

Melksham Cemetery – Grave space allocation

1. Introduction

Wiltshire council has received a request from the Muslim Community, via Melksham Family of Churches, to allocate part of the new cemetery extension solely for Muslim burials.

2. Background

- 2.1 Wiltshire Council is responsible for seven cemeteries including Melksham Cemetery. All seven cemeteries are in the former West Wiltshire District Council area; other cemeteries in Wiltshire are either run privately or by Parish/Town Councils.
- 2.2 Melksham Cemetery is nearing capacity and the council is in the process of providing an extension.
- 2.3 The approved planning layout for the extension (Appendix A) shows an increase in capacity of 68 full size plots, 17 child plots and 134 ashes plots.
It is likely the extension will last 10-15 years at current burial rates.
- 2.4 The Melksham Cemetery extension is not yet complete nor in use.
- 2.5 Planning regulations do not prohibit the cemetery extension being laid out in an alternative manner.

3. Muslim burial areas

- 3.1 Muslim funerals take place in accordance with Islamic law and custom. In terms of burials, the graves should be dug at right angles to the direction of Mecca.
- 3.2 Usually graves in council cemeteries are not oriented at right angles to Mecca unless they are in designated Muslim areas; this is to ensure best use is made of available cemetery space.
- 3.3 West Wiltshire District Council allocated Muslim Areas in Trowbridge and Warminster Cemeteries. The last Muslim burial in a council cemetery was in 2012.
- 3.4 Figures from the 2011 census show 105 Muslims living in the Melksham Community Area. This represents less than 0.5% of the population, although anecdotal evidence suggests this is growing.
- 3.5 Melksham contains a mosque which serves people of the town and also people from Corsham, Calne, Devizes and Westbury. The other mosques in the area are in Trowbridge and Chippenham.

4. Legislation and Process

- 4.1 By virtue of the Unitary process in 2009, Wiltshire Council is a Burial Authority.
- 4.2 In accordance with Article 5(1) of the Local Authorities' Cemeteries Order 1977 a Burial Authority may set apart an area of a cemetery which has not been consecrated for use by a particular denomination or religious body. The burial authority must satisfy themselves that a sufficient part of the cemetery remains available for general use (Appendix B).

- 4.3 Wiltshire Council's constitution stipulates that certain Key Decisions are reserved to Full Council. This matter does not fall into that category, nor does it fall into the Local Choices options which are reserved to Cabinet or the Solicitor to the Council or the Associate Director for Economic Development and Planning.
- 4.4 This matter could therefore be determined by the Associate Director for Waste and Environment or could be determined by the Area Board.
- 4.5 The purpose of area boards is to promote the development of stronger and more resilient communities across Wiltshire's community areas through:
- Shaping the delivery of local services;
 - Addressing local issues;
 - Building community leadership and local engagement.
- 4.6 It is considered that the allocation, or not, of a Muslim area in a cemetery would be shaping the delivery of a local service and as such an appropriate decision for the Area Board to take.

5. **Options for consideration**

- 5.1 Wiltshire Council has received a request to allocate a specific area of Melksham Cemetery for Muslim burials. The request is for a separate area, delineated by a path or similar low maintenance feature, which is only for Muslim Burials and where the plots can be oriented at right angles to Mecca.
- 5.2 **Option 1:** Grant the request and provide a separate delineated area for Muslim burials. There would be the cost of installing and maintaining a boundary feature and this would contradict the council's policy not to allocate graves prior to them being required. There would also be a risk that the rest of the cemetery extension would reach capacity and any space in the Muslim area would then be unavailable for the general population.
- 5.3 **Option 2:** Grant the request to allocate a separate area for Muslim burials, but not to delineate this and not to pre-allocate any plots. A Muslim area could be placed at one end of the extension, whilst the other is used for 'non-Muslim' burials. Both areas would be filled as needed. The Muslim graves could be oriented at right angles to Mecca in this scenario. There would be no financial implications.
- 5.4 **Option 3:** Decline the request to allocate a separate area for Muslim burials. This would carry some reputational risk to the council.

6 **Conclusion**

- 6.1 The Area Board is asked to consider the report and to confirm their preferred solution from the 3 options available.

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Appendix B:

Legislation

The Local Authorities' Cemeteries Order 1977 sets out the provisions for burial authorities on consecration and the setting apart for particular denominations.

Article 5 of the order sets out that:

5(1) subject to further provisions in article 5 a burial authority may if they think fit (b) set apart for the use of a particular denomination or religious body any part of the cemetery which has not been consecrated. (2) When doing so the authority shall satisfy them that there is a sufficient part of the cemetery that remains unconsecrated and not set apart for the use of any particular denomination or religious body.

(4) the consecrated area shall be marked off in a manner considered suitable.

(5) Notwithstanding the consecration or the setting apart for the use of a particular Christian denomination of the part of a cemetery in which any burial is to be effected, the burial may take place without any religious service or with such Christian and orderly religious service at the grave, conducted by such person or persons, as the person having the charge of or being responsible for the burial may think fit.

(6) A burial authority may at the request of a particular denomination or religious body prohibit the interring or scattering of cremated human remains in or over a part of the cemetery set apart for their use.