

Time started: 10.00am  
Time ended: 10.12am

## **Community Development, Place and Tourism Cabinet Member Meeting 24 November 2022**

Present: Councillor J Pearce

In Attendance: Doug Walkman – Head of Public Protection and Streetpride  
Sheena Ratcliffe – Bereavement Services Manager

### 01/22 Apologies

There were no apologies.

### 02/22 Late Items

There were no late items.

### 03/22 Declarations of Interest

There were no declarations of interest.

### 04/22 Provision of Toilets in Commercial Premises

The Cabinet Member considered a report which stated that there were various pieces of legislation which impacted upon the provision of toilets in commercial premises, such as Health and Safety and Building Regulations. It was noted that these provided a basis on which regulatory decisions were made. It was reported that British Standards provided guidance for officers to determine toilet numbers and types of installations.

The Cabinet Member noted that the legislation which allowed the Council to require the provision of toilet facilities on certain circumstances came under Section 20 of the Local Government (Miscellaneous Provisions) Act 1976. This legislation was over 40 years old and the guidance and legislation was often confusing and conflicting. There were also, other matters relating to toilet provision that required further guidance, such as whether takeaways with seating areas should provide toilets, or what constituted a suitable location for toilets within food premises.

It was reported that in Derby City there had been several occasions, where it had been identified that it would be in the public interest to develop a policy on issues relating to toilet provision within commercial premises in Derby.

It was reported that an effective start date of this policy of 1st January 2023 was proposed.

It was reported that press coverage of the decision in Kingston-Upon-Hull City Council v Secretary of State for Business Innovation and Skills had prompted a review of Derby City Council's policy. The outcome of the case meant that in premises providing provision to eat/drink on the premises, with more than 10 seats, toilet provision must be provided for members of the public.

It was noted that at the time of the review in March 2019, all other Derbyshire local authorities and several other regional unitary authorities were consulted to ensure consistency in regional provision of toilets in commercial premises. It was also noted that since March 2019, where applicable, businesses had been advised of the requirements of the existing policy and the proposed changes, which were due to come into effect on 1st January 2023.

It was reported that Derby City Councils Access Hub was consulted on the policy and that an Equality Impact Assessment had been signed off by the Councils Lead for Equality and Diversity in November 2022. It was noted that existing premises would not be expected to upgrade to these standards unless significant structural alterations were being made. It was reported that advice given to new premises/conversions before 1st January 2023 (where records were held but works had not necessarily commenced) were eligible to comply with former toilet policy.

It was noted that any new premises/conversions where no advice had been sought would be expected to fully comply with these new standards.

**Resolved to grant authority to implement the revised policy for the regulation of toilet provision in commercial premises within the City.**

## 05/22 Bereavement Services Fees and Charges 2023

The Cabinet Member considered a report which sought approval to set the Fees and Charges levied by Bereavement Services from January 2023.

It was reported that Bereavement Services had carried out the annual review of fees and charges to ensure that the service was able to manage the financial position by setting fees and charges such that they were able to meet costs of providing the service and were comparative across the region whilst taking into account the extra-regulatory commercial pressures.

It was noted that the rise in energy costs had been considered, the council was currently benefitting from a fixed tariff for both gas and electricity, close monitoring would continue with the assistance of council colleagues.

It was reported that, in accordance with the provisions of section 214 of and paragraph 24 of schedule 26 to the Local Government Act 1972, Derby City Council was defined as a burial authority and therefore had powers to provide a crematorium and raise fees and charges from the provision of such facilities. It was noted that the cost of mercury abatement at Markeaton Crematorium was met by an environmental fee of £55 per adult cremation which was incorporated into the overall cremation fee as seen in the CMA Funeral Directors Price List.

**Resolved:**

- 1. to note Children's Funeral Fund (CFF) amounts to be claimed from Government from 1st January 2023 as set out at Appendix 2 in line with the conditions of the claim.**
- 2. to approve the Bereavement Services Fees and Charges effective from 1st January 2023 as set out at Appendix 1.**

06/22          Proposed Revision of Policy Regarding Memorial Bench Donations on Bereavement Services Sites

The Cabinet Member considered a report which stated that historically memorial benches on Bereavement Services sites had not been recorded or monitored. This caused issues when the memorial bench became unsafe due to age and lack of maintenance, as the service had no contact details for the donor to advise of the necessity for removal and replacement.

It was reported that the aim of this policy was to ensure any future memorial bench installations were on a donation basis and the memorial plaque was on a lease basis to ensure regular contact with the donor. It was noted that fixed leases would ensure bench maintenance and improve safety on Bereavement Services sites.

It was noted that Bereavement Services received numerous requests for memorial benches within cemetery and crematorium grounds. Since the covid pandemic demand for memorial bench installation had increased to a level that was unachievable due to available space. It was reported that the introduction of a policy would ensure consistency across Bereavement Services sites.

The Cabinet Member noted that the introduction of the policy would ensure memorial benches were safe for site visitors at the crematorium and city cemeteries as the memorial bench would be safety checked prior to lease renewal and any maintenance requirements would be addressed. It was reported that the policy instruction would not incur financial costs to Bereavement Services and that it had the potential to increase memorial income across the service.

**Resolved:**

- 1. to introduce a policy to lease memorial plaques on donated memorial benches installed within Bereavement Services grounds within Derby City. This will ensure contact with the donor and increase safety to site users.**
- 2. to offer choice of memorial bench to include re-cycled materials which will increase sustainability and reduce maintenance costs. The introduction of this policy will meet the objectives of The Charter for the Bereaved which encourages choice to families.**

MINUTES END