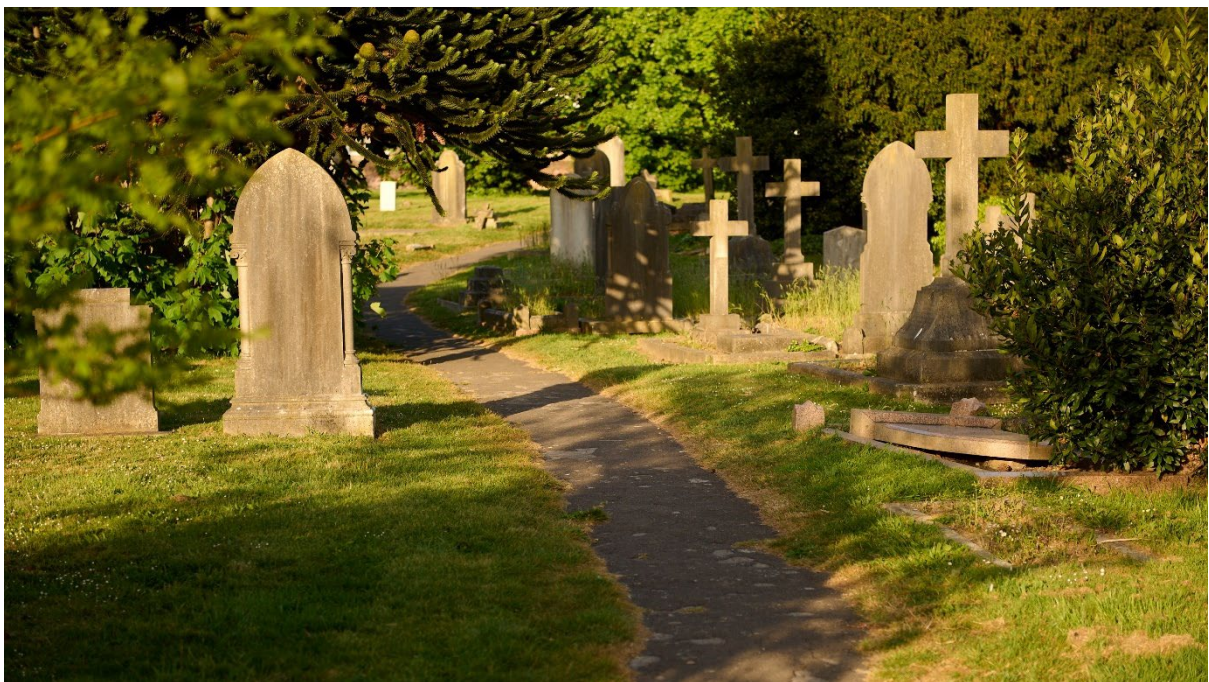


Portsmouth Cemeteries Delivery Plan for the future provision of burial services in the city, 2023- 2033



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Section 1: Introduction

The Council Plan 2022-2023 'Delivering for Portsmouth' commits the Council to 'stand up for Portsmouth' by supporting its residents including through the delivery of infrastructure, parks, open space and buildings.¹ This work will help achieve the city's vision for 2040, which includes values of community, collaboration, equality and respect.²

The cemeteries delivery plan embodies the Council Plan by protecting our existing cemetery spaces and looking towards future provision for the community.

History

In England and Wales, burials took place principally in churchyards until the 19th century, when growing awareness about hygiene and disease transmission resulted in many churchyards being closed. The cholera epidemics in the mid-19th century led to the development of larger municipal cemeteries, which took on the larger proportion of burials.³

Demand for burials declined nationally during the second half of the twentieth century as cremation became more commonplace. The UK has one of the highest cremation rates in the world, with people expressing this as their own wish in several cases, and with cremation being the most usual choice in families where the deceased had not expressed a clear preference before their death.

However, burial is still the funeral choice for a large proportion of residents, for a range of reasons, including religious conviction. In some faiths, the practice of cremation is not encouraged and in others, forbidden in religious texts.⁴

Cultural and religious practices need to be considered in the development of bereavement services, to ensure that burial rituals and practices can be accommodated sensitively. Increasingly, there is consideration about the need for other requirements to be taken into account - for example, non-religious commemoration and ritual (including celebration) and preference for what is known as "natural burial".

Legislative background

Portsmouth City Council provides and manages cemeteries under the provisions of the Local Authorities' Cemeteries Order 1977 as amended in 1986 ("LACO 1977"). The city council is under no statutory duty to provide a cemetery, but it is required to maintain its existing cemeteries. The LACO 1977 gives authorities flexibility in their management of cemeteries and discharge of responsibilities:

" Subject to the provisions of this order, a burial authority may do all such things as they consider necessary for the proper management, regulation and control of a cemetery."

In addition to its powers and duties as a burial authority, the council is also required to make funeral arrangements under the Public Health (Control of Disease) Act 1984:

¹ [FOR CABINET - Draft 202223 Corporate Plan.pdf \(portsmouth.gov.uk\)](#)

² [The Vision - Imagine Portsmouth](#)

³ [Cemeteries, churchyards and burial grounds \(historicengland.org.uk\)](#)

⁴ [History of Cremation in the United Kingdom](#)

" It shall be the duty of a local authority to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority."

Pressures & priorities

If current trends and practices in relation to burial in Portsmouth continue, it is projected that there is sufficient burial space to accommodate wishes in the medium term, but this space is finite and given the pressures on land space in the city, it will be prudent to consider options as soon as possible.

In the meantime, the challenge for the service is how to manage the existing burial space to meet current demand, maximise future availability and ensure that the service is providing good value to the city. The scope of the delivery plan is the council-owned cemeteries, but reference is made to those facilities that also serve the bereaved, including Portchester Crematorium and the Sustainability Centre.⁵

It is also important to remember that cemeteries provide wider social, cultural and environmental benefits, and that these are particularly important in the context of an urban environment such as Portsmouth. The cemeteries encompass significant areas of green space, so as well as providing space for quiet contemplation they provide space for walking, for wildlife, and as spaces of importance for local history and heritage.⁶ The cemeteries offer a sense of place and community to the city's residents. They are accessible spaces (particularly Milton and Kingston) and local people can travel to them from within the city boundary. The cemeteries, even when at capacity, will continue to offer a sense of continuity, connection and reflective space to the city.

Section 2: Current provision



Portsmouth City Council currently owns and operates three cemeteries within the city of Portsmouth. These are Milton Cemetery, Kingston Cemetery and Highland Road Cemetery.

⁵ [Sustainability Centre \(sustainability-centre.org\)](https://www.sustainability-centre.org/)

⁶ [Agenda for Cabinet on Tuesday, 21st February, 2023, 12.00 pm Portsmouth City Council](#) - see Draft Parks and Open Spaces Strategy

Portsmouth cemeteries generally have a lawn-style layout which means the grave space around the memorial is kept turfed and mowed. In contrast with other urban cemeteries, particularly in London, none of the sites have been abandoned, and all three are kept open and accessible to the public, as part of the city's open space offer. Planting and landscaping is managed and maintained by the local authority. All three contain structures, buildings and landscapes of heritage interest and value.

The city is also served by the Portchester Crematorium, which was opened in 1958 and is situated on the lower slopes of Portsdown Hill. The crematorium is controlled by a Joint Committee of councillors representing the city of Portsmouth, and Boroughs of Fareham, Havant and Gosport. There is also a historic private cemetery in Fawcett Road, established in 1749 and subsequently extended, which specifically serves the Jewish community (the Fawcett cemetery is now full).⁷

Oaks Crematorium in Havant is a private facility run by Southern Co-operative society. It is a designated Site of Importance for Nature Conservation (SINC). Since its construction, this crematorium has offered a local alternative to Portchester and has relieved the capacity pressure that had previously existed at Portchester.

In 1995, the Sustainability Centre (55 acres) opened in the South Downs Way, Petersfield to cater for natural burials, particularly for those with no religious faith, permitting memorialisation with trees. This has proved to be a successful alternative, providing a specific offer for those bereaved and a different way of honouring the wishes of the deceased.⁸

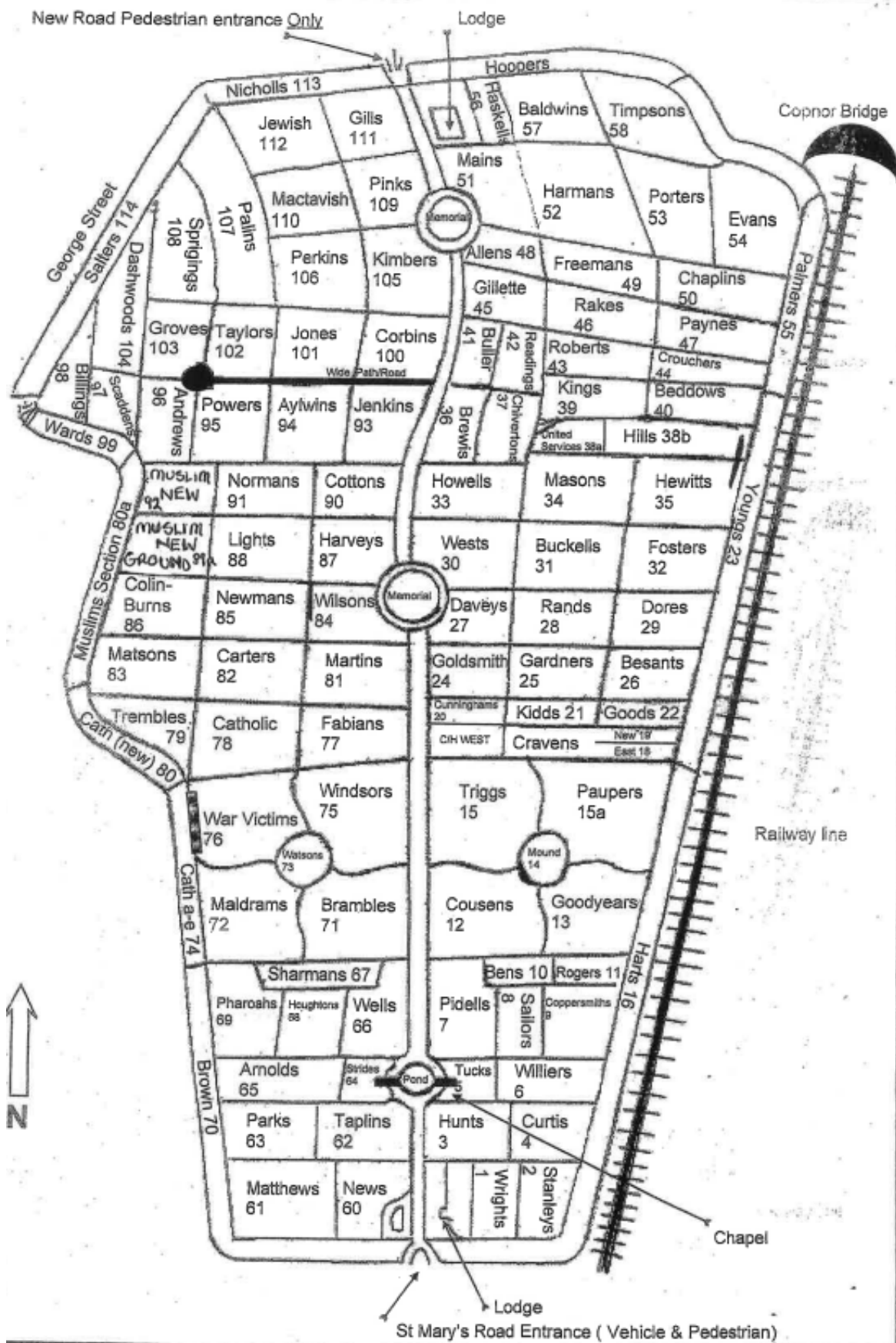
Many changes have been made over time to maintain the city cemeteries. In 1959, a Portsmouth Corporation Act stated that no more kerbs or surrounds were permitted.⁹ All three cemeteries therefore now comprise a less formal layout, with many kerbs having been cleared in the 1970s from all sites that allowed for the reclaim of thousands of graves and secured the city's burial space requirement at that point in time. This provides easy access for grounds maintenance and minimises trip hazard risks.

⁷ [Documents: History - Portsmouth Old Jews Burial Ground: CemeteryScribes Jewish tombstone inscriptions, Find a grave Genealogy, Family History](#)

⁸ [Burial Site \(sustainability-centre.org\)](#)

⁹ [ukla_19590045_en.pdf \(legislation.gov.uk\)](#)

Kingston Cemetery



Kingston Cemetery Plot Map

Kingston Cemetery was opened in January 1856, and at 52 acres is the largest and most visually impressive of Portsmouth's cemeteries, as well as the only Grade II listed cemetery (listing applies to the southern portion of the site). Since it opened, around 192,000 interments have taken place, and the cemetery currently provides for 220 burials a year on average.¹⁰

There are several assets of heritage value in the cemetery, including the gateways in St Mary's Road and New Road, and the East and West Chapels. Designed by George Rake, a Victorian architect of significance to Portsmouth, these structures give the cemetery a particular character.



Kingston Cemetery St. Mary's Road Gateway

¹⁰ Average annual burials for Kingston Cemetery, for the years 2015 - 2022 (including coffin burials and cremated remains).



Kingston Cemetery New Road Gateway



Kingston Cemetery East & West Chapels

A section of Kingston Cemetery was allocated in 1893 to the Jewish community. The most recent Jewish interment at Kingston took place in 2019. As the Jewish community section has almost reached capacity, the Jewish community purchased some land at Catherington Cemetery¹¹, Waterlooville, where most local Jewish burials now take place.

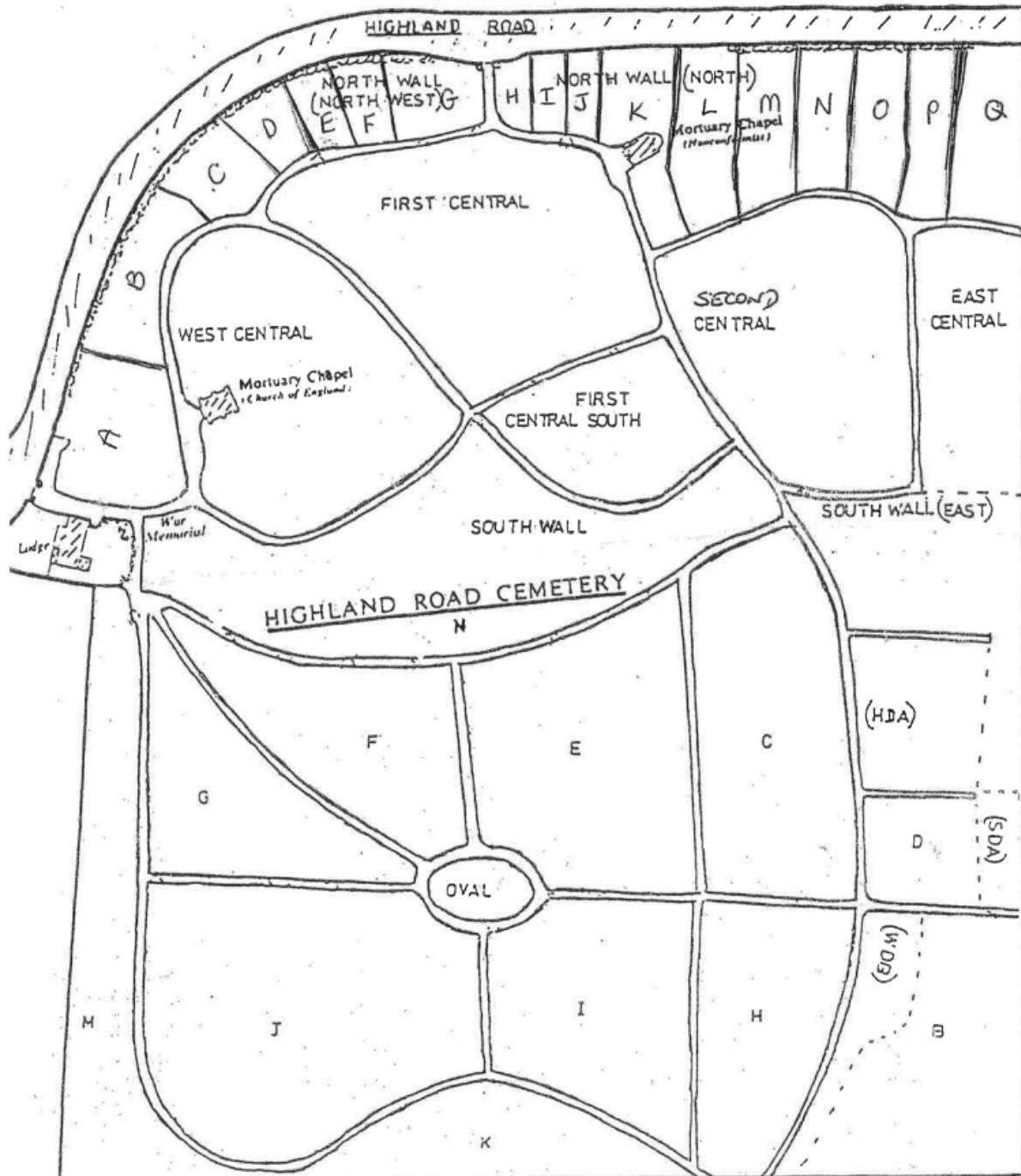
A section has also been set aside specifically for Muslim burials and although this can be extended slightly (e.g. by realigning adjacent hedges) this will become full within the next three to four years. A new area in Milton Cemetery has been identified for this purpose, utilising an area which is currently unused.

The 2021 census demographics for Portsmouth¹² show that 5% of residents are of the Muslim faith, while one in a thousand are from the Jewish community.

¹¹ Operated by East Hampshire District Council

¹² Office for National Statistics

Highland Road Cemetery



Highland Cemetery Plot Map

Highland Road Cemetery is the oldest municipal cemetery and was opened in November 1854. It is the smallest of our current provision at 17 acres and home to graves of historical interest with many decorated servicemen and women, associates of Dickens and royalty buried there. The last available plot has been used so the cemetery is generally considered closed to new burials, although existing family plots are still used. The average burials are therefore much lower at 3- 4 a year.¹³

¹³ Average annual burials for Highland Cemetery, for the years 2015 - 2022 (including coffin burials and cremated remains).

The cemetery was planned by Thomas Ellis Owen, and the absence of planting makes it less secluded than the other city cemeteries, with a less formal layout. The cemetery has a high number of attractive and mature trees. The site is supported by a volunteer organisation, [Friends of Highland Road Cemetery, Portsmouth](#).¹⁴

Some of the Thomas Ellis Owen structures in the site are Grade II listed, including the Anglican Chapel and the Dissenters Chapel.

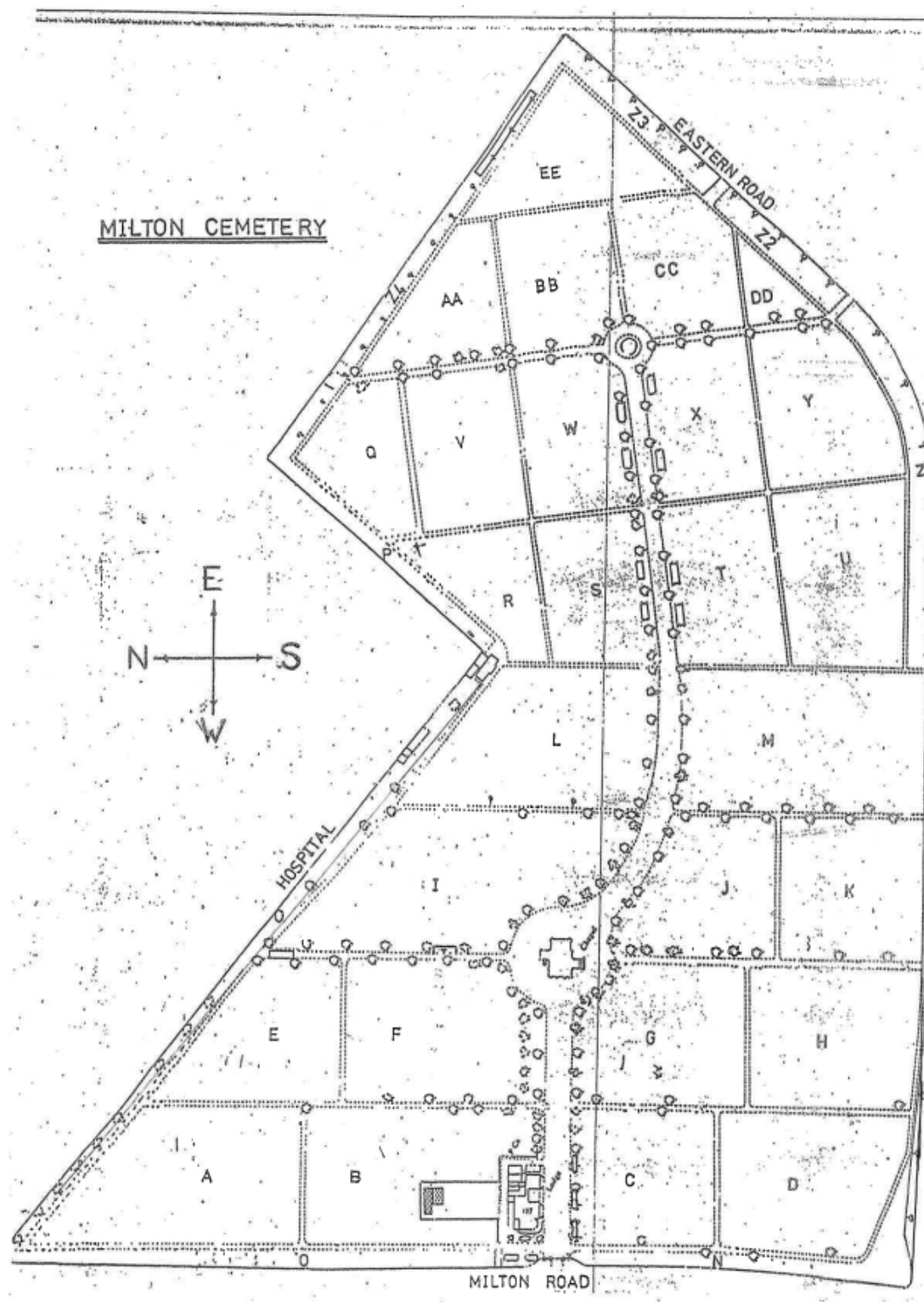


Dissenters Chapel, Highland Road Cemetery

¹⁴ [Friends of Highland Road Cemetery, Portsmouth](#)

Milton Cemetery

Milton Cemetery opened in April 1912. At 29 acres, it has undertaken 157 burials a year on average in recent years and has a significant Commonwealth War Graves presence.¹⁵



¹⁵ Average annual burials for Milton Cemetery, for the years 2015 - 2022 (including coffin burials and cremated remains).

Milton Cemetery Plot Map

Again, the site includes work by an architect of historic significance in Portsmouth, G E Smith, and examples of work include the main entrance gates and the chapel (both Grade II listed).

Green spaces of the interest, size and quality of the cemeteries are rare in Portsmouth. They are not just burial sites, but provide similar benefits as public parks, in terms of ecological and biodiversity value and benefits to physical and emotional wellbeing through walking, for example. The Local Plan policy approach tries to ensure that open spaces are designed and enhanced so that they can be high quality and able to perform multiple functions to the population (e.g. health and recreation, biodiversity, climate adaptation), whilst recognising that certain spaces have more specific primary functions (so in the case of cemeteries, burial). This means that we should consider the opportunities to optimise the green space available in the cemeteries.

Provision of Graves

Graves may be considered under two categories:

- **Purchased, or private, grave** - in this case, someone will have purchased the exclusive right of burial ("ERB") for a fixed time and may decide who is buried in the grave. The purchaser has automatic right to be buried in the grave. This does not constitute land ownership, but for the period of the rights the grave owner must approve all matters relating to the grave, including whether a memorial is permitted. Legislation (Local Authorities Cemeteries Order 1977) prevents rights being issued for longer than 100 years.
- **Unpurchased, or common, grave** - where no-one has purchased any rights the council may decide who is buried, and no memorial may be placed without the consent of the burial authority.

Rights are, in effect, a lease on the grave and ownership remains with the council. In Portsmouth, rights are granted for 99 or 50 years. Prior to 2014, Portsmouth offered 25 year or 75 year ERB periods, however customer feedback received suggested that the 25 year period ran out too quickly. Therefore there was minimal appetite for 25 year ERB periods.

Current system for grave provision: unpurchased graves without headstones

In Portsmouth, there is limited virgin land (at Milton and Kingston) for burials. The service are currently reclaiming graves where they have been previously used in part, are unpurchased and have no headstones. Ownership rests with the local authority. For example, this could be the case concerning an unpurchased grave of four spaces, where only two spaces have been used. Concurrent to this practice a system review is underway to establish exactly how many grave spaces this applies to.

Cremated Remains

Portsmouth's cemeteries previously had designated cremated remains areas, but these are now full. Cremated remains are accommodated in all cemeteries by using old grave plots that do not have memorials and have not been purchased via an ERB. Feedback has suggested that this is preferable as an area can be requested near existing family graves. Up to 6 caskets of cremated remains can be interred and there is an option of a memorial. Using old graves for this purpose means that there is considerable space and no foreseeable pressure on this area of demand.

In Catholic tradition it is important that the ashes are laid to rest integrally at a sacred place (e.g. church or cemetery or other place purposefully set aside). Cremated remains caskets provide an alternative to scattering of ashes which is prohibited by Catholic tradition.¹⁶

Remembrance

Memorials are a lasting symbol of remembrance and can take the form of a memorial on the grave itself, or an entry in a Book of Remembrance.

Memorials can only be placed on graves upon which rights of ownership are held, such as purchased graves. In Portsmouth cemeteries, current policy is that memorials must be constructed of natural stone, and that memorials made of wood, soft or artificial stone, plastic or other material likely to perish or become unsightly will be removed. This is to maintain the respectful character of the cemeteries as well as to ensure safety.

The three cemeteries also include 1,300 commonwealth war graves (individual graves) from World War 1 and World War 2. They include many soldiers, sailors and airmen who were killed in the wars, together with:

- Australian soldiers who died in hospital in Portsmouth in World War 1 (commemorated by an annual ANZAC day service);
- South African labourers who died when SS Mendi sank in 1917 (commemorated annually and usually attended by the South African High Commissioner);
- Casualties from D-Day who died in the city in 1944.

In Kingston Cemetery, there is a Polish memorial dedicated to Polish soldiers who arrived in Portsmouth in 1834 and formed part of the first Polish community in the UK. This provides a reflective commemoration for the Polish community in the city.

Fratton Parish, working together with the Lord Mayor, invite local schools to each of the cemeteries, the week before Remembrance, to hold reflection before the Cross of Sacrifice (Commonwealth War Memorial erected in the 1920s).

Each springtime, Pompey Pals, together with the Lord Mayor and Fratton Parish commemorate the anniversary of the Blitz as a community event.

Books of remembrance are displayed to the public in cabinets at Milton and Kingston Cemeteries, and inscriptions can be commissioned to incorporate emblems and insignia of significance to the deceased. Pages with inscriptions are opened on the first anniversary of the date of death and on the same day each year thereafter. The books are also available on the internet.¹⁷

There are several benches in the cemeteries with dedicated memorial plaques. There is currently no further capacity for additional benches in our cemeteries (as referred in the memorials strategy, referenced below). The Council reserves the right to remove any memorial benches that pose a health and safety risk or are in a state of despair. Where new memorial benches are installed, they are only agreed for a maximum lease period of 10 years. The policy in relation to memorials in cemeteries complements the wider city policy on memorialisation (which excludes cemeteries), agreed in March 2018 by the then Cabinet Member for Resources.¹⁸

¹⁶ [Catholics and Cremation.pdf](#) The Cremation Society of Great Britain, February 2022.

¹⁷ <https://www.remembrance-books.com/portsmouth/kbor/book-of-remembrance.html#page/1>

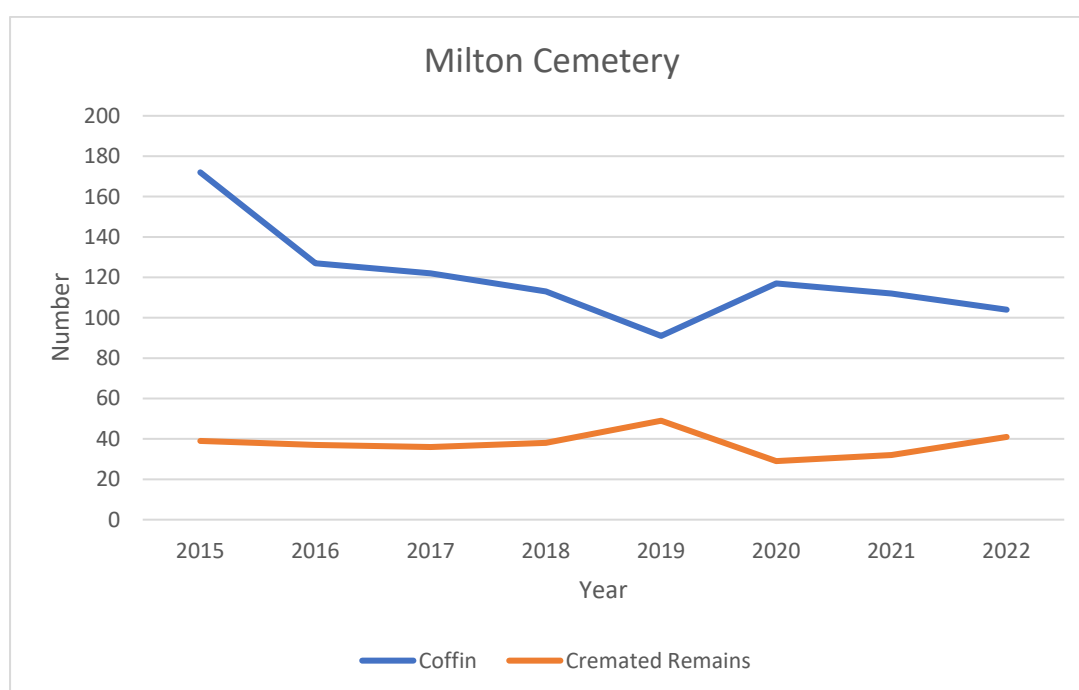
¹⁸ [Agenda for Cabinet Member for Resources on Thursday, 8th March, 2018, 10.00 am Portsmouth City Council](#)

Section 3: Current Demand

The following tables and charts illustrate the demand experienced for the Cemetery Service over the past 8 years:

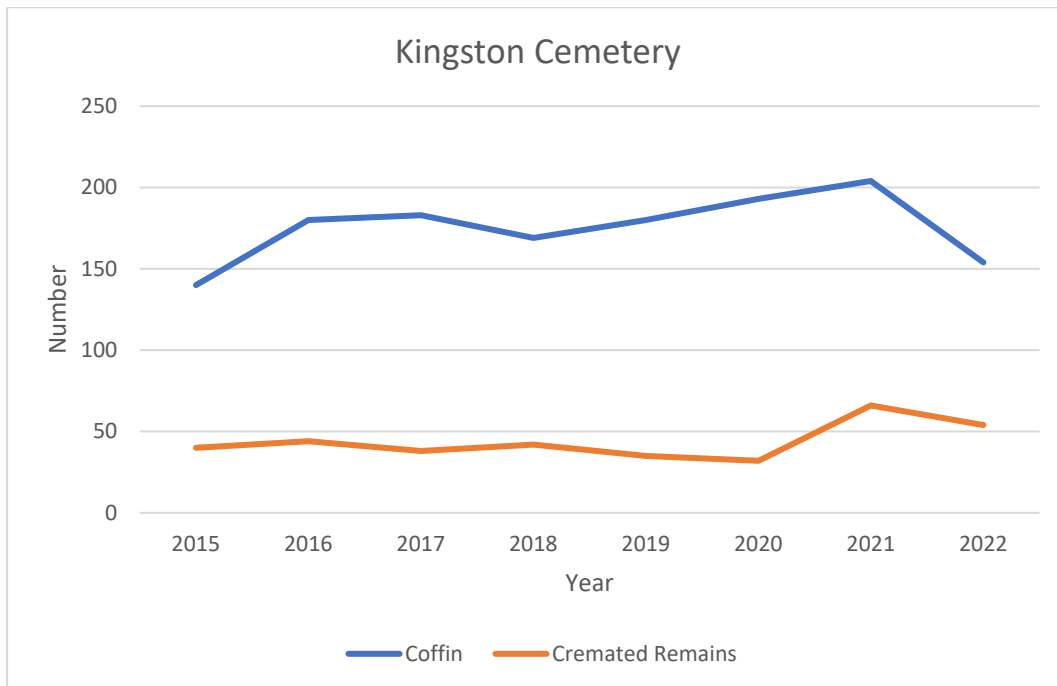
Milton Cemetery

Year	Coffin	Cremated Remains	Total
2015	172	39	211
2016	127	37	164
2017	122	36	158
2018	113	38	151
2019	91	49	140
2020	117	29	146
2021	112	32	144
2022	104	41	145



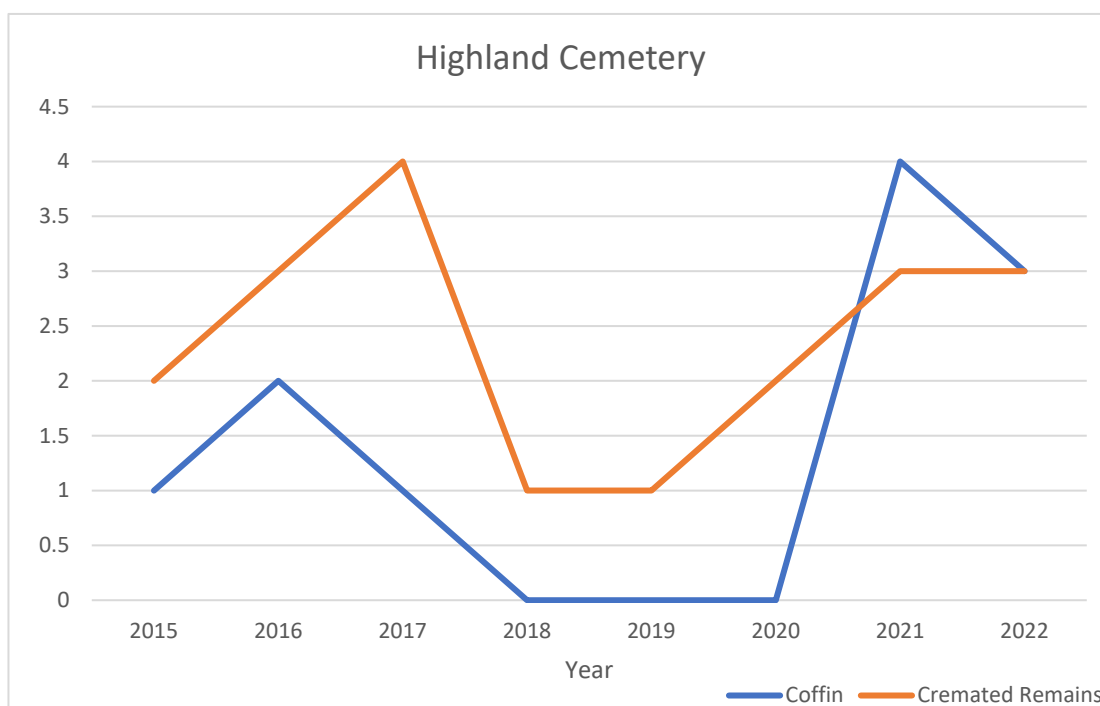
Kingston Cemetery

Year	Coffin	Cremated Remains	Total
2015	140	40	180
2016	180	44	224
2017	183	38	221
2018	169	42	211
2019	180	35	215
2020	193	32	225
2021	204	66	270
2022	154	54	208



Highland Road Cemetery

Year	Coffin	Cremated Remains	Total
2015	1	2	3
2016	2	3	5
2017	1	4	5
2018	0	1	1
2019	0	1	1
2020	0	2	2
2021	4	3	7
2022	3	3	6



Demand for coffin burial is going down but there is demand for the burial of cremated remains.

Previous calculations predict that Kingston Cemetery and Milton Cemetery should be able to continue accommodating burials for the medium term. The service is currently carrying out an updated review to establish exactly what burial space is left in each cemetery.

Diversity

It is recognised by the Council that the city has a diverse community and this is one of its strengths. The Council seeks to meet the needs of all in the community, including the religious and cultural needs.

Cemeteries offer both consecrated and unconsecrated ground (consecrated means that the area has been blessed in accordance with the rites of the Church of England).

The cemeteries also have some significant areas of memorialisation, such as for war dead. Kingston has a dedicated Jewish section. The census demographics for Portsmouth show that one in a thousand Portsmouth residents are from the Jewish community.¹⁹

Regarding the diversity in population growth, the most particular significance for the city's cemeteries is the growth in the Muslim population who require the burial to take place as soon after the death as possible. In the 2001 census data, the Muslim population of Portsmouth comprised 2%. Latest figures from the 2021 census record the Muslim population of the city to comprise 5%. For the period 2018 - 2022 inclusive, the average annual number of Muslim burials was 20. This equates to 1.6 burials per month. Current Council engagement with the Muslim community is considering the number of burials which would be acceptable in any single grave. As the Muslim age profile increases, demand is likely to increase. A review of options to meet this demand is currently being undertaken.

The range of options offered by the cemeteries service should include processes to allow same day burial of deceased Muslims where possible.

Flexibility is currently offered around an enhanced weekend (Saturday) burial service which would meet the needs of the Muslim community. Provision of this service is subject to the required statutory paperwork being provided, qualified staff and grave diggers being available and requests being made in a timely manner.

Roman Catholics are not listed separately in the census data. Burial is a preference for Roman Catholics, although in 1963 a Papal edict opened up the choice of cremation.

Cremation is permitted by the Hindu and Sikh faiths.²⁰

Pandemics

Demand increases in the event of a pandemic. Based on ONS data for deaths, during the Covid pandemic there were 192 more deaths in Portsmouth from 1 January 2020 to 10 February 2023. The cemeteries department has a Critical Service Business Continuity Plan to address excess deaths, in accordance with the experience of the Covid pandemic and in alignment with the UK Influenza Pandemic Preparedness Strategy 2011 (last reviewed in November 2020).²¹ This document provides (paragraph 7.20) that:

¹⁹ Office for National Statistics

²⁰ [History of Cremation in the United Kingdom](#)

²¹ [UK pandemic preparedness - GOV.UK \(www.gov.uk\)](#)

"Local authorities, in conjunction with service providers, should ensure that they have plans in place to surge their capacity to cope with an increase in burials and cremations during a pandemic."²²

A pandemic causes a significant surge in burials which has a lasting impact on capacity in burial sites due to the length of time grave space then becomes unusable.

Community Funerals (National Assistance Burials)

The Council has the legal responsibility to provide a funeral and protect the estate of any person who dies within the City of Portsmouth where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority. This includes those persons who have died following admission to Queen Alexandra hospital and for whom no suitable arrangements have been made. This is an increasing area of demand for the authority. The local parish dignify community funerals by consistently offering a recognised minister to attend and officiate. There is the option for both burial and cremation.

Section 4: Service Delivery

Staffing and Management

Portsmouth cemeteries are managed in-house and the core team comprises a cemeteries manager, an assistant cemeteries manager and an administration assistant. The team adhere to the Institute of Cemetery and Crematorium Management (ICCM) operational guidance, which provides training opportunities specific to their duties.

A review of the staffing needs is required to ensure that lessons are learnt from the Covid pandemic to ensure there always suitably qualified and experienced staff to ensure the service can be delivered.

Grounds maintenance for the cemeteries was previously delivered under contract but brought in house from 1 April 2020 as this provided cost efficiencies. The delivery of grounds maintenance is managed by the in house team in liaison with the Cemeteries Manager.

Record keeping

There is a statutory obligation to update records each time an interment takes place. The service has an IT system, known as Burial And Cremation Administration System ("BACAS"). The system stores records of all graves and memorials, the funeral booking diary and financial transactions. Currently the majority of Milton records are digital, Kingston records have been digitised back to 1933 and Highland Road back to 1996.

Prior to these dates, records are paper based. Paper plot books and registers are stored in fireproof cabinets.

Financial picture

As at the most recent financial year, the service operates at a net operational income to the authority of £26,900 (not including central costs).

This masks variation across the sites, with Kingston generating significant income and Highland Road as a net cost to the authority due to its inability to generate income through capacity.

²² [Microsoft Word - 20111103 Influenza Pandemic Strategy - Final.doc \(publishing.service.gov.uk\)](#)

In the long term, it is important to note that cemeteries that no longer attract fees become a significant financial liability.

Paragraph 15 of the Local Authorities Cemeteries Order 1977 provides authorities with the power to charge such fees as they think are proper:

"(a) for or in connection with burials in a cemetery;

(b) for any grant of a right to place and maintain a tombstone or other memorial in a cemetery...

(c) for any grant of a right to put an additional inscription on such tombstone or other memorials."

In addition, under section 11A a burial authority may charge such fees as they think proper for the making by them of searches, and the provision of certified copies of entries in the register of burials or the record of disinterment.

Recent benchmarking of fees levied in other authorities in the immediate region demonstrates that Portsmouth's fees are slightly below average, except for the Rights of Burial. Portsmouth's Rights of Burial are for 50 years and the neighbouring authorities' Rights of Burial fees are for 30 years. The significance of this decision is discussed elsewhere in this document. Fee reviews for Portsmouth take into account the socio-economic profile of the city. Portsmouth charges twice the standard fee rate for non -resident interments.

Authority	Grave for Two	Rights of Burial	Re-open/ grave for one	Burial of Cremated Remains	Memorial application	Inscribed Vase
Eastleigh	£1315.00	£898 = 30 years £29.93 per year	£1033.00	£356.00	£390.00	£100.00
Southampton	£860.00	£945 = 30 years £31.50 per year	£680.00	£255.00	£170.00	£55.00
Fareham	£910.00	£970 = 30 years £32 per year	£695.00	£220.00	£190	£56.00
Gosport	£565.00	£330 = 30 years £11 per year	£565.00	£18.00	£155.00	n/a
East Hampshire	£1200.00	£1244 = 30 years £41.46 per year	£1020.00	£326.40	£153.00	n/a
Havant	£931.00	£833.00 = 50 years £16.66 per year	£668.00	£274.00	£164.00	£54.00
Portsmouth	£862.00	£922 = 50 years £18.44 per year	£729.00	£233.00	£136.00	£30.00
Average	<i>£949.00</i>	<i>£877.00</i>	<i>£769.00</i>	<i>£240.00</i>	<i>£193.00</i>	<i>£59.00</i>
Natural Burial Centre	£2916.00	n/a	£2133.00	n/a	n/a	n/a

Section 5: Key future focus areas

The management of cemeteries in the city presents several development opportunities. Site management plans for each of the cemetery sites should include consideration of the following where applicable:

- Increasing the capacity of existing burial space & requirement for new cemetery provision;
- Enhancement of cemetery green space
- Review of assets (buildings)
- Review of memorials management
- Community engagement
- Customer interface and marketing

Each of these focus areas is considered in turn below. Options are considered in accordance with current regulations.

1. Address capacity of existing burial space

Demand shows that whilst there is sufficient burial space in the medium term, in the longer term, in consideration of the limited amount of available space in Portsmouth and the time it will take to identify and confirm new cemetery ground, steps should be taken to maximise space in existing cemeteries.

There are various options available to meet this objective:

Reviewing the ERB period

The Local Authorities' Cemeteries Order 1977 limits the period for which rights may be granted to a maximum of 100 years with effect from that date. This is to avoid any grant of rights being made in perpetuity.

Fees for extending the ERB period should be clearly set out and differentiated from the original grant of rights. The Council might also consider reducing the ERB period to bring it into alignment with other authorities, by reducing it from 50 years to 30 years (subject to market and customer review). After the fixed period of time has elapsed, correspondence should be issued to the grave owners to offer to extend the ERB period for a further short period for a fixed fee. During the ERB period, the rights regarding the grave (who is buried there, whether a memorial is placed) belong to the person who holds those rights.

Using grave spaces

As already referred to in this document (see Current Provision) there is limited virgin land in Portsmouth for burials. Future options around grave spaces are as follows:

Utilise unpurchased graves with headstones

Where graves are unpurchased, but have previously been used in part, in some instances they have headstones.

Where graves are unpurchased, the responsibility for them falls to the Council. Therefore, where there is remaining capacity in these grave spaces, there could be opportunity for the Council to utilise these spaces. This could be done provided that:

- There is no existing legal agreement concerning the grave or headstone;
- Notice (of 3-6 months) was published of the Council's intention to utilise the remaining grave space;
- The notice given included an option for the family concerned to purchase the grave;
- By way of good practice, 75 years has elapsed since the last burial in the unpurchased plot.

If the above criteria were met, then this is a good option for the Council. As the unpurchased grave responsibility falls to the Council, the Council would have the choice in these instances (after a new burial) to reinstate, remove (possibly to a new location or store) or lay down the headstone, as they saw fit.

Reclaim purchased graves - where no burials have taken place

This option concerns circumstances where 75 years have elapsed since the purchase of exclusive rights of burial, but no burials have taken place, so the grave space has not been used at all.

As the exclusive right has not been exercised, the Council can exercise its right to reclaim the grave, by extinguishing the existing rights by taking all reasonable endeavours to contact the owner and by publishing a notice. This is done in two different ways, depending whether the ground is consecrated:

- Consecrated ground - the service applies for a faculty from the Diocese
- Unconsecrated ground - the service applies for a licence from the Ministry of Justice

This option is action that Portsmouth can currently take. The first step will be to establish how many potential spaces this criteria applies to.

Reclaim purchased graves - where burials have taken place

Local authorities in London are permitted to use the remaining space in a purchased grave where previous burials have taken place, provided the last burial was over 75 years ago and notice of intention has been published, including taking all reasonable endeavours to contact the owner.

With grave space in demand, the government is under increasing pressure to allow this principle to extend to local authorities outside the London boroughs. At the time of writing, East Hertfordshire District Council have put a private bill before parliament to request this power.²³ If this bill is enacted, it will put pressure on the government to extend this power, so it may be an option available to Portsmouth in the future.

Currently a Law Commission project is at pre-consultation stage to also look at this issue and in time may also bring pressure on the government to extend the above powers only currently available in London.²⁴

²³ [Bishop's Stortford Cemetery Bill \[HL\] - Parliamentary Bills - UK Parliament](#)

²⁴ [Burial and Cremation - Law Commission](#)

Once feasibility has been undertaken for a new cemetery site, planning consent is required to consider landscape impact, accessibility and highways safety. This can take several years to establish due to the need to satisfy the Environment Agency and obtain planning consent.

The Environment Agency has particular guidance which must be followed.²⁷ This recommends that consultation with the Environment Agency and other relevant statutory bodies is undertaken at an early stage, to identify issues and constraints relevant to design, since cemetery development involves a change in land use. The planning permission is likely to require an environmental impact assessment and may also require certain permissions from the Environment Agency. This is because cemeteries have potential to affect the environment, through issues relating to surface water hydrology, soil erosion, sediment loading and seepage contamination into surface waters. Grave digging and land readjustment may also cause noise and vibration which may disturb local ecology.

Investigations by the Council's Planning department in 2019 considered several sites at Portsdown Hill for use as a future cemetery. An initial review of potential sites was undertaken by a specialist consultant, however this concluded that agreement in principle from the Environment Agency was unlikely, given that the sites lay in an area of high groundwater vulnerability, are proximate to a Groundwater Source Protection Zone and lie over a principal aquifer. It is therefore likely that any new site will need to be outside the city boundary and discussions are required with neighbouring authorities. Once a preferred site is agreed upon, detailed feasibility testing and promotion to the Environment Agency will need to be undertaken (at significant cost). This excludes actual construction time and cost.

3. Enhance cemetery green space

The draft Parks Strategy 2022-2038 references that aside from their primary function as burial sites, cemeteries provide much needed green space in the city, as opportunities for exercise, quiet reflection, historic interest and biodiversity and wildlife.²⁸

Whilst in the past, grounds maintenance regimes have included chemical control, the Council committed in July 2022 to phase out the use of all pesticides as part of its commitment to environmental objectives.²⁹

Green practices in cemeteries might also include:

- Recycling topsoil excavated from graves
- Actively managing trees to encourage healthy growth
- Planting new trees (where capacity within cemetery design)
- Allocating wildlife zones

Whilst wildlife and biodiversity are actively encouraged in our cemetery grounds, health and safety considerations must take priority where there is conflict.

²⁷ Scoping the Environmental Impacts of Cemeteries - Environment Agency [4507 EAI H1 AW \(publishing.service.gov.uk\)](#)

²⁸ [Agenda for Cabinet on Tuesday, 21st February, 2023, 12.00 pm Portsmouth City Council](#)

²⁹ [Agenda for Full Council on Tuesday, 19th July, 2022, 2.10 pm Portsmouth City Council](#)

4. Review management of assets (buildings)

Both Milton Cemetery and Kingston Cemetery have disused buildings. Milton Cemetery Lodge is currently vacant and in need of repair. At Kingston Cemetery, the Chapel Store West, Mortuary and St Mary's Road Lodge are vacant and in need of repair. Whilst buildings are vacant there is a risk of incidents of anti-social behaviour and vandalism.

There may be options for ensuring that cemeteries are sustainable in the longer term, for example, through the sensitive and appropriate use of disused cemetery buildings by businesses (for example, florists, artisans, local history centres, funeral directors, memorial masons or other purposes including social enterprise). It is suggested that this is an area that is explored in partnership with heritage officers and property services officers, which would include undertaking updated condition surveys of all the buildings. The buildings could also be used to accommodate the requirements of particular faith groups.

It is also possible that there may be opportunities to deliver the enhancement of spaces through attracting external funding to the sites, for example, Heritage Lottery Fund.

5. Memorials management and review

The Council continues to ensure that the management of memorials is undertaken safely and in line with professional practice. Whilst the cemeteries provide a valuable wildlife environment, health and safety concerns are paramount. The service is developing a memorial inspection programme and training is available to staff through the Institute of Cemetery and Crematorium Management (ICCM).

The ICCM have a practice guide on the testing of memorials.³⁰ This defines a dangerous memorial as *'one that will move and continue to fall to the ground with the exertion of a force of 25kg or less'*. The burial authority has a responsibility to keep memorials safe under the Health and Safety at Work Act 1974 and the Occupiers Liability Act 1957. All memorials should be risk assessed, documented and inspected on a minimum 5 year cycle. Risk assessment should consider (i) proximity to footway or road (ii) historic significance or fame of the memorial (iii) likelihood of area to attract anti-social behaviour.

Where memorials are found to be dangerous or unstable, the service will attempt to contact the owner and ask for the memorial to be made safe. If no attempt is made to contact the memorial owner the service could be accused of maladministration and reported to the Local Government Ombudsman, therefore it is important that the notification process (as set out by ICCM and underpinned by legislation) is followed.

During the period which attempts are being made by the service to contact the memorial owner, the memorial must be made temporarily safe and the service may make the memorial safe by laying it flat. The service is not required to spend public money on repairing the memorial, as the memorial is private property.

If laying memorials flat creates a potential trip hazard, the alternative for the service is to set the memorial deeper into the ground by one third of its height.

³⁰ ICCM, Management of Memorials, August 2019 [iccm_MM Policy Final 08 2019.pdf \(iccm-uk.com\)](#)

After the ERB period has expired if the memorial is unsafe or details illegible, the service may remove and destroy a memorial provided the provisions of the Local Authority Cemeteries Order 1977 are complied with.

It is recommended that the service produces a clear guide on memorial policy as part of the marketing material available to customers. This will enable the control of unauthorised memorials and enable long term control over safety.

Any memorial mason that wishes to work within Portsmouth Cemeteries must be a member of National Association of Memorial Masons (NAMM) or on the British Register of Accredited Memorial Masons (BRAMM). This ensures best practice.

A report on the memorials management policy for the service was agreed by Committee on 28 July 2023.³¹

6. Engaging with the community

This should include work to increase community engagement with the spaces, for example, identifying trees or wildlife that could be found in the cemeteries (including after dark bat walks, for example), or creating online history packs including Tomb Trails, identifying locally notable people. These are elements where active Friends groups could greatly contribute, and therefore it is recommended to explore establishing and supporting individual Friends groups for each cemetery, or a service-wide group. A formally constituted Friends group can seek charitable donations and grant funding for the benefit of the cemetery sites.

The historical and biodiversity element could also include the development of links with schools as part of an education package. There is also opportunity to work in partnership with Commonwealth War Graves Commission's engagement team to offer history tours of the cemeteries for Heritage Open Days or other anniversaries and reflect the diversity of the city's population. This could be a particular opportunity with regard to Kingston and Milton cemeteries, as they are in areas of the city where we have less events and are close to densely populated areas. Currently engagement takes place with some primary schools but there is a wealth of historical material in the city cemeteries that could benefit a wider school catchment.

7. Customer interface and marketing

Recent technologies open up several opportunities to enhance the customer experience. An interactive online mapping of grave spaces could help easily identify and manage cemetery capacity - recording burial dates and grave depths. There would also be opportunity to 'map' graves of historical interest and significance. This would have the potential to raise the profile of the significance of the city's cemeteries both nationally and internationally. Digital maps would free up staff time from photocopying existing paper plans.

Customer contact could also be improved by utilising online forms which would create efficiencies of service, reduce the burden on email and phone contact and reduce unnecessary data entry.

³¹ [Agenda for Cabinet Member - The Leader \(Culture, Leisure and Economic Development Portfolio\) on Friday, 28th July, 2023, 10.00 am Portsmouth City Council](#)

The online space for the service could also include the ability to make online payments. This could include both funeral bookings and charges for accessing records information directly or via a third party.

The current Cemeteries webpage could be updated to include consideration for different user groups. This could include the digital services referenced above.

The service currently offers documentation for customers but this has not been refreshed for some years. Consideration needs to be given to positive messaging and a modern brochure will need to comply with accessibility guidelines.

Other local authorities have also introduced Bereavement Services social media pages. This allows for the promotion of the service and may be something the service wishes to consider.

This would be an opportunity to engage with stakeholders to promote the service regarding the wider cultural, social and environmental benefits that cemeteries provide.

Section 6: Action Plan

An action plan has been developed that will be monitored for progress with update reports provided to Cabinet Member covering the key focus areas together with an annual fees and charges review.

The service will also continue to be audited as part of the Council's internal audit cycle.

The directorate works closely with portfolio holders and opposition spokespersons. All Members are encouraged to take an interest in the work to protect and maintain our cemeteries and are welcome to have site visits.

Engagement will continue with the community and customers are encouraged to make contact by service enquiry. Any new Friends network will also be encouraged to feedback.

Action Plan

Action	Who	Resource
<i>Increase capacity of existing burial space and identify new cemetery provision</i>		
1. Undertake a review of unpurchased graves (without headstones) that can be utilised to assess current available space.	Cemeteries Manager	Within current cash limit
2. Undertake a review of unpurchased graves with headstones.	Cemeteries Manager	Within current cash limit
3. Undertake a review of purchased graves, where the rights of burial have not been exercised.	Cemeteries Manager	Within current cash limit
4. Consider and undertake feasibility for new cemetery, including options for land outside municipal boundary, in discussion with other local authorities	Built Environment & Recreation Manager, together with Director and Planning colleagues	Capital allocation will be required for feasibility to take place
5. Review of burial space to ensure the future needs of the whole community can be met including for different faiths.	Cemeteries Manager	Within current cash limit
<i>Enhance cemetery green space</i>		
6. Allocate wildlife zones and produce supportive education material.	Cemeteries Manager Countryside Officer	Within current cash limit
<i>Review management of assets (buildings)</i>		
7. Undertake condition survey of buildings and consider cemetery needs and opportunities for use. Review opportunities for external funding for improvements.	Cemeteries Manager Property Team	Within current cash limit
<i>Memorials policy and process</i>		
8. Develop and implement a memorial safety policy.	Cemeteries Manager	Within current cash limit

Action	Who	Resource
<i>Engaging with the community</i>		
9. Development of resources and links with schools e.g. history packs.	Cemeteries Manager	Within current cash limit
10. Development of cemetery Friends groups and volunteer opportunities.	Cemeteries Manager Volunteers Officer	Within current cash limit
11. Develop partnership working with Commonwealth War Graves Commission engagement team regarding history/heritage tours.	Cemeteries Manager	Within current cash limit
<i>Review of funding mechanisms</i>		
12. Review options for exclusive rights periods.	Cemeteries Manager	Within current cash limit
13. Review cemetery fees on annual cycle.	Cemeteries Manager	Within current cash limit
<i>Review of staffing requirements and structure</i>		
14. Reviewing staffing requirements and structure to ensure business continuity and service delivery.	Cemeteries Manager Built Environment and Recreation Manager	Within current cash limit
<i>Digital customer experience and marketing</i>		
15. Develop digital map of cemeteries.	Cemeteries Manager Digital Customer Officer	Within current cash limit - dependent on corporate resourcing of digital customer support
16. Develop online booking and payment facility.	Cemeteries Manager Digital Customer Officer	Within current cash limit - dependent on corporate resourcing of digital customer support
17. Update Cemeteries webpage with updated brochure information to reflect different user groups and consider viability of social media pages.	Cemeteries Manager Web Team	Within current cash limit