh Borough Council residents for their subsequent use of Knockbreda Cemetery and charged up to 3 times the resident rate for L&CCC residents.</p>
3.6	<p>He concluded by advising that the Council reviewed its charging scheme annually and this included charges associated with cemetery provision.</p>
3.7	<p>In the DfC response regarding fees for burials, the Director advises that the Burial Grounds Regulations (Northern Ireland) 1992 were made under section 181 of the Public Health Ireland Act 1878 Act (the 1878 Act). He details that this section does not provide the Department with the power to make regulations regarding burial fees. He goes onto state that the Department has no role in the settling of burial fees which is the sole responsibility of Councils.</p>
3.8	<p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p>
3.9	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None associated with this report.</p>
4.0	Appendices – Documents Attached
	<p>Appendix 1 - Response from Lisburn and Castlereagh City Council. Appendix 2 – Response from Department for Communities.</p>

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Our Ref: CEM-03/RWH/EH
Your Ref: SS. P&C – 09.08.2022

23 September 2022

By email to: SteeleSara@BelfastCity.gov.uk

For the Attention of Mr Seamus McBride
City Protection Manager
Belfast City Council

Dear Mr McBride

Review of Non-Residential Fees for the re-opening of graves in Blaris Cemetery for Collin Residents

Further to the correspondence to Mr David Burns dated 20 September 2022 regarding cemetery charges for non-residents using New Blaris Cemetery, I wish to advise that I have been asked to respond on his behalf as the Head of Service responsible for Cemetery Administration within the Council.

I am aware of the financial impact of any interment of a loved one and the significant emotive nature of the same. As you will be aware as a result of Local Government Reform, the Council boundary was changed and this resulted in certain areas of the former Lisburn City Council (and former Castlereagh Borough Council) transferring to the Belfast City Council area, which includes the Collin Area. In recognising the potential financial impact of this on former ratepayers, Lisburn and Castlereagh City Council (L&CCC) agreed to offer a time bound 3-year subsidy to those former ratepayers making use of Lisburn and Castlereagh City Council cemeteries. This subsidy was supported from April 2015 until March 2018 and matched the overall regional rates convergence scheme which was implemented by Central Government for household rates. Both of these schemes ended on 31 March 2018 and at the conclusion of this subsidy the council has been consistent in its approach.

I can confirm that from April 2015 there have been a number of requests around the same subject. Officers have maintained a consistent approach and complied with the policy and any previous queries/complaints of this nature have not been upheld. Furthermore, the Council has also been reviewed by the Northern Ireland Public Services Ombudsman (NIPSO) on a similar challenge and has been supported in the decision making and consistency of approach concerning this matter.

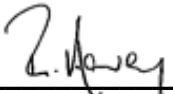
Whilst I am responding on the issue of non-residents who now reside within Belfast City Council, I feel it is relevant to also advise on the position of former Castlereagh ratepayers who had existing graves within Knockbreda Cemetery.

Knockbreda Cemetery was owned and operated by the former Castlereagh Borough Council and it transferred as an asset to Belfast City Council on 1 April 2015. Many of the former Castlereagh Borough Council ratepayers within the newly formed L&CCC had graves within Knockbreda. Belfast City Council never subsidised any former Castlereagh Borough Council residents for their subsequent use of Knockbreda Cemetery and charged up to 3 times the resident rate for L&CCC residents.

I can advise that the Council reviews its charging scheme annually and this includes charges associated with cemetery provision.

I am happy to meet to discuss further if you feel that would be beneficial.

Yours sincerely



Richard W Harvey
Head of Service (Environmental Health)

From: Anthony Carleton

Causeway Exchange
Director Local Government &
Housing Regulation Division
1-7 Bedford Street
Belfast
BT2 7EG

Telephone: 028 90 823346
Our ref: CORR-2436-2022
Your ref: SS. P&C – 09.08.2022
Email:
Anthony.Carleton@communities-ni.gov.uk

Date: 6 October 2022

Mrs Sara Steele (Democratic Services Officer)
via email: steelesara@belfastcity.gov.uk

Dear Mrs Steele,

REVIEW OF BURIAL GROUND REGULATIONS IN RELATION TO FEES FOR BURIALS

I am writing in relation to your letter dated 20 September 2022 to Minister Hargey regarding a review of Burial Ground Regulations in relation to fees. The Minister has asked that I reply on her behalf.

The Burial Grounds Regulations (Northern Ireland) 1992 were made under section 181 of the Public Health Ireland Act 1878 (the 1878 Act). This section does not provide the Department with the power to make regulations regarding burial fees.

A council's power to sell exclusive rights of burial, amongst other things, is set out under section 178 of the 1878 Act and the setting of fees is under section 188 of that Act. The Department has no role in the setting of burial fees which is the sole responsibility of councils.

I hope this information is useful to your Committee.

Yours sincerely,



Anthony Carleton
Director, Local Government & Housing Regulation Division

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