

BARRY TOWN COUNCIL

MINUTES OF AN EXTRAORDINARY MEETING OF THE HALLS, CEMETERIES AND COMMUNITY FACILITIES COMMITTEE HELD ON MONDAY, 14 DECEMBER 2020 AT 7.00 PM

PRESENT: Councillors N P Hodges (Chair), Aviet, Clarke, Johnson and Richardson (Vice Chair) (arrived 7.08 pm)

ALSO PRESENT: Mark Sims – Deputy Chief Officer
Rebecca Blackwell – Office Team Leader
Councillor S Hodges – Observer
Martin Thomas – Grave Matters

A241. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Nugent-Finn and Rowlands.

A242. **DECLARATIONS OF INTEREST**

It was noted that Councillor Johnson had been granted Dispensation to allow him to speak and vote on matters appertaining to any Community Facilities owned or run by Barry Town Council, by virtue that he is a Vale of Glamorgan Council Trustee for the Alexandra Gardens Community Association.

A243. **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

RESOLVED: That the Well-Being of Future Generations (Wales Act 2015 be received and noted

A244. **TO APPROVE THE MINUTES OF THE HALLS, CEMETERIES AND COMMUNITY FACILITIES COMMITTEE'S MEETING HELD ON 14 OCTOBER 2020**

RESOLVED: That the minutes of the Halls, Cemeteries and Community Facilities Committee's meeting held on 14 October 2020 be approved and signed as a correct record.

A 245. **DATE OF NEXT MEETING**

RESOLVED: The next meeting of the Halls, Cemeteries & Community Facilities Committee is scheduled for 11 January 2021.

A 246. **EXCLUSION OF THE PRESS AND PUBLIC**

The Chair requested that all press and public leave the meeting with the exception of Mr Martin Thomas as he had been invited by the members to be present at the meeting.

RESOLVED: In accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting.

A247.

CEMETERY

a. Grave Matters

Members of the Halls, Cemeteries & Community Facilities Committee had been provided with various correspondence received to the Council in relation to the Committees decision on not allowing Grave Matters to operate at Merthyr Dyfan Cemetery.

The Chair thanked Mr Thomas for his attendance at the meeting and advised that the Council had received various correspondence following the decision made by the Committee and asked if Mr Thomas wished to address members.

Mr Thomas thanked members for the opportunity to be present at the meeting to address members. Mr Thomas advised members that he was the proprietor of a one-man business called Grave Matters which covers the South Wales area. He added that he took over the business with its customers in 2018 and has continued the work of tending to graves within Merthyr Dyfan Cemetery. He advised that he has a number of supportive customers and in the Summer he was approached by a member of the Cemetery Staff who politely advised him that the Council had embargoed the use of strimmer's within the Cemetery due to health and safety concerns, to which he sympathised with and then approached the Council to make a request to allow him to use a strimmer to enable him to carry on his work within the Cemetery.

Councillor Richardson arrived 7.08pm

Councillor Clarke advised that he had been trying to find information but due to Covid-19 it was proving difficult but wished to ask Mr Thomas some questions. Councillor Clarke advised that he had tried to find out what the Councils insurance covers in relation to allowing businesses to operate within the Cemetery and asked Mr Thomas if he had any experience of insurance cover for cemeteries and if there would be a clause within the insurance that prevents a business to operate.

Mr Thomas advised that he was unaware of any insurance that covers a cemetery but he had his own public liability insurance.

Councillor Clarke also advised that he had tried to obtain information in relation to the particular health and safety regulations in relation to

operating a business within a cemetery but it had proved difficult and asked Mr Thomas if he had any knowledge to hand. Mr Thomas answered that he did not have any to hand.

Councillor Clarke asked Mr Thomas if he was aware of any planning implications for a business operating within the Cemetery. Mr Thomas advised that he didn't know if there were any planning implications.

Councillor Clarke asked Mr Thomas if there were any rate implications in relation to operating a business within the cemetery. Mr Thomas advised that he did not know.

Councillor Clarke asked if Mr Thomas had checked if there are any bylaws in relation to operating a business within the cemetery. Mr Thomas advised that he was not aware of any that relate to Merthyr Dyfan Cemetery and that many of the Cemeteries he attends have them displayed at the entrance. Councillor Clarke advised that they are at the reference library but due to Covid he has been unable to obtain them prior to the meeting.

Councillor Clarke advised that Mr Thomas may have satisfied the other cemeteries within he operates and that he may have the answers to the questions noted above or the council could enquire with the other cemeteries to see how they have been overcome which may resolve the issue at hand. Mr Thomas replied that he had not carried out any of the checks to which Councillor Clarke refers to.

Councillor Johnson asked Mr Thomas how much of his work related to the use of power tools such as the strimmer. Mr Thomas replied that the nature of the work is driven by the customer and the condition of the grave. He also advised that he uses a strimmer on the majority of the graves he attends. Councillor Johnson asked for a figure amount in relation to grave Mr Thomas attends to at Merthyr Dyfan Cemetery. Mr Thomas responded that he attends around 15 graves within Merthyr Dyfan Cemetery.

Councillor Johnson also asked if he was aware if the previous owner requested permission to operate a business within the Cemetery. Mr Thomas advised that he was not aware.

The Chair asked if Mr Thomas had ever formally approached the Council for permission to work within the Cemetery. Mr Thomas answered no. The Chair also raised concerns in relation to what Mr Thomas' customers had been advised in relation to him not being able to use power tools within the cemetery as the complaints received mention him being banned. Mr Thomas advised that he had contacted his customers notifying them that he was no longer able to operate within the cemetery and that the complaints received are independent and not motivated by him.

The Chair noted that within Mr Thomas' correspondence it stated that he would be happy for the council to train him to work safely within the cemetery but the Chair advised that this would not be possible and that the Council have a team of staff who are trained and to which the council are responsible for. The Chair also advised that there are businesses that work within the cemetery such as stonemasons who are regulated and are permitted to carry out work within the cemetery as part of an agreement with the council. The Chair asked Mr Thomas if he had asked other cemeteries for permission to operate within them. Mr Thomas advised that he had asked for permission to operate within other cemeteries to which they agreed. The Chair asked if there were any financial agreements with the other cemeteries. Mr Thomas replied that there were not any financial agreements with the other cemeteries in which he operates.

The Chair raised concerns in relation to others duplicating Mr Thomas' business within the cemetery in which the Council subsidises for the cemetery to be maintained.

The Chair asked Mr Thomas if he informs a members of staff when he is carrying out work within the cemetery. Mr Thomas replied that he does not inform any staff members.

The Chair also raised concerns that if Mr Thomas had not made staff aware that he is operating within the cemetery that he could be present when a funeral is in process. Mr Thomas said that it was an unjustified concern as he had encountered funerals whilst he is present within the cemetery but advised that his work would not interfere with a funeral as he would stop and leave if a funeral was taking place.

The Chair asked if Mr Thomas had anything to add before requesting he leaves the meeting for members to have a discussion on a way forward.

Mr Thomas wished to make members aware of the emotive nature of his service and that the majority of his customers are elderly. He advised that his customers would be able to tell the council of the wholesome service he provides, especially around birthdays and anniversaries and said that his business is not for financial gain, with the services being value for money. He continued to state that he has high customer satisfaction to which he provides before and after photos and felt that his work adds to the appearance of the cemeteries he works in at no extra cost to the Council/landowners. He advised that although the cemetery staff do provide a good service they are unable to dedicate the time to each grave and that his service supports the work that they do. Mr Thomas ended his statement by saying that if the council's decision is to not allow him to work within the cemetery to support his customers, the council will have very sad people who may independently choose to contact the council to make this known and advised member that he would normally distribute wreaths at Christmas but has been unable to this year.

The Chair questioned Mr Thomas as to why he felt that he could not continue his other services he provides as the committee only prohibited the use of power tools. Mr Thomas responded that he had taken himself away from the cemetery until a decision had been made in relation to his service at the cemetery.

The Chair then thanked Mr Thomas for his attendance and asked for him to leave the meeting.

Mr Thomas left the meeting.

The Chair asked for members views in relation to the plea made by Mr Thomas.

Members discussed the matter in great detail and raised various concerns which included that staff were unaware of when Mr Thomas was working within the cemetery, Mr Thomas' customers have been told that Mr Thomas had been banned from working within the cemetery when he was asked to not use power tools, which is in line with the councils choice to prohibit the use of power tools such as a strimmer, there had been no prior permission to work within the cemetery and no contact made, allowing one business to carry out services using power tools may set a precedent.

The Chair suggested to members that policy be written on third parties being allowed to operate within the cemetery.

Councillor S Hodges advised that members raised valid points but have not yet had answers to the concerns and suggested that a report is written to answer the concerns in relation to legalities, health and safety, insurance, compare other cemeteries and obtain advice from One Voice Wales and to enable the committee to be in a better position to make a decision.

Councillor Johnson agreed to a report to cover all concerns of members with a potential of putting a policy in place. Councillor Johnson also suggested to defer on making a decision, receive a report at the next committee and to continue to uphold the decision of the use of power tools over the Christmas period.

RESOLVED: That a report be submitted to the next meeting of the Halls, Cemeteries and Community Facilities Committee scheduled to be held on 11 January 2021 to satisfy the concerns raised by members, with the potential of a policy being written in relation to third party businesses operating within the cemetery and the use of powertools.

The meeting ended at 8.10 pm

SignedDate