

Amendments to Cemetery Fees & Charges

The current fees and charges were set by Wickhambrook Parish Council in February '20 (**Min. 20.02.16** refers) and revised in July '20 (**Min 20.07.23** refers) and were attached as Appendix A to report **WPC.EC.20.08.09**.

At its August meeting, the committee considered the report above and agreed the following points in respect of proposed changes to the regulations and fees for the cemetery:

1. The following types of any additional stone memorials it considers appropriate to consent to in future;
 - a. a new Flat Tablet that fits within an existing kerb set
 - b. a permanent cross on any grave space (within specified proportions)
 - c. a flat tablet memorial on a full grave space within specified proportions
2. The time period for any memorial consent – 75 years
3. No further leasing of memorial seats/benches, trees or rose bushes within the cemetery.
4. The establishment of a memorial plaque wall should be investigated to set into the Chapel of Rest, for any metal memorial plaques removed from memorial where the consent has lapsed and not been renewed.
5. That the parish council accept gifts of memorial seats/benches on village greens/open spaces for which the parish is the registered title holder, provided that
 - a. The choice of benches be from a limited range of options identified by the parish; and
 - b. The donor be responsible for the cost of setting in the memorial furniture.
6. The draft regulations be further reviewed to incorporate the points above, including the marking of memorial stones with row and grave space number

The meeting asked the clerk to incorporate the above points and investigate the costs of a metal plan of the cemetery

Maintaining the cemetery:

A burial authority may enclose, layout and embellish a cemetery as it thinks fit and improve it, and is obliged to keep it and its associated buildings, walls and fences in good repair¹.

The parish's adopted regulations don't currently address how it will deal with maintaining and/or making safe memorials which are either damaged or, following an inspection, considered unsafe.

There is useful guidance on with respect to maintaining cemeteries and closed churchyards in the National Association of Local Council's Legal Topic Note 64 – Tombstones & Memorials, attached as Appendix A to this report. This makes it clear that it is the occupier's (parish council) responsibility to maintain the cemetery/closed churchyard.

Grave spaces in a cemetery remain in the ownership of the council. A right of burial (including an exclusive right of burial) gives only a right to inter a body and no control over the surface of the grave.

Memorials, whether on a grave or not, may only be placed in the cemetery with the consent of the parish as burial authority. The consent must be for a stated period not exceeding 100 years and may include conditions e.g. a requirement for the memorial to be maintained. A memorial erected with consent is owned by the person with the benefit of the consent. At

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the end of the period of consent the owner of the memorial may remove it. If he does not do so the council may remove it to another place in the cemetery or destroy it.

New knowledge gained from a recent training webinar which the clerk has attended includes:

1. Burial authorities should ensure all memorials over 625mm (24.5") in height are designed and installed in accordance with British Standard (BS) 8415 see British Register of Accredited Memorial Masons installation guide (The Blue Book 2019)
2. Memorial licence renewals should be conditional upon regular safety checks with repairs payable by owner(s) – and the memorial licence should be for a substantially shorter period (e.g. 7 years) to ensure continued maintenance of memorials.
3. Discretionary services (such as turfing and levelling of graves) should be priced on a not for profit basis to avoid falling foul of local authority commercial trading rules.
4. Whilst the parish council can and currently does rely on funeral directors to arrange grave digging, they should check to ensure compliance with health and safety regulations and good grave digging practice e.g. shoring of graves. Burial authorities are responsible for both contractors and employees working in cemeteries they own as well as having a legal duty of care for all visitors.
5. Any local council can engage their own grave diggers, ensure good practice compliance and recover full costs as part of the burial fee. One advantage of this would be improved local knowledge of the cemetery and consistency in layout of grave spaces, thus facilitating ease of mowing and weeding between spaces, and a more efficient use of the space available, increasing the number of grave spaces that could be used over time.
6. Primary responsibility for the safety of memorials in closed churchyards rests with owners or next of kin. If owners default (or cannot be traced), secondary responsibility lies with the local authority that has accepted maintenance responsibility. Faculties for urgent safety repairs can be granted by a Church of England Consistory Court at short notice otherwise they are issued by the Chancellor of the Diocese. In either case the cost is met by council in the absence of consent from the memorial owner.

Whilst the committee considered and agreed to establish Memorial licence renewals to 75 years at it last meeting, based on new knowledge gained, it may be more appropriate to consider reducing these to either 7, 15 or 30 years, with any renewal being conditional on all safety work identified having been completed by the leaseholder (as the person responsible for its upkeep. If the lease were not renewed, the memorial would then revert to the parish as an asset for which it is responsible for the upkeep. This approach would also assist with ensuring that memorial records are up to date.

A specially designed Memorial Wall to be set into one of the walls of the Chapel of Rest would be one way of displaying any (metal) memorial plaques which are removed once a consent has lapsed.



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The Estates committee asked the clerk to investigate the installation of a plan of the cemetery, and this will be reported back to a future meeting. The burial authority has a duty to make plans of the cemetery available, and provision for the cost of this could be included in the budget for the next financial year. This timescale may also ensure that any increase in the size of the cemetery may be accounted for.

Cemetery Regulations

Draft Cemetery regulations, which incorporate the parish council's existing regulations and further points identified from a review of other cemeteries are attached as Appendix B. One suggestion which has been incorporated into these is the marking of the memorials with the row and number of the grave space, for the ease of visitors to the cemetery.

Memorial Seating on Parish Land

The parish already has a number of benches sited within the cemetery with memorial plaques, and in 2019, a bench on Genesis Green with a memorial plaque was replaced. This spring a recently bereaved family has also requested permission to site a garden bench on a green in memory of their loved one.

The parish council has power under S.139 of the Local Government Act 1972 to accept, hold and administer

- (for the purposes of discharging any of their functions) gifts of property; or
- (for the benefit of the inhabitants of their area or some part of it) gifts made for that purpose

At its last meeting, the committee agreed that the parish council accept gifts of memorial seats/benches on village greens/open spaces for which the parish is the registered title holder, provided that

- a. The choice of benches be from a limited range of options identified by the parish; and
- b. The donor be responsible for the cost of setting in the memorial furniture.

Proposed guidelines for size and style of benches are set out in Appendix C.

Actions:

The parish council is asked to consider

- 1. reducing the time period for any memorial consent and deciding upon a period of renewal**
- 2. whether to introduce a not for profit charge for levelling and turfing grave spaces**
- 3. whether to investigate the cost of contracting a grave digger for the cemetery, instead of allowing funeral directors to undertake this function**
- 4. the draft regulations at Appendix B as they have been referred to the parish council**
- 5. delegating a decision on proposed specifications for memorial bench seating at Appendix C which could be accepted as a gift to the parish to the Estates Committee.**

Recommendation:

Subject to the decision on a renewal period for Memorial permits, to adopt the draft regulations at Appendix B of this report, and delegate a decision on the type and style of memorial benches which could be accepted as gifts to the parish to the Estates Committee.

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ⁱ Arnold Baker on Local Council Administration – ref Local Authorities Cemeteries Order 1977, SI1977/204, art 4(1).

Wickhambrook Parish Council

Wickhambrook Regulations

(The Local Authorities' Cemeteries Order 1977 (No 204))

1. The location of a burial plot within the cemetery shall be allocated on the next available plot basis for both burial plots and cremated remains plots
2. A Deed of Exclusive Right for Interments and Memorials will be for a period of 75 years.
3. Interments can only take place in a plot with the Exclusive Right of Burial or with the consent in writing of the owner of the right.
4. Double burial plots will be dug to a depth of 6ft and singles will be dug to 4ft depth.
5. The charges set do not include the cost of grave digging, setting of memorials or any works necessary to prepare for and undertake an exhumation or re-burial.
6. It may be occasionally necessary to place a soil box on to another grave to allow digging of a grave space. Any damage is the responsibility of the undertaker.
7. Memorials will be permitted but must conform to the current restrictions on permitted memorials and sizes. Stone Masons are encouraged to correspond with the Parish Council for any medium/design considered to be unusual or "out of the ordinary"
8. Upright memorials shall not exceed 3' 3" (1000 mm) in height; 2' 4" (720 mm) in width; and the concrete base shall not exceed 3' x 18" (930 mm x 465 mm).
9. Flat Memorials shall not exceed 2'4" in width and 6' (1800 mm) in length, and shall be set flush to the level of the grass.
10. All memorials shall be sited on the extreme head-end of the grave, (or for flat memorials, in line with) in line with all other memorials in that row.
11. Separate flower vases are not permitted for new memorials – the headstone may incorporate a vase.
12. No glass is allowed as this could easily break and cause injury
13. No plastic or metal fencing is allowed as these can either break easily or rust and corrode which could cause injury
14. No shrubs or trees may be planted on the grave space.
15. Memorials must be fixed to the standards set by the [National Association of Memorial Masons](#)
16. memorial mason companies working in our cemetery must be on the [British Register of Accredited Memorial Masons \(BRAMM\)](#)
17. Each Memorial Stone must have the graves pace number and row inscribed on the back top right corner (for upright memorials), or in the bottom left corner (for flat memorials).
18. Within the Cremated Remains area memorials shall consist of a tablet not exceeding 2' x 2' (620 mm x 620 mm) set flush to the level of the grass.
19. It is recommended that, unless the memorial be set on a concrete base, nine months be allowed to elapse after the burial, to allow for settlement of the ground, before erection of the memorial.
20. The undertaker shall be responsible for levelling the grave for a period up to six months following the burial, or until the memorial headstone is installed, whichever is the later.
21. The owner of the exclusive right of burial shall be responsible for the cost of maintaining the grave space.
22. Headstones will be checked twice annually to ensure they are fixed safely and memorial inspections should be carried out after the initial installation. In the event that a memorial is considered damaged or requires remedial work, the Parish Council will contact the owner of the exclusive right in the first instance to make good the work.

23. If remedial work to a damaged memorial is not undertaken within a period of three months by the owner of the Exclusive Right of Burial, or that owner cannot be contacted the parish council will make it safe (which may include laying it flat) and may seek to recover the cost of this after the work has been completed. No further responsibility for any damage will be accepted by the Council.
24. Should an exhumation be necessary, the person requesting the exhumation is responsible for obtaining all the relevant documents from the Ministry of Justice. The completed documents must then be submitted to the Parish Council for approval prior to any authorisation being granted for an exhumation to take place.
25. There can be no more than two owners of any plot.
26. Undertakers commissioning work in the cemetery to inter a body or cremated remains shall provide a copy of the risk assessment to the parish council.
27. Grave diggers shall provide a copy of their public liability insurance to a minimum value of £5m.

Guidance Notes:

Ownership of Exclusive Rights must and should be transferred. The Parish Council recommends doing this as soon as owner of plot has deceased as this prevents a delay on any further interments.

Transfer will be to the next of kin or a person nominated by the owner. However, if there are many siblings, and only two can own right, the other siblings have to consent to give up their right by way of a "Form of Renunciation". To transfer ownership there are several legal documents depending on the financial situation of the deceased that will need to be provided to the Clerk.

Forms of Transfer:

Form of Assignment – used by a living owner to transfer or change the ownership to a new owner.

Grant of Probate – granted to the executors of the will once document has been proved in Court.

Grant of Letters of Administration – when one is named by the deceased during their lifetime or when a deceased person dies intestate then the next of kin can apply to the Courts to be made Administrator of the estate.

Form of Assent – used to transfer ownership from an executor or administrator after ownership has been transferred into their name by production of probate or letters of administration.

Statutory Declaration – used to confirm the results of investigations when no official documents have been issued.

Form of Renunciation – used together with a Statutory Declaration when a grave is being claimed by more than one person.

Specifications for Memorial Seating to be donated to the Parish

Memorial seats may be donated to the parish for the following greens and open spaces:

- Attleton Green (not more than 1)
- Clopton Green (not more than 1)
- Coltsfoot Green (not more than 1)
- Genesis Green (not more than 1)
- Moor Green (not more than 1)
- Six Acres (not more than 3)

And the precise site of the proposed gift to be agreed with the parish council in advance. There may be insufficient space to accommodate a memorial bench in a certain position, or on a particular green or open space.

The parish council is striving to improve its sustainability and reduce its impact on the environment. For these reasons, it will only accept benches constructed of recycled materials, or from sustainable woodlands.

[For these reasons, the parish council will supply a list of suppliers that meet these requirements]; and/or [Donors are asked to only use suppliers of benches made from sustainable wood or re-cycled materials]
 [Donors are asked to supply a copy of the bench specifications and picture in advance for approval, together with information on the supplier, in order that the parish may easily be able to source replacement parts if damage is sustained to the bench in the future] and/or

[Donors are asked to choose from the styles of seating identified overleaf]

Memorial Benches should not exceed 1500mm in length, and should be set on a level concrete slab base not exceeding 1800mm x 1220mm.

Metal Memorial Plaques should not exceed 200mm x 50mm. If the Parish has to replace the bench at any time due to damage or deterioration, the memorial plaque will be removed and may either be returned to the donor, or added to the Memorial Wall in the parish cemetery.

Suggested



[View Product](#)

Lowther™ Single Seat
Made from Recycled Material

