

Pecyn Dogfen Gyhoeddus

Gareth Owens LL.B Barrister/Bargyfreithiwr

Chief Officer (Governance)

Prif Swyddog (Llywodraethu)



Swyddog Cyswllt:

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At: Aeloday o Bwyllgor Trosolwg a Chraffu yr Amgylchedd a'r Economi

4 Rhagfyr 2024

Annwyl Gynghorydd,

RHYBUDD O GYFARFOD HYBRID
PWYLLGOR TROSOLWG A CHRAFFU'R AMGYLCHEDD A'R ECONOMI
DYDD MAWRTH, 10FED RHAGFYR, 2024 10.00 AM

Yn gywir

Steven Goodrum

Rheolwr Gwasanaethau Democraidd

Sylwch: Gellir mynychu'r cyfarfod hwn naill ai wyneb yn wyneb yn Ystafell Bwyllgor Delyn, Cyngor Sir y Fflint, Yr Wyddgrug, Sir y Fflint neu ar-lein.

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd y ffrydio byw yn dod i ben pan fydd unrhyw eitemau cyfrinachol yn cael eu hystyried. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

Os oes gennych unrhyw ymholiadau, cysylltwch ag aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

R H A G L E N

1 PENODI CADEIRYDD

Pwrpas: I roi gwybod i'r Pwyllgor pwy yw'r Cadeirydd sydd wedi'i enwebu am weddill blwyddyn y Cyngor, yn dilyn cyfarfod y Cyngor Sir ar 4 Rhagfyr 2024.

2 PENODI IS-GADEIRYDD

Pwrpas: Penodi Is-Gadeirydd ar gyfer y Pwyllgor.

3 YMDDIHEURIADAU

Pwrpas: I dderbyn unrhyw ymddiheuriadau.

4 DATGAN CYSYLLTIAD (GAN GYNNWYS DATGANIADAU CHWIPIO)

Pwrpas: I dderbyn unrhyw ddatganiad o gysylltiad a chynghori'r Aelodau yn unol a hynny.

5 COFNODION (Tudalennau 5 - 8)

Pwrpas: I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 12 Tachwedd 2024.

6 YSTYRIED MATER A ATGYFEIRIWYD AT A PWYLLGOR YN UNOL A'R TREFNIADAU GALW I MEWN (Tudalennau 9 - 12)

Pwrpas: Mae penderfyniad y cyfarfod Cabinet ar 19 Tachwedd 2024 yn ymwneud â Gweithredu Newidiadau i'r Casgliadau Gwastraff Gweddilliol ac Adolygu'r Polisi wedi cael ei alw i mewn. Atodir copi o'r weithdrefn ar gyfer delio ag eitem sydd wedi'i galw i mewn.

7 GWEITHREDU NEWIDIADAU I'R CASGLIADAU GWASTRAFF GWEDDILLIOL AC ADOLYGU'R POLISI (Tudalennau 13 - 60)

Pwrpas: Adroddiad Prif Swyddog (Stryd a Chludiant) - Aelod Cabinet Gwasanaethau Stryd a Chludiant

Atodir y dogfennau canlynol i gynorthwyo Aelodau:

- Copi o'r adroddiad - Gweithredu Newidiadau i'r Casgliadau Gwastraff Gweddilliol ac Adolygu'r Polisi
- Copi o'r Cofnod o Benderfyniad
- Copi o'r Hysbysiad Galw i Mewn - 1
- Copi o'r Hysbysiad Galw i Mewn - 2

8 RHAGLEN GWAITH I'R DYFODOL AC OLRHAIN CAMAU GWEITHREDU

(Tudalennau 61 - 70)

Adroddiad Hwylusydd Trosolwg a Chraffu yr Amgylchedd a Gofal Cymdeithasol

Pwrpas: Ystyried Rhaglen Gwaith i'r Dyfodol y Pwyllgor Trosolwg a Chraffu'r Amgylchedd a'r Economi a rhoi gwybod i'r Pwyllgor am y cynnydd yn erbyn camau gweithredu o gyfarfodydd blaenorol.

9 CYNLLUN GWEITHREDU GORWARIANT YN YSTOD Y FLWYDDYN 2024/25 (Tudalennau 71 - 74)

Adroddiad Prif Swyddog (Stryd a Chludiant) - Aelod Cabinet Gwasanaethau Stryd a Chludiant

Pwrpas: To consider sections of the in-year overspend Action Plan 2024/25 relevant to the Environment & Economy Overview & Scrutiny Committee.

10 ADENNILL COSTAU AM GEFNOGI DIGWYDDIADAU CYHOEDDUS SY'N EFFEITHIO AR Y BRIFFORDD (Tudalennau 75 - 88)

Adroddiad Prif Swyddog (Stryd a Chludiant) - Aelod Cabinet Gwasanaethau Stryd a Chludiant

Pwrpas: Cyngori am lefel y gefnogaeth sy'n cael ei chynnig i drefnwyr digwyddiadau, a'r angen am adennill costau cysylltiedig am ddigwyddiadau cyhoeddus sy'n effeithio ar y briffordd.

11 CYNLLUNIAU GAN GOMISIWN Y GYFRAITH I DDIWYGIO DEDDFWRIAETH CLADDU AC AMLOSGI (Tudalennau 89 - 140)

Adroddiad Prif Swyddog (Stryd a Chludiant) - Aelod Cabinet Gwasanaethau Stryd a Chludiant

Pwrpas: Pwrpas yr adroddiad hwn yw rhoi gwybod i'r aelodau am adolygiad mae Comisiwn y Gyfraith yn ei gynnal mewn perthynas â diwygio'r ddeddfwriaeth ar gladdu, amlosgi a dulliau angladdol newydd.

12 DIWEDDARIAD RHWYSTRAU MYNEDIAD (Tudalennau 141 - 146)

Adroddiad Prif Swyddog (Cynllunio, Amgylchedd ac Economi) - Aelod Cabinet Newid Hinsawdd a'r Economi

Pwrpas: Rhoi'r wybodaeth ddiweddaraf i aelodau ar weithredu gwelliannau mynediad i'r Llwybr Arfordir Cymru.

Sylwch, efallai y bydd egwyl o 10 munud os yw'r cyfarfod yn para'n hirach na dwy awr.

Eitem ar gyfer y Rhaglen 5

ENVIRONMENT AND ECONOMY OVERVIEW & SCRUTINY COMMITTEE **12th NOVEMBER 2024**

Minutes of the hybrid meeting of the Environment and Economy Overview & Scrutiny Committee of Flintshire County Council held on Tuesday, 12th November 2024.

PRESENT: **Councillor David Evans (Chair)**
Councillors: Mel Buckley, David Coggins Cogan, Bill Crease, Richard Lloyd, Mike Peers, Vicky Perfect, Dan Rose and Roy Wakelam

SUBSTITUTIONS: Councillor Ian Hodge for Councillor Roz Mansell

ALSO PRESENT: Councillors Helen Brown, Gina Maddison and Andrew Parkhurst (as observers)

CONTRIBUTORS: Councillor Dave Hughes (Leader of the Council), Councillor Paul Johnson (Cabinet Member for Finance and Social Value), Councillor Glyn Banks (Cabinet Member for Streetscene and Transportation) Chief Officer (Planning, Environment & Economy), Chief Officer (Streetscene and Transportation), Strategic Finance Manager – Corporate Finance, Regulatory Services Manager, and Streetscene Service Manager

IN ATTENDANCE: Democratic Services Manager and Democratic Services Officers

38. **DECLARATIONS OF INTEREST** [\(link to recording\)](#)

Councillors Lloyd and Peers declared a personal interest on Agenda Item 5 – Budget 2025/26 – Stage 2.

Councillor Banks declared a personal interest in agenda item 6 – Consultation for a proposed new National Park for North East Wales.

39. **MINUTES** [\(link to recording\)](#)

To confirm as a correct record the [minutes \(agenda item no.3\)](#) of the meeting held on 8 October 2024.

RESOLVED:

That the minutes be approved as a correct record.

40. **FORWARD WORK PROGRAMME AND ACTION TRACKING** [\(link to recording\)](#)

The Democratic Services Manager presented the Forward Work Programme and Action Tracking report. [Forward Work Programme \(agenda Item no.4\)](#).

The Chief Officer (Streetscene and Transportation) requested that an item on Briefing Sessions for Members to be held on 10th December 2024 on the A494 Dee Crossing be added to the Forward Work Programme.

In response to a question on the items to be added on Place Making Plan Buckley and Place Making Plan Holywell, the Chief Officer (Planning, Environment and Economy) advised that work was ongoing and a date confirmed when a report would be submitted to the Committee and an update included on the Programme for the meeting to be held on 10 December 2024.

Councillor Lloyd asked that an update be provided on developments on the Access Barrier. He also asked that he be invited, as the local Ward Member, to attend any meetings regarding the Access Barrier in connection with his Ward which was agreed.

RESOLVED:

- (a) That subject to the above amendments the Forward Work Programme be noted;
- (b) That the Facilitator, in consultation with the Chair of the Committee, be authorised to vary the Forward Work Programme between meetings, as the need arises; and
- (c) That the Committee notes the progress made in completing the outstanding actions

41. BUDGET 2025/26 – STAGE 2 [\(link to recording\)](#)

The Strategic Finance Manager – Corporate Finance introduced the [report \(agenda item no.5\)](#). He advised that the details of the cost pressures and proposed efficiency options for the Planning, Environment and Economy Portfolio, and the Streetscene and Transportation portfolio, which were within the remit of the Environment and Economy Overview & Scrutiny Committee, were included within the report. The Committee was invited to review and comment on the cost pressures and associated risks.

The Chief Officer (Streetscene and Transportation) agreed to give consideration to the suggestion made by Councillor Peers that Town and Community Councils be asked to make a contribution to the cost of repairs and maintenance of the public conveniences sited in their area.

RESOLVED:

- (a) That the Planning, Environment and Economy portfolio's cost pressures be noted and supported.
- (b) That the Streetscene and Transportation portfolio's cost pressures be noted and supported; and

- (c) That the Committee supports the Streetscene and Transportation cost pressures being removed as outlined in section 1.07 of the report.

42. CONSULTATION ON THE PROPOSED NEW NATIONAL PARK FOR NORTH EAST WALES ([link to recording](#))

The Chief Officer (Planning, Environment and Economy) introduced the [report \(agenda item no.6\)](#) to agree the Council's response to a live consultation on the proposed North East Wales National Park. The consultation exercise would run until 16 December 2024.

Councillor Peers proposed that the Committee did not support the proposal to create a new National Park for North East Wales. This was seconded and when put to the vote was carried.

RESOLVED

That the Committee does not support the proposal to create a new National Park for North East Wales

43. RESIDUAL WASTE COLLECTIONS CHANGE AND COMMUNICATION PLAN ([link to recording](#))

The Chief Officer (Streetscene and Transportation) introduced the [report \(agenda item no.7\)](#). She explained that a report presented to Cabinet in July 2024 detailed that a further report would be provided to set out the implementation plan and communications plan to provide Members with assurance that the change to service will be well planned and managed to minimise impact on Flintshire residents. This report presents the proposed implementation date and details the action plan and communications plan for the service change.

Councillor Peers asked that the cost of implementation of moving to the 3 weekly kerbside collection model be provided as soon as possible. The Chief Officer explained that information had been provided to Members and offered to resubmit to Councillor Peers or provide a further progress report to a meeting of the Committee next year.

RESOLVED:

- (a) That the implementation date for the residual waste collection frequency change already approved be supported;
- (b) That the implementation plan presented with this report be supported and the work undertaken to date be noted;
- (c) That the communication plan presented with this report be supported;
- (d) That the updated Recycling and Household Collections and Household Recycling Centre Operations Policy to reflect the previously approved changes to service be noted; and

- (e) That the updated Household Recycling Centre Vehicle Permit Policy to be published following the adoption of revised procedures put in place to support customers with disabilities who may need to access the HRCs using their vehicles be noted.

44. MEMBERS OF THE PRESS IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 10.00 a.m. and ended at 12.36 p.m.)

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Chair

Eitem ar gyfer y Rhaglen 6

FLINTSHIRE COUNTY COUNCIL

OVERVIEW & SCRUTINY

CALL-IN ARRANGEMENTS

1. Background

The arrangements for calling in a decision are to be found in paragraph 16 of the Overview & Scrutiny Procedure Rules contained within the Council's Constitution. The legal authority is within section 21 (3) of the Local Government Act 2000. This note summarises the provisions in the Constitution and identifies changes required due to the pandemic and our holding Remote Attendance Meetings.

2. Decision of the Cabinet

When a decision is made by the Cabinet, the Head of Democratic Services publishes a record of those decisions within two days of them being made. This record is emailed to all Members of the County Council.

The decision record is dated the day it was published and specifies that

- the decision will come into force, and may be implemented on the expiry of five working days after the publication of the decision.
- unless it is called in within 5 working days after the publication of the decision

3. Calling in a Decision

For a call in to be initiated, the Chief Officer (Governance) or Head of Democratic Services must receive a request from the Chair of the relevant Overview & Scrutiny committee or at least four Members of the Council.

The call in email should be sent via a Flintshire.gov.uk email address to the Head of Democratic Services, stating the reason for call in. The first signatory should include the words 'call in' as the subject and should copy in the other proposed signatories. Those signatories should then email the Head of Democratic Services, using their Flintshire email addresses, saying 'I endorse the call in of record of Decision No XX'

This will ensure that there is an audit trail of signatories, in writing, of the call in, electronically signed (and from their Flintshire email addresses) by all parties. The Head of Democratic Services will notify the decision taker of the call-in, and then arrange a meeting of the Committee within seven working days of the decision to call-in. (The last working day before Christmas day and the three non-public holiday days between Christmas and New Year will not be counted as working days for the purposes of this paragraph).

4. The Call-in Meeting

By their nature, call-in meetings can often be held at short notice (i.e. within seven working days of the call-in decision) and the only item of business to be transacted would normally be to deal with the call-in. However, from time to time it is expedient to consider a call in at a meeting which has already been convened.

It is suggested that the procedure outlined below be used at such a meeting.

5. Procedure for a Call-in Meeting

- (i) The Chair will invite the Head of Democratic Services or Overview & Scrutiny Facilitator to briefly outline the call-in procedure for Members of the Committee, explaining the time constraints within the Constitution. The Officer should also outline the ideal procedure, set out below, for an Overview & Scrutiny Committee to deal with a call-in meeting.
- (ii) The Chairman will then invite the initiators of the call-in to explain and clarify their reasons for calling in the decision. This can be by means of a spokesman, or by several Members contributing.
- (iii) The decision makers will then have the opportunity to respond to the issues raised by those initiating the call-in and provide further information if they believe that it will assist the committee's understanding of the decision.
- (iv) The Chair will then invite questions from Members, and the decision-makers and call-in initiators will be invited to answer the questions.
- (v) At the end of Members' questions, the Chair will ask the initiators of the call-in and the decision makers to sum up their respective cases.
- (vi) The Chair will then invite the Head of Democratic Services or Overview & Scrutiny Facilitator to explain the Committee's options for decision contained in the Constitution. The decision should include one of the four options given below, which are contained in the Constitution.

Option 1

If, having considered the decision, the Overview & Scrutiny Committee is satisfied with the explanation which it has received, it will indicate as such, in order for the decision to be implemented.

Option 2

If, having considered the decision, the Overview & Scrutiny Committee is 'no longer concerned', having received the explanations, but is not minded to indicate that it is 'satisfied with the explanation', then it is in order for the

Committee to resolve that 'the explanation be accepted but not endorsed by the Overview & Scrutiny Committee'.

Option 3

If, having considered the decision, the Overview & Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred to the decision maker then the decision maker shall then reconsider, at the earliest scheduled meeting, amending the decision or not, before adopting a final decision.

Option 4

If, having considered the decision, the Overview & Scrutiny Committee is still concerned about it, then it may refer the matter to full Council. If referred to full Council, the Council shall meet to consider the referral within 10 working days unless there is a scheduled meeting of the full Council at which the matter may be considered within the expiry of a further 5 working days.

Note:

If either Option 1 or Option 2 is decided upon, the Cabinet decision can be implemented after the Overview & Scrutiny meeting. If either Option 3 or 4 is decided upon, the Cabinet decision cannot be implemented after the Overview & Scrutiny meeting until it has received further consideration by either the Cabinet or Council.

- (vii) The Committee will then discuss the matter and following debate, reach a decision.

If it is apparent from the discussion that there is a clear preference for a particular option, it may be possible for the officer advising the chair to indicate whether they object or wish to abstain. However, it may be necessary to conduct a 'roll call' vote (similar to a recorded vote, but a quicker process with 12 members on a committee)

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 7



CABINET

Date of Meeting	Tuesday, 19 th November 2024
Report Subject	Residual Waste Collection Change - Implementation and Policy Update
Cabinet Member	Cabinet Member for Streetscene and Transportation
Report Author	Chief Officer (Streetscene and Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

In July 2024, Cabinet approved the transition to a three-weekly residual waste kerbside collection model, whilst retaining the comprehensive weekly kerbside recycling and food waste collection service currently provided. This is a fundamental action set out in the Council's Resource and Waste Strategy to improve the Council's recycling performance, maximise resource efficiency, minimise waste, reduce emissions and minimise the risk of infraction fines. It is also a key action recommended within an internal audit report on recycling performance for the authority, which was rated "red" for assurance, in mitigation against the strategic red risk on the Council risk register.

The report that was presented to Cabinet in July 2024 detailed that a further report would be provided to set out the implementation plan and communications plan, to provide members with assurance that the change to service will be well planned and managed to minimise the impact to Flintshire residents. This update report presents the proposed implementation date and details the action plan and communications plan in place for the service change.

The report also includes an updated Household Recycling and Waste Collections and Household Recycling Centre (HRC) Operations Policy to reflect the previously approved changes to service, and an updated HRC Vehicle Permit Policy to reflect the revised procedures put in place to support customers with disabilities who may need to access the HRCs using their vehicles.

RECOMMENDATIONS

1	Cabinet approves the proposed implementation date for the residual waste collection frequency change already approved.
2	Cabinet notes the proposed implementation plan presented with this report and supports the work undertaken to date.

3	Cabinet notes the communication plan presented with this report.
4	Cabinet notes the updated Recycling and Household Collections and Household Recycling Centre Operations Policy to reflect the previously approved changes to services.
5	Cabinet notes the updated Household Recycling Centre Vehicle Permit Policy to be published following the adoption of revised procedures put in place to support customers with disabilities who may need to access the HRCs using their vehicles.

REPORT DETAILS

1.00	EXPLAINING THE PROPOSED IMPLEMENTATION PLAN AND COMMUNICATION PLAN FOR DELIVERING SERVICE CHANGE TO RECYCLING AND WASTE COLLECTION SERVICES
1.01	<p>In July 2024, Cabinet approved the transition to a three-weekly residual waste kerbside collection model, whilst retaining the comprehensive weekly kerbside recycling and food waste collection service currently provided. This is a fundamental action set out in the Council’s Resource and Waste Strategy to improve the Council’s recycling performance, maximise resource efficiency, minimise waste, reduce emissions and minimise the risk of infraction fines. It is also a key action recommended within an internal audit report on recycling performance for the authority, which was rated “red” for assurance, in mitigation against the strategic red risk on the Council risk register.</p> <p>The report that was presented to Cabinet in July 2024 detailed that a further report would be provided to set out the implementation plan and communications plan, to provide members with assurance that the change to service will be well planned and managed to minimise the impact to Flintshire residents. This update report presents the proposed implementation date, and details the action plan and communications plan in place for the service change.</p> <p>The report also includes an updated Household Recycling and Waste Collections and Household Recycling Centre (HRC) Operations Policy to reflect the previously approved changes to service, and an updated HRC Vehicle Permit Policy to reflect the revised procedures put in place to support customers with disabilities who may need to access the HRCs using their own vehicles.</p>
1.02	<p><u>Implementation Date</u></p> <p>It is proposed that the implementation date of the service change is Monday, 28th April 2025. This allows sufficient time for the service to undertake the appropriate planning, testing, and familiarisation of new routes, procure additional resources, such as vehicles and containers, and develop and implement a comprehensive communications plan for residents.</p>

	<p>We have considered earlier implementation dates; however, the lead-in times for delivery of the recycling recovery vehicles (RRVs) and bespoke collection vehicles for food waste collections, as well as ordering stock such as recycling bags and containers do not allow for an earlier implementation date.</p> <p>Additionally, the beginning of April 2025 conflicts with the Easter holiday period, which risks some residents not being at home when their first scheduled collection for the new service takes place and could result in collections not being made for up to six weeks if they were on holiday. An implementation date of 28th April 2024 would ensure that we avoid the Easter holiday period when people may be away from home for their first scheduled collection.</p>
<p>1.03</p>	<p><u>Implementation Plan</u></p> <p>To effectively manage the transition in service, a project group has been established to progress the service change, which is meeting on a weekly basis. Several individual workstreams have been established by this group leading to a number of sub-projects. Each sub-project has been assigned a project lead and project support officers to progress required actions. This has required cross-portfolio working and external support to progress. The workstreams include:</p> <ul style="list-style-type: none"> • Data cleansing for existing residual waste rounds, recycling rounds, absorbent hygiene products (AHP)/nappy collections and assisted collections. • Residual and recycling round reviews (including five-day working Monday to Friday) • Collection container stock review and new recycling bag trial • Staffing and resource reviews in consultation with employees and Trade Unions • Procedural reviews of current services to data cleanse and improve efficiencies. • Planning for garden waste subscriptions and collection service in spring 2025 • Enhanced excess waste enforcement post implementation. • Time and motion studies of existing working practice • Fleet vehicle review for waste and recycling collection services. <p>Appendix 1 sets out these workstreams in a Gantt chart as an overview document and the relative timescales for their action and implementation.</p>
<p>1.04</p>	<p>To assist with service change planning, WRAP Cymru have shared with us a paper to help local authorities learn from the issues that have been experienced in other areas across Wales, which outlines the steps that can be taken to help mitigate and minimise issues during a service change.</p> <p>Adequate time for planning and preparation has been highlighted as a key risk, and support functions within the local authority (health and safety, information technology, human resources, fleet services, procurement, customer services, communications/public relations) need to be actively involved from the start and have a full understanding of the change and the resources that may be required from them pre, during and post the service change. The project group has included relevant personnel from these support functions, who will be key as the project develops over the coming months.</p>

WRAP Cymru advise that local authorities should not underestimate the demands on resource of continuing to manage business as usual on top of mobilising a new service and adequate time is required to ensure that the pre-mobilisation, planning and support can be planned and resourced. The amount of work and resources required for each element should not be underestimated. This will be a key element of our operational plans going forward.

1.05

Communication Plan

The key to successful implementation will be the managed communication of information to stakeholders throughout the transition period. To aid this, a four-phased communications plan has been developed pre, during and post service change to share the right level of information at the appropriate times. Support from WRAP Cymru, the Communications team, Customer Services, Connects Centres and Contact Centre will be provided to deliver this.

WRAP Cymru has emphasised the importance of ensuring both internal and external plans and lines of communication are clear with a robust communications plan to include appropriate communications for members, frontline staff, residents, all council employees.

Details of the four-phased plan include:

Phase one: September to December 2024

- Instilling current processes ensuring residents are engaged with the service.
- Developing resources to support the service change campaign.

Phase two: November 2024 to April 2025

- Promote the date of the service change.
- Launch 'Let's get it sorted' campaign.
- Launch resources to support service change preparedness.
- Update website/social media with relevant resources.
- Community engagement events (Connects/HRCs/community centres)
- Align with national recycling campaigns.
- Staff engagement and training (involving TUs)

Phase three: January – April 2025

- Social media campaign/developing FAQs
- Community engagement events (Connects/HRCs/community centres)
- Door knocking campaigns.
- Member workshops/briefing sessions
- Staff briefings (involving TUs)

Phase four: April 2025 onwards

- Continuation of engagement campaigns
- Door knocking campaigns and route monitoring
- Developing FAQs

Appendix 2 outlines the high level four-phased communications plan in a Gantt chart and the relative timescales for each action and implementation.

1.06	<p><u>Household Recycling and Waste Collections and Household Recycling Centre Operations Policy</u></p> <p>The household waste collections and household recycling centre policy was last updated and published in 2017. As part of the implementation plan, an update of this policy has been included with this report to reflect the changes that have already been approved by Cabinet and implemented since this time through various other committee cycles.</p> <p>The updated policy takes account of the revised residual waste collection frequency, introduction of services such as absorbent hygiene products (AHP) and nappy collections, which were introduced in 2021, and changes to the household recycling centres, such as operational days, booking systems for certain waste streams and charging for some materials.</p> <p>The purpose of including the policy document update in this report is to publish an accurate and up-to-date policy to reflect the changes that have already been approved previously and for our elected members and residents to have a clear policy to which to refer.</p> <p>Appendix 3 details the updated policy to be published.</p>
1.07	<p><u>Vehicle Permit Policy</u></p> <p>The household recycling centre vehicle permit policy has been updated to include a procedure for the assessment of vehicles that are required by residents with disabilities who may be unable to access the HRCs due to their vehicle not meeting the criteria of the policy, for example, a high sided camper van or cases where the vehicle has been adapted to accommodate the disability.</p> <p>The policy already allows for mobility vehicles to be allowed unrestricted access if they are within the size criteria of the policy; however, a request has been put forward by some members to make adjustments to the policy for those vehicles outside the size restrictions and concerns have been raised that the council could be in breach of the Equality Act by restricting access to these residents.</p> <p>Following consultation with the strategic equality advisor, the Council is required to make reasonable adjustments to policy in these instances, on provision of demonstratable need for the adjustment. The policy has therefore been updated to allow for those vehicles to be issued with a permit, subject to the following eligibility checks:</p> <ul style="list-style-type: none"> • A standard vehicle permit application should be completed. • Applicant to provide a copy of a valid blue badge. <p>Appendix 4 details the updated section (blue writing) to be published.</p>

2.00	RESOURCE IMPLICATIONS
2.01	As outlined in this report, a project group has been set up for the implementation of this service change and varying resources from other areas of the portfolio will need to be allocated as the project progresses. This will include input from several Streetscene teams, including Waste Strategy, Waste and Recycling Operations, Enforcement, Training and Compliance, Fleet Services, Stores Management, Business Admin Support, and the Technical Team.
2.02	Additional support will be required from support functions across the local authority (health & safety, information technology, human resources, fleet services, procurement, customer services, communications/public relations, contact centre), which are currently being programmed into the implementation plan and consulted upon with the relevant teams.
2.03	Work is already underway on the review of current waste and recycling rounds, and staffing and resource reviews will be undertaken in consultation with employees and Trade Unions accordingly.
2.04	Modelling work undertaken has shown that a transition to a 3-weekly residual waste collection model, while retaining the comprehensive weekly recycling service, will deliver annual savings of £0.654m. The reports presented and approved through the July 2024 committee cycle provide further background details on the modelling work carried out, which will provide the baseline data for measuring and monitoring performance in the future.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	This is an operational update for members following the approval of the Cabinet decision to transition to a 3-weekly collection model. The purpose of presenting the proposed implementation plan and communications plan is to ensure that members have sight of the plans in place and provide an update on progress made to date, as well as identify any potential risks to the programme.
3.02	WRAP Cymru have shared information to help local authorities learn from the issues that have been experienced in other areas across Wales and have outlined the steps that can be taken to help mitigate and minimise issues during a service change. The advice received from WRAP Cymru has been factored into our plans.
3.03	The service change is a fundamental action in achieving the objectives of our Resource and Waste Strategy and mitigating the likelihood of Welsh Government issuing the outstanding infraction charges for 2021/22, 2022/23 and 2023/24, which currently equate to £1.2m.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	Cabinet Member for Streetscene and Transportation.

4.02	Chief Officer team
4.03	Council portfolios (via the project group)
4.04	Environment & Economy Overview & Scrutiny Committee

5.00	APPENDICES
5.01	Appendix 1 – Implementation Plan
5.02	Appendix 2 – Communication Plan
5.03	Appendix 3 – Recycling and Household Collections and Household Recycling Centre Operations Policy
5.04	Appendix 4 – Household Recycling Centre Vehicle Permit Policy

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Cabinet Report - Resource and Waste Strategy Cabinet Report - Transition to a Restricted Capacity Residual Waste Collection Model

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Ruth Tulley, Regulatory Services Manager Telephone: 01352 704796 E-mail: ruth.tulley@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	<p>Residual Waste Materials that remain following efforts to reduce, reuse, recycle or compost. Commonly known as ‘general waste’ or ‘black bin waste’.</p> <p>Dry Recycling Recyclable items collected such as, cardboard, paper, tin cans, plastic bottles/tubs/trays, glass bottles/jars, waxed cartons, aerosols</p> <p>AHP Absorbent hygiene products such as nappies and incontinence pads.</p> <p>Kerbside Collections the collection of recycling and waste from residential properties</p> <p>Household Recycling Centres Waste disposal centres where residents can dispose of domestic waste and recycling items that are not collected at the Kerbside.</p>

Resources Materials, such as glass, plastic, paper fibres, that can be utilised to produce new items.

Infraction fine a financial penalty imposed by government for not meeting statutory recycling targets.

Round Review a review of the waste and recycling collection rounds to ensure that there is sufficient capacity to collect the waste presented as efficiently as possible.

Excess Waste additional residual waste placed alongside the black bin, or on top of the black bin so that the lid does not fully close.

Appendix 1 - Implementation Plan

	August	September	October	November	December	January	February	March	April	Implementation	May	June
Recycling and Residual Waste - Round Review												
Data Cleanse of current rounds												
Round mapping, time and motion studies, data validation												
Round testing, data validation, systems update												
Post implementation monitoring and adjustment												
Collection Containers												
Review container stock and ordering												
Recycling Container Trail												
Staffing and Resources												
IT Systems upgrades												
Staffing and Recruitment												
Health & Safety assessments												
Staff training												
Procedural Reviews												
Recycling Collections from flats												
Absorbent Hygiene Products												
Assisted Collections												
Clear bag policy at HRCs												
Subscriptions												
Garden Waste Subscriptions Promotion												
Excess Waste												
Enhanced Monitoring												
Communications												
Phase 1 (Pre-cabinet)												
Phase 2 (Post-cabinet)												
Phase 3 (Implementation build up)												
Continued Education												

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Appendix 2 - Communications Plan

	September	October	November	December	January	February	March	April	Implementation	May	June
Phase 1											
"Did you know campaign" - social media / engagement sessions / website videos											
Recycling Education - increased promotion of services and equipment (link to national campaigns)											
Increased promotion of food waste recycling - resident engagement / walkarounds / social media											
Phase 2											
Promotion of clear bag policy at HRCs											
"Lets get it sorted" how to campaign roll out - PR / members briefing / website/ social media / resident engagement											
FAQs & promotion of weekly recycling service - members email / resident engagement / website / leaflets											
Christmas campaign - social media											
Promotion of new collection schedules											
Phase 3											
Move to 3-weekly - door knocking campaign											
Delivery of new collection schedule calendar											
"Lets get it sorted" how to campaign continued with focus on reduced black bin collections (key things to prepare) - residents engagement / FAQ sessions / informative videos / staff comms / social media											
Are you ready campaign - leaflets / bin stickers / social media / member workshops / staff comms											
Staff training & FAQs											
Round up of key messages and reminders - social media / connect centre & HRC messaging / toolbox talks / member workshops / resident engagement / leaflets											
Phase 4											
Continued promotion of change and education, door knocking and route monitoring, develop FAQs where required.											

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HOUSEHOLD RECYCLING AND WASTE COLLECTIONS and HOUSEHOLD RECYCLING CENTRE OPERATIONS POLICY



 **Sir y Fflint yn ailgylchu**
Flintshire recycles

Overview

Policy	Household Recycling and Waste collection and Household recycling centre Operations Policy
Portfolio	Streetscene and Transportation
Service Area	Waste Strategy / Service Delivery
Related Documents	HRC Vehicle Permit Policy

Revision History

Version	Issue date	Summary of Changes
1	2017	Household Waste Collection and Household Recycling Centre Operations Policy
2	November 2024	Policy revision following approved service changes implemented since 2017.

Approval

Version	Who/Where	Date
1	Cabinet	2017
2	Cabinet	
3		

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2. Legislations
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4. Recycling and Waste Types and Frequency
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7. Recycling Preparation and Presentation
8. Formalised Collection Points
9. Collections on Private Roads
10. Excess non-recyclable waste presentation and enforcement
11. Assisted collection
12. Missed wheeled bin(s) and Food Caddy
13. Missed Recycling
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15. Absorbent Hygiene Product (AHP) Household Waste Collection
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1. Introduction

Our vision is to lead Flintshire towards a circular economy, maximise our resource efficiency, minimise waste and work collaboratively with our communities to take collective environmental responsibility.

Through an effective resource and waste strategy, we aim to safeguard the well-being of current and future generations, support the local economy, and reduce our impact on climate change.

This policy sets out the Council's recycling and waste collection and disposal arrangements for householders in Flintshire and the householder's duty in accordance with set legislation to ensure that the vision is achieved.

2. Legislation

2.1. Under the terms of the Environmental Protection Act 1990 (EPA), Flintshire County Council (the "Council") is classed as a Waste Collection and Disposal Authority and, as such, has a statutory duty to collect household recycling and waste from all domestic properties in the county. Under Section 46(4) of the Act, the Council has specific powers to stipulate:

- The amount, size and type of the collection receptacle(s).
- Where the receptacle(s) must be placed for the purpose of collecting and emptying.
- The time the receptacle(s) must be placed for the purpose of collecting and emptying.
- The waste types which may or may not be placed within each of the receptacle(s).

2.2. In addition, Section 51 of the EPA sets out the authority's statutory duty as a waste disposal authority in that: -

2.3. It shall be the duty of each waste disposal authority to arrange:

- for the disposal of the controlled waste collected in its area by the waste collection authorities; and
- for places to be provided at which persons resident in its area may deposit their household waste and recycling and for the disposal of waste so deposited.

2.4. Household waste and non-household waste (including construction waste) is defined in the Environmental Protection Act 1990 and the Controlled Waste (England and Wales) Regulations 2012.

3. Household Recycling and Waste Collection Eligibility

3.1. Each household in Flintshire, registered on the council tax register, will be entitled to receive the recycling and waste collection services as set out in this policy.

3.2. Non-domestic premises (businesses, charities and public sector organisations) are not entitled to a collection under this policy and are subject to the Workplace Recycling Regulations as set out in The Waste Separation Requirements (Wales) Regulations 2023.

4. Recycling and Waste Types and Frequency

4.1. The Council operates a comprehensive weekly recycling collection service offering the following services:

Table 1: Recycling Collection Arrangements

Recycling	Container Type	Container size	Frequency
Glass bottles and jars	Blue box	40 litres	Weekly
Mixed plastics (bottles, tubs, pots, trays), Metals (tin cans and foil), Aerosols and Wax cartons	Silver hessian sack	90 litres	Weekly
Cardboard and paper (cardboard boxes, paper, envelopes, pamphlets)	Blue hessian sack	70 litres	Weekly
Food waste (uneaten food, peelings, carcasses, tea bags, eggshells, pet food, leftover food)	Green Container Silver caddy Liners	23 litres 7 litres 7 litres	Weekly
Domestic batteries	Clear plastic bag / pot	Not specified	Weekly

4.2. The Council operates a chargeable service for the collection of household garden waste (green waste). The charge is reviewed through the corporate annual review of fees and charges.

Table 2: Garden Waste Collection Arrangements

Recycling	Container Type	Container size	Frequency
Garden waste (grass, leaves, hedge cuttings, plants)	Brown wheeled bin	140 litres	Fortnightly

4.3. For any items that are deemed non-recyclable then the following service is provided:

Table 3: Residual Waste Collection Arrangements

Waste	Container Type	Container size	Frequency
Residual waste (e.g., non-recyclable waste, polystyrene, animal waste, used tissues and small hygiene products)	Black wheeled bin	180 litres	Once every three weeks
AHP (Absorbent hygiene Products) / Nappies	Orange container/Sacks	40 litres	Weekly

4.4. Some items not yet collected via the council collection services, such as plastic film,

crisp packets and pet food pouches, can be taken to local businesses, retailers or supermarkets for recycling. Further information on these locations is provided on the council website.

5. Container Presentation

- 5.1. Where operationally possible, all households are included in the collection service, and properties will receive curtilage (kerbside) collections. However, in some locations specific collection points will be identified by the Council and in some locations (e.g. terraced properties or flats) local collections will be provided from communal collection points or communal bins, which are provided for the purpose of storing recycling and waste materials prior to collection.
- 5.2. All containers are provided free of charge to the household, except for additional brown wheeled bins which are chargeable (see separate fees and charges policy).
- 5.3. All recycling and waste items must be presented in Council supplied containers to ensure that it is safe to collect.
- 5.4. All containers supplied to householders for the purpose of the recycling and waste collections shall remain the property of the Council and can be recalled or changed at the Council's discretion.
- 5.5. Householders are responsible for the storage, safe keeping, and cleaning of containers provided by the Council.
- 5.6. Only recycling and waste produced by a household on a normal day-to-day basis should be placed in the containers provided (i.e., it should not contain non-standard items such as bulky waste, commercial or business waste).
- 5.7. Households may request and present for collection multiple recycling containers to accommodate the amount of household recycling they produce on a weekly basis.
- 5.8. Only one black wheeled bin will be provided per property. Any property presenting more than one black wheeled bin will have the additional wheeled bin removed without notice.
- 5.9. Where a household has 6 or more permanent occupants, they may make a request for a larger, 240-litre black wheeled bin for the storage of non-recyclable waste, subject to relevant checks as stipulated by the Council. This service shall be subject to annual review and the 240-litre wheeled bin will be exchanged for a standard 180-litre wheeled bin once the number of permanent occupants reduces below 6.
- 5.10. All containers supplied by the Council must only be used for the storage of items as prescribed by the Council. Failure to do so may result in the Council retrieving the container(s) from the households.
- 5.11. Any request to provide a new or replacement wheeled bin, recycling container or food bags (e.g., due to damage or for a new property etc.) shall be made by contacting the Council through the Contact Centre on 01352 701234 or connects Centre. Only wheeled bins will be delivered by the Council to the householder's property. All other recycling containers can be collected from a network of collection sites across the

authority. A list of these sites can be found on the Council's [website](#).

- 5.12. Where a household produces large quantities of garden waste, they may purchase up to two additional 140-litre wheeled bins for the storage of this material. The charge for additional brown bins will be reviewed annually and details of current charges are available in the Council's fees & charges listing.
- 5.13. Lids on wheeled bins and hessian sacks must be fully closed when the recycling and waste is presented for collection to ensure that items are securely contained and to protect the environment and the health and safety of the collection crews when handling, moving or lifting the bins and to prevent street littering. Containers must not be overfilled, preventing them from being fully closed, so as to minimise spillage.
- 5.14. Any waste jammed in a wheeled bin that does not naturally fall out following the normal mechanical emptying process on the waste collection vehicles will not be taken. In these cases, householders will have to loosen the materials themselves ready for the next scheduled collection.
- 5.15. All wheeled bins, food containers and recycling containers must be placed on the driveway or footway within one metre of the curtilage or boundary of the property and be easily accessible and visible to the crews without the need to open gates etc. Where this is not possible, the containers should be placed on the footway or verge outside the property, at a point where they cause minimal obstruction to highway users.
- 5.16. The householder must collect their wheeled bins and recycling containers after they have been emptied and return them to within the boundary of their property on the day of collection. This includes at communal collection points. Containers must not be permanently stored on the public highway. Collection crews will return all bins and containers to the same point as they have been presented.
- 5.17. When householders move home, they are required to leave all wheeled bins and recycling containers at the property for the new occupant to use. The only exemptions are additional garden waste bins (brown wheeled bins) that have been purchased by the householder from the Council.

6. Collection Day and Time

- 6.1. Wheeled bin(s) and recycling collections, where operationally possible, will take place on the same day each week.
- 6.2. All wheeled bins, food containers and recycling bags and containers must be presented for collection by 7am on the day of collection and removed as soon as possible after collections have taken place.
- 6.3. Container(s) may be placed at their collection point on the evening before collection, however, the Council will not accept liability for any injury or damage to third parties as a result of any incidents occurring with a container left on the public highway unless caused by the acts or omissions of its employees, contractors or agents.
- 6.4. We recognise that Flintshire residents want to do their best to protect the environment, but occasionally high winds can cause problems on collection days. In windy weather,

household waste and recycling containers and their contents can easily get blown around and this can lead to some littering issues in some places. During windy weather, it is recommended that containers are not placed out for collection the evening before and that residents bring containers back in as soon as they can after collection to prevent them from being blown away.

- 6.5. It may be necessary for the Council to change collection days or time on occasion e.g., over the Christmas and New Year period or during inclement weather.
- 6.6. On some occasions, the Council may have to suspended collections due to a service disruption (e.g. during adverse weather, fuel shortage, national emergency etc.). The Council will make every effort to minimise the level of disruption to householders during these periods and will try to reschedule any missed collections as soon as the cause of the disruption comes to an end.
- 6.7. Notification of changed collection days in these instances will be available on the Council website, social media accounts and via the Council's Contact Centre.
- 6.8. Where the Council is unable to collect any missed waste collections due to a service disruption, householders should retain their recycling and waste materials until the next scheduled collection day when all material will be collected.
- 6.9. In these circumstances, residents can use their nearest household recycling centre (HRC), on selected days, for the disposal of large amounts of recycling and waste, that cannot be stored safely at home.

7. Recycling Preparation and Presentation

- 7.1. Certain recycling items (plastic pots, bottles, tubs, trays, glass jars, bottles, and metal tins and cans) placed in the container(s) should be rinsed and be free of the material originally stored in them.
- 7.2. Households must separate their waste items into the appropriate containers as per the advice provided by the Council. If the householder fails to correctly separate their waste materials into the prescribed containers as required, the waste may not be collected, and this shall not be classed as a missed collection.
- 7.3. In this instance the collection crew will notify the resident why the containers have not been emptied by way of informative sticker/leaflet left with the container. Following such an incident the householder will be requested to place their items in the correct container which will then be collected on the next scheduled collection day.

8. Formalised Collection Points

- 8.1. Where required, site specific arrangements will be made for recycling and waste collections at flats, terraced properties or properties with narrow or difficult access arrangements. These specific collection arrangements will be communicated to the householder by the Council.
- 8.2. Wheeled bins and recycling containers will be returned to their point of origin by the collection crews immediately after collection with the lid of the container(s) closed.
- 8.3. The householder must collect their wheeled bins and recycling containers after

they have been emptied and return them to within the boundary of their property on the day of collection. Containers must not be permanently stored at the designated collection points.

8.4. Every household that utilises an agreed collection point must have the number or name of their property clearly marked on their container(s) so that any containers can be linked back to the property.

9. Collections on private roads

9.1. Where possible, collection vehicles will travel along private roads or unadopted roads allowing residents to present their waste containers at the same point on their property as though the road were adopted.

9.2. Unadopted roads refer to roads that do not have to be adequately maintained by the highway authority under the Highways Act 1980. A legal duty to maintain these roads still exists, but the responsibility lies with the owners of the road, which usually consists of the owners of any properties fronting that road.

9.3. A private road is a road that is owned and maintained by a private individual, organisation or company rather than by the Council.

9.4. Should any private road be deemed unsuitable for the vehicles to travel along and/or poses a risk of damage to the vehicle the Council reserves the right to stop collections from the property. In this instance, the residents will be required to bring their container(s) to point where the private road meets the adopted highway.

9.5. Where a household is required to bring their containers to the adopted highway, then this will be discussed and agreed, in writing, in advance with the householder.

9.6. When a collection cannot be made from a private road on the day of collection, the household will be notified as soon as practically possible, and an alternative collection arrangement will be discussed and agreed.

9.7. If the owner of the private road or unadopted road refuses to allow the collection vehicles to use the road, the residents will be required to bring their container(s) to a point where the private road meets the adopted highway.

9.8. The Council will not be responsible for the maintenance of any private road or unadopted road used for the purpose of recycling or waste collections and will not take any responsibility for damage or disruption.

9.9. Householders who are physically unable to present their containers at the designated collection point or kerbside, and who have applied and been granted as eligible for an assisted collection will be entitled to a collection service from their property.

9.10. In some cases, this may mean an alternative collection method (e.g. smaller vehicle) or different collection day from the standard service and assisted collections on unadopted or private roads will need to be risk assessed independently and arranged with the householder or relevant landowner.

10. Excess non-recyclable waste presentation and enforcement

10.1. The Council will not collect excess non-recyclable waste that is presented in addition to the volume permitted within the black wheeled bin.

10.2. Excess waste is classed as:

- Additional non-recyclable waste placed alongside or outside the black wheeled bin.
- Additional waste placed on top of a wheeled black bin, with the lid either closed or open.
- More than one black wheeled bin (additional) placed out by a property for collection.

10.3. Any property that is identified as presenting excess waste may be subject to enforcement action. The Council takes a three-staged approach to excess waste presentation focusing on education and engagement first, then formal enforcement action if the issue persists. The stages are:

➤ **First stage (Informal): an advisory sticker and letter will be issued**

At this stage, a letter of advice will be issued along with informative leaflets on how the household can reduce waste and what can be separated for recycling, a sticker will also be placed on the bin to notify the resident. The crew will take the excess waste on this occasion.

➤ **Second stage (Formal): a Section 46 Notice will be issued**

A formal notice of the intention to take enforcement action if excess waste continues to be presented will be served on the property; this is known as a Section 46 Notice. At this stage, both an enforcement officer and the waste strategy team will be involved to help explain the requirements of the collection service and offer further advice on how to present waste and recycling for collection. This stage is recorded and monitored for future occurrences.

On this occasion, the crew will not take the excess waste, and it will be the responsibility of the householder to sort materials into the correct recycling containers provided ready for the next scheduled collection day.

➤ **Third stage (Formal): A Fixed Penalty Notice / Prosecution**

A Fixed Penalty Notice (FPN) will be issued if stage one and two have been unsuccessful in effecting a change in the householder's behaviour and excess waste is continuing to be presented. There will be 28 days in which to pay the FPN, charged at £75 per instance. If this remains unpaid then the Council can progress to prosecution. Any excess waste will again be left for the resident to separate into the correct recycling containers in advance of the next scheduled collection day.

The Council will not return for excess waste reported as a missed collection following a Stage 2 or 3 event. Any additional bins presented by a property will be removed without notice.

11. Assisted Collections

11.1. Where, through ill-health or disability, a householder cannot present their wheeled bin or recycling containers at the curtilage or kerbside, and subject to there being no other able bodied adult person living at the property to assist with presenting the containers, the householder may make a formal request to the Council for an assisted collection.

- 11.2. This means that crews will collect recycling and waste containers from a location on the property which is agreed with the householder and returned following collection.
- 11.3. If an assisted collection is approved, a suitable collection point on the property shall be agreed with the householder and collections will then take place from this point. A risk assessment will be carried out prior to any collections at this agreed point. All containers will be returned to the agreed collection point by the collection crew once they have been emptied.
- 11.4. Assisted Collections will be restricted to those households who are in genuine need following approval of an application to the Council. If an assisted collection is no longer required, then the resident will be required to notify the Contact Centre and the property will be removed from the list. The Council will also review individual cases every 12 months and, if it is found that the service is no longer required, the assisted collection will be removed with 3 weeks' notice. Residents can apply for an assisted collection online.
- 11.5. When providing an assisted collection, there is a requirement for the access to the container(s) to be of an adequate standard so as not to pose a hazard to the collection crews and for all pets to be restrained or kept away from the area during collections. The Council reserves the right to withdraw the assisted waste collection arrangement from any property where the collection crew deems it unsafe to collect from.

12. Missed wheeled bin(s) and Food Caddy

- 12.1. If a wheeled bin (black or brown) or food waste caddy is placed out for collection at the kerbside, or at a collection point specified by the Council, on the correct collection day and time i.e. before 7am and it is not picked up by the Council by 3pm on the specified collection day, then this will be classed as a missed collection.
- 12.2. Where a genuine missed collection is reported, the Council will endeavour to return and collect the wheeled bin(s) or food caddy within two working days following receipt of the report of a missed collection.
- 12.3. Where it is proven that the householder has failed to place the bin out for collection at a collection point as specified in this policy or on the designated day and time, the Council will not return for the collection and the resident will be required to place their container(s) for collection on the next scheduled collection date or make arrangements to dispose of the waste at a household recycling centre.
- 12.4. Missed collections can be reported through the Contact Centre on telephone number 01352 701234 or through the Council's [website](#) after 3pm on the day of missed collection.

13. Missed Recycling

- 13.1. Where a recycling container is not collected this can be reported as a missed collection. However, the Council will not return for a missed recycling collections and the householder will be expected to place the recycling out for collection on the next scheduled collection day.

13.2. Alternatively, if the householder is unable to wait until the next scheduled collection day, then the recycling can be taken to one of the Council's five [HRCs](#).

14. Clinical/Medical Household Waste Collection

14.1. The Council provides a collection service for clinical/medical waste (e.g., dressings, bandages, stoma bags, catheters, needles) from householders upon request.

14.2. Requests for this service can be made by call the Contact Centre on 01352 701234 or by emailing streetscene@flintshire.gov.uk

14.3. The Council shall provide a suitable container(s) for the householder to store and present their clinical waste in.

14.4. An agreed collection point, day of collection, frequency of collection and any other specific instructions regarding this service, will be agreed between the Council and the householder in advance of collection being made.

14.5. If a collection is arranged, but no waste is presented on three consecutive collections, then the household will be removed from the collection schedule. Unless there is a prior agreement, households will automatically be removed from the collection service and will need to reapply.

15. Absorbent Hygiene Product (AHP) Household Waste Collection

15.1. The Council provides a collection service for absorbent hygiene products (AHP) waste (nappies, incontinence pads etc.) from householders upon request, and via a prescribed application form on the Council website.

15.2. The Council shall provide a suitable container and bags for the householder to store their AHP waste in for collection.

15.3. The AHP waste will be collected weekly on a designated day as stipulated by the Council. This may not be a day aligned with the standard recycling and waste collections for that property.

15.4. The AHP container can be presented for collection at the curtilage, or from just inside the boundary of the property, where the crew can see and access it easily. For assisted collection or private road households, this may vary.

15.5. A registered property will be provided with a collection service for a period of two years from the date of registration or until the collection is no longer required (whichever is shorter). After two years, households will automatically be removed from the service and need to reapply via the online [form](#).

15.6. When the service is no longer required then it is the responsibility of the household to notify the Council which can be done via the Streetscene Contact Centre or by emailing: streetscene@flintshire.gov.uk.

15.7. If no AHP waste is presented for collection on more than three occasions, then the household will be automatically removed from the collection schedule, unless agreed otherwise.

16. Bulky Household Waste Collection

- 16.1. The Council provides a bulky waste collection service for householders for items such as furniture, white goods (e.g. refrigerators, washing machines, tumble dryers) electrical items. A full list of items is published on the Council [website](#).
- 16.2. This is a chargeable service for 1 to 5 items. Extra items, up to a maximum of five additional items, can also be collected at an additional charge per item. The charges are reviewed through the corporate annual review of fees and charges.
- 16.3. Bulky collections can be requested through the Streetscene Contact Centre on 01352 701234 where a collection appointment with the householder will be made.
- 16.4. Fridges and fridge freezers are removed free of charge from all homes. These items must be presented at the kerbside and emptied of all contents prior to collection.
- 16.5. Home improvements including kitchen/bathroom renewals, fitted wardrobes and any soil and rubble from landscaping works will not be collected as part of a bulky waste collection service and households should make the appropriate arrangements with their contractor to ensure that they comply with their own duty of care for the compliant disposal of the material.
- 16.6. Non-domestic waste (from businesses, charities and public sector organisations) is not eligible for collection via this service.
- 16.7. The Council reserves the right to refuse the collection of any waste items that may cause harm or that may put at risk the health and safety of collection staff or members of the public.
- 16.8. The cost for this service is detailed in the Council's fees and charges listing. A subsidy to the standard charges is applied to householders in receipt of income support, unemployment benefit, disability living allowance, war pension, state pension or guaranteed pension credits. Proof of benefit will be required upon application.

17. Household Recycling Centres (HRCs)

- 17.1. The Council will provide well managed Household Recycling Centres (HRCs) that are accessible, safe and meet the requirements of householders of Flintshire that are registered on the Council Tax register.
- 17.2. The Council manages and operates five household recycling centres (HRCs) for Flintshire residents to donate for reuse, recycle, compost or dispose of small volumes of household items that cannot be collected by the household collection service. Waste items from non-domestic premises such as businesses will only be accepted at cost through Greenfield HRC as part of a permit scheme.
- 17.3. Residents are required to sort and separate their recycling and waste items before visiting the HRC site so that they can be placed quickly and conveniently into the correct recycling container. This allows for a quick transit through the site, thereby minimising overcrowding and queuing whilst maximising recycling.

18. Locations

Table 4: HRC Locations:

Site	Address
Buckley	Globe Way, Buckley. CH7 3LY
Greenfield	Greenfield Business Park No.2, Greenfield. CH8 7GJ
Mold	Nercwys Road, Nercwys, Mold. CH7 4ED
Sandycroft	Prince William Avenue, Deeside. CH5 2QZ
Oakenholt	Chester Road, Oakenholt. CH6 5SF

19. Operating days and hours

Table 5: HRC opening times.

	Greenfield	Buckley	Mold	Sandycroft	Oakenholt
Monday	9am – 5pm	9am – 5pm	9am – 5pm	9am – 5pm	9am – 5pm
Tuesday	CLOSED	CLOSED	9am – 5pm	9am – 5pm	9am – 5pm
Wednesday	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
Thursday	9am – 5pm	9am – 5pm	CLOSED	CLOSED	CLOSED
Friday	9am – 5pm	9am – 5pm	9am – 5pm	9am – 5pm	9am – 5pm
Saturday	9am – 5pm	9am – 5pm	9am – 5pm	9am – 5pm	9am – 5pm
Sunday	9am – 5pm	9am – 5pm	9am – 5pm	9am – 5pm	9am – 5pm

19.1. All sites are closed on Christmas Day, Boxing Day and New Year's Day.

19.2. The Council reserves the right to close the HRCs without notice in response to an emergency or if deemed to be unsafe (e.g. during adverse weather). In these instances, every effort will be made to reopen them as soon as it is safe to do so.

19.3. Information on any service disruption will be communicated via the council website and social media platforms.

20. Materials Accepted

20.1. A list of materials accepted at each HRC is listed on the Council [website](#). These materials do vary per site and are subject to change. Households are encouraged to review what can be accepted at each site before visiting. Unusually large amounts of the items listed or multiple loads of the same item(s) may not be accepted.

21. Changeable and Bookable Items

21.1. The Council operates a booking and charging system for some non-household waste items. Charge will be reviewed through the corporate annual review of fees and charges.

21.2. Details of how to book these items for disposal are shown on the Council [website](#).

21.3. Details of charges for the non-household items are listed in the Council's fees and charges listings.

22. Recycling and Residual (Non-Recyclable) Waste

- 22.1. Prior to visiting the HRCs, householders are encouraged to sort and separate their items into recycling and waste streams to allow for quick and efficient disposal on site.
- 22.2. Mixed bags of waste are not permitted to be placed into the residual (general) waste skip to ensure recyclable items are placed in the correct container. If residual waste does need to be disposed of this must be brought in a clear (transparent) bag or container so that recycling can be identified and removed prior to disposal, if present.
- 22.3. Any waste presented in black sacks, for example, will not be accepted and the customer will be asked to open these bags before disposal. Where recycling is presented within the black sacks, the customer will be asked to pre-sort the items and place them into the appropriate recycling container. Gloves and hand sanitising facilities will be available. The aim is to reduce the amount of waste going for disposal and to achieve this, customers will be required to sort their waste and will not be permitted to dispose of recyclable waste.

23. Materials and items not accepted.

- 23.1. The Council endeavours to accept a wide range of recycling and waste items generated by households; however, some items are not accepted due to their individual properties. These waste types include, but are not limited to:

Table 6: Waste types not accepted.

Item	Additional Information
Poisonous weed and invasive species (including but not limited to Japanese Knotweed, Giant Hogweed, Himalayan Balsam and Common Ragwort)	See guidance from Natural Resources Wales (NRW) for dealing with invasive weeds. NRW
Commercial fridges and freezers	Large commercial-type fridge/freezer will need to be disposed of through a specialist company to remove it.
Commercial tyres	Commercial tyres will need to be removed by a specialist company.
Petrol and diesel	Customers will need to contact a local fuel disposal specialist to dispose of petrol or diesel
Ammunition	Ammunition can be surrendered at the local police station, through a registered firearms dealer or to another authorised firearm certificate holder. Customers must not dispose of them themselves.
Fireworks and marine flares	Where possible, customers should follow the manufacturer's guidance for disposal. Used fireworks only can be thoroughly soaked in water, bagged and placed in the residual waste bin.

	However, it is illegal to dispose of unused fireworks or flares in this way.
Other explosive materials	See the guidance above on fireworks and ammunition.
Flammable liquids	Customers will need to contact a disposal specialist to dispose of flammable liquids
Clinical waste (e.g. sharps, dressings or colostomy bags)	Customers should speak to their local GP surgery, pharmacy or community nurse for help with disposing of infectious clinical waste. The Council also provides a clinical waste collection service for non-infectious clinical waste – see Clinical/Medical Household Waste Collection for further details
Medicines	Medicines and associated products should be disposed of at your local GP surgery or pharmacy
Animal carcasses	We do not accept domestic pets or wildlife carcasses at the Household Recycling Centres. Customers should contact their nearest veterinary surgery for advice.
Large or difficult wastes (e.g., vehicles, trailers, sheds, caravans, large tree stumps, boulders, engines)	Customers should contact specialist waste disposal companies for large or difficult waste streams or hire a skip from a reputable, accredited skip hire company

24. Vehicle Permit Policy

24.1. The Council operates a vehicle permit policy on all HRCs. The policy can be viewed here [Vehicle and Trailer Permit \(flintshire.gov.uk\)](http://flintshire.gov.uk)

25. Conditions of Site Use

25.1. The HRCs are operated to provide Flintshire households with a pleasant and professional experience. When visiting the HRCs we expect all customer to abide by our condition of site use rules.

25.2. The Council reserves the right to reject any person from a Household Recycling Centre if it suspects that they have contravened any of the conditions highlighted within this Policy.

- Respect site staff and other customers
- Comply with the instructions given by site staff
- Follow any signage, speed limits, health and safety law and guidelines
- Verbal or physical abuse will not be tolerated
- Animals are not permitted to exit vehicles
- The use of mobile phones whilst driving and disposing of waste on site is prohibited
- Persons under 16 must be supervised by an adult
- All items are to be pre-sorted prior to visiting the site into the item type for quick and efficient disposal
- The Council reserves the right to inspect all items brought to site for compliance
- All items must be placed in the correct container for their disposal so to maximise

reuse and recycling.

- Customers may request assistance if required
- Any non-recyclable waste placed in the residual waste skip must be available for inspection and must not be contained in black sacks.

26. Site Monitoring and Security

26.1. For the safety and wellbeing of the site staff, customers and infrastructure, all HRCs are covered by CCTV cameras. The site staff also reserve the right to utilise body cameras for their own protection and that of our customers.

26.2. The recordings on these devices may be used in the investigation and prosecution of any persons abusing the site rules or committing a criminal offence.

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Vehicle Permit Policy



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Flintshire recycles

Policy	Vehicle Permit Policy
Portfolio	Streetscene and Transportation
Service Area	Waste Strategy
Related Documents	Household Waste Collection and Household Recycling Centre Operations Policy

Revision History

Version	Issue date	Summary of Changes
1	April 2022	Standalone policy implemented following review of the Household Waste Collection and Household Recycling Centre Operations Policy
2	April 2023	S1-Includes definition of trade/business waste S1.1-Update to permit criteria for sign written vehicles S2.1- Defines mobility vehicle access S2.2-Defines access for trailers with caged sides S3.1 & 3.2 – Defines documents needed on application S3.3-Defines access criteria for sign written vehicles S4-Defines action to be taken on permit administration and collection of soil conditioner S7(c) - Defines process when borrowing a vehicle
3	November 2024	S1 Updated text to reflect trade waste procedure. S 1.1 – Added clarity regarding permit re-application S 2.2 – Added mobility/disability vehicles S 3.2 – Added application process for mobility/disability vehicles

Consultation

Version	Who	Date
1	Operatives, management, Chief Officer Team, Elected Members, Environment and Economy Overview and Scrutiny Committee, Cabinet	2021/22
2	Operatives, management, Chief Officer Team, Elected Members, Environment and Economy Overview and Scrutiny Committee	September – November 2022
3	Management, Chief Officer Team, Cabinet Member for Streetscene and Transportation, Environment and Economy Overview and Scrutiny Committee	September - November 2024

Approval

Version	Who/Where	Date
1	Cabinet	18 January 2022
2	Cabinet	20 December 2022
3		

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 - 2.3 Vehicles not eligible for a permit
3. Application Process
 - 3.1 Vehicle documentation required on application
 - 3.2 Trailer documentation required on application
 - 3.3 Sign written vehicles
 - 3.4 [Motability/Disability vehicles](#)
4. Permit Holder Access
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- 5 One-off permit
- 6 Temporary permit
- 7 Abuse of the vehicle permit scheme

1. Flintshire Vehicle Permit Scheme

The Household Recycling Centres (HRCs) are provided for householders to dispose of household waste safely and conveniently, as well as encouraging increased participation in recycling.

Flintshire County Council currently manages and operates five Household Recycling Centres (HRCs) for Flintshire residents to recycle or reuse household items that cannot be collected by the kerbside collections vehicles. The centres are situated at the following locations across the County:

- Greenfield
- Sandycroft
- Mold
- Buckley
- Rockliffe (Oakenholt)

The HRCs are solely for the disposal of small scale household waste from domestic properties. [Commercial and/or business waste is only accepted through a permit scheme at the Greenfield HRC in line with the conditions of the Environmental Permit.](#)

The Council's HRCs are not permitted to accept trade, commercial or business waste, which can be defined as any waste that comes from a commercial activity. If you use part of your home to run your business, then any waste from that part is business waste. Business waste also includes any waste that comes from construction, demolition, industry and agriculture. [This waste can be disposed of at a charge through a permit scheme, subject to compliance checks, at Greenfield HRC.](#)

To control access and manage the waste volumes being delivered to a HRC, the Council operates a vehicle permit scheme.

This policy sets out the parameters of the vehicle permit scheme.

1.1 Vehicle Permit Scheme Criteria

- A permit is issued on a rolling twelve month basis
- Twelve visits are permitted every twelve months.
- A householder can choose when to use the permits e.g. either all in one month or spread the visits over the year.
- [A full application must be resubmitted following the permit expiry or, if all twelve visits have not been used on expiry, once all the permit allocation has been fully utilised.](#)
- Only one permit is to be issued per residential address.
- [Permits will be issued for the site in closest proximity to the resident's property or, where a valid business case is presented, for the resident's site choice.](#)
- Trailers **will not** be allowed access if towed by a vehicle requiring a permit (E.g. van)
- Certain sign written vehicles may be eligible for an annual permit subject to certain conditions (see Section 3.3)
- Vehicles registered to a business address or associated with business, trade or commercial waste **are not** eligible for a [standard](#) permit.

- Domestic vehicles **are not** eligible if they are linked to businesses [\(as above\)](#).
- The vehicle/owner must **not be** a registered waste carrier with either Natural Resources Wales or Environment Agency (England) [when disposing of household recycling and waste materials](#).
- Permits are available to Flintshire residents only and only **one** permit can be issued per household.
- Permits issued apply to a vehicle at a specific Flintshire address and not the waste. Therefore, even with a permit, HRC site staff can still turn away anybody suspected of bringing in waste of a commercial nature or waste related to the business of the sign written vehicle. If this does occur then the permit will be withdrawn from the resident as the terms and conditions of its issue will have been breached.
- Householders will **not** be permitted to use a permit to bring in any waste that relates to the business activity for which the vehicle is normally used.

2. Vehicle Eligibility

The type of vehicle will dictate whether a permit is required.

2.1 Vehicles that do not require a permit

- Small car
- Standard car
- Large family car
- Sports Utility vehicles (SUV)
- 4x4 vehicles (also known as All-Wheel drive)
- Motorbike
- Mobility vehicle (size must be within restrictions of policy - standard or low roof elevation below 7 feet or 2.14 metres and must have mobility aid modifications)

2.2 Vehicles that do require a permit

- Pick-up (two and four seats) i.e. a small vehicle with an open/closed part at the back in which goods can be carried
- Car derived van
- Small van
- Medium van (standard or low roof elevation below 7 feet or 2.14 metres)
- Single axle trailers up to 6.6 feet / 2 metres in length with/without caged sides*
- Twin axle trailers up to 6.6 feet / 2 metres in length with/without caged sides*
- Minibus (with internal fixtures intact)
- Camper vans and motor homes (with internal fixtures intact and below 7 feet or 2.14 metres)

- Mobility vehicles that exceed the size restriction as set out in this policy but have mobility aid modifications to support a customer with a disability to facilitate their day to day lives.
- Vehicles that exceed the size restriction as set out in this policy but are needed by a customer with a disability to facilitate their day to day lives.
- Vehicles that have been adapted to accommodate a disability, which would not ordinarily meet the criteria for a standard vehicle permit.

** The policy may allow trailers with caged sides to have access to the HRC as long as they do not exceed the dimensions indicated above (either at the point of purchase or retrofitted) and providing that the waste can be removed without removing the sides completely or without lowering the ramps.*

2.3 Vehicles that are not eligible for a permit

- Large box van (Luton type)
- Large goods vehicles (LGVs)
- Heavy goods vehicles (HGVs)
- Tipper vehicles
- Flatbed vehicles
- Large vans (XLWB; LWB)
- Vans with high roof elevations (over 7 feet or 2.14 metres)
- Trailers longer than 6.6 feet / 2 metres in length
- Boxed trailers / trailers with extended side panels / modified trailers
- Trailers with access ramps
- Minibus (with internal fixtures removed)
- Camper vans and motor homes (with internal fixtures removed)
- Agricultural vehicles
- Horse boxes / trailers

3. Application process

Householders paying standard council tax in Flintshire will be entitled to apply for permits by fully completing an application form. Permits will only be issued to Flintshire households. (Only households in Flintshire paying standard Council Tax are entitled to use the Council's Household Recycling Centres).

All applications for a vehicle permit will be made via the online e-form available on the Council's Website.

On application, all required documentation must be submitted so that an assessment of eligibility can be made.

Householders will be required to provide the following information:

- Name of applicant
- Address
- Telephone number
- Vehicle registration number
- Vehicle make, model and colour
- Height of the vehicle / dimensions of the trailer
- Type of Vehicle: as specified in Section 2.2
- Confirmation of acceptance of Terms and Conditions of the permitting scheme

For applicants who repeatedly do not provide the required documentation their application will be refused, and they will not be eligible to re-apply for a period of six months.

A resident will be allowed one appeal should a vehicle permit be refused. To lodge an appeal the resident must complete the relevant e-form on the Council's website clearly stating the grounds for appeal. Before considering an appeal, residents must refer to this policy and only appeal if they deem that the policy has not been applied correctly.

Terms and Conditions apply and can be viewed on the Council's website along with the privacy notice.

3.1 Vehicle documentation required on application

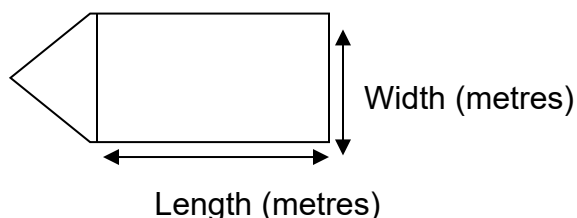
- Completed e-form.
- Full vehicle log book / A copy of the V5 Vehicle Registration document
- Driving licence
- 1 x utility bill or council tax bill to prove you live within the County of Flintshire (current and within the last 12 months)
- The addresses on the documentation must match and must detail the property where the vehicle is registered.
- Photos of the vehicle for which the permit is requested:
 - Rear interior view from rear doors showing registration plate (additional picture required if registration plate cannot be seen if doors are open)
 - Side view (one side)

3.2 Trailer documentation required on application:

- Complete e-form
- Full vehicle log book / A copy of the V5 Vehicle Registration document
- Trailer dimensions (see diagram below)
- Driving licence

- 1 x utility bill or council tax bill to prove you live within the County of Flintshire (current and within the last 12 months)
- The addresses on the documentation must match and must detail the property where the vehicle is registered
- Photos of trailer for which the permit is requested clearly showing:
 - Rear of trailer showing registration plate
 - Side view showing full length and height.

The trailer dimensions required to be submitted with the application are:



No alternative or self-interpreted dimensions will be accepted.

3.3 Certain sign written vehicles may be issued an annual permit (allowing a maximum of 12 visits), on condition that:

- the vehicle is registered to a Flintshire residential address for council tax;
- the waste deposited is not associated with any trade waste activity
- the waste deposited at the HRC has not been or is unlikely to have been produced by the activity of that business or associated business;
- the only waste presented at the HRC is domestic household waste

The new annual permit would be available for Flintshire residents only and only one permit will be issued per household. Permits issued apply to a vehicle at a specific Flintshire address and not the waste. Therefore, even with a permit, HRC site staff can still turn away anybody suspected of bringing in waste of a commercial nature or waste related to the business of the sign written vehicle. If this does occur then the permit will be withdrawn from the resident as the terms and conditions of its issue will have been breached. Householders will not be permitted to use a permit to bring in any waste that relates to the business activity for which the vehicle is normally used.

3.4 Mobility/Disability vehicle documentation required on application:

Where a resident has a disability and utilises a vehicle not permitted under this policy then adjustments can be made to allow that vehicle to obtain a permit.

A full permit application must be made so that an assessment of the vehicle can be undertaken.

Assessment is subject to the submission of the following information:

- A standard vehicle permit application be completed as per section 3.1.
- Provide a copy of a valid blue badge.

The Council reserves the right not to grant a permit if it is deemed that the vehicle could cause a health and safety issue when using the site.

4 Permit Holder Access

To better control access to HRCs and prevent abuse of the permit scheme, permits will be issued to a designated HRC site. The permits will be issued for the site in closest proximity to the resident's property or, where a valid business case is presented, for the resident's site choice. This will assist in the control of larger more complex vehicles at each site meaning that one site is not overwhelmed with permitted vehicles.

- Permits will only be issued to individual addresses once per annum.
- Vehicles cannot be issued permits against multiple addresses.
- A permit is only valid for the vehicle described on the permit

4.1 Changing/Selling a vehicle

When a resident sells a vehicle which has been issued with a vehicle permit they must return the permit to the following address with a covering letter explaining the situation. The permit is not transferable with the vehicle at the point of sale.

Flintshire County Council,

Alltami Depot, Mold Road, Alltami, Flintshire CH7 6LG

If the resident purchases another vehicle that requires a permit then a new application must be made to ensure that the vehicle is compliant with this policy.

4.2 Lost or Damaged Vehicle Permits

If a resident loses or damages a permit they must contact the council immediately to notify of the situation. The permit will be immediately cancelled and site staff notified. A replacement permit can be issued; however, the number of uses already taken place will be deducted from the permit.

Streetscene Contact Centre 01352 701234

Email: streetsceneadmin@flintshire.gov.uk

4.3 Collection of Soil Conditioner

Soil condition is available free of charge from the HRCs. If a resident wants to collect this product in a vehicle that is subject to this policy then they must have a valid permit to gain access to the site. This is to ensure that only vehicles accessing the HRCs are of the approved height or length.

If the resident is only attending site to collect soil conditioner, and not to dispose of any recycling or waste, then they will have to show their valid permit however a visit will not be deducted from the allocated twelve.

5. Withdrawing from the vehicle permit scheme

Residents can withdraw from the vehicle permit scheme at any time by returning their permit to the following address with a covering letter explaining their wish to cancel:

Flintshire County Council

Alltami Depot, Mold Road, Alltami, Flintshire CH7 6LG

Should unused permits not be handed back, the Council will treat this situation the same as if a householder has lost the permits.

6. One-Off Permit

For those vehicles that do not conform to the vehicle eligibility criteria, such as a vehicle registered to a business, whose owner(s) require to use their vehicle/trailer to dispose of larger, bulky items, then a one-off permit can be issued if it is clearly demonstrated that the waste being disposed of is not related to the business or activity of the business to which the vehicle is registered or used e.g. a vehicle registered to a plumber wanting to dispose of household garden waste.

To obtain a one-off permit an application must be made in advance of the visit via the specified e-form on the Council's website so that an assessment can be made and a permit issued.

The vehicle type for the application of a one-off permit must conform to one of the vehicle types stated in Section 2.2.

A one-off permit may be issued a maximum of two times in a twelve month period.

7. Temporary Permit

a) Using a Hired Vehicle to remove household waste

A temporary permit can be issued to a Flintshire resident who hires a vehicle to remove their own household waste.

The householder will be required to provide the vehicle hire agreement to demonstrate that the vehicle is on hire.

b) Borrowing or using a workplace or company van and commercial type vehicle

Householders from Flintshire may use their employer's van or commercial type vehicles (subject to the vehicle complying with the type and size restrictions detailed in Section 2.2) to deposit their own household waste at Household Recycling Centres.

However, the householder will require a letter from the owner (or their representative) on company notepaper giving permission to the applicant to use the vehicle to move their own domestic waste, which will be used in place of the Vehicle Registration Document V5 for verification purposes (proof of residency in Flintshire will still be required by the householder).

c) Borrowing or using family/friend's vehicle

Householders from Flintshire may make use of a family member or friend's vehicle (subject to the vehicle complying with the type and size restrictions detailed in Section 2.2) to deposit their own household waste at Household Recycling Centres.

Proof of residency in Flintshire will still be required by the householder, but it is not a requirement that the vehicle must be registered within Flintshire.

The vehicle type for the application of a one-off permit will be required to conform to one of the vehicle types stated in Section 2.2. If the vehicle does not meet the vehicle sizing or type requirements it will not be allowed access onto the HRC site.

A temporary permit will be issued a maximum of one time in a twelve month period and will allow for three visits over a seven day period.

To obtain a temporary permit an application must be made in advance by contacting **Streetscene Contact Centre on 01352 701234** / streetsceneadmin@flintshire.gov.uk so that an assessment can be made and a permit issued.

8. Abuse of the vehicle permit scheme

Flintshire County Council reserves the right to terminate all concessions afforded by the permit scheme if the permit holder is in contravention of any stipulations contained within this policy and the Terms and Conditions of use.

Abuse, aggressive behaviour or threats to members of staff or other residents will not be tolerated and may result in a permit either being revoked with immediate effect or the permit holder being excluded from access to Flintshire County Council HRCs.

HRC staff members are authorised and permitted to confiscate a permit should certain circumstances make this necessary, for example:

- Abuse, aggressive behaviour or threats towards site staff or other residents.
- Not adhering to site rules including breach of site safety rules, speeding restrictions, staff directives.
- Permits defaced, altered or with illegible details are invalid.
- Not declaring hazardous waste within a load.
- Depositing non-conforming or waste types that are not permitted on site.

Permits issued apply to a vehicle at a specific Flintshire address and not the waste, therefore, even with a permit the site staff at HRCs are still able to turn away anybody suspected of bringing in waste of a commercial nature.

The Council will monitor visits to HRC sites to prevent and control duplicated requests for replacement of lost or stolen permits, that is, householders that continue to use the supposedly lost permits, after receiving new ones.

The Council will monitor visits to identify any permits that have been copied or faked.

The Council will have the right to reject any person from a HRC site if it suspects that the person has contravened any of the conditions highlighted within this Policy.

Householders who turn up at a Household Recycling Centre site without a permit for their van or small commercial-type vehicle will be turned away.

Any person bringing trade waste to site with or without a permit will be reported to Natural Resources Wales.

This Policy supersedes the Household Waste Collection and Household Recycling Centre Operations Policy 2017, Sections 12.7 to 12.13

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Flintshire County Council – Decisions taken by the Cabinet on Tuesday, 19 November 2024

Agenda Item Number and Record of Decision Number	Topic	Decision
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Part A – Items considered in public

Tudalen 57

11 / 4307	Residual Waste Collection Change Implementation and Policy Review	<ul style="list-style-type: none"> (a) That the proposed implementation date for the residual waste collection frequency change already approved, be approved; (b) That the proposed implementation plan be noted, and the work undertaken to date be supported; (c) That the communication plan be noted; (d) That the updated Recycling and Household Collections and Household Recycling Centre Operations Policy to reflect the previously approved changes to services be noted; and (e) That the updated Household Recycling Centre Vehicle Permit Policy to be published following the adoption of revised procedures put in place to support customers with disabilities who may need to access the HRCs using their vehicles be noted.
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Mae'r dudalen hon yn wag yn bwrpasol

Endorsement of Call in of Record of Decision No. 4307 - Residual Waste Collection Change Implementation and Policy Review

Reasons for call-in:

The call-in relates to the updated Vehicle Permit Policy which requires residents to show proof of a valid blue badge in order to be eligible for a permit. There are residents who are disabled who will not have a blue badge, and therefore the Council's amended policy will continue to exclude them from the household recycling centres.

No	Name of Councillor	Date of endorsement email	Time of endorsement email
1	Sam Swash	26.11.2024	22.57
2	Carolyn Preece	26.11.2024	23.53
3	Andrew Parkhurst	27.11.2024	08.38
4	Alasdair Ibbotson	27.11.2024	12.41
5	Gillian Brockley	27.11.2024	13.28

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 8



ENVIRONMENT & ECONOMY OVERVIEW & SCRUTINY COMMITTEE

Date of Meeting	Tuesday 10 December 2024
Report Subject	Forward Work Programme and Action Tracking
Report Author	Environment & Economy Overview & Scrutiny Facilitator
Type of Report	Operational

EXECUTIVE SUMMARY

Overview & Scrutiny presents a unique opportunity for Members to determine the Forward Work programme of the Committee of which they are Members. By reviewing and prioritising the Forward Work Programme Members are able to ensure it is Member-led and includes the right issues. A copy of the Forward Work Programme is attached at Appendix 1 for Members' consideration which has been updated following the last meeting.

The Committee is asked to consider, and amend where necessary, the Forward Work Programme for the Environment & Economy Overview & Scrutiny Committee.

The report also shows actions arising from previous meetings of the Environment & Economy Overview & Scrutiny Committee and the progress made in completing them. Any outstanding actions will be continued to be reported to the Committee as shown in Appendix 2.

RECOMMENDATION

1	That the Committee considers the draft Forward Work Programme and approve/amend as necessary.
2	That the Facilitator, in consultation with the Chair of the Committee be authorised to vary the Forward Work Programme between meetings, as the need arises.
3	That the Committee notes the progress made in completing the outstanding actions.

REPORT DETAILS

1.00	EXPLAINING THE FORWARD WORK PROGRAMME AND ACTION TRACKING
1.01	Items feed into a Committee's Forward Work Programme from a number of sources. Members can suggest topics for review by Overview & Scrutiny Committees, members of the public can suggest topics, items can be referred by the Cabinet for consultation purposes, or by County Council or Chief Officers. Other possible items are identified from the Cabinet Work Programme and the Improvement Plan.
1.02	<p>In identifying topics for future consideration, it is useful for a 'test of significance' to be applied. This can be achieved by asking a range of questions as follows:</p> <ol style="list-style-type: none">1. Will the review contribute to the Council's priorities and/or objectives?2. Is it an area of major change or risk?3. Are there issues of concern in performance?4. Is there new Government guidance of legislation?5. Is it prompted by the work carried out by Regulators/Internal Audit?6. Is the issue of public or Member concern?
1.03	In previous meetings, requests for information, reports or actions have been made. These have been summarised as action points. Following a meeting of the Corporate Resources Overview & Scrutiny Committee in July 2018, it was recognised that there was a need to formalise such reporting back to Overview & Scrutiny Committees, as 'Matters Arising' was not an item which can feature on an agenda.
1.04	It was suggested that the 'Action tracking' approach be trialled for the Corporate Resources Overview & Scrutiny Committee. Following a successful trial, it was agreed to extend the approach to all Overview & Scrutiny Committees.
1.05	The Action Tracking details including an update on progress is attached at Appendix 2.

2.00	RESOURCE IMPLICATIONS
2.01	None as a result of this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	In some cases, action owners have been contacted to provide an update on their actions.

4.00	RISK MANAGEMENT
4.01	None as a result of this report.

5.00	APPENDICES
5.01	Appendix 1 – Draft Forward Work Programme Appendix 2 – Action Tracking for the Environment & Economy OSC.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Minutes of previous meetings of the Committee as identified in Appendix 2. Contact Officer: Margaret Parry-Jones Overview & Scrutiny Facilitator Telephone: 01352 702427 E-mail: Margaret.parry-jones@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Improvement Plan: the document which sets out the annual priorities of the Council. It is a requirement of the Local Government (Wales) Measure 2009 to set Improvement Objectives and publish an Improvement Plan.

Mae'r dudalen hon yn wag yn bwrpasol

Action tracking for Environment & Economy OSC November 2024

Item/Date	Discussion	Action	By whom	Status
11 June 2024	Streetscene Standards Task & Finish Group – change of membership	Further meetings required and confirmation of Membership	Chris Goddard/ Facilitator	Ongoing
	A discussion took place around the 5 min parking outside schools and it was said that this matter was being considered by the School Parking Task and Finish Group.	It was requested that confirmation be sought that this was correct and if so that members of the Environment Overview and Scrutiny Committee receive an update on progress.	Facilitator	Ongoing T & F Group are meeting on the 30 th of October. Update will be provided once available.
Annual Performance Report & Performance Report	Members felt that a Members briefing would be helpful to assist Members understanding of the revised format for the Performance Report & Annual Performance report	Members briefing to be arranged	Emma Heath	Ongoing Briefing to be held in April 25 to include Risk Management
REVIEW OF HIGHWAYS ASSET MANAGEMENT PLAN (HAMP) AND HIGHWAY AND CAR PARK INSPECTION POLICY	Workshop on HAMP for Members of the Committee in the New Year Leader of the Council and Cabinet Member for Streetscene & Transportation to write to the First Minister about the lack of funding and investment in the highway network, and liabilities this creates for	Workshop to be arranged Leader to write to the First Minister	Facilitator Leader/ Chief Officer Streetscene & Transportation	Ongoing Completed

	the local authority, along with the impact on local communities and the economy.			
	The Chief Officer (Streetscene and Transportation) agreed to give consideration to the suggestion made by Councillor Mike Peers that Town and Community Councils be asked to make a contribution to the cost of repairs and maintenance of the public conveniences sited in their area.	Chief Officer to give consideration to the suggestion.	Chief Officer (Streetscene & Transportation	Ongoing

Environment & Economy Overview & Scrutiny Forward Work Programme 2024/25

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/Contact Officer	Submission Deadline
Tudalen 67 14 Jan 25 10.00 am	Fleet Services Update	To receive an update	Assurance	Chief Officer Streetscene and Transportation	
	Grass Cutting Performance Update	To receive an update	Assurance	Chief Officer - Streetscene and Transportation	
	Integrated Transport Strategy & Regional Transport Plan (RTP)	To receive an update	Assurance	Chief Officer Streetscene & Transportatio	
	Council Plan (2023-28) Mid-year Performance Report 2024/25	To review and monitor the Council's performance including actions and measures, as set out in the Council Plan (2023-28) at mid-year for 2024/25.	Performance Monitoring	Facilitator	
	Review of Car Parking Policy	To review and update the Council's Car Parking Policy	Pre-decision	Chief Officer – Streetscene & Transportation	
11 Feb 25 10.00 am	Streetscene Standards	To consider the recommendations of the Task & Finish Group	Pre-decision	Chief Officer Streetscene & Transportation	

ENVIRONMENT & ECONOMY OVERVIEW & SCRUTINY FORWARD WORK PROGRAMME
APPENDIX 1

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/Contact Officer	Submission Deadline
Tudalen 08	Review of Ring and Ride Service in Flintshire	To receive an update	Assurance	Chief Officer Streetscene & Transportation	
	Waste Compliance and Duty of Care Across the Council	To receive an update	Assurance	Chief Officer Streetscene & Transportation	
	Place Making Plans	To provide an update on the development of Place Making Plans in Flintshire	Assurance	Niall Waller	
11 March 25 10.00 am	Strategy for Public Conveniences	To receive an update on the Strategy as requested on 8 October 2024	Assurance	Chief Officer – Streetscene & Transportation	
	Deposit Return Scheme and Extended Producer Responsibility	To receive an update	Information	Chief Officer – Streetscene and Transportation	
8 April 25 10.00 am					
6 May 25 10.00 am					
10 June 25 10.00 am					

ENVIRONMENT & ECONOMY OVERVIEW & SCRUTINY FORWARD WORK PROGRAMME
 APPENDIX 1

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/Contact Officer	Submission Deadline
8 July 25 10.00 am	Annual Performance Report 2024/25 to incorporate the Council Plan End of Year Performance Report 2024/25	To review the levels of progress in the achievement of activities and performance levels identified in the Council Plan and to consider the Annual Performance Report.			

Items to be added :-

- Update report on Bailey Hill in the Spring 25 with Site Visit in advance**
- Additional Licensing for Houses of Multiple Occupation (when consultation has been completed)**
- Workshop on HAMP for Members of the Committee Jan/Feb 25**
- Workshop on ULEV & Fleet Jan/Feb 25**

Tudalen 69

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 9



ENVIRONMENT & ECONOMY OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Tuesday, 10 th December 2024
Report Subject	In-Year Overspend Action Plan 2024/25
Cabinet Member	Cabinet Member for Streetscene and Transportation
Report Author	Chief Officer (Streetscene and Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

The purpose of this report is to update members with the in-year action plan, which aims to address the projected revenue budget monitoring 2024/25 overspend position (month 6) for the Streetscene & Transportation portfolio.

RECOMMENDATIONS

1	To note the measures within the 2024/25 action plan being considered for inclusion towards improving the financial position by the end of the financial year.
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REPORT DETAILS

1.00	EXPLAINING THE REVENUE BUDGET MONITORING POSITION 2024/25 (MONTH 6)
1.01	<p>The revenue budget monitoring 2024/25 (month 6) report was presented to Cabinet on Tuesday, 19th November 2024.</p> <p>As reported to Cabinet, the significant projected overspend (and impact on available reserves) continues to be of major concern and needs to continue to be addressed urgently in an attempt to bring expenditure back in line with the approved budget. Based on current projections, the council still has a low level of contingency reserve, which it uses to deal with any significant in-year unforeseen events.</p> <p>As required by Financial Procedure Rules (FPRs), an action plan has been compiled by the Streetscene and Transportation portfolio, which details the</p>

	<p>measures being put in place to improve the position by the end of the financial year.</p> <p>A copy of the 2024/25 action plan relating to the Streetscene and Transportation measures is attached at Appendix 1.</p>
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2.00	RESOURCE IMPLICATIONS
2.01	As set out within the Cabinet report on 19.11.2024.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	As set out within the Cabinet report on 19.11.2024.

4.00	CONSULTATIONS REQUIRED / CARRIED OUT
4.01	None required.

5.00	APPENDICES
5.01	Appendix 1 - 2024/25 action plan relating to Streetscene and Transportation measures.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Revenue Budget Monitoring Report Month 6 - Cabinet Report 19.11.2024

7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Katie Wilby, Chief Officer, Streetscene & Transportation Telephone: 01352 704530 E-mail: katie.wilby@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS
8.01	<p>Revenue: a term used to describe the day to day costs of running Council services and income deriving from those services. It also includes charges for the repayment of debt, including interest, and may include direct financing of capital expenditure.</p> <p>Budget: a statement expressing the Council's policies and service levels in financial terms for a particular financial year. In its broadest sense it includes both the revenue budget and capital programme and any authorised amendments to them.</p>

Streetscene & Transportation – In Year action plan 2024/2025					
No	Description	Category	Notes	Cost reduction £m	Impact Assessment (RAG)
Service Delivery					
1	Revise security arrangements for Alltami depot, HRC sites and Brookhill landfill to a monitored CCTV with reactive keyholder service instead of nightly security guard/dog handler patrols	Cost avoidance	Reduced. Annual saving of £75k	£0.075	Green. Already actioned and deliverable in-year
2	Maximise income / cost recovery from in-house construction service	Maximise income	Income target required	£0.120	Amber. Dependent upon grant funding and work being awarded in-house
3	Maximise NMWTRA income and cost recovery	Maximise income	Income target required	£0.100	Amber. Dependent upon NMWTRA funding
4	Review of additional hours, overtime through HFX rostering system	Cost avoidance	Underway.	£0.100	1% reduction in sickness absence (agency saving)
5	Vehicle wash improvements - capital funding granted to replace the vehicle wash system at Alltami depot, which will reduce the monthly revenue costs for disposing waste water (estimated to be costing £6k per month)	Cost avoidance	95% complete. Annual saving £60k	£0.060	Green. Scheme is underway and on track for completion by March 2025
6	Move to 5-day shift pattern Mon-Fri (instead of 4-day shift pattern) on sweepers, gully emptying vehicles, highways operations (subject to consultation and agreement with employees and TUs)	Cost reduction	Saving of 2 operatives	£0.070	Subject to agreement with employees and TUs

Highway Network					
7	Close public conveniences over the winter period from December to March	Cost avoidance	Close for 4 months	£0.030	Red. Likely to receive complaints and objections. Likely to have contractual implications
8	Part-night lighting / switch off further lights in low populated areas, such as industrial estates	Cost avoidance	Delivered and actioned	£0.050	Amber. May generate complaints. Night-time economy impact and safety critical. Energy costs still likely to increase on all remaining assets
9	Fleet efficiencies following insourcing	Efficient commissioning	Some benefit from sale of old plant and vehicles below the value of £10k and review of demand plans	£0.700	Amber. Further work required to confirm efficiencies
Transportation					
10	Local bus re-procurement / service changes to Service 5 (Mold-Buckley-DIP) to curtail the service at DIP in order to meet the budget	Efficient commissioning	Already received support from EOSC to implement	£0.270	Green. Cabinet approval 15.10.2024 to implement service changes to achieve the reduction in cost
Waste Strategy					
11	Re-procurement of waste disposal contracts to achieve better rebate rates	Efficient commissioning	Work already underway to reprocure glass and wood.	£0.050	Green. Procurement underway for glass and wood. Bulky waste to follow. (potential income could be offset with falling rebate rates for plastic/metal)
TOTAL				£1.625	

Eitem ar gyfer y Rhaglen 10



ENVIRONMENT & ECONOMY OVERVIEW AND SCRUTINY

Date of Meeting	Tuesday, 10 th December 2024
Report Subject	Policy for Supporting Events on or impacting the Highway, including Cost Recovery
Cabinet Member	Cabinet Member for Streetscene and Transportation
Report Author	Chief Officer (Streetscene & Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

The approved budget set by the Council for 2024/25 included full cost recovery for public events on or impacting the highway. This report sets out the methodology for achieving full cost recovery to achieve the approved budget.

It is recognised that well managed and safe events can bring significant benefit to local towns and communities. Event organisers, such as Town and Community Councils, charities and local interest groups often organise public events across the county, and a number of these events currently requires operational support from Flintshire County Council's Streetscene and Transportation portfolio.

Public events such as civic parades, bonfire displays, festive celebrations and community fairs take place throughout the year, and in many instances the burden to control traffic falls on the local authority, with the assistance of North Wales Police, although their availability to support events has been reduced over recent years.

We currently support all non-profit making (charitable) events with assistance for the design of traffic management plans and provision of necessary signage across the county, in addition to waste disposal, and in some instances, transportation provision. The report provides an overview of the level of support provided by the portfolio to enable public events to be held.

RECOMMENDATIONS

1	That in order to achieve the savings target set within the budget for 2024/2025 by Council, Scrutiny notes: i) the introduction of a formalised policy; and ii) the methodology for achieving full cost recovery for public events impacting or on the highway.
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REPORT DETAILS

1.00	EXPLAINING THE BACKGROUND FOR THE SUPPORT CURRENTLY OFFERED FOR PUBLIC EVENTS IMPACTING OR ON THE HIGHWAY
1.01	Well managed and safe events can bring significant benefit to local towns and communities. As the Traffic Authority for Flintshire, we aim to minimise disruption to traffic and residents and maximise traffic safety. Flintshire County Council is the Traffic Authority for most roads in Flintshire. The exceptions are the A55 and A494, which are Trunk Roads and managed by the North and Mid-Wales Trunk Road Agency (NMWTRA).
1.02	The Traffic Management Act 2004 placed a statutory network management duty on Traffic Authorities such as Flintshire County Council to ensure the expeditious movement of traffic, which included the need to ensure that actions of others, e.g. event organisers, did not cause unnecessary disruption to the travelling public. There are, on average, 30 public events held on Flintshire's road network each year and most require some form of temporary traffic control to enable them to take place, such as road closures.
1.03	<p>Currently, as the Traffic Authority, we carry out a number of operational responsibilities to assist event organisers, which includes the provision of traffic management and the manning of road closure, the cost of which to do so is nearly £18,000 per year. Additionally, there are often further costs incurred for the removal of waste, waste disposal, diversion of bus routes, car parking and transportation provision amounting to more than £4,000 per year.</p> <p>These costs are 'absorbed' across various service areas within the Streetscene and Transportation portfolio, for which there is no budget, and the total cost to provide this level of service is in excess of £22,000 per year. As an Authority, we are under no statutory obligation to provide these services; however, we recognise the benefits that public events can bring to local communities, but this needs to be balanced with ensuring that events are carefully planned to minimise traffic congestion and risks to safety on the highway.</p>
1.04	<p>In addition to the financial costs, there is also an impact on daily service delivery within the service. The Council does not have designated traffic management teams and, therefore, when providing traffic management support for public events, other scheduled services such as grass cutting, highway repairs and cleansing operations must be suspended so that operatives can be redeployed. In addition to the services provided that are detailed within this report, there is an increasing demand for community-based services for public events such as grass cutting, highway maintenance and cleansing that are not captured as part of this report.</p> <p>Additionally, many events are often held in the evenings or at weekends, which incurs additional costs for out of hours support, as well as hidden costs, as resources are displaced from their daily shifts within normal working hours. Clearly, in the current financial climate, these avoidable costs are unsustainable, and the Council approved full cost recovery for supporting public events affecting the highway as part of the budget setting process for 2024/2025.</p>

1.05	<p>It is proposed that the Council will maintain current levels of support and continue to provide the traffic management needed to facilitate events on the public highway. This will be limited to current support levels, and requests to provide support for new events will be considered and supported on a case-by-case basis if resources allow.</p> <p>Although the cost for continuing to provide this support to event organisers is likely to be in excess of £22,000 per annum, we recognise that the benefits of continuing to do this will provide knock-on benefits in terms of the continuity for insurance cover for the management of events, a standardised approach to traffic management and ensuring duty of care for waste disposal.</p>
1.06	<p>The approved budget set by the Council for 2024/2025 included full cost recovery for public events on or impacting the highway and in order to achieve this and ensure that the resources provided by the Authority are not adversely impacted, we intend to introduce a charge for staffing costs for large public events. The proposed methodology for achieving full cost recovery is detailed within the attached policy (see Appendix 1) for consideration. No charge is proposed for small events as detailed within the policy or for national commemoration events, such as Remembrance Sunday.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>Cost recovery will ensure that the approved budget set by the Council for 2024/2025 is achieved.</p>
2.02	<p>Cost recovery is intended to have a positive impact on resources within the service, allowing a more efficient distribution of resource with revenue income used to cover the costs of service delivery.</p>

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	<p>All events are assessed dependent on their scale, with large public events subject review by the Authorities Safety Advisory Group. The current risk management regime will continue.</p>
3.02	<p>This is an operational report and, as such, does not require a full integrated impact assessment.</p>
3.03	<p>The impact of not implementing the recommendations of this report will result in a budget pressure of more than £22,000 per annum and will not achieve the approved budget set by the Council for 2024/2025.</p>

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	<p>Cabinet Member for Streetscene and Transportation</p>
4.02	<p>Environment & Economy Overview & Scrutiny Committee 10th December 2024</p>

5.00	APPENDICES
5.01	Appendix 1 – Policy for Events on or Impacting the Highway

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	As detailed within Appendix 1

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Barry Wilkinson (Highway Network Manager) Telephone: 01352 704656 E-mail: barry.wilkinson@flintshire.gov.uk
7.02	Contact Officer: Sam Tulley (Area Manager, Central & Road Space) Telephone: 01352 704810 E-mail: sam.tulley@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	None.



EVENTS ON OR IMPACTING THE HIGHWAY

December 2024

CONTENTS

1. Introduction
2. Types of Events
3. Legislation
4. Application Process
5. Considerations
6. Insurance
7. Post-event
8. Costs
9. Notes
10. Accessible Documents

1. INTRODUCTION

1.1 Flintshire County Council recognises that well managed and safe events can bring significant benefits to local communities. An event, from very small through to very large, whether it takes place on the highway or off the highway, or in an adjoining premises or field, can have an effect upon the highway.

1.2 Flintshire County Council regularly receives requests to prohibit or restrict traffic along its highway network in order to facilitate events. An event is classed as any sporting, social event or entertainment, if the Council is satisfied that traffic on a road should be prohibited for the purpose of:

- Facilitating the holding of an event.
- Enabling member of the public to watch a relevant event or
- Reducing the disruption to traffic likely to be caused by a relevant event.

2. TYPES OF EVENTS

2.1 Small Self-Organised Events (e.g. street parties and fêtes):

- usually for residents on the street or road/neighbours only (less than 50 people)
- only affect residents' traffic e.g. cul-de-sacs (no bus routes or through traffic affected)
- diversionary routes will not be necessary for any road closures
- publicity only to residents
- no licences necessary if music incidental and no selling is involved
- no liability insurance required for road closures, but advisable
- no formal risk assessment needed, but recommended
- self-organised

2.2 Large public events:

- anyone can attend (or a large, residents only, gathering e.g. more than 50 people)
- affects through traffic (for example bus routes and other through routes)
- road closures are likely to need diversionary routes
- it is publicised (for example in newspapers)
- licences are needed (for fireworks display, entertainment, alcohol sales, food provided late at night)
- liability insurance legally required for road closures
- risk assessment and event/traffic plan required
- usually arranged by professional/skilled organisers

2.3 What's the difference between a street party and any other public event?

Street parties	Other public events
For residents/ neighbours only	Anyone can attend
Publicity only to residents	External publicity (such as in newspapers)
In a quiet residential road or street	In buildings, parks etc
Self-organised	Professional/ skilled organisers
Insurance advisable	Insurance required

Risk assessment required	Risk assessment required
No licences normally necessary unless the sale of alcohol is involved	Licence usually required

3. LEGISLATION

- 3.1 Local Traffic Authorities, in accordance with the Traffic Management Act 2004, have a duty to manage traffic on the authority's public highway network. Managing the network assists with keeping traffic moving and reducing congestion.
- 3.2 In accordance with the Town Police Clauses Act 1847, the Council may by Order prohibit or restrict temporarily the use of the road or part of the road by vehicle, class of vehicle or pedestrians, to such extent and subject to such conditions or exceptions it considers necessary or expedient. These Orders allow for the implementation of temporary traffic management on the public highway.
- 3.3 The Council will ensure prior to making an Order that it is not reasonably practicable for the event to be held otherwise than on a road.
- 3.4 It should be determined if a road closure is really necessary. Flintshire County Council will only agree to close a road or part of a road if there is no other feasible safe alternative measure to facilitate the event.
- 3.5 Any event that has the potential for disruption must consult with the Traffic Authority. Early engagement will assist the Traffic Authority to prevent problems on the network, helping organisers minimise the impact of their event on the highway.
- 3.6 The public highway encompasses all roads, bridleways, footways, footpaths and public rights of ways (PROW).
- 3.7 As the Traffic Authority for Flintshire, Flintshire County Council aims to minimise disruption to traffic and residents and maximise traffic safety. Flintshire County Council is the Traffic Authority for most roads in Flintshire.
- 3.8 The exceptions are the A55 and A494, which are Trunk Roads and are managed by the North and Mid-Wales Trunk Road Agency (NMWTRA).

4. APPLICATION PROCESS

- 4.1 If a road closure is deemed necessary, then the following documentation should be provided to the Council along with your application.
 - Full risk assessment with regard to traffic matters
 - Programme of work and method statements, including evidence that a road closure is necessary;
 - Coordination checks via the Road Space Manager to ensure that a road closure will not affect or be affected by other works/events in the locality
 - Details of any proposed alternative route, which must be agreed beforehand by the Council to cater for, displaced traffic.
 - Details of any Road Traffic Regulation Orders that may need to be suspended e.g. speed restrictions, one-way etc.

- Full maps showing the extent of the closure and alternative routes.
- Evidence that public liability to the value of £10,000,000 for any one event is in place for the event.
- Details showing the Public Transport Services/School Transport Services, which may be disrupted. The party requesting the closure must finance any alternative provisions.
- A draft of the events residents' letter-drop (bilingual Welsh and English), along with details of all consultees and households that will receive a notification letter drop.

Early engagement is always encouraged, as it allows time for plans to be amended and issues overcome.

5. CONSIDERATIONS

- 5.1 Event organisers need to consider the potential impact on the local community and on the immediate and surrounding road network. For instance, think about how people are likely to get to the event and, once they arrive, how will visitors and their vehicles be managed, or other methods of transport, such as bus services.
- 5.2 Events should be timed to avoid clashing with peak traffic times wherever possible, such as school journeys or “rush hour,” and should be planned to minimise the impact on access for residents, businesses and services.
- 5.3 Ideally, event organisers should discuss their plans with local representatives and businesses to ensure that the local community is aware of the event and that any concerns they may have are addressed.
- 5.4 If you are planning to hold a party or a non-commercial event on a public highway for example a fun run, Christmas light switch-on or a small community event, you may need to apply for a road closure.
- 5.5 If the event location is on council-owned land or involves a street / highway, please contact the Council as soon as possible.
- 5.6 The council will support applications for a road closure to enable an event to be held as long as the location is suitable for such an event – for example, a cul-de-sac or a minor road with a low level of traffic.
- 5.7 If you are applying for events on these roads, you will need to engage with the street works team in plenty of time before the event date, a minimum 4 weeks.
- 5.8 It is the responsibility of the Event Organiser to consider the overall management of the event.

6. INSURANCE

- 6.1 The Applicant must have a Public Liability Insurance cover, which should be made available for inspection, and a copy must be provided with the Road Closure Application.
- 6.2 The minimum cover to be £10 million with clear clarification of indemnity.

- 6.3 The cover must indemnify the Highway/Traffic Authority from and against all actions, claims, losses and expenses whatsoever in respect of loss of life or personal injury or damage to property, howsoever caused arising out of or in any way attributable to the road closure or the activity.

7. POST EVENT

- 7.1 It is the responsibility of the applicants to ensure that prior to the road closure being removed, all activity for the event has finished including the removal of waste, litter etc from site.
- 7.2 Where cleaning, or repairs to the street or street furniture are considered necessary by the County Council to restore the street / road to its condition prior to the event, the works may be undertaken, and the costs may be recovered from the event organiser.
- 7.3 Any costs for disposing and clearing up waste or litter that remains on site post-event will be recharged to the event organisers.
- 7.4 All signs used for the road closure and diversion route will be removed as soon as the road is clear and safe for traffic.

8. COSTS

8.1 Small Street Parties

- A. In accordance with the guidance issued by the Secretary of State for Communities and Local Government in August 2010, it is not proposed to charge for road closures to enable small street parties and “not for profit” events in certain circumstances.
- B. The circumstances when a charge will not be applied are as follows:
- The event affects a cul-de-sac rather than a through road
 - Vehicle movements are below 50 per day.
 - The closure is of a small residential road where the diversion route is considered to be obvious to local motorists and diversion signage is not required.
 - The event is organised by residents of the street and is not a commercial event organised for financial gain or the event is organised by a non-profit making group (registered Charity)
 - Residents/traders affected by the event have been consulted and agree to the closure
 - The police have raised no objection
- C. Please note that the above events will still need to be agreed by the Traffic Authority.
- D. The decision on whether a formal closure is required for an event will be taken by the Road Space Manager, in the capacity of the Council’s designated Traffic Manager, Traffic Management Act 2004.

8.2 Large Public Events

A Closure by Town Police Clauses Act 1847 granted and charges will apply in the following circumstances: -

- Suitable alternative routes for affected traffic available
- Residents/traders affected by the event have been consulted and agree to the closure
- The police have raised no objection

8.3 Staff Costs

For all events we reserve the right to charge for staffing costs. Communication of staffing costs occurs during the application process.

	Working Week	Out of Hours (Including Weekends)
Cost Per Operative (Hourly Rate)	£18.44	£36.88
Cost Per Supervisor (Hourly Rate)	£27.23	£27.23
Cost per Vehicle	£21.94	£21.94
Traffic Management Equipment Cost	£20.00	£20.00

All charges are subject to annual review by the Council through the review of fees and charges, and subject to annual staff pay review.

Additional costs will apply if specialist traffic management equipment is required.

In circumstances when road closures are required on non-traffic sensitive streets, consideration will be given as to whether there is a requirement to marshal the closure for the duration of the event. When such instance occurs, and closures can remain in place without marshals, the charges will only apply for the installation and removal of the traffic management.

When a road closure is required on a traffic sensitive street, it may be necessary to marshal the closure for the duration of the event. The Council will determine whether this is necessary. Typically, the closure of one road would require the presence of two Operatives.

For example, an event on a road such as the B5121 Greenfield Street between Holywell and Greenfield for a 3-hour event on a weekend would require the presence of two Operatives and one Supervisor for the duration of the event. The cost to facilitate this would be £344.91.

8.4 Parking Services – Suspension of Parking for events

a) The overall aims of Civil Parking Enforcement are to: -

- Maintain and, where possible, improve the flow of traffic thereby making the county a more pleasant and environmentally safe place to live and visit.
- Take into account the needs of local residents, shops and businesses, thereby sustaining economic growth.
- Actively support the needs of disabled people bearing in mind that, in some cases, they are unable to use public transport and are entirely dependent

upon the use of a car. This will ensure that people with disabilities are able to have equal access to all facilities within the area.

- Actively discourage indiscriminate parking that causes obstruction to other motorists, public transport, pedestrians, cyclists and people with disabilities.
- b) The Council manages a large number of locations both on the highway (on-street) and in public car parks (off-street) where the public are permitted to park. Individuals, groups and organisations can apply to the Council to have these parking places suspended for a defined period of time in line with the powers under the Traffic Regulation Order in place.
- c) For requests to use of a car park for any other purpose than to park vehicles, the Council reserves the right to place a charge and reclaim its costs from the event organiser or business.
- d) Flintshire County Council will provide two free uses of one long-stay car park to Town and Community Councils per annum to support community events taking place. For business and commercial enquiries please contact:-
streetsceneadmin@flintshire.gov.uk
- e) The charging structure for utilising an area of the carpark will be calculated as follows:
- Up to 50% of the car park – number of spaces used x long stay tariff x number of days
 - Over 50% of the car park – total number of spaces in the car park x long stay tariff x number of days.
- For both of the above there would also be a £100+VAT administration fee which includes pre and post inspections of the car park.
- f) Placement of a compound within a car park area will be charged from a minimum of £220+VAT per week, dependant on the size of area required.
- g) To support an event Flintshire County Council requires sight of public liability insurance, risk assessments and any required licences drafted before supporting events to take place on its land.
- h) It is required that the car park is left in a clean and tidy condition as any damage or cleansing of the car park after use will be recharged on to the organiser.
- i) It is the responsibility of anyone utilising the car park to stand the costs of any signs, barriers, insurances, waste disposal etc. that are associated with the proposed event or works.

9. NOTES

If you wish to hold an ad-hoc event in Wales, you must also give a temporary event notice (TEN) to your local licensing authority no later than ten working days before the event. If the premises where the event is to be held is in areas governed by two or more local authorities applications must be made to each.

Further information can be found at:

<https://www.flintshire.gov.uk/en/Business/Licences-and-permits/Temporary-event-notice.aspx>

10. LIST OF ACCESSIBLE DOCUMENTS

Flintshire useful documents: <https://www.flintshire.gov.uk/en/PDFFiles/Lifelong-Learning/Arts-Culture--Events/Events---Organisers-Guide.pdf>

UK Government documents:

<https://www.gov.uk/government/publications/your-guide-to-organising-a-street-party>

<https://www.gov.uk/government/publications/temporary-traffic-signs-for-special-events>

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 11



ENVIRONMENT & ECONOMY OVERVIEW AND SCRUTINY

Date of Meeting	Tuesday, 10 th December 2024
Report Subject	Proposals by the Law Commission to Reform Burial and Cremation Legislation
Cabinet Member	Cabinet Member for Streetscene and Transportation
Report Author	Chief Officer (Streetscene and Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

On 3rd October 2024, the Law Commission released a consultation paper outlining background information and their proposals to reform the law governing burial and cremation. The Law Commission is seeking to reform the law of burial in England and Wales, which they state is piecemeal, complex, and outdated.

The main areas of proposed reform relate to the following:

- Regulation of Burial Grounds (including maintenance standards)
- Re-Use and Reclamation of Old Graves
- Disused Burial Grounds
- Cremation

The Law Commissions draft proposals are currently open for Public Consultation, which closed on 9th January 2025.

The purpose of this report is to outline the Law Commission's consultation paper and detail the Council's proposed response to the consultation, whilst also providing an overview of the legislative reform proposals and the potential risks and impacts on the local authority in terms of additional duties, costs, and resources.

RECOMMENDATIONS

1	Scrutiny notes the proposed changes to burial and cremation law that are being consulted upon by the Law Commission.
2	Scrutiny endorses the submission of the proposed response to the public consultation on behalf of Flintshire County Council.

REPORT DETAILS

1.00	EXPLAINING THE BACKGROUND TO THE PROPOSED REFORMS TO THE BURIAL AND CREMATION LAWS BY THE LAW COMMISSION
1.01	<p>On 3rd October 2024, the Law Commission published a consultation paper containing their provisional proposals, and open questions on issues relating to law reform on burials and cremation. A link to the full consultation paper is included within this report and a summary document of the consultation paper is available in Appendix 1.</p> <p>The closing date for responses is 9th January 2025.</p>
1.02	<p>Burial law is governed by a complex patchwork of legislation, some of which dates to the 1850s. There are different laws in place for burial grounds which are operated by local authorities, the Church of England, the Church in Wales, and private burial grounds. This has emerged as a result of historical development, and it means that there are gaps in the safeguards which protect the dignity of the people who are buried in burial grounds.</p> <p>Burial space is running out across England and Wales, with the situation worse in some urban areas. Grave reuse has been proposed as a solution to this problem, but reform to permit the reuse of graves must include sufficient safeguards to maintain public support.</p>
1.03	<p>The consultation paper contains provisional proposals for reform on a number of issues. We consider:</p> <ul style="list-style-type: none"> • the regulation of burial grounds; • grave reuse and reclamation; • closed and disused burial grounds, and exhumation; • the rights granted to the Commonwealth War Graves Commission; and cremation law. <p>The Law Commission intends to use the responses to the consultation to develop their final recommendations for reform, which ultimately will be published in a report, which they expect to be published towards the end of 2025.</p>
1.04	<p>There are several reforms proposed by the Law Commission to the existing legislation covering both burials and cremations, and the consultation looks at the funerary methods which are currently regulated in England and Wales.</p> <p>Flintshire County Council will only be affected by those relating to burials, as the Council does not manage a crematorium, and these are managed externally by a third-party organisation. However, we have sought to answer questions in relation to cremation where relevant.</p> <p>A full list of the proposals that would impact Flintshire can be viewed in detail within Appendix 2. These have been categorised in a RAG colour-coded “green,” “amber” and “red” depending on their impact and risk to the council.</p>
1.05	<p>Green indicates those proposals that officers believe can be supported, as they will not impact the Council’s services operationally or financially and could help</p>

	<p>to improve how we currently manage the service and standardise the approach for local authorities and other burial ground operators.</p> <p>Amber indicates that the proposals could have an impact on the Council's delivery of services, or the proposal is likely to be contentious or sensitive.</p> <p>Red indicates that the proposals are likely to negatively impact the Council's services either operationally, financially or reputationally, and these have therefore been detailed below along with the corresponding suggested responses to the consultation.</p>
1.06	<p>More details are given below around specific proposals within the reforms that are being consulted upon by the Law Commission, which are likely to have a significant impact on local authorities, in terms of financial costs, resources and risks of liability, as well as potential reputational risks.</p> <p>a) <u>Grave Re-Use</u> The re-use of graves is currently only permitted in London. The operation known as 'lift and deepen' requires the existing remains to be exhumed and then placed back in the grave at a greater depth allowing for two further interments to take place above this level in the same grave.</p> <p>This is a significant change to the burial process and the Law Commission's proposals in this area are that any grave reuse powers should apply to common or public graves, and to those where exclusive rights of burial have expired, as well as those where exclusive rights of burial have been extinguished.</p> <p>b) <u>Closure of Burial Grounds</u> The Law Commission's draft proposals relating to the closure of burial grounds would include the Church in Wales being able to transfer the responsibility for maintaining its churchyards and burial grounds to the community council or county council, on the same model that is in place in England.</p> <p>Flintshire currently has eight closed churchyards (burial grounds), which are under the council's management and were transferred to the authority via a Closure Order and then via either a Parish or Community Council. Adopting the same approach as England would come with significant risks of an influx of closed churchyards, which, in turn, would incur associated additional costs of maintenance and liabilities.</p> <p>If this proposal is approved, it would be essential that additional budget be made available to local authorities to cover the additional costs incurred. Additionally, if the proposal for grave reuse was approved then the local authority could re-open a closed churchyard and receive the revenue obtained from that reuse.</p>
1.07	<p>Comments are being sought from members on the proposed response to the consultation.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>Revenue: Grave re-use has the potential to bring in additional revenue from graves that had ceased to contribute revenue through years of non-use. However, the proposal to give churches the power to transfer maintenance responsibility to either community councils or Welsh county councils is likely to create a significant additional cost pressure on Welsh local authorities, which are already under financial constraints and for which no funding exists within council budgets.</p> <p>Capital: Grave re-use has the potential to reduce the amount of capital expenditure required to extend cemeteries as their operational life span could be extended through this re-use of graves (although there would be a revenue burden).</p> <p>Human Resources: There is potential for additional resource to be required through the demands of a minimum maintenance standard for cemeteries if a statutory code of practice is introduced, and also, through the additional maintenance requirements of closed churchyards, should additional sites be passed over to local authorities.</p> <p>Technology: Changes would be required to our Cemetery Management System to accommodate grave re-use and also the potential addition of more closed churchyards. This would have an associated cost.</p>

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	<p>The significant risk with the proposals being explored by the Law Commission is the increase in associated costs and resource requirements for additional maintenance requirements through the introduction of a minimum standard and additional closed churchyards being passed to the local authority to maintain. The Council would also carry additional risks in terms of third-party claims on the churchyards.</p>
3.02	<p>Additional budget would need to be allocated to the service to meet these additional demands.</p>

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	<p>Public consultation on the proposed reforms to burial and cremation legislation is currently being undertaken by the Law Commission. This consultation opened on 3rd October 2024 and closes on 9th January 2025.</p>
4.02	<p>The full consultation documents can be viewed at:</p> <p><u>Law Commission consultation on burial and cremation - Ministry of Justice - Citizen Space - https://lawcom.gov.uk/project/burial-and-cremation/</u></p>

4.03	Consultation undertaken with the Cabinet Member for Streetscene & Transportation via the portfolio Programme Board
4.04	Consultation with the Environment & Economy Overview & Scrutiny Committee on 10 th December 2024.

5.00	APPENDICES
5.01	Appendix 1 – Summary document of all proposals likely to affect Flintshire County Council
5.02	Appendix 2 – Flintshire’s proposed response to the consultation

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Law Commission Consultation Papers can be accessed at the following web address: <u>Burial and Cremation - Law Commission</u> https://lawcom.gov.uk/project/burial-and-cremation/

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Richard Blake, Bereavement Services Manager Telephone: 01352 703360 E-mail: richard.blake@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
(1)	<u>The Law Commission</u> In England and Wales, the Law Commission is an independent statutory body set up by Parliament by the Law Commissions Act 1965 to keep the laws of England and Wales under review and to make recommendations for reforms. The organisation is headed by a chairman and four Law Commissioners.

Mae'r dudalen hon yn wag yn bwrpasol



**Law
Commission**
Reforming the law










Burial and Cremation

Summary of the Consultation Paper

Tudalen 95

This consultation

<p>Who we are?</p> 	<p>The Law Commission of England and Wales is an independent body established by statute to make recommendations to government to reform the law.</p>
<p>What are we doing?</p> 	<p>Conducting a public consultation on our provisional proposals to reform the law governing burial and cremation.</p>
<p>What is it about?</p> 	<p>The law relating to burial and cremation.</p>
<p>Why are we consulting?</p> 	<p>We are seeking views on our provisional proposals and asking questions. Your views will be carefully considered when we decide on our final recommendations.</p>
<p>Who do we want to hear from?</p> 	<p>We are keen to receive responses from as many stakeholders as possible. That includes those who operate burial grounds or crematoria, those who use them, funeral directors, and those with an interest in what happens to our bodies after we die.</p>

What is the deadline? 	The consultation runs for 14 weeks and closes on 9 January 2025.
What happens next? 	After reviewing all responses, we will decide on our final recommendations for law reform, which we will publish in a report at the end of 2025.

This summary

This summary does not summarise all of the provisional proposals and questions set out in our detailed Consultation Paper. Instead, it explains what the project is about, provides some context, and then highlights significant issues discussed in the Consultation Paper. This summary only provides an overview of those significant issues. There are Consultation Questions in the Consultation Paper which are not discussed in this summary.

Before responding, you are encouraged to read our full Consultation Paper, or the relevant parts of it. You do not have to respond to all the questions in our consultation. References in this summary are to the chapters of the Consultation Paper.

The Consultation Paper does not contain any final recommendations for reform of the law. Rather, it makes provisional proposals. We will analyse the responses we receive and consider what recommendations we make to Government in our report. It will then be for Government to decide how to take them forward, and for Parliament to pass any new Acts needed to change the law.

Responding to our consultation

The full Consultation Paper is available on our website at: <https://lawcom.gov.uk/project/burial-and-cremation/>. The deadline for responses is 9 January 2025.

We encourage you to submit your response using the online form available at the link above. If possible, please use this method.

Alternatively, you can send your comments:

- by email to bcnfm@lawcommission.gov.uk; or
- by post to Burial and Cremation project, Property, Family and Trust Law team, Law Commission, 1st Floor, 52 Queen Anne's Gate.

If you send your comments by post, it would be helpful to also send them electronically if possible.

When providing responses, we ask consultees if they could avoid including personal identifying information in the text of their response, particularly where this may reveal other people's identities.

Some of our Consultation Questions ask for consultees' views on a provisional proposal, where we think that the evidence is sufficient for us to advocate a particular way forward. Others ask open questions, inviting consultees to share their views where we do not make a provisional proposal.

Why is reform needed?

Approximately half a million people die in England and Wales each year, and each death will affect the lives of many other people. Almost all of the bodies of those who die will be buried or cremated, and so this area of law affects how each of us grieves and commemorates our losses. This area of law impacts us not just as individuals, but also as members of different communities and faiths. The respect which we show to the dead is of significance to the whole of society.

This project makes provisional proposals for reform to the law governing burial and cremation. It represents a key opportunity for significant reforms to the law in these two areas. Some of the law on burial has remained unchanged since the 1850s, while the main piece of legislation on cremation dates to 1902. Aspects of the law in its current state offer too little protection to people who bury or cremate their family and friends. Research also shows that there is a risk of burial space running out in the future, which is an issue that law reform could help to address.

Regulation of burial grounds

Burial law has evolved over the centuries, moving from being solely the responsibility of the Church of England to the diverse burial sector we see today. As a result, different laws apply to the burial grounds which are operated by local authorities, the Church of England, the Church in Wales, and to different kinds of private burial grounds.

“Private” burial grounds

When we refer to “private” burial grounds in this Consultation Paper, we include burial grounds operated by private companies. But we also include all burial grounds which are not operated by local authorities or the Church of England (or the Church in Wales, in some contexts). That includes, for example, burial grounds run by charities or other religious faiths.

Some of the law that applies to burial grounds is over 170 years old, and it is not fit for the twenty-first century. The varied development of burial law also means that it features significant gaps. In many private burial grounds and in Church of England churchyards there is nothing in place to govern how bodies should be buried. There are different standards to which burial grounds should be maintained, and none which apply to many private cemeteries. In the rare cases where there are problems in private cemeteries, that can result in it being difficult for Government to take action to enforce standards. Other rules are inconsistent, such as those governing the rights to a grave space which can be purchased, or the extra protections afforded to burials of members of the armed forces who died in service in the two World Wars.

Reusing and reclaiming old graves

Grave reclamation is when the space above existing burials in a grave is used to make further burials. It is already possible in circumstances where nobody owns the right to a grave, and our proposed reforms would not change this. Grave reuse is when remains in an old grave are disinterred, reburied, and the grave is used again. Reuse is commonly practised and

understood in many countries. While its use in England and Wales is less common and it is less widely known, it is far from novel. Grave reuse has been used in Church of England churchyards since time immemorial, and is also permitted in London local authority cemeteries, and three other cemeteries as a result of private Acts of Parliament.

The available evidence suggests that grave space is running out in many parts of the country. Reusing and reclaiming old graves could help address this problem, provided the law enabling it included sufficient safeguards to ensure public support. But in local authority cemeteries outside London, and in private and non-Church of England religious cemeteries, grave reuse is not permitted by law. Another means to create more burial space could be to reopen for reuse burial grounds, particularly Church of England churchyards, which were closed in the past – in some cases, well over a century ago. But the law does not permit this either.

Disused burial grounds

Where a burial ground is no longer in use, there may come a time where it is preferable for the land to be put to an alternative use. At present there is a general prohibition on building over disused burial grounds. However, this prohibition is not absolute and in Church of England churchyards, other private religious burial grounds, and in burial grounds which have been compulsorily purchased or appropriated for development by a public authority, the law offers an exception to this ban. If the burial ground owner follows certain safeguards, they are able to develop the land which was formerly used for burials. In Church of England and private religious burial grounds, that includes a period of 50 years during which the family of those buried in the burial ground can veto any development.

That leaves other private burial grounds and local authority cemeteries without such provision, meaning that other uses of that land in the future are not possible.

Cremation

The regulations governing cremation have been subject to more recent reform than burial law. However, there are a number of areas of law which cause problems for those working in the sector, or where the law may be argued to no longer serve the purpose for which it was passed.

For example, there are currently a significant number of sets of ashes from cremation which funeral directors have received from the crematoria, but which are then left uncollected by family or friends of the deceased person. But while crematoria have permission to scatter ashes which are left in their care, there is no provision to enable funeral directors to deal with them.

Similarly, funeral directors must ensure that pacemakers are removed from the bodies of deceased people before cremation, otherwise they cause damage to equipment at the crematorium. But due to a feature of Department for Health guidance on pacemakers, funeral directors do not have the legal right to dispose of them, leading to them retaining large numbers of the devices.

Cremation law also includes a rule that crematoria must be constructed at least 200 yards from a home and 50 yards from a highway. That rule was put in place when there were concerns about the public health impacts of emissions from crematoria. Given the effect of modern technology in reducing those impacts, stakeholders have raised questions as to whether that rule is needed in the modern age.

The overall project

This Consultation Paper is part of an overall project called **Burial, Cremation and New Funerary Methods**. That project exists because stakeholders told us, in response to an open public consultation as part of our 13th Programme of Law Reform in 2017, that the law which governs how we deal with the bodies of dead people is out of date and not fit for purpose.

Because the issues involved are so broad, we have split the project into three parts. As well as this one, on **Burial and Cremation**, there are two others:

1. **New Funerary Methods**, which will identify an appropriate regulatory framework for new methods such as alkaline hydrolysis and human composting, which are in use in other jurisdictions. This part is currently in process; and
2. **Rights and Obligations Relating to Funerals, Funerary Methods, and Remains**, which will look at whether decisions you make about your body after death should be binding, and how disputes over funerary methods and remains should be resolved. This part will begin at the end of 2025.

Burial, Cremation and New Funerary Methods

Burial and Cremation

- Subject of this consultation
- Report in 2025
- Draft Bill at the end of the Rights and Obligations part of the project
- Considers the law governing existing funerary methods

New Funerary Methods

- Currently in progress
- Consultation in 2025
- Report and draft Bill in spring 2026
- Considers regulation of new methods

Rights and Obligations in Relation to Funerals, Funerary Methods and Remains

- Begins end of 2025
- Report at the end of 2027
- Considers whether funeral wishes should be binding, and how to resolve disputes
- Draft Bill at the end of this strand, also covering Burial and Cremation

Some issues which relate to this area of law are outside the scope of the project. These include, among others, death registration, the regulation of funeral directors, and planning and environmental law.

Burial and cremation law are matters on which the Senedd, the Welsh devolved legislature, has the power to make new laws. Enacting any reforms that need new primary legislation would require either an Act of the Senedd, or for the Senedd to give consent to the Westminster Parliament legislating.

This summary first sets out how burial and cremation law have evolved over time, and some issues which are relevant to this area of law as a whole. It then addresses the significant issue of grave reuse, and other issues which relate to the future availability of burial space and sustainability of burial grounds. We then look at the regulation of burial grounds, and, finally, cremation law.

The development of burial and cremation law

The table below shows how burial and cremation law have developed over the centuries.

	Burial	Cremation
Pre-1800s	The Church of England is responsible for burials. Burial grounds from other faiths, and Protestant Christian dissenters, begin to develop.	Cremation is not typically practised in the UK.
1800s	First, private cemetery companies are established, often by Acts of Parliament. The Cemeteries Clauses Act 1847 establishes a template for such Acts. Then, successive Burial Acts provide for public cemeteries run by Burial Boards, and some regulation of burials, including powers to close burial grounds.	Some in society begin advocating for cremation as a more sanitary funerary method. The case of <i>R v Price</i> [1884] establishes that cremation is not unlawful. Local Acts of Parliament enable councils or corporations to establish crematoria.
1900s	The Welsh Church (Burial Grounds) Act 1945 resolves the position of Church in Wales churchyards following disestablishment. The Local Government Act 1972 and Local Authorities' Cemeteries Order 1977 replace much of the Burial Acts with simpler powers for parish and district councils to provide cemeteries.	The Cremation Act 1902 is passed, enabling local authorities to establish crematoria, with regulations made under that Act governing how cremation should be conducted in all crematoria. Cremation becomes commonplace by the second half of the twentieth century.
Today	The result of the development of burial law over the centuries is that burial is now a diverse sector, with broadly a tripartite division between Anglican, local authority and private burial grounds.	Rise of direct cremation, where cremation takes place without a funeral service at the same time.

Ecclesiastical law

The Church of England is the established church in England, meaning that it has a formal relationship with the state. One element of that relationship is that the Church of England has its own courts. One such type of court, the consistory court, can hear applications for a type of decision called a “faculty”. A faculty is needed in order to permit many types of changes to churchyards.

The Church in Wales

The Church in Wales was created in 1920 when the role of the Church of England as the established church in Wales was ended. Following disestablishment, it retained the duty to bury all parishioners without discrimination which the Church of England has in England.

Faith and cultural perspectives on burial and cremation

Different faiths and cultures have different approaches to burial and cremation. The two major Christian denominations, the Anglican Church and the Roman Catholic Church, do not require one or the other. They do require that ashes are buried or strewn (laid on the ground and covered with soil) on consecrated ground. Islam places a prohibition on cremation. So does Orthodox Judaism, but not the Liberal or Reform traditions, and we have heard that some Caribbean and African communities in the UK have a strong preference for burial. Hinduism and Sikhism require cremation.

Reusing and reclaiming old graves

The need for reuse and reclamation of old graves

Surveys have found that burial space is running out. A 2007 Ministry of Justice survey found that local authority cemeteries had on average 30 years’ space left, with less time in urban areas. Other studies have suggested that burial authorities have found strategies to release further space, such as using space which had not been intended for burials, but this approach may not be sustainable in the long run.

It is difficult to establish a causal link between the availability of space in cemeteries, and the cost of a funeral, which will include a range of services. Nevertheless, the cost of funerals is rising. The most recent annual SunLife *Cost of Dying* report found that the cost of a basic funeral rose from £3,953 to £4,141 from 2022 to 2023, and had increased 126% over 20 years. We have heard from stakeholders that the cost of burial in some London cemeteries, particularly private ones, can be close to £10,000.

New burial grounds can be developed to meet this need. For burial ground operators, that represents a significant cost, usually running into the millions. Requiring new land for burials means that it cannot be used for other purposes, which at a time of significant public debates around the availability of land for housing may represent a lost opportunity. When each burial plot in a cemetery is only used once, over the course of time the cemetery ceases to serve its original purpose and risks falling into disrepair and becoming a site for anti-social behaviour.

Grave reuse and reclamation offer a potential solution to the problems arising from a shortage of burial space.

Current law

Exclusive burial rights are the rights to control a grave space: to determine who is buried in it and to place any memorial over it. There are two types of burial grounds which have powers to extinguish burial rights early:

1. London local authority cemeteries; and
2. cemeteries which have obtained their own Acts of Parliament for the purpose (namely Highgate Cemetery, New Southgate Cemetery, and Bishop's Stortford Cemetery).

These cemeteries also have the power to reuse graves, which is when remains in an old grave are disinterred and reburied, and the grave is used again. Later in this section, we set out the different steps required by law to extinguish burial rights and then to reuse graves, in these cemeteries.

In Church of England churchyards, grave reuse has been permitted since time immemorial, and a faculty is required if reuse involves moving memorials or remains. We do not propose any changes to grave reuse in relation to the Church of England.

Grave reclamation is when the space above existing burials in a grave is used to make further burials. Under the current law, a grave can be reclaimed if there are no exclusive burial rights in relation to it. That may be because they have expired, because there never were any, or, in the cemeteries which have such powers, because they have been extinguished. Our provisional proposals would not change this position. They would however permit more burial grounds to extinguish burial rights in graves, after which they could then reclaim them.

Extinguishing burial rights

The same rules when it comes to extinguishing burial rights apply whether the grave is then reused, or reclaimed. For burial rights to be extinguished in a grave, there must have been no burials made for at least 75 years. The burial ground operator must publish a notice and serve it on the registered owner of the grave. After a minimum of six months the rights are extinguished. Any tombstone may be removed, and may be destroyed if it is not collected after three months.

If any objection is made by the owners of the burial right within the six-month period, then the right will not be extinguished. Any other objections also stop the process, unless the Secretary of State provides their consent. There are provisions for a registrar to resolve any disputes as to ownership, for details of any tombstones to be recorded and deposited with the Registrar General, and for compensation for any extinguished right to be paid if a claim is made within six months. The power to extinguish burial rights early does not apply to any rights which were granted after these provisions came into force.

Once burial rights have been extinguished in a grave and any memorials dealt with, the law does not require any further steps under the law before a grave can be reclaimed.



Reusing graves

Once any exclusive burial rights have been extinguished, additional steps must be taken before a grave can be reused. The starting point for grave reuse is that moving human remains requires either an exhumation licence from the Ministry of Justice or, if the remains are on ground consecrated by the Church of England, a faculty from the ecclesiastical courts. The Acts of Parliament which permit grave reuse provide an exception to the requirement for a licence (but not for a faculty).

A grave can be reused by removing remains already within it, and reintering them either at a deeper level (known as the “lift and deepen” method), or in another grave (“lift and rebury”). Only lift and deepen is permitted in London council cemeteries, but lift and rebury is permitted in the cemeteries which have obtained private Acts of Parliament.

There are safeguards in place for grave reuse, which are similar to those for extinguishing exclusive burial rights. Only graves where the last remains were interred at least 75 years ago can be reused. Notices must be served by the burial ground operator, and if the owner of the burial right or the relatives of the deceased person objects to the reuse, no further attempt can happen for another 25 years.

Reform to the law

The law as it currently stands risks us running out of burial space; risks the cost of burial continuing to rise; has a particular impact on religious and cultural communities that require burial; risks anti-social behaviour as cemeteries fall into disrepair; and exposes burial ground operators to the cost of new burial grounds. It creates significant inconsistency in the tools to deal with these problems between different types of burial ground, and different parts of the country.

For these reasons, we think that an extension of grave reuse and reclamation powers is desirable. We acknowledge that reuse of old graves is a sensitive issue. Our provisional proposals would introduce two stages of safeguards. First, a burial ground operator would have to consult the local community before obtaining reuse and reclamation powers for the cemetery. Then, there would be protections in place before any particular grave could be reused or reclaimed.

Obtaining reuse and reclamation powers

It is important to note that no burial ground operator would be required to reuse or reclaim graves. Our proposed reforms would only give them the option to do so.

In order to obtain grave reuse and reclamation powers, we provisionally propose that burial ground operators should be required to apply for a decision to the Secretary of State. They would need to submit the results of a public consultation, and a grave reuse and reclamation plan including information about the graves affected, a conservation plan, and any mitigation steps identified through the consultation.

We acknowledge that these requirements are burdensome and would take time and cost money to comply with. They could reduce the extent to which graves are reused. However, the costs involved will be less than the effort and expense of securing a private Act of Parliament, and this approach would provide reassurance to the public.

Safeguards for the reuse or reclamation of any specific grave

We provisionally propose that expanded grave reuse and reclamation powers for all types of burial ground should have broadly the same safeguards as those in place where it is already permitted. Therefore, an objection from relatives of the deceased person or the grave owner should result in the process being stopped for 25 years.

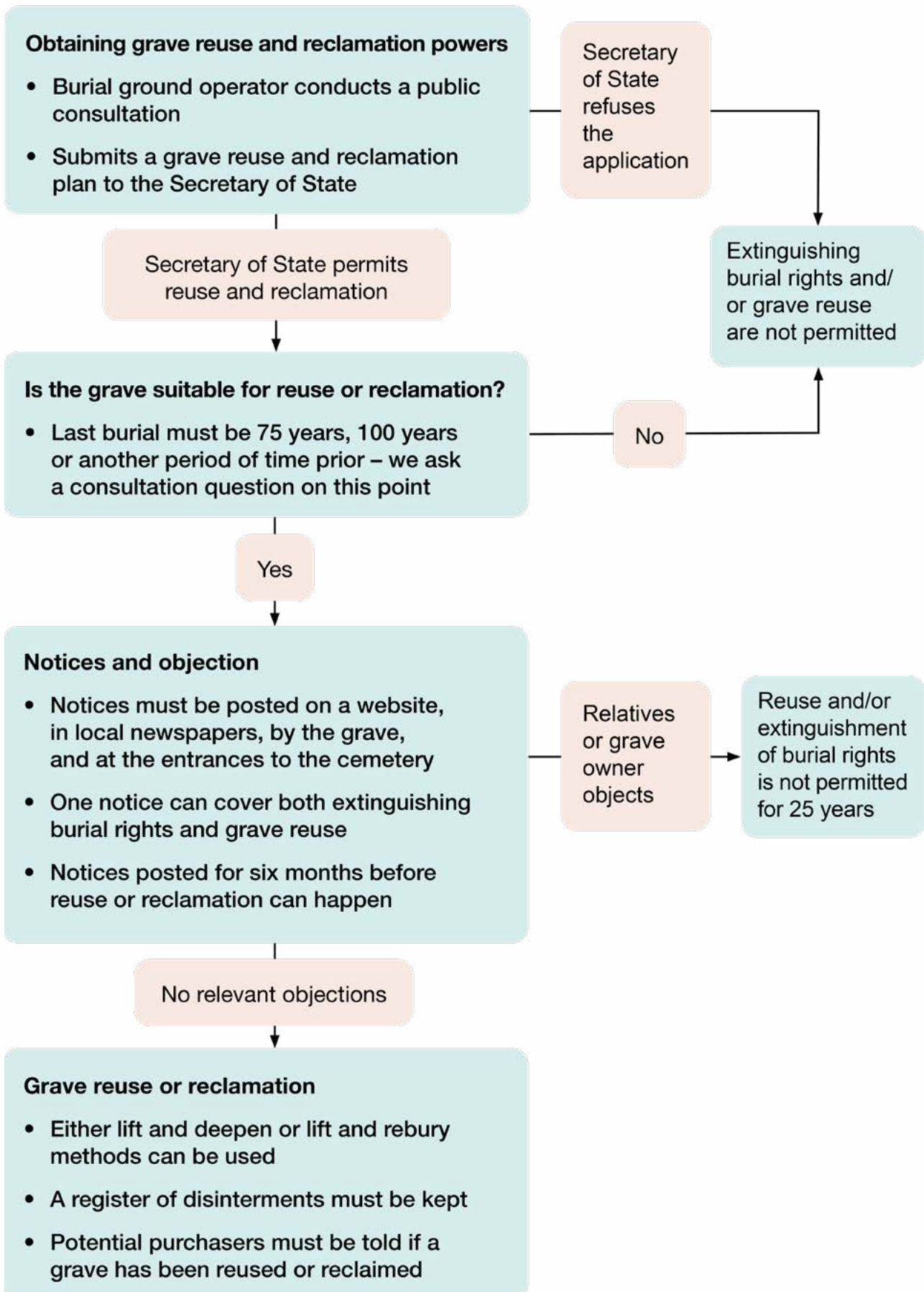
The burial ground operator should be required to tell a potential purchaser that a grave they are considering buying an exclusive right to burial in is one that is being reused or reclaimed.

A key question on which we consult is how long the period should be between the last burial in a grave, and the point at which it can be reused or reclaimed. The current period before reuse or reclaimed is permitted is 75 years. Two main considerations are cited when it comes to how long that period should be: the time it naturally takes for a body to decompose, and ensuring that graves are not reused or reclaimed during the lifetime of someone who knew the deceased person. On that basis, we ask an open question consulting on a period of 75 years, 100 years, or another period.

We provisionally propose that both lift and deepen and lift and rebury methods should be permitted when reusing a grave. We ask whether there should be a requirement that a grave must not be reused if it still contains significant remains from a previous burial. We also ask whether the Secretary of State should be able to permit grave reuse after a shorter period of time in exceptional circumstances.

See Consultation Questions 18 to 24. Chapter 6 of the full Consultation Paper addresses this issue.

Our provisional proposals for grave reuse and reclamation



Closed and disused burial grounds

Closed burial grounds

Under the current law, all burial grounds can be closed to further burials by an Order in Council. Orders in Council are a legal instrument issued by the Sovereign on the advice of the Privy Council. In the case of closing burial grounds, the Secretary of State makes an application to seek one. The law governing this area was introduced in the 1850s to address the perceived public health risk from overly full burial grounds. Now, though, they are mainly used to close Church of England churchyards.

We consider that the use of Orders in Council to close a burial ground is outdated, and provisionally propose that it is replaced by a decision of the Secretary of State. The basis on which a closure order could be made would be set out in a reformed law.

The law currently does not permit closed burial grounds to be reopened. However, some stakeholders have told us that they may be interested in reopening burial grounds which have been closed by Orders in Council. The last burial in many of these will have happened well over a century ago, so they could be suitable for grave reuse. We provisionally propose that it should also be possible for the Secretary of State to reopen closed burial grounds.



When a Church of England churchyard is closed, the parochial church council (the parish church's executive body) has the power to transfer responsibility for its maintenance to the secular parish council, who can then transfer it to the district council. We do not propose any changes to this power, as it results from the duty the Church of England has to bury all parishioners.

However, our proposed reforms would enable closed churchyards which have been transferred into local authority maintenance to be reopened. The question then arises as to who should be responsible for maintaining them when new burials begin to be made. We provisionally propose that it should continue to be the local authority, because returning responsibility to the Church would reduce the incentive to reopen churchyards. However, we consult openly on whether there should be any provision to share fees for burial, or to charge an additional fee for burials in previously closed churchyards, which would be paid to the local authority.

See Consultation Questions 25 to 30. Chapter 7 of the full Consultation Paper addresses this issue.

Closed burial grounds in Wales

The Church in Wales has no equivalent power to transfer the responsibility for maintaining burial grounds to local authorities. However, it continues to have a duty to bury parishioners without discrimination. As a result, we have heard that the Church in Wales is hesitant to open new burial grounds unless they have an endowment and financial plan to maintain them indefinitely. This in turn has a negative impact on the availability of burial space, particularly in areas of rural Wales where local authority burial grounds may be some distance away.

We ask for consultees' views on giving the Church in Wales an equivalent power to transfer maintenance responsibility to local authorities. We recognise that this would create a significant cost pressure on Welsh local authorities.

See Consultation Question 31. Chapter 7 of the full Consultation Paper addresses this issue.

Exhumation

Exhumation is when human remains are removed from a place of burial. Exhumation without lawful authority is a criminal offence. That authority can be obtained from the consistory court if the body is in ground consecrated by the Church of England, or through a licence from the Ministry of Justice if it is not. We do not propose significant changes to these processes, although we do provisionally propose an increase in the maximum penalty for unlawful exhumation.

See Consultation Question 33. Chapter 8 of the full Consultation Paper addresses this issue.

Disused burial grounds

The Disused Burial Grounds Act 1884 prohibits building on disused burial grounds. However, there are a number of provisions which provide exceptions to that rule, which enable land which is no longer used for burial to be put to other uses. Those provisions also disapply the law on exhumations. A burial ground does not have to be formally closed to be disused, it must only no longer be used for burials.

The current exceptions to the ban on building on disused burial grounds cover three circumstances:

1. Church of England churchyards and burial grounds;
2. other religious burial grounds; and
3. burial grounds which have been acquired or appropriated for planning purposes.

In each case certain safeguards must be followed. For non-Church of England religious burial grounds, notice must be given by the owner of the land for two weeks in a newspaper and near the land itself.

The personal representative (the executor or administrator) or relatives of a person buried in the last 50 years in the burial ground have six weeks to object to the development, and if they do, it may not proceed.

If there are no objections, remains buried in the land must be removed and reburied or cremated, and memorials dealt with, in accordance with directions issued by the Secretary of State. Notices must be given of these plans, so that the relatives of people buried in the burial ground may remove the remains themselves at the expense of the owner of the burial ground.

The law in its current state leaves other private burial grounds, and local authority cemeteries, without any provision to enable building to occur on disused burial grounds. A number of stakeholders have told us this is confusing, and a barrier to the long-term financial sustainability of those who operate burial grounds, including local authorities.

We provisionally propose that the scheme applying to non-Church of England religious burial grounds should be extended to all private and local authority burial grounds. We also ask whether the period during which the relatives of people buried in the burial ground can veto development should remain at 50 years, or whether it should be brought into line with the longer period of 75 or 100 years that we consult on as a requirement before graves can be reused.

See Consultation Question 36. Chapter 8 of the full Consultation Paper addresses this issue.

The law applying to different types of burial grounds

Approach to regulation of burial grounds

There are a limited number of laws that apply to all types of burial ground, such as the Secretary of State’s powers to inspect them and seek Orders in Council to close them, and the duty to register burials.

Many other aspects of burial law vary depending on whether the burial ground is operated by a local authority, the Church of England, the Church in Wales, or a private operator.

This can lead to confusion as to which laws apply in any given case and, in particular, there have been calls for greater regulation of private burial grounds, given the relative lack of legislation that currently applies to them.

We do not think, however, that it would be right to apply a single set of uniform burial laws to all types of burial grounds. The different levels of regulation which apply in local authority and private burial grounds reflect their different histories and contexts, and what works for one sector may not necessarily always work for another. Private burial grounds are a place where private individuals can enter into contracts with private companies or organisations, and religious private burial grounds are a place where the private rules of association may reflect that religion’s practices and doctrines.

Instead, we make provisional proposals for reform where the evidence suggests that specific elements of regulation should apply to particular kinds of burial ground, or, in some cases, to all types of burial ground.

See Consultation Question 1. Chapter 2 of the full Consultation Paper addresses this issue.

Laws applying to different types of burial ground

	Local authority	Church of England	Church in Wales	Private
Maintenance standards	Yes	Yes	Yes	Some
Burial specifications	Yes	No	No	No
Burial rights issued in writing	Yes	Yes	No	Some

Maintenance

Different maintenance standards apply to different types of burial grounds.

1. Local authorities must keep their cemeteries in good order and repair.
2. In some older private burial grounds, founding legislation says they must be kept in complete repair.
3. Canon law says Church of England churchyards must be kept in orderly and decent manner as becomes consecrated ground.
4. Church in Wales burial grounds must be kept in decent order, in such a manner as to preserve the cemetery for the enjoyment of the public.

In addition, burial ground operators will owe different duties of care under the Occupiers' Liability Acts 1957 and 1984 to visitors and to others, including trespassers.

The Secretary of State can authorise the inspection of any burial ground or cemetery to determine its condition, and, where any regulations apply, whether they have been complied with. The Secretary of State can also seek Orders in Council to close a burial ground, or to require actions to be taken to prevent one from being dangerous or injurious to public health.

We are not aware of widespread problems with the standards of maintenance in burial grounds in England and Wales. Over the last decade, however, there have been some complaints about maintenance in local authority cemeteries, and rare instances of more significant poor standards. Stakeholders have also told us that they would welcome greater clarity and uniformity when it comes to maintenance.

A uniform standard of maintenance

We consider that there is a case for a maintenance standard that applies to all burial grounds, including all private burial grounds. Burial is not simply a private matter, but rather one of public importance.

A uniform maintenance standard will need to be sensitive to the varied circumstances of burial grounds, ranging from newly established natural burial grounds to long-closed non-denominational churchyards. For that reason, we provisionally propose a contextual standard: that every burial ground owner should be required to maintain their burial ground in good order appropriate to its current use.

There is a lack of evidence of significant, widespread problems with maintenance in burial grounds. This could be because there is no problem, or it could be because there are problems, but they are not reported. We ask consultees if they have evidence on this point.

Because of this lack of evidence, we are cautious about imposing further regulatory requirements on burial ground operators, beyond a general maintenance duty. If consultation responses establish the need for such requirements, we consider that they could take two possible forms: a statutory code of practice, or a requirement for burial ground operators to publish a management plan. We ask for consultees' views on these options.

See Consultation Questions 5 and 6. Chapter 3 of the full Consultation Paper addresses this issue.

Enforcement

In order for a uniform standard of maintenance and burial specifications to be effective, there needs to be some mechanism to enforce them. We consider the best option is to retain but enhance the current system – that is, the Secretary of State having ad hoc inspection and enforcement powers. The main tool that the Secretary of State currently has is to seek an Order in Council to require actions to be taken. Our provisional proposals would give the Secretary of State the power, in response to an inspection report, to issue a notice requiring action to be taken by a burial ground operator in order to meet their statutory duties, including those imposed by the uniform maintenance standard.

The Secretary of State can currently direct a local authority to take actions in relation to a burial ground. We provisionally propose modernising this power, and enabling the local authority to charge back the costs of carrying out those actions to the cemetery owner.

See Consultation Questions 7 and 9. Chapter 3 of the full Consultation Paper addresses this issue.

Burial specifications

All local authority cemeteries are subject to the same rules as to how a body should be buried. No other type of cemetery is subject to a consistent set of rules.

Within a local authority cemetery, a body must be buried at least three feet deep, meaning that no part of the coffin can be less than three feet below ground level. An exception applies where the coffin is made of perishable materials and the soil is suitable. In these circumstances a burial within a local authority cemetery may be

made at the shallower depth of at least two feet. There are also specific provisions about walled graves and vaults.

There are no universal rules applying to Church of England churchyards or private cemeteries about the minimum depth of a grave.

We think there is a case for a single set of minimum burial specifications across different types of burial ground, on the basis of the impact that improper burials can have on the families and friends of deceased people – particularly if they result in remains being unearthed. The question is what those specifications should be.

The scientific evidence suggests that what happens to a body after it is buried is subject to a wide range of factors, such as the quality of the soil and physical characteristics of the person who has been buried. As a result, rules on how a body should be buried which sought fully to reflect all of these different factors through different rules for different circumstances might quickly become cumbersome.

We have not heard that the current rules in local authority burial grounds, that is, burial at two feet in a perishable coffin and in appropriate soil conditions, or three feet otherwise, result in these negative outcomes occurring. However, the limited research evidence seems to suggest that deeper burials should be required for burials made without a coffin (that is, burials in a shroud). We therefore ask an open question about what the requirements should be for a uniform burial specification. We provisionally propose that breaching the new rules should be a criminal offence.

See Consultation Question 10. Chapter 3 of the full Consultation Paper addresses this issue.



Burial and memorial rights

Everyone in England has a right to be buried in a Church of England churchyard, which is known as an “ordinary right of burial”. The law then governs which churchyards a person has the right to be buried in. The ordinary right of burial does not include a right to be buried in a particular part of the churchyard or burial ground, or to further interments in the plot so that family members are buried in the same plot, or to the erection of a monument or the construction of a vault. For any of these to be granted in a Church of England churchyard, a faculty must be obtained.

An exclusive right of burial is different to the ordinary right of burial. Broadly, an exclusive right of burial is the right to bury one or more bodies or sets of ashes in a specific grave plot. Exclusive rights of burial can be granted in relation to a Church of England, local authority or private burial ground.

In local authority cemeteries, we understand that common practice is for exclusive burial rights and memorial rights to be granted for 50 or 75 years, but there is no lower limit in the law. These rights cannot be granted, in the first place, for longer than 100 years, but can be extended. They must be issued in writing, and can be passed on by deed or inherited. A local authority can also, separately, grant a right to place a memorial on a grave, either to the person who owns the burial right or to a relative, if the owner of the burial right cannot be traced.

In private burial grounds, the status of exclusive rights of burial varies. Private cemeteries established by Acts of Parliament may have requirements to issue rights in writing, but those which are not governed by any legislation may not.

There are various effects of different exclusive rights of burial. These include the way that exhumation is controlled, remedies for infringement, who has control of the right and whether successors in title are bound by the right.

Problems with burial and memorial rights

We have heard of varied practice in private cemeteries which are not established by statute when it comes to issuing burial and memorial rights, with documentation varying from a simple receipt at one end of the scale, to a deed at the other.

We have also heard of disputes in which family members of deceased people have been unable to place any memorial over their graves because another member of the family, who owns the burial right, has not done so or refuses to do so.



Reform of the law

We consider that imposing some of the formality and record-keeping requirements currently in place for local authority cemeteries upon all private cemeteries would address some of the issues we have heard of, as regards relatives and executors of deceased people being provided with little information on the rights they have purchased. We provisionally propose that all burial rights and memorial rights should be issued in writing.

We also consider that there may be benefit in introducing an optional scheme of statutory exclusive burial rights in private cemeteries, and provisionally consult on such a proposal. Such a scheme could offer certainty and clarity to the purchaser of the right. It could be seen as of benefit to the cemetery operator, by saving the time costs of creating their own scheme.

We also provisionally propose that where no memorial is raised over a grave within two years, local authorities should be permitted to grant a right to place a memorial on the grave to any relative of the deceased person – a neutrally-worded one, if there is any dispute as to what the memorial should say.

See Consultation Questions 11 to 13. Chapter 4 of the full Consultation Paper addresses this issue.

Private land burials

Burial on private land, as opposed to in a burial ground (including a private burial ground), is believed to be rare. It is often used where there is a connection between the deceased person and the land, such as a family farm or landed estate. There is no law prohibiting burial on private land. Private land burials must adhere to the law which applies to all other forms of burial, such as death registration and environmental law.

Private land burials must also be registered. However, there is no requirement that the register is handed over when the land is sold or transferred. This could lead to problems, such as future building works resulting in an exhumation causing distress and cost to the new owners, and the family of the deceased person. We provisionally propose that it should be a criminal offence to fail to transfer the record of a burial that is made on private land when property on the land is sold.

See Consultation Question 3. Chapter 2 of the full Consultation Paper addresses this issue.

The Commonwealth War Graves Commission

The Commonwealth War Graves Commission (“CWGC”) was established under Royal Charter in 1917 to commemorate the 1.7 million service men and women of the Commonwealth Forces who died in the First and Second World Wars.

There are specific rights afforded to the CWGC so that it can protect war burials in the law governing local authority cemeteries, Church of England churchyards, in the law on grave reuse, and in the law on building on disused burial grounds.

However, there are gaps in these rights, and we make provisional proposals which would address them. We also make provisional proposals which would give the CWGC new rights in relation to private cemeteries. Chapter 9 of the full Consultation Paper addresses this issue.

Cremation

The regulations governing cremation have been subject to more recent reform than burial law, and indeed remain in a state of transition following the introduction of the new statutory medical examiner system. However, there remain specific issues which merit a review.

In addition to these issues, we note that the current rules which govern cremation applications can result in disputes, including about who should be able to receive ashes after cremation. We consider that this issue can only be properly considered alongside the overall issue of who should have the right to decide what happens to our bodies after we die. That issue will be addressed in the third part of the overall **Burial, Cremation and New Funerary Methods** project, so we do not make any proposals at this stage – but we do ask for evidence on the scale of the problem.

See Consultation Question 45. Chapter 11 of the full Consultation Paper addresses this issue.

Uncollected ashes and removed pacemakers

Two issues of cremation law cause particular problems in relation to funeral directors.

First, the law provides for crematoria to scatter or bury ashes after 14 days if they are uncollected. Funeral directors have no similar provision, and it has been reported that they hold a quarter of a million sets of uncollected ashes as a result. As well as the practical difficulties arising from storing ashes, the premises of funeral directors are not a suitable final resting place.

We provisionally propose that where funeral directors have held ashes for at least four weeks, they should take reasonable steps to contact the person who applied for the cremation to find out what they want to happen to the ashes. If the applicant does not respond within four weeks, the funeral director should be able to return the ashes to the crematorium, and the crematorium should have a duty to accept them. The crematorium would then be able to bury or scatter the ashes under its existing powers. This provisional proposal would apply retrospectively, that is, to ashes which are currently unclaimed and in funeral directors' possession, as well as to those which are not collected in the future.



Secondly, due to an unintended consequence of Government guidance from the 1980s, many funeral directors hold large numbers of pacemakers removed prior to cremation for safety reasons, which they do not have legal authority to dispose of. We provisionally propose a scheme to enable them to dispose of them as they see fit, once relatives of the deceased person have had an opportunity to claim them.

See Consultation Questions 50 and 53. Chapters 11 and 13 of the full Consultation Paper address these issues.

Where cremations can happen

Cremation law restricts where new crematoria can be constructed. They must be built at least 200 yards from a dwelling house (unless the owner, lessee and occupier consent in writing) and 50 yards from a public highway.

This requirement was introduced in the Cremation Act 1902, due to concerns about the impact of cremations on air quality. While sensitivities on this point continue to exist, environmental protection requirements in relation to cremation are extensive and ought to ensure that emissions, particularly from new crematoria, are not harmful to public health. The rule may be said no longer to serve the purpose for which it was introduced.



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However, it appears from planning cases that the rule may now be serving a different purpose, of enabling crematoria to be built on Green Belt and countryside sites where they would otherwise not be permitted. It has also been argued that it therefore ensures an appropriate degree of solemnity at crematoria, by restricting noise and disturbance from neighbours. For this reason, we ask an open question as to whether the rule on where crematoria can be sited should be repealed or retained.

See Consultation Question 51. Chapter 12 of the full Consultation Paper addresses this issue.

Next steps

The provisional proposals contained in the full Consultation Paper provide a key opportunity to bring the law governing burial and cremation up to date. Doing so will ensure that with appropriate safeguards, reuse and reclamation of old graves is available to secure burial space for the future across the country. It will enable closed Church of England churchyards to be reopened so that more people have access to burial space close to them, and in settings which are meaningful for them. It will ensure that there are sufficient protections for bereaved people who choose to bury their families and friends, whatever type of burial ground they use. It will address unresolved and outdated aspects of cremation law.

Your responses to this consultation will enable us to make final recommendations that reflect the expertise of those who work in the burial and cremation sector, and the real-life experiences of those who use the sector for the funerals of their friends and relatives.

Appendix 2 - Burial and Cremation Legislation - Consultation Paper

Flintshire County Council's Proposed Response

Question No.	Proposals by the Law Commission	Suggested response from FCC:	RAG Status
1	<p>We provisionally propose that there should not be a single uniform burial law applying to private, local authority, Church of England and Church in Wales burial grounds. Instead, we provisionally propose that different aspects of regulation should be introduced for different types of burial grounds, where there is a case for doing so.</p> <p>Do consultees agree?</p>	<i>This is supported and agreed.</i>	Green
2	<p>We provisionally propose that regulation of private burial grounds should encompass any land where the primary purpose is, or has been, burial. Do consultees agree?</p> <p>We invite consultees' views on whether the definition of burial in the Local Authorities' Cemeteries Order 1977 has caused any problems.</p>	<i>Not applicable, as we are a local authority</i>	Green
3	<p>We provisionally propose that:</p> <p>(a) it should be a criminal offence for a person making a burial outside a burial ground to knowingly fail to register it;</p> <p>(b) it should be a criminal offence for a person transferring an interest in that land, or creating a lease of more than 21 years on that land, to knowingly fail to transfer the burial register to the new owner or lessee; or for the lessee to knowingly fail to transfer it to the owner at the end of the lease; and</p> <p>(c) the maximum penalty for these offences should be a fine at level 2 on the standard scale (£500).</p> <p>Do consultees agree?</p>	<i>This is supported and agreed.</i>	Green
4	<p>We provisionally propose that in a local authority cemetery, the religious services that accompany a burial in all areas reserved or consecrated to a religious faith should be restricted to those of that faith, or to no service at all.</p>	<i>This is a potentially contentious and sensitive subject matter, but it is agreed that equality between different faiths should apply. The Council permits mixed denominations within designated faith sections of our cemeteries.</i>	Amber

	Do consultees agree?	<i>In Flintshire, we do have cemeteries that are used by multiple denominations of one faith e.g. Flint and Holywell cemeteries do have specific areas remaining for Roman Catholic and Church of Wales.</i>	
5	We provisionally propose that every burial ground owner should be required to maintain their burial ground in good order appropriate to its current use. Do consultees agree?	<p>Yes.</p> <p><i>A standardised approach to maintenance of burial grounds would be supported either through a statutory code of practice, or a requirement for burial ground operators to publish a management plan in the same way that local authorities are required to do so. Under the Local Authorities' Cemeteries Order 1977 ("LACO 1977"), local authorities are under an obligation to keep its cemeteries in good order and repair, together with buildings, walls and fences.</i></p> <p><i>Enforcement/policing of the management plans or adherence to the statutory code of practice would need to be considered. Would this be through an external auditor or inspector?</i></p>	Green
6	<p>We invite consultees' views on whether problems of poor maintenance of burial grounds are sufficient to impose requirements on burial ground operators, over and above setting a uniform standard of maintenance.</p> <p>We invite consultees to provide examples or evidence of issues with poor maintenance that would potentially justify such requirements.</p> <p>We invite consultees' views as to whether, if further regulatory action should be taken in relation to the maintenance of burial grounds: (1) the Secretary of State should issue a statutory code of practice for burial ground maintenance, following consultation with stakeholders; or</p>	<p><i>The approach to maintaining cemeteries, for instance in relation to grounds maintenance and maintaining memorials, monuments, graves can differ between the local authorities and other burial ground operators. Examples of issues that have been experienced include areas of longer uncut grass or foliage around headstones in some burial grounds, which pose a significant health and safety risk in the form of slips, trip or fall hazards. Another is around covering depressions in ground levels, which could result in slips, trips or falls. Standards could be defined for minimum cutting lengths and frequencies for all burial grounds, although this would need to be mindful of local authority budgets, which are already under increasing pressure and cuts to services. Another aspect relates to unsafe memorials. As a local authority, we currently test all memorial gravestones ("memorials") within</i></p>	Red

	<p>(2) all burial ground operators should be required to publish a management plan on a periodic basis.</p>	<p><i>our cemeteries once every three years to ensure safety and stability, although the HSE recommends a minimum requirement for inspection once every five years. A standardised approach would be welcome in this respect. Unsafe memorials are gravestones that have become loose or unstable and pose a risk of injury to visitors or our employees and any memorials that fail the testing process are temporarily supported by wooden stakes and the grave owners are contacted (where known) to request that they undertake a permanent repair. In addition to the risk caused by unsafe headstones, kerb sets (lengths of stone that surround the perimeter of memorials) are also posing a safety concern within the council's older cemeteries. Whilst the installation of kerb sets is no longer permitted practice in Flintshire, kerb sets were previously introduced in those cemeteries that were not designated "lawned cemeteries." In many instances, the edges of the kerb sets are becoming separated from the main structure of the memorial and are falling into the walkways between graves and partially sinking into the ground, resulting in a trip hazard for visitors and cemetery staff, which may not be easily observed. Again, a standardised approach for addressing these issues would be welcomed.</i></p> <p><i>We would support the introduction of a statutory code of practice, providing that it does not impact on existing council budgets and resources. A code of practice for burial ground maintenance and the publication of management plans for each site would demonstrate best practice in these areas.</i></p> <p><i>We agree that all burial ground operators should be required to publish a management plan on a "reasonable" periodic basis and this needs to be defined (e.g. annually, every 3 years etc.).</i></p>	
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7	<p>We provisionally propose that the Secretary of State should continue to be able to authorise inspections of burial grounds. Where an inspection finds that the law is not being complied with, the Secretary of State should be able to issue a notice requiring actions to be taken to bring the burial ground into compliance.</p> <p>Do consultees agree?</p>	<p><i>This is supported and agreed, and this is already current practice. Whilst the Council is supportive of this approach to continue, we believe that such inspections could be undertaken by individual local authorities within their expertise and knowledge of their own burial grounds.</i></p>	Green
8	<p>We provisionally propose the abolition of the offence of failing to adhere to cemetery regulations in section 8 of the Burial Act 1855.</p> <p>Do consultees agree?</p>	<p><i>This is supported and agreed.</i></p>	Green
9	<p>We invite consultees' views on whether the Secretary of State should have the power to direct that a local authority takes over the management of a burial ground which has failed to comply with the actions required in a notice, and whether local authorities in such circumstances should have the power to charge costs back to the cemetery owner.</p>	<p><i>This would have serious financial implications for the authority and would require additional resources and budget. Whilst it is a sensible option if minimum standards of maintenance and an inspection regime are established, it is doubtful that the authority could recover full costs incurred. Funding should be made available from central UK Government to ensure that local authorities are not financially disadvantaged in these circumstances as otherwise, it would not be possible to adhere to revised law changes. Funding should be provided in perpetuity.</i></p>	Red
10	<p>We invite consultees' views on what the minimum burial depth should be for bodies buried in a non-perishable coffin, and for bodies buried in perishable coffin or wrappings. We provisionally propose that:</p> <p>(1) in all burial grounds there should be six inches of soil between two coffins or bodies which are interred in the same grave; and</p> <p>(2) for walled graves or vaults, there should be a requirement for them to be properly constructed of suitable materials, and for the coffin to be embedded in concrete or enclosed in a separate airtight compartment within 24 hours of the interment.</p> <p>Do consultees agree?</p>	<p><i>This proposal would further complicate the process of constructing a walled grave. It would also add further costs through the provision of a grave liner or additional concrete to encase the coffin. However, these would be passed on to the families concerned as do all walled grave costs currently.</i></p>	Amber

	<p>We provisionally propose the creation of a new criminal offence of recklessly breaching minimum burial requirements, with a maximum penalty on summary conviction of a fine at level 2 on the standard scale (£500).</p> <p>Do consultees agree?</p>		
11	<p>We provisionally propose that, in relation to all cemeteries:</p> <p>(1) it should be a requirement for all burial rights, both exclusive and nonexclusive, and memorial rights, to be issued in writing;</p> <p>(2) where this requirement is not met on the grant of a burial right, the purchaser should be able to request that their burial right is made out in writing, and that where the operator does not comply within a month the Secretary of State should have the power to issue a civil penalty; and</p> <p>(3) that where a burial right has not been issued in writing, there should be a presumption that the right is a statutory exclusive burial right.</p> <p>Do consultees agree?</p>	<p><i>Supported – Flintshire already issue all exclusive and memorial rights in writing via Plotbox</i></p>	Green
12	<p>We invite consultees' views as to whether an optional scheme of statutory exclusive burial rights should be introduced for private cemeteries which are not already governed by their own Act of Parliament.</p> <p>4.74 If consultees support the introduction of an optional scheme of statutory exclusive burial rights, we invite consultees' views on the following.</p> <p>(1) Should the right be able to be assigned by deed or inherited?</p> <p>(2) Should the right have a maximum duration of 100 years, subject to extension at the discretion of the cemetery operator?</p> <p>(3) Should there be any other features of such a scheme?</p>	<p><i>The issuing of Exclusive Rights of Burial should be best practice for all burial ground operators. Likewise, a process should be in place for the transfer of these rights following the passing of the original owner. Again, the system used by local authorities would show best practice if the rights were to be transferred by, statutory declaration, form of assignment of proof of executorship. In respect of the duration of the deed, this varies widely currently as some local authorities will have a shorter term and generate revenue from renewals. A standard term would be a good idea and welcomed.</i></p>	Green?
13	<p>We provisionally propose that:</p> <p>(1) in its cemetery, a local authority should have the power to grant a memorial right to any</p>	<p><i>This is a highly emotive and sensitive topic. In Flintshire, we will only grant the memorial rights to the registered owner of a grave. We would initially be given this</i></p>	Amber

	<p>relative of a person buried in a grave if no memorial has been placed on the grave two years after the burial; and</p> <p>(2) if there is a dispute between different relatives, or between the relatives and the owner of the exclusive burial right, a local authority should only have the power to grant the right to a neutral memorial displaying the name of the deceased person and their dates of birth and death.</p> <p>Do consultees agree?</p>	<p><i>information from the funeral director for new graves, as they have initial contact with the families. If a memorial application is received that is not signed by the registered owner, it isn't approved. We do not agree that a standard memorial should be placed on the grave if a family dispute is ongoing, as it would have the potential to lead to further problems on site if this were to happen.</i></p>	
14	<p>We provisionally propose that a local authority should be permitted to maintain a tombstone, memorial or vault without the consent of its owner, if they have served notice on the owner at their last address known to the authority, and the owner has not objected within three months of such notice being served.</p> <p>Do consultees agree?</p>	<p><i>This is agreed and supported; however, this is likely to incur additional costs for the local authority, which would be a financial risk and there is unlikely to be the ability to recover such costs. In such cases, the local authority should be permitted to remove the tombstone, memorial, monument if it is deemed to be a safety critical issue and no owner can be traced or if the owner has not objected within a certain timeframe.</i></p>	Amber
15	<p>We provisionally propose that:</p> <p>(1) a consistent system of burial registration should be introduced;</p> <p>(2) the requirement for burials (of both bodies and cremated remains) to be registered as soon as possible should be retained;</p> <p>(3) all burial ground operators should be under a statutory duty to keep the following documents:</p> <p>(a) a burial register;</p> <p>(b) a register of disinterments;</p> <p>(c) a plan of the burial ground; and</p> <p>(d) a register of rights granted; and</p> <p>(4) these records should be kept either electronically or on paper.</p> <p>Do consultees agree?</p> <p>We provisionally propose the repeal of the criminal offences of failing to register a burial:</p> <p>(1) by a private burial ground operator where registration is not governed by an Act of Parliament; and</p>	<p><i>Agreed and this is already applied in Flintshire through the Plotbox system. We also agree with the intention to repeal of the criminal offences of failing to register a burial, which seems excessive and not justified.</i></p>	Green

	<p>(2) by a Church of England minister when a burial takes place in consecrated ground in a Church of England churchyard without the rites of the Church of England. Do consultees agree?</p>		
16	<p>We invite consultees' views as to whether burial registration documents should be sent to the General Register Office or Historic England when a burial ground closes.</p>	<p><i>Currently burial registration documents are sent to the General Register Office</i></p>	Green
17	<p>We provisionally propose that the criminal offences relating to burying a child as if it were stillborn and burying more than one body in a coffin should be repealed. Do consultees agree?</p>	<p><i>This is supported and agreed given that it is now unlawful for the operator of a burial ground to bury a stillborn child without a certificate from the registrar or an order from the coroner and also unlawful to fail to register a stillborn child.</i></p>	Green
18	<p>We provisionally propose that any grave reuse powers should apply to common or public graves, and to those where exclusive rights of burial have expired, as well as those where exclusive rights of burial have been extinguished. Do consultees agree?</p>	<p><i>We support this proposal. Common and public graves will already be in the ownership of the local authority and likewise if exclusive rights of burial have expired etc., then they will revert to the local authority if not renewed by the grave owner</i></p>	Green
19	<p>We invite consultees' views on the minimum time that must elapse between the last burial in a grave, and the burial rights in that grave being extinguished and the grave being reused. Should it be: (1) 75 years; (2) 100 years; or (3) a different period? We invite consultees' views as to whether there should be a requirement that a grave must not be reused if it still contains significant remains from a previous burial. If so, we invite consultees' views on what should count as "significant remains". We invite consultees' views on whether there is a case for the Secretary of State to be able to permit certain cemeteries to reuse graves after a shorter period of time in exceptional circumstances, and where the people, making burials in the graves which are to be reused, consent to it.</p>	<p><i>We would propose that the time that must elapse should be at least a minimum period of 75 years. This would be consistent with the current specified period of when we can reclaim a grave that has been previously sold, but never used for interment by the purchaser.</i></p> <p><i>Consideration should also be given to 100 years given that relatives / family members may still be alive when a grave is designated for reuse (e.g. people are generally living longer and grandchildren of the deceased are still likely to be alive etc.). 100 years would be the preference.</i></p> <p><i>We agree that there should be a requirement that a grave must not be reused if it still contains significant remains from a previous burial; however, this would only be known once the grave is excavated.</i></p> <p><i>A definition of "significant remains" will be required, all graves will</i></p>	Red

		<p><i>contain skeletal remains and remnants of coffins depending on the quality of coffin used at the time of interment. Anything other than this should be classed as significant remains.</i></p> <p><i>We disagree that there is a case for graves to be reused graves after a shorter period of time in exceptional circumstances. What constitutes exceptional circumstances?</i></p> <p><i>Reuse should only be employed after a qualifying time has elapsed, which applies to all burial grounds and graves contained therein. Please refer to previous response above.</i></p>	
20	<p>We provisionally propose that, in any extension of grave reuse and burial right extinguishment powers, notices should be posted:</p> <p>(1) on the burial ground operator’s website if they have one;</p> <p>(2) in local newspapers;</p> <p>(3) by the grave and entrances to the cemetery; and</p> <p>(4) should be sent to the last known address of the owner of the burial rights and memorial. Do consultees agree?</p> <p>We provisionally propose that one notice should suffice for both grave reuse and extinguishing burial rights. Do consultees agree?</p>	<p><i>Agreed; however, such a change will result in additional costs associated with notice requirements and therefore, funding needs to be made available to cover any associated costs. Funding should be provided in perpetuity.</i></p>	Amber
21	<p>We provisionally propose that in any extension of grave reuse powers, remains which are moved in order to reuse a grave must be either reinterred in the original grave, or in another grave in the same cemetery, below the level of the ground in a grave consisting wholly or substantially of earth. Do consultees agree?</p>	<p><i>Operationally there is unlikely to be space within existing burial grounds for the removed remains to be re-interred in an alternative location within the same cemetery. As per our earlier comments, remains should be placed back in their original grave at a greater depth. Guidance should also be established for the requirement to remove or retain any memorials that are on the existing graves.</i></p>	Amber
22	<p>We provisionally propose that burial ground operators should be required to keep a register of disinterments. Do consultees agree?</p>	<p><i>Agreed. Currently part of Plotbox cemetery management system.</i></p>	Green

23	<p>We provisionally propose that burial ground operators should be required to disclose the fact that a grave has been reused or reclaimed to potential purchasers. Do consultees agree?</p>	<p><i>Agreed. Flintshire currently do this as standard practice.</i></p>	Green
24	<p>We provisionally propose that burial ground operators should be able to apply to the Secretary of State for a decision enabling them to extinguish burial rights in graves and reuse graves, on a case-by-case basis. Do consultees agree? We invite consultees' views on whether applications for grave reuse and reclamation powers should be made: (1) by each burial authority to cover all of their burial grounds; or (2) for each burial ground individually. We provisionally propose that an application for grave reuse and reclamation powers should be accompanied by: (1) a grave reuse and reclamation plan setting out any additional mitigation proposed and identifying the graves which are intended to be affected; and (2) the results of a consultation with those living near the burial ground and those with friends or relatives buried in the burial ground. Do consultees agree?</p>	<p><i>Should a local authority have to apply on a case-by-case basis, this would be administratively burdensome and would require additional resources and funding.</i></p> <p><i>An application for each burial ground individually would be more practical and manageable.</i></p>	Amber
25	<p>We provisionally propose that a burial ground, or any other specified area, should be closed to new interments by a decision of the Secretary of State, rather than by Order in Council. Do consultees agree?</p>	<p><i>Further clarification is required on this proposal and whether this relates to churchyards. Flintshire currently has four cemeteries that are closed to new burials; however, they still accommodate re-opening of graves. As a result, they cannot be classified as formally closed.</i></p>	Amber Further clarification required
26	<p>We provisionally propose that the Secretary of State should have the power to close a burial ground where: (1) there is no useable space for new burials in graves which are free from exclusive burial rights; (2) the legal minimum standard of maintenance or burial</p>	<p><i>We support this proposal in part.</i></p> <p><i>(1) Is not supported as there could still be reserved grave spaces within the burial ground that can accommodate new burials.</i></p> <p><i>(2) Supported if there was a time period added, i.e. the minimum</i></p>	Amber

	<p>specifications have not been complied with; or (3) the burial ground represents a risk to public health. Do consultees agree? We invite consultees' views as to whether there are other reasons why a burial ground should be closed to new interments. We provisionally propose that the Secretary of State must post notice of the intention to close a burial ground at the entrances to the burial ground, and in the London Gazette, for two months before a burial ground can be closed. Do consultees agree?</p>	<p><i>standard hadn't been reached for 2 years, for example.</i></p> <p><i>(3) Supported</i></p>	
27	<p>We provisionally propose that the fault element of the offence of burying a body in a closed burial ground should be knowledge that the burial ground has been closed to further burials. Do consultees agree? We provisionally propose that the maximum sentence for the offence of burying a body in a closed burial ground is increased to level 3 on the standard scale of fines, which is currently set at £1,000. Do consultees agree?</p>	<p><i>Agreed</i></p>	<p><i>Green</i></p>
28	<p>We provisionally propose that the existing exceptions to the power to close a burial ground to new interments should be ended, and that the existing exemption in relation to burials with the approval of the Sovereign in St Paul's Cathedral or Westminster Abbey should be extended to include all royal peculiars. Do consultees agree?</p>	<p><i>No particular views</i></p>	<p><i>N/A</i></p>
29	<p>We provisionally propose that the Secretary of State should have the power to reopen burial grounds which have been closed to new interments, with the agreement of the burial ground owner, or the incumbent. Burial grounds could be reopened in full, or partially by reference to a particular area or purpose. Do consultees agree?</p>	<p><i>Agreed. However, a set of criteria would need to be created by the Secretary of State for which all elements would need to be met.</i></p>	<p><i>Amber</i></p>

30	<p>We provisionally propose that where a closed Church of England churchyard is reopened, any local authority which has become legally responsible for its maintenance should continue to have that responsibility. Do consultees agree?</p> <p>We invite consultees' views on whether Church of England fees for funerals and burial should be shared with local authorities, or whether an additional fee payable to local authorities should be charged, in relation to reopened churchyards.</p>	<p><i>Not applicable to Flintshire, as we are a Welsh local authority; however, if this were to apply to churchyards in Wales, we would want fees for funerals and burials to be payable to the local authority and we would seek to recover costs for maintaining the cemetery.</i></p>	Amber
31	<p>We invite consultees' views on whether the Church in Wales should be able to transfer the responsibility for maintaining its churchyards and burial grounds to the community council or county council, on the same model as in place in England.</p>	<p><i>We would not support the proposal to end the Church in Wales' duty to bury parishioners, as this is likely to place additional pressure on other burial grounds, particularly those operated by local authorities. Giving the churches the power to transfer maintenance responsibility to either community councils or Welsh county councils is likely to create a significant additional cost pressure on Welsh local authorities, which are already under financial constraints and for which no funding exists within council budgets.</i></p>	Red
32	<p>We provisionally propose that the fault element required for the commission of the offence of unlawful exhumation should be recklessness. Do consultees agree?</p>	Supported	Green
33	<p>We provisionally propose that the maximum penalty for unlawful exhumation should be an unlimited fine on summary conviction, or imprisonment for a term not exceeding three years, or both, on indictment. Do consultees agree?</p>	Supported	Green
34	<p>We provisionally propose that the offence of exhuming human remains without authorisation should include removing human remains from the grave without lifting those remains above ground (so-called "coffin sliding"). Do consultees agree?</p>	Supported	Green
35	<p>We provisionally propose that there should be an exception to</p>	Supported	Green

	<p>the exhumation offence where the exhumation is authorised by a police officer of at least the rank of Inspector, who has reasonable grounds to believe that an exhumation is urgently necessary to prevent forensic evidence from being lost. Do consultees agree?</p>		
36	<p>We provisionally propose that the scheme in the Disused Burial Grounds (Amendment) Act 1981 permitting building on a disused burial ground and exhumation without a licence or faculty, where notice requirements are met, should be extended to all private and local authority burial grounds. Do consultees agree? We invite consultees' views on the appropriate period of time during which an objection by the personal representative or close relatives of a deceased person should prevent building works from taking place on the burial ground in which they are interred. Should it be: (1) 50 years; (2) 75 years; (3) 100 years; or (4) another period? We provisionally propose that it should be a criminal offence to fail to comply with directions issued by the Secretary of State as to how remains exhumed for development purposes should be reinterred or cremated, with a maximum sentence of an unlimited fine on summary conviction, or imprisonment for a term not exceeding three years, or both, on indictment. Do consultees agree?</p>	<p><i>Agreed - It would make sense for the timeframe to match those proposed for grave re use etc. therefore Flintshire would recommend minimum 75 years.</i></p> <p><i>Please also see earlier comments regarding consideration to be given to 100 years (due to people living longer and likelihood that the grandchildren of the deceased may still be alive).</i></p>	Green
37	<p>We provisionally propose that: (1) every time a local authority burial authority seeks to exercise powers under articles 10(5) or 16(2) of LACO 1977, it should be required to notify the CWGC; and (2) it should be a requirement for the local authority to share information about which graves it intends to take this action in relation to, and then for the</p>	<p><i>Supported, as this relates to the removal of memorials from graves and the upkeep of memorials, levelling of sunken graves etc. We currently have a list of all our CWGC graves in Flintshire, so this would not be an issue therefore, as we would do this with all CWGC graves as standard practice, just as we do with all other graves. If we had to send the CWGC a list of all graves we intended to act on, it</i></p>	Green

	<p>CWGC to confirm whether the grave is a Commonwealth war grave. Do consultees agree?</p>	<p><i>would not be too burdensome as Plotbox would be able to produce a report to send to CWGC.</i></p>	
38	<p>We provisionally propose that where a local authority has followed the process to obtain the right to maintain a monument whose owner cannot be contacted: (1) the consent of the CWGC should be required for the local authority to undertake ordinary maintenance to Commonwealth war graves in relation to which they do not own the memorial or the burial rights; and (2) the CWGC should have the right to maintain such graves. Do consultees agree? We provisionally propose that the CWGC should be able to maintain any memorial over a Commonwealth war grave in a private burial ground without the consent of its owner, if a notice has been served on the owner of the memorial right and they have not responded within three months. Do consultees agree?</p>	<p><i>Supported</i></p>	<p><i>Green</i></p>
39	<p>We provisionally propose that the CWGC should be informed every time a burial ground operator seeks to extinguish burial rights or reuse a grave, and it should have the power to object to these actions in relation to Commonwealth war graves. Do consultees agree? We provisionally propose that the CWGC should be informed every time a burial ground operator seeks to make a further burial above a grave where the person buried died between 4 August 1914 and 31 August 1921, or between 3 September 1939 and 31 December 1947. The CWGC should have the power to object to the reclamation of Commonwealth war graves. Do consultees agree?</p>	<p><i>Supported, as we already do this for CWGC Graves in Flintshire</i></p>	<p><i>Green</i></p>
40	<p>We provisionally propose that the CWGC should have the right in respect of compulsorily</p>	<p><i>No comments</i></p>	<p><i>N/A</i></p>

	<p>purchased land to remove remains in Commonwealth war graves and to reinter or cremate them, and to remove any memorials.</p> <p>Do consultees agree?</p>		
41	<p>We invite consultees' views on whether the Ministry of Justice should be required to consult with the Commonwealth War Graves Commission in relation to exhumations of deceased people who died during the periods between 4 August 1914 and 31 August 1921, or between 3 September 1939 and 31 December 1947.</p>	<i>Supported</i>	<i>Green</i>
42	<p>We provisionally propose the following:</p> <p>(1) private burial ground operators should be required to inform the CWGC when they seek to maintain, remove or destroy a tombstone, memorial or other fittings of a grave where the burial was made within the periods between 4 August 1914 and 31 August 1921, or 3 September 1939 and 31 December 1947; and</p> <p>(2) where that grave is a Commonwealth war grave, the CWGC should be granted the right to give or refuse consent to these actions.</p> <p>Do consultees agree?</p>	<i>Supported</i>	<i>Green</i>
43	<p>We invite consultees' views as to whether any new legal requirements at crematoria or burial grounds could help to address the problem of mistaken cremations or burials, and if so, what those requirements could be.</p>	<i>The name plate on the coffin should always be checked against the burial certificate or interment notification issued to the attending sexton. Any discrepancies are reported back to the Bereavement Services Office. No further requirements identified.</i>	<i>Green</i>
44	<p>We invite evidence from consultees as to whether, in relation to direct cremation, there are cases where the applicant for cremation will not know which crematorium will be used at the time of application. If there are, we invite consultees' views on whether the cremation forms should be amended to accommodate this practice.</p>	<i>No comments, as Flintshire County Council does not operate a crematorium</i>	<i>N/A</i>

45	<p>We invite consultees' views on the position in the current law that the rules which govern who can apply for cremation, and collect the ashes, are different from the rules which govern who has the legal right to make decisions about dead bodies. We invite consultees to tell us of their experience of the current law and of any problems that they have encountered as a result.</p> <p>We invite consultees' views as to whether the current law strikes the right balance between certainty as to who can apply and receive the ashes, and flexibility in ensuring that a timely funeral happens.</p>	No comments, as Flintshire County Council does not operate a crematorium	N/A
46	<p>We invite consultees' views on which relationships between two deceased people should mean the law permits their bodies to be cremated together, provided both applicants for cremation give their written consent</p>	No comments, as Flintshire County Council does not operate a crematorium	N/A
47	<p>We provisionally propose that it should be a requirement that ashes from a cremation should be removed from the cremator before another cremation occurs.</p> <p>Do consultees agree?</p>	No comments, as Flintshire County Council does not operate a crematorium	N/A
48	<p>We provisionally propose that:</p> <p>(1) neither cremation nor any other irreversible funerary method should be permitted in relation to unidentified bodies or body parts; and</p> <p>(2) before any unidentified bodies or body parts are buried, a DNA sample should be taken for storage on the national central database held by the UK Missing Persons Unit.</p> <p>Do consultees agree?</p>	No comments, as Flintshire County Council does not operate a crematorium	N/A
49	<p>We provisionally propose that the Department for Health and Social Care should issue new guidance transferring ownership of any pacemakers in relation to which the HN(83)6 consent forms were signed from the NHS to funeral directors. We provisionally propose that, where any funeral director holds</p>	No comments, as Flintshire County Council does not operate a crematorium	N/A

	<p>a pacemaker which was removed prior to the new guidance being issued, and where they hold a record linking the pacemaker to a specific deceased person:</p> <p>(1) they must post a notice stating that they hold pacemakers removed from bodies of deceased people prior to cremation, and the date range within which they were removed, and that they intend to dispose of them if they are not claimed. The notice should be placed on their website and visibly at their offices;</p> <p>(2) in order to claim a pacemaker a person should have to provide the funeral director with evidence that they are the deceased person's relative, using the definition used in LACO 1977, or that they were their cohabitant until they died; and three months after the notice is posted, if the pacemakers are not claimed, the funeral director may dispose of them as they see fit.</p> <p>Do consultees agree?</p> <p>We provisionally propose that, in circumstances where funeral directors hold a pacemaker but do not hold a record linking it with a specific deceased person, they should be able to dispose of the pacemakers as they see fit without issuing a notice.</p> <p>Do consultees agree?</p>		
50	<p>We invite consultees' views on whether the rule that a crematorium cannot be constructed within 200 yards of a dwelling house without the agreement of the owner, occupier and lessee, or within 50 yards of a public highway, should be repealed, or retained. If the rule is retained, we invite consultees' views on whether the distance should be measured from the buildings equipped for cremation, and any other buildings or structures ancillary to the process, or from another location.</p>	<p><i>This matter will require further consideration by the Council's planning department to ascertain views on any planning implications.</i></p>	Amber

	<p>If the rule is retained, we provisionally propose that the Secretary of State should have to certify a crematorium before it can be used. It should be a requirement for certification to be granted that the plans for the crematorium must have been approved before construction as not breaching the rule. Do consultees agree?</p>		
51	<p>We provisionally propose removing the restriction on constructing a crematorium on the consecrated part of a local authority burial ground. Do consultees agree?</p>	<p><i>This matter will require further consideration by the Council's planning department to ascertain views on any planning implications.</i></p>	Amber
52	<p>We provisionally propose that, where a funeral director has held ashes for at least four weeks and wishes to return them to the cremation authority: (1) the funeral director must take reasonable steps to contact the applicant for cremation to determine whether they want to collect the ashes, or want the funeral director to return the ashes to the crematorium; (2) if no response is received within four weeks, the funeral director should have the right to return the ashes to the crematorium where the cremation took place; (3) the cremation authority should have a statutory duty to accept the return of the ashes to them by the funeral director; and (4) where ashes have been returned to the crematorium, the existing process for dealing with uncollected ashes should apply. Do consultees agree?</p>	<p><i>No comments, as Flintshire County Council does not operate a crematorium</i></p>	N/A
53	<p>Are consultees aware of legal mechanisms that have been used to try to prevent ash scattering, and if so, do consultees know whether these measures have been effective?</p>	<p><i>This matter will require further consideration by the Council's planning department to ascertain views on any planning implications.</i></p>	Amber
54	<p>We invite consultees' views on which of the following two options they prefer. Either: (1) option 1: authorisation should be required to remove ash remains from a place of burial when:</p>	<p><i>The legal process for the exhumation of cremated remains is currently followed. However, the use of biodegradable boxes will, in future, make exhumations of cremated remains more difficult as they will not be able to be</i></p>	Green

	<p>(a) the ashes are likely to be identifiable. This mean that they are separable from the earth, and that their identity within a plot of land can be ascertained; and</p> <p>(b) those who interred the ashes intended that they should remain identifiable; or</p> <p>(2) option 2: authorisation should be required to remove ash remains from a place of burial when:</p> <p>(a) ashes are interred in a container; or</p> <p>(b) ashes are interred in land where an exclusive burial right exists.</p> <p>We invite consultees' views on whether there should be any more circumstances in which authorisation is required to exhume ashes under the second test.</p>	<p><i>separated from the earth. We would therefore support option 2</i></p>	
55	<p>We invite consultees' views on:</p> <p>(1) whether there are circumstances or places in England and Wales where it is difficult for people to find a burial space in locations of their choice;</p> <p>(2) whether our provisional proposals in this Consultation Paper would help to address the availability of burial space;</p> <p>(3) what impact our provisional proposals in this Consultation Paper might have on reducing distress to family and friends of deceased people; and</p> <p>(4) whether more comprehensive or frequent collection of data on burial grounds would be of practical value.</p>	<p><i>This is not an issue that has presented itself within Flintshire to date, and we believe that it is unlikely to occur within the next 15 to 20 years provided current cemetery extensions are completed successfully.</i></p> <p><i>Grave reuse would improve availability of burial space in existing locations and potentially remove capital expenditure pressures to extend or create new cemeteries.</i></p> <p><i>Grave reuse, being a new concept has potential to increase distress to family and friends; however, given it would be a considerable time period that has to pass before reuse could happen under the proposals, we recognise that it is unlikely that direct family members would still be alive / tending to the grave or in the locality. However, graves have the ability to be protected via the extension of the exclusive rights.</i></p> <p><i>Burial data is currently supplied on a regular basis to APSE for our work on Performance Networks. It would be useful if all burial ground operators had to submit a basic form of data for comparison and monitoring purposes.</i></p>	Amber

56	<p>We invite evidence from consultees on:</p> <p>(1) their general perception of the affordability of burial and cremation;</p> <p>(2) the contribution that burial costs and burial plot fees make to the costs that families and friends bear when organising a funeral; and</p> <p>(3) the impact that our proposed reforms might have on reducing or increasing these costs.</p>	<p><i>The gradual increase in numbers of Public Health Funeral requests would indicate that burial costs are becoming more unaffordable. Our local authority budget for public health burials is based on 6 burials per annum and the budget has not increased in a number of years. Due to the cost-of-living crisis, we have seen the number of public health burials increase to around 20 public health burials per annum year on year, as people cannot afford to pay the costs for funerals. This is likely to continue to increase in the coming years and will put significant pressure on an already constrained budget. It is widely known that third party fees i.e. burial and plot costs are on average around 33% of the total cost of a funeral. Expectations for cemetery maintenance have also increased in the face of decreasing budgets, which of concern. The proposed reforms will have significant implications for local authorities in terms of additional costs and resources, particularly if churchyards will be able to transfer responsibility for maintaining closed churchyards to local authorities. This represents a significant additional cost and financial risk to Welsh councils. Funding should be provided in perpetuity for this reform.</i></p>	Red
57	<p>We invite evidence from consultees on:</p> <p>(1) the costs and benefits private burial grounds are likely to see as a result of our provisional proposals;</p> <p>(2) the costs and benefits funeral directors are likely to see as a result of our provisional proposals; and</p> <p>(3) any benefits or costs that are likely to arise if the rules on the siting of crematoria were repealed</p>	No comments	N/A
58	<p>We invite evidence from consultees on:</p> <p>(1) the scale of any benefits that are likely to accrue to local</p>	<p><i>The proposed reforms will have significant implications for local authorities in terms of additional costs and resources, particularly if churchyards will be able to transfer</i></p>	Red

	<p>authorities if they obtain grave reuse and reclamation powers;</p> <p>(2) the likely additional cost of maintaining Church of England churchyards if they are reopened, and the level of fees that would be required in order to mitigate that cost;</p> <p>(3) the cost to Welsh local authorities if maintenance responsibility for Church in Wales churchyards could be transferred under the law; and</p> <p>(4) any impact on local authorities that might arise from repealing the rule on the siting of crematoria.</p>	<p><i>responsibility for maintaining closed churchyards to local authorities. This represent a significant additional cost and financial risk to Welsh councils. Additional grave space would be made available through re use. This would increase the operational life of cemeteries, increase revenue generation and reduce potential capital costs for extensions etc. Additional maintenance costs could be significant. Additional budget would need to be made available potentially based on a standard maintenance cost per hectare. Funding should be provided in perpetuity.</i></p>	
59	<p>We invite consultees' views on the potential impact of our provisional proposals on costs to Government, and other operators and owners of burial grounds and crematoria.</p>	<p><i>Costs to Government should increase through the provision of additional annual budget which should be ring fenced for the purpose of meeting the additional challenges and costs to Local Authorities through the implementation of the proposals.</i></p>	Red

~~~End of Consultation Questions~~

# Eitem ar gyfer y Rhaglen 12



## ENVIRONMENT & ECONOMY OVERVIEW & SCRUTINY COMMITTEE

|                        |                                                            |
|------------------------|------------------------------------------------------------|
| <b>Date of Meeting</b> | Tuesday 10 <sup>th</sup> December 2024                     |
| <b>Report Subject</b>  | Wales Coast Path Access Barrier Review Update              |
| <b>Cabinet Member</b>  | Cabinet Member for Environment, Climate Change and Economy |
| <b>Report Author</b>   | Chief Officer for (Planning, Environment and Economy)      |
| <b>Type of Report</b>  | Operational                                                |

### **EXECUTIVE SUMMARY**

This update report informs Members of work to implement changes to 'A Frame' access barriers on the Wales Coast Path as agreed at Cabinet in January 2024.

Flintshire County Council appointed a consultant to undertake a review of the existing access control measures in place on a section of the Wales Coast Path (WCP) between Chester and Queensferry in March 2023, recognising that although the barriers control illegal vehicle ingress, they restrict legitimate users.

The recommendations from the consultant study were discussed at Flintshire's Local Access Forum, Environment Overview & Scrutiny Committee and Cabinet in July 2023, and further feedback from users and stakeholders was reported to Environment Overview & Scrutiny Committee in December 2023 and Cabinet in January 2024 when implementation designs were established. Cabinet agreed to the recommendation to proceed with implementation.

The Active Travel Board Wales appointed a member of their Board to scrutinise Flintshire County Council on this process and the use of the access barriers.

This report summarises the ongoing phased approach to the removal of all the 'A Frame' access barriers.

### **RECOMMENDATIONS**

|    |                                                                                                |
|----|------------------------------------------------------------------------------------------------|
| 1. | Members note the update and support the work to increase accessibility to the Wales Coast Path |
|----|------------------------------------------------------------------------------------------------|

## **REPORT DETAILS**

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.00</b> | <b>EXPLAINING THE ACCESS BARRIER REVIEW UPDATE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 1.01        | <p>Flintshire County Council appointed a consultant to undertake a review of the existing access control measures in place on a section of the Wales Coast Path (WCP) between Chester and Queensferry, recognising that although the barriers control illegal vehicle ingress, they restrict legitimate users.</p> <p>The study undertaken by Pell Frischmann, (March 2023), reviewed the background context, legislation, barrier dimensions and user constraints in order to put forward recommendations for all 14 access points from Chester to Deeside.</p>                                                                                                                                                                                  |
| 1.02        | <p>The recommendations from the consultant study were discussed at Flintshire Local Access Forum, Environment Overview &amp; Scrutiny Committee and Cabinet in July 2023, and further feedback from users and stakeholders was reported to Environment Overview &amp; Scrutiny Committee in December 2023 and Cabinet in January 2024 when revised designs were established. Cabinet agreed with the recommendation to proceed with implementation.</p>                                                                                                                                                                                                                                                                                           |
| 1.03        | <p>The Active Travel Board for Wales (ATB) appointed a member of their Board to scrutinise Flintshire County Council on this process and their use of the access barriers.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1.04        | <p>The ATB report has been shared with officers.</p> <p>The main notable points are:</p> <ul style="list-style-type: none"> <li>- The barriers cause indirect discrimination against people which a court will deem unlawful contrary to the s.19 Equality Act 2010 unless 'objectively justified'.</li> <li>- It is likely that a civil court would find the barriers to cause unlawful indirect discrimination.</li> <li>- It is probable that a criminal court would find the barriers to be an obstruction of the highway, contrary to s.137 Highways Act 1980</li> <li>- Legal proceedings will probably be launched against FCC if the barriers are not removed, leading to significant legal, financial, and reputational risk.</li> </ul> |
| 1.05        | <p>Expert legal advice has been obtained to seek an opinion on Flintshire's position in relation to the different types of discrimination/duties the Council is under via the Equalities Act 2010 and whether the placing of barriers on a Public Right of Way discriminates/breaches those duties.</p> <p>The Act requires service providers to make reasonable adjustments for disabled persons so as they are not disadvantaged either directly or indirectly from using services and facilities when compared to those without disabilities.</p>                                                                                                                                                                                              |
| 1.06        | <p>The advice supports Flintshire's position, that there was a valid and convincing argument to say that if the Council used their statutory power under s.66 Highways Act to erect a barrier to prevent illegal vehicular use</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|      | <p>that was putting users of the public right of way at risk, this is a legitimate aim.</p> <p>However, the provision of a barrier, which allows an able-bodied person to use the right of way but would prevent a disabled person (or mother with pram), creates a clear disadvantage compared to those who do not share those protected characteristic and therefore indirect discrimination could be argued. The Council must evidence and provide justification that the disadvantage is occurring, and that the barrier is a proportionate means of achieving the legitimate aim.</p>                                                                                                                                  |
| 1.07 | <p>It is recognised that since the ‘A Frame’ barriers were installed in 2006, the Council has not reviewed their justification and any evidence presented in support of these barriers is provided by reports from members of the public, FCC staff and North Wales Police.</p> <p>The legal advice endorses Flintshire’s current approach following the consultant’s study, in that the Council has recognised the issue and is attempting to make reasonable adjustments to achieve a balance between users.</p>                                                                                                                                                                                                          |
| 1.08 | <p>As highlighted in the report to Cabinet in January 2024 the proposed pilot scheme did allow for improved access for those with a Radar key who currently cannot access the current ‘A’ frame barriers and this revised method retained control of the illegal ingress of motorbikes. However, feedback indicated that this option would still present access problems in terms of key operation and manoeuvrability. Other issues highlighted included the ease in which non-disabled people can obtain a radar key and if the gate was left open or the lock was vandalised.</p> <p>These design issues were also commented on by the ATB Member and it was felt that an alternative proposal should be considered.</p> |
| 1.09 | <p>In considering the above and now reflecting on the duties within primary legislation including more fundamentally the Equalities Act, Cabinet agreed to the phased removal of the ‘A’ frame barriers along the Flintshire coast, thus aligning with the accessibility principles of the Flintshire Coast Park.</p> <p>Additionally, the routes would be monitored to better understand usage and to provide empirical evidence to inform any future work necessary to control the illegal access and use of the network, what those control measures may look like and how they may be applied or enforced.</p>                                                                                                          |
| 1.10 | <p>‘A Frame’ barriers have been removed from the Higher Ferry area and work continues around Shotton and Connah’s Quay foreshore. Officers will work with Sustrans and North Wales Police in both the monitoring of the routes and also subsequent design of infrastructure and signage to ensure the routes meet Active Travel standards.</p>                                                                                                                                                                                                                                                                                                                                                                              |



| <b>2.00</b> | <b>RESOURCE IMPLICATIONS</b>                                                                                                                                                     |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.01        | The initial consultant's study was funded by Natural Resources Wales WCP grant fund.                                                                                             |
| 2.02        | Legal advice was core funded from Streetscene and Transportation and Planning, Economy, and Environment portfolio budgets.                                                       |
| 2.03        | 'A Frame' Barrier removal is being undertaken with core funding from the Planning, Economy and Environment Portfolio budget as part of their management of the Wales Coast Path. |
| 2.04        | Further work to improve the cycle route may be funded in working in partnership with Sustrans.                                                                                   |

| <b>3.00</b> | <b>CONSULTATIONS REQUIRED / CARRIED OUT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| 3.01        | North Wales Police and Natural Resources Wales (NRW) were consulted on the consultant's study and their views fed into the recommendations and are supportive of the approach. The study was also shared with individual members of the disability community who have expressed an interest or concern in accessing the WCP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 3.02        | The Environment and Economy Overview and Scrutiny Committee and Flintshire Local Access Forum (LAF) discussed the report 11 <sup>th</sup> July 2023. The Committee and forum supported the recommendations in principle subject to further consultation with appropriate user groups.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3.03        | Users and stakeholders were asked for feedback on the plan and specification for improvements at Saltney footbridge during October 2023.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3.04        | <p>The Environment and Economy Overview and Scrutiny Committee considered the update report following the consultation of users and stakeholders on 19<sup>th</sup> December 2023.</p> <p>A wide range for comments were received from members of the committee and are summarised as follows:</p> <ul style="list-style-type: none"> <li>- Fundamentally disagree with the proposal, this is a retrograde step and barriers should be removed to allow access for all. Increased visitor numbers will reduce illegal access. We should be acting within the spirit of the legislation.</li> <li>- Path safety is paramount, this is a compromise which should be supported.</li> <li>- 6-month review period is too long and there needs to be further consideration to what the options will be after the review period</li> <li>- The proposals are worth trying. Need to look at other access points in the area.</li> <li>- Radar locks can be difficult to operate, the use of chicane barriers to slow speeds should be considered.</li> <li>- The proposal does not work, radar keys are widely available.</li> </ul> |



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|      | <ul style="list-style-type: none"> <li>- Are there lessons to be learnt from other Authorities in the same position.</li> <li>-</li> </ul> <p>The committee voted 6 in favour, 3 against the proposals</p> |
| 3.05 | Stakeholders and users have been made aware of the 'A' Frame removal and are supportive of the decision.                                                                                                   |

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| <b>4.00</b> | <b>RISK MANAGEMENT</b>                                                                                                                                                                                                                                                                                                                             |
| 4.01        | Following the removal of the 'A Frame' barriers, there may be an increase in illegal motorbike incursion, clearly motorbikes present a public safety risk to all legitimate users of the path. Officers are working with North Wales Police, Sustrans and the local community to monitor the routes and react accordingly to any illegal activity. |

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| <b>5.00</b> | <b>APPENDICES</b> |
| 5.01        | None.             |

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| <b>6.00</b> | <b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>                                                                                                                  |
| 6.01        | <b>Contact Officer: Tom Woodall, Access &amp; Natural Environment Manager</b><br><b>Telephone: 01352 703902</b><br><b>E-mail: tom.woodall@flintshire.gov.uk</b> |

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| <b>7.00</b> | <b>GLOSSARY OF TERMS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 7.01        | <p><b>Wales Coast Path</b><br/>National walking route covering 870miles of the Welsh Coast</p> <p><b>Natural Resources Wales</b><br/>Natural Resources Wales is the largest Welsh Government Sponsored Body, formed in April 2013, largely taking over the functions of the Countryside Council for Wales, Forestry Commission Wales and the Environment Agency in Wales</p> <p><b>Local Access Forum (LAF)</b><br/>The Local Access Forum is a statutory, independent advisory body of 12-20 volunteers, giving informed strategic advice to the Rights of Way and Countryside Service. The primary objective is to improve access and open air recreation to the countryside for everyone.</p> <p><b>Active Travel Board for Wales</b><br/>The Active Travel Board's purpose is to coordinate activity to support the effective implementation of the Active Travel (Wales) Act 2013.</p> |

This will include the following specific tasks:

- providing input into a review of effective delivery of active travel projects and supporting the implementation of any actions arising following consideration by ministers
- advising on the development and implementation of the Active Travel Action Plan, including ensuring delivery within organisations' area of responsibility
- advising on and scrutinising targets
- advising on wider activity to support the implementation of the Act and the uptake of active travel across portfolios, in the context of the seven well-being goals and the five ways of working set out in the Well-being of Future Generations Act.

**Sustrans**

UK cycling charity and custodian of the National Cycle Network