

Report of the Interim Director of Environment and Leisure

Cemetery Memorials

1. Purpose of Report

The purpose of the report is to provide an update on the progress made in implementing the recommendations approved by Cabinet relating to cemetery memorials.

2. Recommendation

The Committee is asked to NOTE the report.

3. Detail

On 3 February 2026, Cabinet approved 17 recommendations from the Overview and Scrutiny Committee relating to memorials and put forward a further four recommendations. This report provides an update on progress against those recommendations.

In total, 20 actionable recommendations have been identified. Following Cabinet approval, progress has been made across the programme, with 14 actions being completed and six currently in progress. This represents an overall completion rate of 70%.

Progress against each of the recommendations is set out in detail in **Appendix 1**, with a comprehensive list of agreed prohibited items provided in **Appendix 2**.

A collaborative approach has been adopted throughout, working closely with both internal stakeholders and the Friends of Broxtowe Cemeteries. Their input and ongoing support has been invaluable, and the Council would like to formally acknowledge and thank them for their contribution to this work.

This programme of work will culminate in a comprehensive revision of the Council's Cemetery Rules and Regulations. The updated framework is scheduled to be presented to Cabinet for final approval in September 2026.

4. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

There may be additional operational costs associated with the implementation of the revised Cemetery Rules and Regulations. These are currently being identified and will be set out in a separate report to Cabinet for consideration and approval. Any additional funding requirements arising from this will need to be met from the Council's General Fund reserves.

5. Legal Implications

The comments from the Head of Legal Services were as follows:

There is no statutory duty on the Council to provide burial facilities but where they do then the management is governed by the Local Authority Cemeteries Order (LACO) 1977. The Council's powers to provide a cemetery derives from the Local Government Act 1972. LACO 1977 gives the Council wide ranging powers of management to do what is considered necessary or desirable for the management, regulation and control of the cemeteries. The Council also have a legal obligation to keep the cemeteries in good order and repair from a health and safety element whilst maintaining records, plans, issuing deeds, etc. In relation to Health and Safety a principle piece of legislation the Council must adhere to is the Health and Safety at Work Act 1974 (HSAW) which places the Council under a legal duty to protect employees and other persons working or visiting the cemetery.

The Management of Health and Safety at Work Regulations (1999) made under the HSWA, require all employers to assess the risks to employees and nonemployees which arise out of the employer's undertaking. Therefore, the Council is under a legal duty to assess the risk from all plant, structures (including memorials), and work activities in their cemeteries to ensure that the risk is controlled.

The Council also has a duty of care under the Occupiers Liability Act 1957 Section 2(2) which states 'The common duty of care is a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there'. Furthermore, case law has established the principle of a duty of care towards others who may foreseeably be injured by their activities (Donoghue v Stevenson 1932).

6. Human Resources Implications

Not applicable.

7. Union Comments

Unison noted the contents of the report.

8. Climate Change Implications

Not applicable.

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

Not applicable.

11. Background Papers

Nil.