

Appointment of Sole Operative to Cemetery

At its December meeting (**Min. 21.12.12 refers**) the Estates Committee considered an update on the cemetery (report **WPC.EC.21.12.04**, attached as **Appendix A**) and agreed that a sole contractor, Mr Gary Smith, be appointed to dig graves in the cemetery. This recommendation, and the necessary changes to Cemetery Regulations (attached as **Appendix B**), to be referred to the January meeting of the Parish Council for approval and adoption.

Recommendation:

- 1. The parish council appoint Mr Gary Smith, be appointed as sole operative for the purpose of grave digging in Wickhambrook Cemetery, and the Cemetery until March 2023; and**
- 2. The parish council adopt the revised Cemetery Regulations, attached as Appendix B to report WPC.22.01.06.**

WPC.EC.21.12.04 – Appointment of Sole Operative**Amendments to Cemetery Fees & Charges**

The parish council adopted revised Cemetery Regulations based on the proposals of the Estates Committee in November 2020 (Min. 20.11. refers). These made provision for:

1. additional stone memorial types:
 - a new Flat Tablet that fits within an existing kerb set
 - a permanent cross on any grave space (within specified proportions)
 - a flat tablet memorial on a full grave space within specified proportions
2. marking of memorials with the grave space numbers
3. a change to the period for memorial consents (reduced to 25 years)

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.

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.

At the last review of space completed for the purposes of NNDR (attached as Appendix A to this report), the following points were identified:

- Total Site Area of Cemetery – 0.7457 ha
- Av. No. interments per annum – 6
- Estimated area of land required for interments for next 10 years – 0.015 ha
- Area of land fully utilised for interments – 0.554 ha

The parish council has approached a local land-owner with a view to purchasing additional land to the rear of the cemetery for cemetery expansion or a natural burial ground, and is currently awaiting a decision from the landowner.

At its October meeting the committee considered options for grave digging (WPC.21.10.03 refers) and agreed that its preference was to move to contracting with a company or individual(s) to undertake all the grave digging (allowing funeral directors to dig ashes plots). This will offer the following advantages:

- improved local knowledge of the cemetery and consistency in layout of grave spaces
- facilitating ease of mowing and weeding between spaces
- a more efficient use of the space available, increasing the number of grave spaces that could be used over time.

A Suffolk Grave Digger with over 30 years experience has been identified (Gary Smith), and comes with positive recommendations from:

- Elmswell Parish Council;
- Sudbury Town Council;
- Great Cornard Parish Council.

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There would be no financial implications for the parish council, as the grave digger would charge direct to the undertakers in each instance. Further benefits to moving to a sole operative working in the cemetery are:

- Only one set of risk assessments and Public Liability Insurance to be requested and held on file
- The operative would level earlier graves with spare soil from the recently dug graves, thus reducing the growth rate of the soil heap in the cemetery and ensuring even grass surfacing for cuts.

A draft update to the regulations is attached as **Appendix A** to this report.

Recommendation:

The Committee recommend to the parish council a resolution to make provision for a sole operative to be named for the purpose of grave digging in Wickhambrook Cemetery, and the Cemetery Regulations be updated accordingly.

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. The Council has appointed a sole operative for the purpose of digging graves in the cemetery. Undertakers may only use this operative for the preparation of a grave space for the interment of a body in Wickhambrook Cemetery, and the operative shall invoice the undertakers directly according to his fees and charges.
27. When commissioning work in the cemetery to inter cremated remains undertakers shall provide a copy of their Public Liability Insurance and risk assessment(s) to the parish council.

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.