

Saltash Town Council

CHURCHTOWN CEMETERY MANAGEMENT POLICY & REGULATIONS

1. PURPOSE

- 1.1. To provide a management strategy for the safe and respectful management of the cemetery.
- 1.2. To provide clear information to elected members of the responsibilities of the Town Council and the implications thereof.
- 1.3. To provide clear information to cemetery users, be they the bereaved, visitors or attendees at a funeral, detailing their rights, responsibilities and what they may expect from the Town Council. This to take the form of Rules and Regulations and information presented in the form of leaflets and upon the Council website.
- 1.4. To provide clear information to those working in the cemetery, be they Memorial Masons, Funeral Directors, Grave Diggers or any other external contractor.

2. GUIDANCE AND STATUTORY OBLIGATIONS

- 2.1. The cemetery will be managed to comply with all Parliamentary Acts and Statutory Instruments and accepted guidance that may apply.
- 2.2. The main legislation is contained within the Local Authorities Cemetery Order 1977, as amended in the Local Authorities Cemeteries (Amendment) Order 1986. This is a Statutory Instrument made under the Local Government Act 1972, section 214(1).
- 2.3. Other legislation where compliance is Statutory includes the Health and Safety at Work Act 1974, enforced by the Health and Safety Regulations 1989.
- 2.4. Guidance issued by the Health and Safety Executive and the Institute of Cemetery and Crematorium Management includes:

- 2.4.1. The Guide for Burial Ground Managers (HSE)
- 2.4.2. Baby and Infant funerals (ICCM)
- 2.4.3. Shallow graves policy (ICCM)
- 2.4.4. Managing the safety of burial ground memorials (HSE)
- 2.4.5. Management of Memorials policy (ICCM)
- 2.4.6. Code of safe working practice (ICCM)

3. DEFINITIONS

- 3.1. For the purposes of legislation and registration of burials, the person identified by the Council shall be the Town Clerk.
- 3.2. The cemetery shall be deemed to be open during the hours of daylight – it is illegal to enter a cemetery when it is closed without the specific permission of the identified person.
- 3.3. As land owner, the Council is responsible for the health and safety of all who enter the cemetery.
- 3.4. No vehicles may enter the cemetery without the express permission of the Council.

4. ELEMENTS OF MANAGEMENT

- 4.1. **Burials – Undertakers to Note:** Please only book and pay for the Saltash Town Council's approved gravedigger.
 - 4.1.1. No interment may take place nor any ashes scattered without the written permission of the Council. In or on a grave where the Exclusive Rights of Burial (EROB) have been purchased, the Council will require the written permission of the owner of the Rights before they in turn may grant permission.
 - 4.1.2. An Application for Interment must be made on the specified form and received by the Council three working days before the time of burial. It must be accompanied by a Certificate of Disposal issued either by the Registrar (green form) or by the Coroner (white form). In exceptional circumstances should this form be lost or unattainable, it may be possible to proceed with the burial if a Form 18 is supplied instead. The application should also be accompanied by payment in full.
 - 4.1.3. 'American Style' Caskets are not permitted at Churchtown Cemetery **as their dimensions exceed those currently accommodated within the cemetery's**

grave design. The maximum dimensions permitted for Wood and Wicker Coffins at Churchtown Cemetery are as follows: Maximum Length 7' 2", Maximum Width 32", Maximum Height 18". The exact dimensions, width, length and height, of the coffin which will be used for an interment must be given accurately on the application form.

Commented [DJ1]: Ensures reason for exemption is clarified and justified.

- 4.1.4. All first burials in a grave will take place in a grave identified by the Town Clerk.
- 4.1.5. Burials may take place in an EROB purchased or non EROB plot; in the latter case the applicant will be informed that no memorial may be placed on the grave and that other, unrelated persons may also be buried in the grave. Prior to a second interment in an unpurchased grave the Council will attempt to contact the applicant to offer a last chance to purchase.
- 4.1.6. All graves will be excavated and backfilled by the Council or its contractors in accordance with the ICCM Code of Safe Working Practice. Adequate grave shoring will always be used. Graves left open overnight will be securely covered. Should mourners wish to backfill some or all of the grave they must do so with the express, advanced permission of the Council and such an operation is at the sole risk of the Funeral Director or organizer. Backfilling must take place as soon as the cortege has left the graveside; no open grave containing a coffin must be left unattended.
The Council or its contractors will make good any subsidence within the first 12 months after the funeral. Thereafter, the need to make good and pay to correct any subsidence will be the responsibility of the owner of the EROB. Once a memorial has been placed the re-levelling of a grave will be the responsibility of the owner of the EROB to pay for to be carried out by a suitably qualified mason.
- 4.1.7. Burials may take place without a Funeral Director but organizers must satisfy the Council that they are competent to conduct a funeral. They must also assume all requirements that the Council would demand of a Funeral Director.
- 4.1.8. Funeral Directors, Memorial Masons, the Council appointed Grave Digger and other contractors at Churchtown Cemetery, must register with the Council showing evidence of public liability insurance. A risk assessment, the content of which must be approved by the Council's Service Delivery Manager, will also be required. Additionally, Funeral Directors are responsible for the behaviour and safety of the funeral cortege whilst in the cemetery.

4.1.9. Grave spaces will be three metres long and one and a half wide in order to comply with BS8415. The excavation will be central with respect to width with the head sixty centimeters from the top border.

4.1.10. **The Council will have due regard to religious, cultural and equality considerations in the exercise of its cemetery functions, subject to health, safety and statutory requirements.**

Commented [DJ2]: Equality, Faith and Cultural Considerations - significantly strengthens legal defensibility. This means the Council will be fair, respectful, and inclusive – but not at the expense of safety or legal obligations.

4.2. Exclusive Rights of Burial

4.2.1. In accordance with LACO (1977) the Council may issue Exclusive Rights of Burial (EROB) to the applicant for burial at the time of the first burial in a grave. The current term is a period of ten years, which may be renewed on expiry by payment of a further fee, for a period of ten years. **A ten-year period on Churchtown Cemetery plots assists in maintaining contact with plot holders, with a renewal process issued six months before EROB expiry.**

Commented [DJ3]: Explanation reduces the risk of challenge or complaints to the Ombudsman.

4.2.2. EROB does not confer ownership of the land but grants the purchaser the right to determine future burials and to apply to place a memorial. The owner of the rights may themselves be buried in the grave with no other permission needed.

4.2.3. At the end of the period of rights the Council will attempt to contact the owner, but should they not be found or not wish to renew the rights, the Council may either sell the rights to another person or bury an unrelated person in the grave.

4.2.4. EROB may be assigned by the owner during their lifetime, or by their executor upon their death. The Council can advise how this must be done and will supply such forms as are needed for a small fee.

4.2.5. Under no circumstances may the EROB be exercised without the permission of the owner.

4.3. Memorials

4.3.1. The cemetery is laid out as a lawn cemetery, no trees, shrubs, plants, flowers, flower-holders, vases, flat stones, headstone, crosses, kerbstones, fences, grave or anything whatsoever may be placed on the grassed area, the headstone or the plinth of the headstone. Flower containers must be installed in and be integral to the plinth of the headstone. **The Town Council respectfully requests compliance with these requirements and reserves the right to remove any items which do not comply.**

Commented [DJ4]: Added to assist with operations.

- 4.3.2. Under no circumstances will a glass or any breakable receptacle be permitted to be placed on the grassed area, grave, headstone or the plinth of the headstone.
- 4.3.3. In accordance with BS8415 the Council will leave undug a 60cm strip, the width of the grave and at the head of the grave upon which the memorial must entirely be situated.
- 4.3.4. No permanent planting may take place anywhere in the cemetery without the express, written permission of the council.
- 4.3.5. Grave markers such as wooden crosses with plaques may be placed on a grave or cremation plot at the time of an interment at the discretion of the Town Council. Such markers are temporary and are allowed in the interval between the interment and the installation of a memorial which would normally take place within 12 months.
- 4.3.6. If there are no family members remaining, the person arranging the interment may also organize for a marker to be placed on the grave or cremation plot. Thereafter however, only the Town Council or the owner of the EROB may authorise work in connection with markers. Only the owner of the EROB may authorize the installation of a permanent memorial.
- 4.3.7. Usually, the Town Council would not remove a marker after 12 months should there be no memorial stone. However, the Town Council may remove it if they wish.
- 4.3.8. Applications to place a memorial must bear the signature of the owner of the EROB.
- 4.3.9. All memorials must be fixed to BS8415 by a competent and registered stone mason. Membership of the British Register of Memorial Masons (BRAMM) is required.
- 4.3.10. An approved application will indicate the dimensions and composition of the memorial; details of how it is to be fixed to conform to BS8415 and accurate details of the proposed inscription. Applications must be accompanied by fees and charges in full.
- 4.3.11. Size of Memorials. All new memorials to be erected in the cemetery must not exceed the following maximum sizes:
 - Headstone Height (including all plinths and concrete foundations) 3'3"
(991mm)

Width of memorial 2'8" (813mm)

Depth of base (front to back) 1'4" (410mm)

The overall size of the plinth to be 900mm.

It should be acknowledged that all the above requirements must be conformed to. The Council will recall the stonemason to rectify any works as necessary.

- 4.3.12. Memorial Colour, Shape and Material. All memorials to be natural colourings such as grey, white and black with memorial shapes to not exceed the permitted Memorial sizes pursuant to 4.3.8. These can be in a range of natural stoned materials such as Portland, Granite, Marble, Limestone or Hoptonwood.
- 4.3.13. All burial memorials to be traditional upright headstones and fixed to the ground with a concrete base adhering to maximum measurements as outlined above.
- 4.3.14. Only tablets 18" x 18" (450mm x 450mm) and foundation slabs 24" x 24" (600mm x 600mm) may be fixed on cremation plots. Should a vase be required it must be installed in and be integral to the cremation tablet itself. No trees, shrubs, plants, flowers, flower-holders, vases, glass or other breakable items, flat stones, headstones, crosses, kerbstones, fences, grave or anything whatsoever may be placed on the grass surrounding the tablet, or on the actual cremation tablet. **The Town Council respectfully requests compliance with these requirements and reserves the right to remove any items which do not comply.**
- 4.3.15. ~~The stone mason must give three working days' notice of their intention to fix a memorial, to arrange an appointment~~ **may attend Churchtown cemetery without an appointment subject to a memorial permit being issued. A qualified fixer must remain in the cemetery whilst the work is carried out.** The Council may approach a working fixer at any time and demand that they demonstrate that the memorial matches the application. **Once a memorial is fixed photos and the signed permit must be emailed to burialsandmemorials@saltash.gov.uk to confirm installation has taken place.**
- 4.3.16. The Council will mark the end of each burial row and all headstone plates must align to the markers. Should any be found fixed in the wrong position the Council will recall the fixer so that they be refixed in the proper position.
- 4.3.17. **No cleaning or other work may be carried out on any memorial without a permit application to the Council being received and approved with confirmation of**

Commented [DJ5]: As above.

Commented [DJ6]: Change in process

Commented [DJ7]: To ensure compliance in change of process.

the permission of the owner. Any chemical cleaning must be specifically approved.

Commented [DJ8]: Reworded for clarity

- 4.3.18. Should the Rights expire and not be renewed, the Council will attempt to contact the owner to arrange removal. Should this not be forthcoming, the Council reserves the right to act as it sees fit, up to and including removal.
- 4.3.19. All new memorials should either be guaranteed for a period of not less than 10 years and/or a certificate of compliance to BS8415 must be issued.
- 4.3.20. The grave number and mason's name must be inscribed on the rear of the grave base in letters no greater than 15mm high.
- 4.3.21. The Town Council are to offer other Memorial Services such as a Memorial Garden Rose Bush with a plaque and inscription and Memorial Benches with a plaque and inscription. More information and Terms and Conditions of the Town Council Memorial Services can be located on the relevant application forms.
- 4.3.22. **All memorial safety actions will be proportionate, risk-based, and undertaken with sensitivity to the bereaved wherever reasonably practicable.**

Commented [DJ9]: This aligns explicitly with national guidance and reduces reputational risk.

4.4. Fees and Charges

- 4.4.1. The Council will publish a table of fees and charges for its services which will be available at the cemetery, on the website and in paper form from the Council offices. Fees for any service must be paid in advance.
- 4.4.2. From time to time the Council will review the fees and charges.
- 4.4.3. Double standard fees apply to non-Saltash residents, except those who were resident until 2 years prior to their death. (Non-resident fees are at the discretion of the Town Clerk and in the absence the Office Manager/Assistant to the Town Clerk).
- 4.4.4. The Administration Department to obtain available evidence with regard to Saltash Residency two years prior to the date of death. This being unavailable, to request that the Funeral Director gives written confirmation of residency

4.5. Rules and Regulations

- 4.5.1. The Council will publish such Rules and Regulations as it sees fit for the proper management of the cemetery. These will be available at the cemetery, on the website and in paper form at the Council offices.
- 4.5.2. The Rules and Regulations will be reviewed on a regular basis and any revisions will replace previous versions with immediate effect.

4.6. General provisions

- 4.6.1. The Council will provide a water supply subject to weather conditions.
- 4.6.2. The Council will maintain the cemetery to provide a suitable and presentable appearance.
- 4.6.3. The Council will conduct regular inspections of the cemetery and will inspect memorials as recommended by the Health and Safety Executive. Any memorial found to be in an unsafe condition will be made safe by the Council in a manner they see fit. Responsibility for repair remains that of the owner. Repairs not carried out in a timely manner may result in the withdrawal of memorial rights.
- 4.6.4. Statutory registers of interments, ownership and exhumations will be kept by the Council and may be viewed by reasonable request. Extended searches by Council staff may incur a fee.
- 4.6.5. Interments shall normally take place between 9:00am and 4:00pm, Monday to Friday excluding Bank Holidays. It may be possible to accommodate funerals outside of these times and at short notice but the Council reserves the right to charge an extra fee for this service.
- 4.6.6. New graves will be dug to accommodate 3 burials unless ground conditions do not allow. In consultation with the Council appointed Grave Digger, should any interment indicate that subsequently no further interments can take place in a specific grave, then the Council will not permit any further interments in that grave. The relevant Funeral Director to be informed.
- 4.6.7. Initially three rows of graves will be marked out to provide sufficient space should more than one grave be required at any one time. No fewer than three rows will exist at any time.
- 4.6.8. Burials will start at the gate end of the cemetery at the end of the row nearest to the driveway.

4.7. Future expansion

- 4.7.1 Land adjacent to the cemetery, temporarily used to provide allotments, will be used to extend the cemetery as required. Notice will be given to allotment tenants.