



9th June 2020

Dear Councillor Ian Ward,

Many thanks for your letter dated 8th June 2020, which was in direct response to our request for Birmingham City Council to allow 30 mourners to attend a funeral.

As well as yourself, I also found the meeting to be very informative and useful and I thank you again, as well as the other attendees, for your time to meet with me. In your response you state that the Council has been proactively engaging with the diverse communities and have gone significantly beyond historic levels of engagement and hope to continue to build on this moving forward. You state that our help in doing so would be very much appreciated. BCM is striving to work toward the betterment of the Muslim community and to unite individuals and groups to work in harmony and cohesion with one another. We therefore, would be delighted to work with the City Council to continue its good work with the Muslim community, as our ethos is to work with other organisations for the betterment of society.

I am specifically writing in response to your letter because Birmingham Council of Mosques (BCM), as an organisation, does not accept the Council's final decision to not increase mourners at funerals to 30 and wishes to challenge some of the points raised within your correspondence.

Within your response you state *"social distancing must be the guiding factor and the message that we all must adhere to when communicating with our communities"*. I completely agree and made a point of informing you, during our meeting, that maintaining social distancing guidelines was at the centre of our guidance to mosques and was the forefront of every aspect of the Janazah prayer. I informed you of the social distancing guidance that BCM has created that all mosques would follow during the Janazah prayer but within your response you fail to acknowledge this part of our request. I attach the guidance for mosques again, for your attention.

You also state in your letter *"Government guidance follows the recommendations to avoid the spread of infection and unless there are any exemptions issued to current guidance by the Government the City Council could not support any requests to increase this number in parks, public open spaces etc. This would also include the proposal in your letter regarding the reading of the Janazah prayer at Mosques and in car parks at those facilities"*. We understand this is the case for general day to day gatherings but we are not requesting an increase in number for social gatherings, social occasions, parties or celebrations – our request is about funerals and ensuring that bereaved people are treated with sensitivity, dignity and respect. We believe the Government *has already* issued the exemption to the current guidance in The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020. The "Restrictions on gatherings" section clearly states:

"During the emergency period, no person may participate in a gathering in a public place of more than two people (now increased to 6 people) except—

- (a) where all the persons in the gathering are members of the same household,
- (b) where the gathering is essential for work purposes,

(c) to attend a funeral,

(d) where reasonably necessary”

Therefore, Birmingham City Council does not have to wait for the Government to issue any further exemptions in the regulations, as the exemption is already in place and that is why neighbouring local authorities such as Sandwell, Dudley and Walsall have significantly increased the number of mourners attending funerals.

Continuing with your response you state that *“As Cemeteries and crematoria are public sector owned places, we do have to ensure that we not only follow the guidelines but recognise that there is a responsibility on the landowner to ensure the health safety and wellbeing of employees and persons other than employees.”* BCM is a very reasonable organisation and is willing to work with the Council on the matter. If the Council consider that 30 mourners is deemed to put at risk the health and wellbeing of employees and others then we suggest keeping attendance at the cemetery to 16, as per the current guidance, and allowing an increase of mourners to 30 at the mosques only for the Janazah prayer to be conducted. Please do remember that the Janazah prayer takes no more than 10 minutes.

You also state *“As you know we restricted the number of mourners for both cremation and burials to six initially, but as we have seen a drop in the numbers of burial taking place we have re-assessed the health and safety requirements, the adherence to social distancing and what can be safely accommodated in with the close proximity of graves etc. We have taken advice on how we can manage the numbers attending funerals etc. and we feel that we are following correct process in determining these numbers”*. We disagree and we do not feel that you are following the correct processes in determining numbers, as that would include the actual assessment of an organisation to assess the capacity to hold larger numbers whilst maintaining social distance. You made a decision to decline our request in two working days. This suggests to me that no assessment could have been made to assess the viability of our request. No mosques were consulted in terms of their capacity for 30 mourners AND to maintain social distancing at the same time. We, therefore, do not think the correct processes are being followed in determining the number of mourners that can attend a Janazah prayer.

In your response you outline *“I am aware that some local authorities will be allowing mourners in greater numbers”*. Although you are aware of this, you don’t acknowledge why this is the case. Sandwell, Dudley and Walsall councils have all increased the number of mourners after doing their risk assessments and are treating bereaved individuals with sensitivity, dignity and respect, whilst ensuring mourners and workers involved in the management of funerals are protected from infection. So, all Government guidelines and legislation are being followed and their decision is a lawful one. So, if the above local authorities can facilitate these larger numbers and follow government guidelines then why can Birmingham City Council not do the same?

And finally you signpost BCM to PHE COVID-19: guidance for managing a funeral during the coronavirus pandemic. BCM was already aware of the PHE guidance for managing funerals and that is why our request was centred around the guidance. I will outline the key points for you:

The guidance has been developed to ensure that:

- bereaved people are treated with sensitivity, dignity and respect
 - mourners and workers involved in the management of funerals are protected from infection.
- This is what the basis of BCM's request is.**

Management of the venue

Those organising a funeral should adhere to the following advice:

Restrict the number of mourners who attend so that a safe distance of at least 2 metres (6 ft) can be maintained between individuals. **This is within the remit of our request**

The size and circumstance of the venue will determine the maximum number that can be accommodated whilst also facilitating social distancing, but numbers should be minimised as far as possible. Venue managers may set caps on numbers in order to ensure this. **Our mosques do have the capacity for 30 mourners to read the Janazah prayer. 30 is a minimised number as the number of mourners attending the Janazah prayer is usually between 500-1000.**

Only the following should attend, alongside the Funeral Director, Chapel Attendant, and funeral staff:

- members of the person's household. **The 30 would comprise of members of the deceased individual's household**
- close family members **The 30 would comprise of members of the deceased individual's close family. We are not asking for anyone outside of these two groups to attend**
- or if the above are unable to attend, close friends
- attendance of a celebrant of choice, should the bereaved request this.

Mourners who attend should be signposted to the advice on social distancing (**specific guidelines on social distancing were included in our request and I enclose the guidelines again for your attention- we made it clear there would be a 2m distance between each mourner**) and that they should not attend the funeral if they are unwell with symptoms of coronavirus (COVID-19). **BCM absolutely agrees with this. Anyone symptomatic of Covid-19 must not attend.**

Venue managers should ensure that handwashing facilities with soap and hot water and hand sanitiser are available and clearly signposted. (**specific guidelines were included in our request during our meeting and I enclose the guidelines again- we made it clear that several hand cleansing stations will be placed upon all entrances and exits from pray halls and the mosque**)

Venue managers should ensure that processes are in place to allow a suitable time to clean and disinfect the area in which the service has taken place both before and after each service, paying attention to frequently touched objects and surfaces, using regular cleaning products (**specific guidelines were included in our request during our meeting and I enclose the guidelines again – we made it clear that all prayer halls/areas would be cleaned after the Janazah prayer**)

Venue managers should consider how to manage the flow of groups in and out of their venues to minimise overlap between different groups and allow for adequate cleaning. **(specific guidelines were included in our request and I enclose the guidelines again. We outlined plans to have one entrance and a separate exit with a one-way system, marked with tape, throughout the mosque to avoid contact with other individuals)**

Venue managers should maximise ventilation rates of the premises by opening windows and doors where possible **(specific guidelines were included in our request during our meeting and I enclose the guidelines again – all windows and doors within the mosque building will be opened for ventilation purposes)**

As you can see BCM's request to increase mourners to 30 was centred around the PHE guidance.

I would finally like to take the opportunity, again, to remind you that the Janazah prayer is a 10-minute prayer. Birmingham Council of Mosques urges you to reconsider our request and to allow 30 individuals to pay their respects to their loved ones, which consists of a 10-minute prayer to be read in a well ventilated prayer hall or mosque grounds, where social distancing measures are clearly in place and where infection prevention and control is clearly at the top of the agenda.

Our request follows PHE COVID-19: guidance for managing a funeral during the coronavirus pandemic, as well as The Health Protection (Coronavirus, Restrictions) (England) Regulations, 2020, and is a lawful and reasonable request. Our ethos is to work in partnership with other organisations for the betterment of society.

Yours faithfully,

Jawad Khan

Chair of BCM



BCM