

To receive a report on the Churchtown Cemetery Management Policy and Regulations and consider any actions or associated expenditure.

Overview:

Two queries have been raised since the last Burial Authority Committee meeting held 01/11/2022 from funeral directors. These queries and supporting information from the ICCM have been included in the report, with proposals on changes to the Churchtown Management Policy and Regulations document attached.

Maintenance Responsibility at Churchtown Cemetery

Information:

A Funeral Director asked if owners of the Exclusive Right of Burial (EROB) are charged maintenance fees at Churchtown Cemetery. This is not the case. However, this request prompted an investigation into the maintenance responsibilities of both the Town Council and owners of EROBs at Churchtown Cemetery.

Subsidence:

Extract from STC Management Policy and Regulations:

4.1.8. The Council or its contractors will make good any subsidence within the grave at any time after the funeral.

The Service Delivery Manager does not agree that the Town Council should be responsible for subsidence within the grave.

ICCM advice:

The ICCM state that 'the wording in the Town Council's regulations is not completely clear. As an authority the Town Council would be responsible for any **topping up of graves** – usually after a burial and especially within the first 12 months when graves sink a lot'.

'Once a memorial has been placed the **re-levelling** of a grave would normally be the responsibility of the grave owner to pay for usually carried out by a suitably qualified mason'.

Town Council's Grave Digger Information

From discussions with the Town Councils grave digger the following statements were confirmed.

1. The grave digger will on average top up graves when they need topping up – up to 2 years after the interment. This would be free of charge to the owner of the EROB/Town Council.
2. However, it is the practice of the grave digger to top up graves up to 3 or 4 years as needed when at Churchtown Cemetery. Surplus top soil would be taken from a new interment and placed on the sunken grave. Grass seed would then be applied. Again at no cost to the owner of the EROB/Town Council.
3. The grave digger would top up graves even after 4 years at no cost to the owner of the EROB/Town Council. In your experience, it would be unusual for graves to sink after 5 or 6 years.

Further Supporting Information

Plymouth City Council:

Plymouth City Council are responsible for everything below ground. PCC would level graves which have sunk at no cost to the owner of the EROB.

Cornwall Council:

Due to health and safety concerns Cornwall Council would correct any subsidence within a grave or top up.

There would be no charge to the family although this charge may be reflected in the original cost of the Interment/EROB.

The placement of temporary grave markers

Information:

Grave markers such as a wooden cross with plaque are usually provided by the Funeral Director to the family at the time of interment. These markers are normally intended to mark the graves with family names until such time as the family wish to place a memorial headstone or cremation tablet.

A request has been received from a Funeral Director with regard to a grave at Churchtown Cemetery. The third interment in this grave was the last known member of the family. There is therefore no one who is able to claim ownership of the EROB.

The Funeral Director requested that a concerned group within the community should be allowed to purchase and install a headstone on the grave. This was not possible due to the need for the EROB to be transferred where possible to a member of the family.

The Funeral Director then requested that a wooden cross commemorating the first two internees in the grave and a wooden cross commemorating the last internee be removed and replaced with a single wooden cross bearing the names of all three internees. The Funeral Director to bear the cost.

The Funeral Director was also concerned that the Town Council would remove the crosses as only holders of the EROB can authorize any memorials on the grave.

ICCM advice:

The ICCM advise that markers such as wooden crosses with a plaque are usually temporary. Most cemeteries allow this in the interval between the interment and the installation of a memorial.

The Town Council does not have to allow markers to be placed on the grave or cremation plot at the time of the interment. These are permitted at the Town Council's discretion.

The Town Council is entitled to remove such markers after 12 months. However, it is possible, as with some other cemeteries to leave the marker on the grave or cremation plot after the 12 month period.

Usually, Cemetery owners such as the Town Council would not remove the marker after 12 months should there be no memorial stone. However, the Town Council could remove it if they so wished.

Once a marker is in place instructions for further work to the grave, e.g., a memorial or request to install a further/replacement cross can only be taken from the EROB holder, not the Funeral Director or other members of the Community.

The ICCM advise that the matter of grave markers should be written into the Management Policy and Regulations.

Proposals

Proposal 1: Maintenance Responsibility at Churchtown Cemetery

Members to consider replacing the following sentence in the Management Policy and Regulations, recommending to the next policy and finance committee meeting.

From:

4.1.8. The Council or its contractors will make good any subsidence within the grave at any time after the funeral.

To:

4.1.8. 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.

Proposal 2: The placement of temporary grave markers

Members to consider and confirm the text to added into the Churchtown Cemetery Management Policy and Regulations as the new policy numbers below, recommending to the next policy and finance committee meeting.

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 organise 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 so wish.

**End of report
Planning & General Administrator**