

Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The general equality duty applies to all of the decisions made in the course of exercising public functions, not just to policy development and high-level decision-making. The functions of a public authority include all of its powers and duties. Examples of this include: policy decisions, strategies, individual decision-making, budgetary decisions, public appointments, service provision, statutory discretion, employment of staff and procurement of goods and services.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Council has also decided to treat people who have care experience as if they had a protected characteristic under the law.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Environment and Leisure	Lead officer responsible for EIA	Interim Director – Environment and Leisure
Name of the policy or function to be assessed:		Cemetery Rules and Regulations 2026	
Names of the officers undertaking the assessment:		Interim Director – Environment and Leisure	
Is this a new or an existing policy or function?		Review of the cemetery Rules and Regulations 2026	
1. What are the aims and objectives of the policy or function? Aim To provide a clear and consistent framework for the management of Council-managed cemeteries that balances the needs of bereaved families with the Council's responsibilities for accessibility, health and safety, environmental management and the long-term maintenance of cemetery spaces. Objectives • To introduce a formal process for the approval, retention and management of memorial gardens and kerbsets. • To provide clear guidance on permitted and prohibited memorial items within Council-managed cemeteries. • To establish defined responsibilities for the maintenance and upkeep of graves, memorial gardens and memorial structures. • To support safe and accessible cemeteries for all visitors, including those with disabilities and mobility impairments. • To ensure a fair and consistent approach to memorialisation across all Council-managed cemeteries. • To support bereaved families in personalising grave spaces in an appropriate and dignified manner. • To enable effective operational management and maintenance of cemetery grounds.			

- To ensure that cemetery services remain compliant with relevant legislation, health and safety requirements, and equality considerations.

2. What outcomes do you want to achieve from the policy or function?

The intended outcome is the adoption of a clear, transparent and enforceable set of Cemetery Rules and Regulations that balance the needs of bereaved families with the Council's responsibilities relating to accessibility, health and safety, operational management and environmental maintenance.

3. Who is intended to benefit from the policy or function?

There is no single group intended to benefit directly from the revised Cemetery Rules and Regulations. The Regulations are intended to benefit all cemetery users and stakeholders by providing a clear, transparent and consistent framework for the management of cemeteries.

The Rules and Regulations are intended to:

- Provide greater clarity and certainty for grave owners and bereaved families regarding what memorials, memorial gardens and commemorative items are permitted.
- Support visitors by helping to maintain safe, accessible and well-maintained cemetery environments.
- Ensure that the needs of people with protected characteristics, including disabled visitors and those with mobility impairments, are considered through the regulation of memorial gardens, kerbsets and other features.
- Support faith groups and communities by providing clear guidance on cultural and religious burial requirements, including Muslim burials.
- Assist Bereavement Services and Grounds Maintenance employees in the consistent application of cemetery standards.
- Promote fairness by ensuring that cemetery rules are applied consistently across all Council-managed cemeteries.
- Balance the ability of families to personalise graves with the Council's responsibilities in relation to health and safety, accessibility, maintenance and operational requirements.

4. Who are the main stakeholders in relation to the policy or function?

- Members
- General Management Team (GMT)
- Residents and Grave owners
- Employees in the Council
- Funeral Directors
- Community Groups (Friends of Groups)
- Stonemasons

5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?

- Approximately 9,000 graves in Borough cemeteries (this does include the graves from the 11 closed church yards).
- 5 Working Cemeteries: Beeston, Stapleford, Kimberley, Eastwood and Chilwell
- 11 Closed Cemeteries. These are managed by Parish Councils. The Parish Council has its own rules and regulations regarding memorials.

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

Public consultation undertaken from 5 January 2026 to the 16 January 2026. Total number of responses received were 127.

1. Have you ever experienced any accessibility issues at any of the Borough's cemeteries?

No	Yes
121 (95%)	6 (5%)

Comments:

Where respondents described accessibility difficulties, these were most often attributed to site conditions rather than memorial boundaries, examples included uneven or sunken ground, potholes, narrow gaps between headstones, leaf litter, and ungritted paths in winter. Requests for practical improvements included: better lighting during darker months, clearer/continuous pathways (including edge plots or path-adjacent graves for those using wheelchairs or scooters), and provision of toilets and hand-washing facilities.

By contrast, many respondents stated they had personally experienced no barriers from kerb sets or gardens, and some wheelchair users and blind/partially sighted visitors reported that defined borders can aid confidence and site navigation.

2. Do any of the proposed recommendations in the Overview and Scrutiny report create additional barriers to accessibility for visitors at the cemeteries, particularly those with disabilities, older people, or those with mobility challenges?

No	Yes
123 (97%)	4 (3%)

Comments:

Most respondents did not consider the proposed recommendations likely to create new barriers for disabled or older visitors. Those who foresaw risks tended to focus on how rules are applied: if restrictions are enforced unevenly or without clear criteria, some visitors could be disadvantaged (for example, if lower-cost materials acceptable to one family are refused for another).

3. Kerb sets and memorial boundaries (this is a low border, usually made of stone or concrete that surrounds a grave to define its boundary), are deeply personal and sensitive. How can the Council achieve the right balance between respecting this sensitivity and ensuring accessibility for all visitors?

Respondents typically stated that kerb sets and graveside gardens as deeply personal and important to grief, with many emphasising that respectful, well-kept boundaries can coexist with safe maintenance and visitor access. A recurring view was that borders help delineate plots, reduce inadvertent footfall across graves, and, particularly for some visitors with visual impairment or mobility aids, provide clearer navigation across the cemetery. Several respondents suggested controls (for example, keeping edges flush/level, limiting height or materials, and assigning upkeep to families) to balance sensitivity with safety and operational needs.

Other respondents suggested that unmanaged or DIY installations may create trip hazards or obstruct equipment, asking for consistent standards and fair, transparent enforcement.

A minority argued that kerb sets and unauthorised tributes should not be permitted at all on safety and equality grounds, favouring a single rule applied equally to all graves.

4. Do you think the proposed approach to Kerb sets and memorial boundaries as outlined in the recommendations could impact accessibility for visitors within the cemeteries?

No	Yes
117 (92%)	10 (8%)

Comments:

Many of the comments in this section repeated what had previously been raised. Ensuring level, navigable routes and adequate spacing between headstones was seen as more critical to access than removing kerb sets. Where concerns were expressed, they generally related to visibility of low borders in poor light and the need for clearly defined walking routes that avoid any need to step across graves.

5. Other suggestions or concerns.

Beyond accessibility, there was strong sentiment to respect individual grieving practices while upholding safety, tidiness and environmental considerations (for example, discouraging loose plastics, and encouraging compostable tributes).

A separate set of views prioritised consistent enforcement and legal duties of care, arguing that unmanaged surrounds can impede maintenance or grave-digging operations and elevate risk.

There was agreement across all respondents that the cemeteries would benefit from better routine maintenance, improved lighting and CCTV for security, and, where feasible, public conveniences on or near the sites.

Demographic data

How would you best describe your gender?

Female	Male	Prefer not to say
56 (64%)	31 (35%)	1 (1%)

Total number of respondents for this question was 88.

Which of the following age groups do you belong to?

18-24	25-29	30-44	45-59	60-64	65+
5 (6%)	6 (7%)	21 (24%)	31 (35%)	13 (14%)	13 (14%)

Total number of respondents for this question was 89.

Ethnicity

White English/ Welsh/ Scottish/ Northern Ireland/ British	White Gypsy or Irish Traveller	White Irish	Asian or Asian British Indian
78 (88%)	5 (5%)	5 (5%)	1 (1%)

Total number of respondents for this question was 89.

Whereabouts in Broxtowe do you live?

Beeston	Bramcote	Brinsley	Chilwell	Eastwood
35 (38%)	8 (9%)	1 (1%)	14 (15%)	8 (9%)
Greasley	Kimberley	Stapleford	Toton	Trowell

2 (2%)	5 (6%)	13 (14%)	3 (4%)	2 (2%)
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Total number of respondents for this question was 91.

Do you consider yourself as disabled or have any long-term health problems that limit daily activity?

No	Yes
75 (63%)	45 (38%)

Total number of respondents for this question was 120.

6. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

Public consultation was undertaken in January 2026 as part of the Overview and Scrutiny Committee's review of unofficial memorials within the Council's cemeteries. The consultation indicated that the principal accessibility concerns raised by respondents related to the general condition of cemetery infrastructure, including uneven ground, path conditions, lighting and access routes, rather than memorial gardens or kerbsets themselves.

The consultation also identified that some visitors, including people with mobility impairments and visual impairments, considered clearly defined memorial boundaries to be beneficial in assisting navigation and identifying individual grave spaces. Whilst a small number of respondents expressed concerns regarding the potential impact of memorial boundaries on accessibility, the majority did not consider the proposed approach likely to create additional barriers.

Since the completion of the consultation, the Council has worked closely with the Friends of Broxtowe Cemeteries during the development of the revised Cemetery Rules and Regulations. Several meetings have been held to review the proposed provisions, discuss operational and accessibility considerations, and identify appropriate controls relating to memorial gardens, kerbsets and prohibited items.

This collaborative approach has helped to inform the final draft of the Rules and Regulations and has supported the development of a balanced framework that seeks to respect personal memorialisation, whilst maintaining accessibility, health and safety, operational effectiveness and the overall appearance of the Council's cemeteries.

Overall, the evidence gathered through consultation and stakeholder engagement suggests that the revised Rules and Regulations are unlikely to create significant adverse equality impacts. However, the Council will continue to monitor implementation and engage with cemetery users and stakeholders to identify and address any emerging issues.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

The revised Cemetery Rules and Regulations do not target or exclude any specific equality group or community. The Rules and Regulations apply equally to all grave owners, visitors, funeral directors, memorial masons and other cemetery users.

During the development of the Regulations, consideration was given to the potential impact on a range of groups, particularly disabled people, older people and those with mobility impairments. This included reviewing the findings of the public consultation undertaken in January 2026 and ongoing engagement with the Friends of Broxtowe Cemeteries. Through this process, the Council considered a range of options relating to memorial gardens, kerbsets, permitted items and maintenance requirements.

Whilst some aspects of the Rules and Regulations may affect individuals differently depending on their personal circumstances, faith requirements or accessibility needs, the Rules and Regulations have been designed to balance the interests of all cemetery users. Controls relating to the size, location and construction of memorial gardens and kerbsets have been included to support accessibility, health and safety and operational requirements whilst continuing to allow an appropriate degree of personalisation and remembrance.

The Regulations also include provisions which recognise the needs of specific groups, including arrangements relating to Muslim burials and the exemption from memorial garden application fees where the grave relates to a child who died before reaching the age of 18 years.

On balance, no disproportionate adverse impact on any protected group has been identified. The Council will continue to monitor the implementation of the Rules and Regulations and engage with stakeholders to ensure that any unforeseen impacts are identified and addressed appropriately.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

The Cemetery Rules and Regulations are intended to apply equally to all cemetery users. However, it is recognised that some aspects of the policy may affect individuals differently, particularly disabled visitors, older people and those with mobility impairments.

The Council has sought to minimise any potential adverse impacts through the development of the Rules and Regulations. A range of mitigation measures have been incorporated, including restrictions on the size and location of memorial

gardens and kerbsets, the introduction of approved materials, the prohibition of items that may create accessibility barriers or maintenance issues, and ongoing powers for the Council to address unsafe or obstructive features where necessary.

The Rules and Regulations also establish clear maintenance responsibilities for grave owners and provide the Council with the ability to intervene where memorial items present a health and safety risk or adversely affect accessibility. These measures are intended to ensure that personalisation of grave spaces can continue whilst maintaining safe access throughout the cemeteries.

In addition, the Council will implement the new arrangements through a phased programme of engagement and support, allowing grave owners sufficient opportunity to understand and comply with the revised requirements. The impact of the Rules and Regulations will continue to be monitored, and any accessibility concerns raised by cemetery visitors will be considered as part of the ongoing management and review of the service.

Whilst the policy may not be experienced in the same way by all groups, the Council considers the approach to be proportionate, justified and supported by appropriate safeguards to minimise any potential negative impacts on equality groups.

• **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

During the development of the revised Cemetery Rules and Regulations, consideration was given to the potential impact on accessibility, particularly for disabled people, older people and those with mobility impairments.

Public consultation undertaken in January 2026 identified that some cemetery users experience accessibility challenges within cemeteries. These concerns were generally associated with site conditions, including uneven ground, narrow access routes and the overall layout of cemetery areas, rather than memorial gardens or kerbsets alone.

In developing the Rules and Regulations, the Council has worked closely with the Friends of Broxtowe Cemeteries to consider these issues and identify ways to minimise potential barriers. As a result, the Rules and Regulations include controls relating to the size, location and approved materials of memorial gardens and kerbsets, together with provisions enabling the Council to refuse, amend or remove features that may present a health and safety risk or impede access and maintenance.

Whilst no significant barriers have been identified because of the proposed Regulations, the Council recognises that the needs of cemetery users may change over time. The implementation of the Rules and Regulations will therefore be monitored, and ongoing engagement with residents, grave owners and stakeholder groups will continue to ensure that any emerging accessibility concerns can be identified and addressed appropriately.

• **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

Yes. The revised Cemetery Rules and Regulations have the potential to promote equality and foster positive relationships between different groups by providing a clear, transparent and consistent framework for the management of memorials, memorial gardens and cemetery spaces.

During the development of the Regulations, the Council has engaged with a range of stakeholders, including cemetery users, residents and the Friends of Broxtowe Cemeteries. This engagement identified differing views regarding memorialisation, accessibility, maintenance and cemetery management. The revised Rules and Regulations seek to balance these by allowing appropriate personalisation of graves whilst establishing clear rules regarding permitted memorials, maintenance responsibilities and accessibility requirements.

The Rules and Regulations also support the needs of different faith groups and communities by recognising a range of burial practices and providing specific guidance in relation to Muslim burials. By setting clear expectations and applying standards consistently across all Council-managed cemeteries, the Rules and Regulations aim to promote fairness, understanding and mutual respect between cemetery users while maintaining safe and accessible environments for all visitors.

The Council will continue to engage with stakeholders and monitor the implementation of the Regulations to ensure that they remain fair, proportionate and responsive to the needs of the communities they serve.

What further evidence is needed to understand the impact on equality?

The public consultation undertaken in January 2026, together with ongoing engagement with the Friends of Broxtowe Cemeteries during the development of the revised Cemetery Rules and Regulations, has provided a reasonable understanding of the potential equality impacts associated with the proposed changes.

At this stage, no further evidence is considered essential to inform the decision to adopt the revised Rules and Regulations. However, the Council recognises that the practical impacts of the Rules and Regulations will only become fully apparent during implementation.

The Council will therefore continue to monitor the operation of the Regulations, including feedback from grave owners, cemetery visitors, faith groups, disability groups, funeral directors and other stakeholders. Any complaints, concerns or accessibility issues identified through the implementation process will be reviewed and, where appropriate, used to inform future revisions to the Rules and Regulations.

In addition, the Council will continue to assess the accessibility of its cemeteries as part of its ongoing management and maintenance responsibilities to ensure that cemetery spaces remain safe, accessible and inclusive for all users.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age:

- Monitor feedback from older residents and cemetery visitors to identify any emerging accessibility concerns.
- Ensure the implementation of the Cemetery Rules and Regulations takes account of the needs of older people and those with reduced mobility.
- Monitor the impact of memorial garden applications and associated fees, including the uptake of the child grave fee exemption.

Disability:

- Monitor the impact of memorial gardens, kerbsets and other authorised memorial features on accessibility throughout Council-managed cemeteries.
- Ensure that approved memorial gardens and kerbsets comply with the dimensions, materials and location requirements set out within the Cemetery Rules and Regulations.
- Continue to maintain clear and accessible routes through cemeteries and address any identified obstructions that may adversely affect visitors with disabilities or mobility impairments.
- Undertake periodic accessibility reviews of cemetery areas to identify and address barriers relating to site conditions, memorial gardens and memorial boundaries.
- Engage with cemetery users and relevant stakeholders to identify any emerging accessibility concerns and inform future revisions to the Rules and Regulations.
- Review complaints, incidents and feedback relating to accessibility, memorial gardens and cemetery maintenance as part of the ongoing monitoring of the policy.

Gender: No impacts have been identified at this time. The Council will continue to monitor the implementation of the Cemetery Rules and Regulations and will review any feedback, complaints or concerns raised to ensure that any unforeseen equality impacts are identified and addressed appropriately.

Gender Reassignment: No impacts have been identified at this time. The Council will continue to monitor the implementation of the Cemetery Rules and

Regulations and will review any feedback, complaints or concerns raised to ensure that any unforeseen equality impacts are identified and addressed appropriately.

Marriage and Civil Partnership: No impacts have been identified at this time. The Council will continue to monitor the implementation of the Cemetery Rules and Regulations and will review any feedback, complaints or concerns raised to ensure that any unforeseen equality impacts are identified and addressed appropriately.

Pregnancy and Maternity:

- Ensure cemetery pathways, access routes and communal areas are maintained in a safe and accessible condition for visitors who are pregnant or accompanied by young children.
- Continue to monitor the impact of memorial gardens, memorial items and cemetery infrastructure to ensure they do not create unnecessary barriers to access.
- No disproportionate impacts have been identified at this time; however, the Council will continue to monitor feedback and any emerging equality issues through the implementation of the Cemetery Rules and Regulations.

Race: No impacts have been identified at this time. The Council will continue to monitor the implementation of the Cemetery Rules and Regulations and will review any feedback, complaints or concerns raised to ensure that any unforeseen equality impacts are identified and addressed appropriately.

Religion and Belief:

- Maintain awareness of diverse religious beliefs, burial practices and graveside customs when implementing and reviewing the Cemetery Rules and Regulations.
- Ensure that the Cemetery Rules and Regulations continue to support the reasonable accommodation of faith-based memorialisation and burial practices, provided that these do not compromise health and safety, accessibility or the operational management of the cemetery.
- Continue to engage with faith groups and community representatives regarding burial requirements, memorialisation and cemetery management.
- Monitor feedback from faith groups and cemetery users to identify any emerging issues or unintended impacts arising from the implementation of the Cemetery Rules and Regulations.
- Consider equality and faith-based requirements as part of any future review of the Cemetery Rules and Regulations.

Sexual Orientation: No impacts have been identified at this time. The Council will continue to monitor the implementation of the Cemetery Rules and Regulations

and will review any feedback, complaints or concerns raised to ensure that any unforeseen equality impacts are identified and addressed appropriately.

Care Experience:

- No specific impacts have been identified for people with care experience at this time.
- The Council will continue to monitor feedback from cemetery users and stakeholders to identify any emerging issues affecting people with care experience.
- Any future review of the Cemetery Rules and Regulations will take account of equality impacts identified through monitoring and engagement activities.

Financial Inclusion:

- Keep memorial garden application fees under review to ensure they remain proportionate and do not create unreasonable barriers for bereaved families.

Chief Executive:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature: Chief Executive