

**REPORT OF** Head of Communities and Place

**To:** Community and Resources Committee

**Subject:** Removal of Burial restriction for members of the community with an Islamic Faith

**Date:** 23<sup>rd</sup> January 2023

**Reference:**

**PURPOSE OF REPORT:** To consider removing the restriction to TDC residents only for Muslim burials to bring in line with guidelines/policy for all other faiths.

## 1. INTRODUCTION

Higher Cemetery, Bowden Green, Bideford has a dedicated area to accommodate Muslim burials in the district. TDC allow non-resident burials/cremations for all other faiths at full cost with a 50% reduction in costs for residents but in the 2019 paper approved at C&R Committee, this restricted Muslim burials to TDC residents only.

This report sets out the new situations that have been identified.

## 2. REPORT

To date, 2 Muslim burials for TDC residents have taken place since the area was identified and in accordance with conditions of use approved by the Community and Resources Committee in May 2019.

The terms were as below:

It was proposed by Councillor James, seconded by Councillor Laws and –

Resolved:

1. That the current cemetery procedures be reviewed and updated to reflect the current needs of the community.
2. That the procedures are re-drafted to reduce the potential for mourner participation and remove the option to utilise shrouds (all burials should be in caskets).
3. That the burial of members of other faith groups to be accommodated and the principle to allocate and segregate an area of the Higher Cemetery in Bideford for specific use by the Islamic community be approved.
4. That such provision be limited to residents of the District and be extended to other faith groups as may be necessary in the future.
5. That all graves be traditional lawn graves; mound graves will not be accommodated. Over-sized tributes and headstones will not be permitted.
6. That the full detail of the specific requirements should be developed following consultation and more detailed discussions with the local leaders of the respective faith groups.
7. That it does not restrict the rights of the Council from extending the cemetery in the future.



The Cemetery Admin Team have now received an enquiry from an undertaker in Bristol representing a family out of the Torridge district but still in North Devon who have expressed an interest in Higher Cemetery, Bowden Green, Bideford for a family member who is nearing end of life.

A Muslim grave is generally slightly wider and deeper but will depend on the deceased level of practice and beliefs. They can have a wooden frame which we would expect the undertaker to arrange, and they can be deeper to allow the soul to sit up. Currently TDC do not permit shrouding only. As such, costs of digging the grave can be higher.

Under the current guidance (Item 4) TDC would have to refuse this request which could be perceived as discriminatory. Having researched other cemeteries across the UK, we are unable to find anywhere that has the same restrictions as TDC and still offer to accommodate the request at full cost for out of district.

The nearest alternative Muslim burial location is Exeter or Bristol. Further locations include, but not limited to, London, Reading, Woking (Brookwood) and the Midlands.

### **3. IMPLICATIONS**

#### Legal Implications

The proposal to remove the resident only restriction on Muslim Burials would be compliant with legislation and in line with the policy position for other faiths.

#### Financial Implications

Increase of income at full cost for non-resident.

Review costs per grave size as Muslim burials require a larger grave. Grave digging service do not charge extra at this time, but this will need to be reviewed depending on the demand. TDC resident burials for all faiths currently run at a loss.

Note – Discounts and charges for burials and internments of all kinds are to change for the year commencing 23/24. Full details are available in the 23/24 Fees and Charges Schedule.

#### Human Resources Implications

None

#### Sustainability Implications

n/a

#### Equality/Diversity

Discrimination

#### Risk Management

Reputational damage

#### Compliance with Policies and Strategies

The report seeks a change of policy in relation to Muslim burials.

#### Ward Member and Leader Member Views

Cllr Hicks Consulted 13/01/23



### **3. CONCLUSIONS**

Officers are seeking agreement to remove current restrictions, which could be perceived as discriminatory, to the Muslim faith. Removal of current restrictions would be supported by TDC Equality Policy.

### **5. RECOMMENDATIONS**

Members approve the proposal as detailed in this report and give fairness and racial equality for resident and non-resident burials of all faiths.

### **SUPPORTING INFORMATION**

Consultations: Operational Management Team

Contact Officer: Rachel Gulwell

Background Papers: Fees & Charges 2022/23, C&R Committee Report May 2019, Email from Exeter Bereavement Services

