

Title: Kingsley Cemetery Policy

Date: 4 November 2016

Meeting: To be presented at Parish Council meeting on 15 November 2016

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Amended February 2018

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## **1. What is the report about?**

Cemetery Policy including rules and regulations

## **2. Details of the Matter and Options considered**

Kingsley Parish Council may not have a policy on the Cemetery. If it does it has not been reviewed for many years.

The regulations include the statutory requirements contained within the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977 together with any other relevant legislation that governs this service.

The Kingsley Parish Cemetery provides for the burial of the cremated remains of deceased persons and for the burial of the bodies of deceased persons.

**‘The Council’** means Kingsley Parish Council

### **Opening Hours**

Open all year round.

### **Cemetery Maintenance Work**

- Only the contractors specifically appointed by Kingsley Parish Council shall carry out works within the cemetery.
- Only the contractor specifically appointed by Kingsley Parish Council or a Funeral Director in agreement with the Council shall carry out the excavation of graves.

### **Notice of Internment and Cremation Bookings**

- All Interment and cremation requests must be made on the appropriate documentation supplied by the Funeral Director.
- It is the full responsibility of the funeral director to ensure that all paperwork is delivered to the crematorium office within 48 hours of the burial or cremation service. Failure to provide the information within time may result in the cancellation of the cremation service.

- N.B. Only the grave owner can authorise the re-opening of the grave space. Therefore if the original grave owner is deceased, arrangements must be made to officially transfer the ownership prior to the requested opening of the grave.

### **Ministers and Clergymen**

- A burial or cremation can take place with or without a religious service. It is the responsibility of the funeral director or bereaved family to arrange for a Minister or other persons authorised to officiate at the service.

### **Alteration to funeral or cremation arrangements**

- All alterations must be confirmed by the funeral director in writing.
- In this case written notice must be provided no later than 1 working day (24 hours) before the interment or cremation is due to take place.
- The Council will not be responsible for any misunderstandings, which may arise as a result of a telephone instruction only.
- Any additional expense incurred by the Council as a result of incorrect information having been supplied will be charged to the person making the application.

### **Disposal certificates**

- No funeral can take place without a certificate for disposal or the Coroners Order for burial. Failure to provide the necessary documentation will result in the delay of the burial until the certificate is produced.

### **Cemetery records**

- As soon as is reasonably practicable all details relating to a burial are recorded within registers provided by the Council. Documentation relating to new graves is sent direct to the purchaser. This document is proof of ownership. The period of which the exclusive right of burial is granted is 60 years. This means that once the title deed period has expired families do have the option of extending this grant for a further period. Upon the expiry date the ownership of the grave space will revert back to the Council if the family have expressed no desire to extend the grant period.
- Private graves registers are available for public perusal and are kept at the Parish Council Office.
- The Council does accept requests for the advance purchase of a grave space which will be allocated by the Cemetery Office.

### **Allocation of grave spaces**

- The choosing of the position of a new grave space is managed by the cemetery office. Burials will only be allowed in designated areas previously laid out for burial. These areas are identified in the cemetery records. All new burials will be positioned in Plot Order within the Extension of Kingsley Cemetery. The burial of cremated remain

caskets are allowed where space allows within the Cemetery, as agreed by the Council.

### **Private graves**

- No grave in which the exclusive right of burial has been purchased shall be opened without the signature of the owner or his/her next of kin or assignees

### **Transfer of grave ownership**

- In the event of the death of the original grave owner, the person claiming to be entitled to the ownership rights must obtain a formal transfer of ownership with the Council.
- A copy of the last will and testament identifying the executor/executrix will be accepted as proof of intended ownership. If this information is not available then the full names and addresses of all surviving children of the deceased will be required to prepare the title deed/ownership transfer. This procedure is to ensure that the remaining family of the deceased agree to that person taking over the ownership rights of the grave space.
- The formal transfer must take place before funeral arrangements are made to re-open the grave space or approval granted on any proposed memorial work.

### **Burial areas**

- Grave owners are advised that the grave space can be tended to on an individual basis and flowers or bedding plants can be provided appropriately by the grave owner.
- It is Council policy that items such as man-made fencing/kerbing, solar lights etc are not permitted either as a temporary or permanent measure. Such items hinder the maintenance of the grave spaces and the council will not be held responsible for damage to unauthorised memorials.
- The placing of glass vases or ornaments is strictly forbidden; this type of ornament can severely hurt someone if the item becomes broken. The grave owner under the health and safety of the site will be liable if a member of staff or visiting public is injured by broken glass.
- The Council reserves the right to take over the grave maintenance and remove illegal memorials without notice to the grave owner where it has been determined that the grave has not been suitably maintained by the grave owner.

### **Burial excavation procedures**

- All grave spaces are excavated by trained cemetery personnel. No grave shall be dug or excavated by any other person unless appointed by the Council or Funeral Director in agreement with the Council. Adjacent grave spaces will be required for the placing of spoil. The grave will be fully reinstated to its original appearance once the interment has taken place, at the latest within six months of internment.
- Requests for personal involvement during these procedures will be considered upon request.

## **Depth of graves**

- No body shall be buried in a grave in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave. Unless, provided that the burial authority consider the soil to be of suitable character, permit a coffin made of perishable materials to be placed not less than two feet below the level of the ground adjoining the grave.
- The coffins in the grave must be separated by means of a layer of earth not less than six inches in thickness.
- When a grave is re-opened for the purpose of making another burial therein, no person shall disturb any human remains interred therein or remove therefrom any soil, which is offensive.

## **Memorial Headstones**

- Memorials are only allowed on privately purchased graves.
- All memorials are subject to Council approval prior to being installed within the Cemeteries. These regulations contain the required standard of the installation of the memorial and the maximum permissible sizes of memorials that can be authorised. All memorial work undertaken must be in accordance with the National Association of Memorial Masons (NAMM) code of working practice.
- Each application must include a detailed drawing showing all dimension sizes, the type of material to be used and full inscription details.
- All memorials are subject to maximum sizes - any memorial mason arriving on site who contravenes this regulation will be refused installation.
- All memorial applications will incur a memorial fee, payable to the Council. The memorial mason will be responsible for leaving the grave area in a clean and tidy condition once work is completed and is responsible for any damage that may be caused to any surrounding ground or memorial as a direct result of the installation.
- The Council reserves the right to remove and to reinstate any memorial or surrounding ground at the memorial mason's expense.
- The Council will remove at the expense of the grave owner any memorial that has been installed without the necessary authorisation.
- Headstone for Burials H 3ft maximum W 2ft maximum within the Cemetery Extension.
- Flat Markers (Headstones) only allowed for Cremations (18" x 12") within the Extension of the Cemetery.

## **Memorial Headstones Maintenance**

- All memorials are the sole responsibility of the grave owner.
- Grave owners must ensure that the memorial is kept in good repair. The Council will periodically inspect the cemetery to determine the condition of memorials. Any memorial classified as unsafe will be reported to the grave owner in order for them to arrange immediate repair. If this request is not complied with within three months the Council may lay flat the memorial to remove the danger of instability.
- If the grave owner cannot be identified or contacted the Council may arrange any necessary repair. The cost will be registered as a charge against the grave to be repaid by the grave owner/successor at a future date.

- The Council has the power to remove any memorial, which they deem objectionable or of unauthorised type or size or which may have fallen into decay or is classified unsafe.
- The Council strongly recommends all grave owners obtain an appropriate insurance to protect the memorial from unforeseen circumstances.
- The Council will not be responsible for any damage/theft or vandalism or any other circumstances beyond the control of the Council.

### **Fees and charges**

- Cemetery fees and charges shall be decided and reviewed from time to time by the Council and can be found in Appendix A.
- All fees and charges shall be paid at the time of application for burial or application to erect a memorial and the Funeral Director shall be under instructions not to carry out work unless the fee or charge has been received in advance. The Funeral Director may receive the fee or charge on behalf of the Council.
- Please note the administration fee for the burial or cremation of a deceased person who was not a resident of the Parish of Kingsley shall be twice the normal fee.
- A person shall be defined to have been a resident of the Parish if he or she resided in the Parish of Kingsley or did so immediately prior to residence in residential or nursing care.

### **Behaviour in cemeteries**

#### **Under the Local Authorities Cemeteries Order 1977**

- All persons shall conduct themselves in a quiet, orderly and respectful manner and no person shall commit any nuisance within the cemetery or wilfully interfere with any burial taking place. Any person, who wilfully damages, defaces or destroys any property or causes any nuisance within the cemeteries will be liable to prosecution. No demonstration of any kind shall be allowed within the cemeteries or any religious service other than the service at the time of interment. No games or sport to take place in the cemetery and cycling in the cemetery is prohibited.

### **Memorial Benches and Trees**

- Members of the public may at the discretion of the Council install Memorial Benches or Trees sited within the Cemetery. Consultation must take place with the Council regarding position and type of bench or tree prior to installation.
- The Council reserves the right to remove any bench or unsafe tree which in its opinion has become unsafe, dilapidated or unsightly.
- Where a bench or tree is deemed to be unsafe and removed, any plaque will be kept by the Council in a safe place.

### **Allowances for dogs**

- A person shall not allow any dog belonging to them or in their charge to enter the cemetery or crematorium grounds unless it is on a lead.

- Persons visiting the site with dogs must ensure that the dog is kept under strict control at all times. Dog faeces must be removed and deposited in an appropriate and responsible manner by the dog owner.
- Any person who does not abide by this ruling will be liable to prosecution

#### **Advertisements or selling**

- No person shall be allowed to distribute business cards or advertisements within the cemetery.
- No person is allowed to solicit/sell/offer for sale/advertise within the cemetery or at the entrance thereto any article of commodity of any description.

#### **Alterations to these regulations**

- Kingsley Parish Council reserves the right from time to time to make alterations in or additions to these rules and regulations and cemetery charges specified herein.

## Appendix A

### KINGSLEY PARISH COUNCIL

#### CHARGES FOR CEMETERY AS OF MAY 2017

	<b>Kingsley Resident</b>	<b>Kingsley Non Resident</b>
Purchase of New Burial Plot	£480	£960
Internment	£132	£264
Placing of Memorial Stone	£90	£90
Purchase of Plot for cremated remains	£204	£408
Internment of Ashes	£90	£180
Deed for the purchased plots	£10	£10

PURCHASE OF NEW PLOT  
FOR CREMATED REMAINS PLUS  
INTERNMENT & CERTIFICATE      £306 FOR RESIDENT (DOUBLE FOR NON  
RESIDENT)

PURCHASE OF PLOT FOR BURIAL  
PLUS INTERNMENT & CERTIFICATE      £534 FOR RESIDENT (DOUBLE FOR  
NON RESIDENT)

REOPENINGS IS INTERNMENT COST ONLY.