

Cabinet 20th October 2010

Report of Portfolio Holder for Public Health and Wellbeing

Proposed Amendments to Cemetery Regulations, Revision of Fees and Charges

Purpose of Report

To seek Cabinet approval to:

- a) Approve the updated Cemetery Regulations
- b) Approve the revised fees and charges structure, and
- c) Cease the locking and unlocking of the cemetery gates

Executive Summary

Cemetery Regulations The current cemetery regulations have been in force for several years and as with other regulations now require updating. The recent memorial Safety Testing programme has highlighted problems with unofficial memorials and unauthorised items on graves, which have been incorporated into this review.

It is intended that should the revised Regulations be approved they will be published and advertised widely coinciding with new cemetery information boards within each cemetery.

The proposed New Cemetery Regulations and Guidelines are attached as Appendix 1 and all amendments to the previous regulations are highlighted in italics.

Fees and Charges The current fees and charges have not been increased since October 2005, the proposals for the revised fees and charges are attached as Appendix 2.

It is further proposed to clarify the following points:

Exclusive Right of Burial *We currently sell the rights to a grave for a period of 100 years and in with this is the right to place a memorial. Many authorities now sell the rights for a renewal period of between 25, 50 and 75 years in order to maintain contact with families. It also provides additional income. It is recommended that Tamworth reduces their term to a 50 year fee period, renewable after each additional 25 years.*

It is proposed that we charge 50% of the fee payable at the date of renewal

Borough and Non Borough Charges (single and double fees) *Current guidelines are very confusing depending on residency at the time of purchase of a grave and at the time of death. The following is proposed:-*

Pre Purchased graves (Exclusive Right of Burial) – *charge single fees for residents and double fees for non residents who wish to purchase the Exclusive Right of Burial.*

Burials – *charge single fees for residents and double fees for non residents irrelevant whether they pre-purchased the grave whilst they lived in Tamworth or have blood relatives who still live in Tamworth and own the grave.*

Nursing Home/Hospital residency - *if prior to moving to a Nursing Home/Hospital which is out of the Borough the deceased was a resident of Tamworth there should be no time limit and single fees should always be charged. Special consideration should also be given to elderly or infirm Tamworth residents who have to move in with their families living outside the Borough.*

Baby's/Children -

Children born outside of Tamworth and parents live in Tamworth – single fees if they wish to purchase the exclusive rights of burial.

Children born outside of Tamworth and parents are non resident – double fees unless there is a family member who lives in Tamworth and the parents of the child are happy for them to be the owner of the grave.

Currently we do not charge for burying children up to 12 years. It is recommended that we increase this age to 16. Families still pay the full rate if they purchase the rights to a grave.

Administration Fees - *To charge an administration fee of £45 for families selling back the graves to Tamworth Borough Council.*

Cemetery Gates/Closing Times

Traditionally all cemetery gates in Tamworth have been locked overnight throughout the year. It currently costs the authority £18,000 a year to close and lock the cemetery gates.

It is suggested that the pedestrian gates remain open all year round and new signage be placed in each cemetery stating that the cemetery is open for pedestrian access from dawn till dusk. At all other times there is no permitted access and any access is illegal and at the public's own risk. All vehicular gates will remain closed at all times unless there is either a funeral or ongoing maintenance within the cemetery. Each cemetery is different in its accessibility and the following should be noted:

Amington Cemetery - currently has one large double gate. It is proposed to keep one half of the gate locked. Parking is available on the main road outside the cemetery.

Glascote Cemetery - currently two large double gates. Due to parking restrictions because the cemetery is on the main road it is proposed to leave these gates open giving access to the parking area. Vehicular access will be restricted to the main cemetery by the installation of bollards.

Parking will remain available just inside the cemetery but not into the area with the graves.

Wigginton Road Cemetery - currently two large double gates at side entrance, one pedestrian gate from main road and one double gate on main road.

- Main Entrance - It is proposed to keep the double gate on the main road locked unless there is a funeral. The pedestrian gate will be left open.
- Side Entrance – allotments and car park

It is suggested that the front gates are left open giving access to the car park. To close the second set of double gates and create a pedestrian access through to the cemetery.

Wilnecote New Cemetery - has front and rear access gates.

Double gates will be locked, permitted access for funerals and maintenance only. Pedestrian gates will remain open. Parking is available on Wilnecote Lane outside cemetery.

Wilnecote Old Cemetery - there is no vehicular access, pedestrian gate to remain open. Parking is available in the road outside the cemetery.

Financial Implications

Signage and advertising of the new Cemetery Regulations will be met from within existing budgetary provision.

The cessation of the closing of the cemetery gates will generate a saving of £15,000 from the existing budget. £6000 of this initial saving will be utilised to purchase the memorial benches and memorial plaque holders for the memorial trees. Additional benches etc will be financed from the income of plaque leasing.

Recommendations

Members are requested to:-

- 1 Approve the updated Cemetery regulations
- 2 Approve the revised fees and charges structure from 1 December 2010.
- 3 Approve the cessation of the locking of all cemetery gates for a trial period of 12 months, with a view to making this permanent should there be no serious issues resulting from this action.

*For further information on this report, please contact
Andrew Barratt x 453 or Sarah McGrandle x 349*



DRAFT

CEMETERY REGULATIONS AND GUIDANCE NOTES OCTOBER 2010

NOTE TO ALL DEED OWNERS AND THEIR REPRESENTATIVES, STONEMASONS AND FUNERAL DIRECTORS

The Borough Council prides itself in ensuring that the cemeteries are maintained in a safe and tidy condition to the benefit of all visitors to the area.

In order to help achieve this it is requested that Deed owners/personal representatives observe the following regulations and guidance notes.

Should clarification or further information be required, please contact the cemeteries officer on Tamworth (01827) 709343. Email: cemeteries@tamworth.gov.uk

Please note all amendments are highlighted in italics

**TAMWORTH BOROUGH COUNCIL
CEMETERY REGULATIONS AND GUIDANCE NOTES**

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SECTION A – INTERMENT ARRANGEMENTS

A1 GRAVE SPACES

Standard grave spaces are 9'0" x 4'0" (2743mm x 1219mm) and can be either double depth i.e. 7'00" (2133mm) for up to two adult sized coffins or single depth i.e. 5'0" (1372mm) for one adult sized coffin. Half sized grave spaces of 4'6" x 4'0" (1372mm x 1219mm) are used for the interment of a still born baby or infant, or for the interment of cremated remains.

A2 NOTICE OF INTERMENT

Notice of interment must be given on the form provided by the Council and must be fully completed in all cases; such notices are to be handed in between the hours of 9.00am and 5.00pm to the Cemeteries Office on Mondays to Fridays of each week, with at least three clear working days before the burial. The times for burial shall be between 9.00am and the times specified in the table below:-

	DOUBLE DEPTH	SINGLE DEPTH	ASHES GRAVE
MON - THUR	1.00PM	1.30PM	2.30PM
FRIDAY	12.30PM	1.00PM	2.00PM

Interments will not normally take place on a Saturdays or Sundays. The time fixed for a burial must be punctually observed and will be the time of attendance at the cemetery.

All fees must be received by the Council with the Notice of Interment form three clear working days before the interment, unless an alternative arrangement has been agreed. See Section E for current fees.

A3 DEATH CERTIFICATES

The Registrar's Certificate for Burial, or the Coroners Order for Burial where an inquest has been held, or the Certificate of Disposal of Cremated remains, must be handed to the Cemeteries officer on arrival at the cemetery so that the details may be checked. A Certificate of Burial (Stillbirth) will be required in the case of a stillborn child in accordance with the Births and Deaths Registration Act 1953. A letter must be provided by the hospital, midwife or Doctor in respect of a foetus of less than 24 weeks gestation. The interment cannot proceed without the above documentation being produced beforehand.

A4 LOCATION OF GRAVES

The site for interment in respect of a public grave or a purchased grave required for immediate use shall be selected by the Council. Persons purchasing grave spaces for future use can select the site thereof subject to availability and the approval of the Council.

A5 REOPENING OF GRAVES

Before the reopening of a purchased grave the Deed of Exclusive Right of Burial for the said grave must be produced, or consent must be given in writing by the purchaser or his/her representative, and submitted to the Cemeteries Office. Or in the event of their death, a new owner can be established through consent of the representation and the completion of a statutory declaration.

SECTION B - MEMORIALS

B1 APPROVAL TO PLACE MEMORIALS

Please note that only qualified stonemasons registered with this authority may carry out any work on memorials in our cemeteries. (Please refer to section B2 for further information)

With the exception detailed in paragraph B12 (Vases), no headstone, kerb-set, vase or other memorial or inscription, will be allowed in any cemetery within the Borough of Tamworth without written approval from the Council.

A memorial permit is required from the Cemeteries Office to erect, refix, clean, renovate any memorial. Memorial application forms are available free of charge from the cemetery office.

Each memorial application must include a detailed sketch or picture of the proposed memorial showing the overall dimensions; full inscription and colour of lettering; type and colour of the memorial stone i.e. white marble, black granite. The Council also require an 'exploded' diagram showing exactly how each part of the memorial is fixed complying with the current National standard.

Both the grave owner/representative and the Stonemason are required to sign the memorial application form and submit to the cemeteries office together with the appropriate cemetery fee (see section E).

Public graves: Where the ownership of a grave hasn't been purchased families may still place a memorial on the grave but these are restricted to a vase or tablet type memorial and are subject to the same requirements and restrictions as above and payment of the relevant cemetery fee.

B2 REGISTERED STONEMASONS

Only stonemasons who are registered on our approved list may carry out works in our cemeteries. A full list of approved stonemasons is available on request from the cemetery office or can be downloaded from Tamworth Borough Council's website. www.tamworth.gov.uk ('C'–Cemeteries– Registered Stonemason List)

B3 MEMORIAL GUARANTEES

All stonemasons are required to offer a minimum of 10 years guarantee on their workmanship for each memorial in respect of safety and stability.

B4 INSURANCE

It is recommended that families take out insurance on their memorials against accidental damage and vandalism. Please contact your stonemason for details on this type of insurance.

B5 CONSTRUCTION MATERIALS

All headstones, bases, kerb-sets, vases and other memorials shall be of natural quarried stone, such as marble or granite, or of such other material as may be approved by the Council.

Wooden memorials such as wooden crosses are not permitted even on a temporary basis. The Council provide a 3' x 2' (914mm x 610mm) concrete foundation and marker free of charge to mark the grave until the family may decide to place a more permanent memorial. (please refer to section C5).

B6 GRAVE NUMBER

It is the responsibility of the stonemason to ensure that the grave number is inscribed on all new and existing memorials. The grave number must be in figures not less than ½" (12mm) high and not more than 1" (25mm) high at the foot of each memorial. Should the grave number not be inscribed on the memorial the Council reserve the right to carry out the work and recharge the cost to the stonemason.

B7 TEMPORARY MARKER SLABS

The Council will provide and lay a temporary 36" x 24" (914mm x 610mm) concrete slab at the head of the grave immediately after interment has taken place and will mark the slab with the grave number.

Please note that the concrete slabs placed by the council are for the sole purpose of marking the grave and under the current National Standards are no longer suitable to support memorials.

B8 STABILITY OF MEMORIALS

Appropriate foundations for all memorials including headstones, kerbsets, vases and tablets are to be supplied by the Stonemason. All foundations must be of a suitable size and thickness to support the memorial but must not exceed the grave width of 36" (914mm). Please place our marker slab to one side for collection by the cemetery staff.

The 3' x 2' (914mm x 610mm) concrete bases placed by the Council are for the sole purpose of marking the grave and under the current National Standards are no longer suitable to support memorials.

Stonemasons must ensure that the ground is stable before erecting any memorial. The Council will top up any grave free of charge once the stonemason has removed the memorial. Removal is at the cost of the family/stonemason.

The Council will from time to time check the stability of all memorials, if any are found to fail this test then the Council reserve the right to make safe the memorial.

B9 SITING OF MEMORIALS

All memorials including kerbsets must be aligned with other memorials in the row before being securely fixed according to the current standards and Code of Practice as recommended by National Association of Memorial Masons (NAMM).

It is the Stonemason's responsibility to ensure the correct siting of all memorials making sure that they face the same direction as other memorials in that cemetery.

If you are unsure on any of the above points please contact the Cemeteries Officer for confirmation before fixing the memorial.

Any memorial that needs to be moved because either it was fixed incorrectly, in the wrong location or the ground is unstable will be at the Stonemason's expense.

Please note that a Memorial permit must be obtained prior to carrying out this work.

B10 ERECTION, ON SITE REPAIR/CLEANING OF MEMORIALS

All Stonemasons must give the Council 24 hours notice before carrying out any work on any memorial in its cemeteries giving the appropriate Permit Number. This includes cleaning, renovation and removal of any memorial.

This rule applies even if the memorial was booked for a previous day and was not fixed or the work was not completed.

Works to memorials may be carried out between Monday and Friday during normal cemetery opening hours. Special permission must be obtained from the Council for work to be carried out on a Saturday. Stonemasons will not be allowed to carry out any works on a Sunday.

All Stonemasons must always take care when erecting or removing any memorial to avoid damage to paths, turf and other memorials.

B11 REMOVAL OF MEMORIALS

It is required that Stonemasons/ Funeral Directors notify the council when they are removing memorials for the purpose of a burial as well as to carry out additional work to the memorial.

When removing memorials all the debris, plinths, bases must be taken completely out of the cemetery. The Council reserves the right to tidy up the area and recharge the cost to the stonemason.

B12 VASES

Each grave space is permitted a maximum of two vases incorporated in the headstone and one which can be free standing provided it is placed on a foundation base immediately in front of the headstone or inside an approved kerbset. If the grave has no headstone the vase may be placed in the position normally occupied by the headstone.

It is not permissible to place a vase on the grassed area of the grave space.

Temporary vases (sometimes supplied by Stonemason's whilst waiting for a permanent memorial) and vases with the inscription 'In Loving Memory' may be placed on the concrete foundation base without permission. There is no cemetery fee for this type of memorial providing it does not have a personalised inscription.

All vases must comply with the requirements of paragraph B5 (Construction Materials) with regard to their construction i.e. not made of breakable material such as glass or earthenware.

Glass is very hazardous and will be removed immediately without notification by the cemetery staff.

B13 MAXIMUM SIZES OF MEMORIALS

Stonemasons Foundation slabs must not exceed the maximum width permitted of 36" (914mm wide).

Headstones

Maximum height permitted is 48" (1219mm height) including the base

Maximum width permitted is 30" (762mm width)

Vases

Maximum height 12" (305mm)

Maximum width 9" (229mm)

Maximum depth 9" (229mm)

Tablets

Maximum width 30" (762mm)

Maximum length 18" (457mm)

Kerb-sets

Maximum length permitted is 84" (2133mm long)

Maximum width permitted is 36" (914mm wide)

Kerbset plinths/bases maximum length 87" (2210mm long)

Kerbset plinth/bases maximum width allowed is 39" (990mm wide).

B14 DILAPIDATED MEMORIALS AND UNKEMPT GRAVE SPACES

It is the responsibility of the Deed owner / personal representative to ensure their memorial is kept in proper repair and to maintain in good order any other part of the grave space that has not been grassed over.

The Council is empowered to remove, relocate, lay flat or sink any dilapidated or illegible memorial and to grass over any neglected grave.

In most instances the Council will confine its activity to laying unsafe headstones flat or sinking dilapidated kerbs and grassing over.

Prior to taking any such action the Council will make every effort to notify the Deed owner or his successor in writing, or, if necessary, by Public Notice.

B15 MEMORIAL TREES AND BENCHES

Benches – *Due to restricted open space within Tamworth's cemeteries, private memorial benches are not permitted. In order to accommodate the wishes of bereaved families they will be able to purchase a plaque space on available benches, provided by the Council. Each bench can accommodate up to four memorial plaques. The family will be responsible for the purchase of the plaque and its subsequent leasing. The wording and sizing of the plaque will have to gain approval through the existing memorial permit process. Leasing will be for a period of five years, which is renewable on expiry.*

The Council will maintain and repair all such benches but will have no liability for the plaques on the benches.

Trees- *Due to lack of space it is not viable to plant any more trees in our cemeteries. However, families are allowed to purchase plaque spaces around existing trees in the cemeteries planted previously by the Council. It is anticipated that 4 plaques can be sited by each tree. The family will be responsible for the purchase of the plaque and its subsequent leasing. The wording and sizing of the plaque will have to gain approval through the existing memorial permit process. Leasing will be for a period of five years, which is renewable on expiry, the Council will have no liability for the memorial tree plaques.*

SECTION C - MAINTENANCE OF GRAVES

C1 SEEDING OF GRAVE SPACES

It is the Council's preferred policy to maintain as much of each cemetery as possible as grassed areas.

In most instances the Deed owner or his representative will only wish to place a headstone or a vase at the head of the grave. In such cases, the Council will automatically turf/seed the remainder of the grave space, free of charge, once the ground has settled and take over responsibility for grass cutting at their own expense.

However, if the Deed owner/ representative wishes to take responsibility for the maintenance of the area in front of the headstone by the placing of an approved kerb-set supplied and erected by a qualified stonemason, and/or the cultivation of the area, he/she is at liberty to do so subject to the limitations and procedures detailed in section B.

C2 SOIL FROM OTHER GRAVES

If there are family graves near to or next to this grave we must advise that from an operational point of view when preparing this grave for burial it may be unavoidable that the spoil from this grave is placed on one of these graves.

An additional charge would be incurred should you wish for the spoil to be completely taken away if this can be arranged at the time of the burial.

Unfortunately the placing of the spoil is something which cannot be foretold until the time of burial. Please ask your Funeral Director to discuss the matter with the cemeteries office when booking the funeral.

Please rest assured that the grave and surrounding area where the spoil has been placed will be completely reinstated immediately after the burial.

C3 GRASSED AREAS

Please do not place any items on the grassed area of a grave as this hinders the maintenance of that area. We will remove any such items and place in the relevant cemetery shed for families to collect at an agreed time. The council cannot be held responsible for damage to any such items.

C4 CULTIVATION OF GRAVE SPACES

Anyone wishing to cultivate their grave space is permitted to do so provided it is either surrounded by an approved kerbset supplied and erected by a qualified Stonemason or the cultivated area is not more than 2' 6" wide x 5' 0" long (762mm x 1524mm). In the latter case the Deed owner must take responsibility for the maintenance of the grass edges as well as the planted area itself.

The Council reserves the right to seed the grave if it appears that the family are no longer attending the grave.

If the Deed owner or representatives wish to plant out the grave space please notify the Cemeteries Officer as soon as possible. Alternatively, you may complete the form, which is sent to registered owner/personal representative approximately 6 to 8 weeks after the funeral. A prepaid envelope is provided for your convenience.

However, should the option to plant out be taken but later the grave is required to be grassed over please inform the Cemeteries Officer and instructions will be issued for the grave to be seeded.

During the first six months, the back-filled area of the grave will tend to settle and during this period the cemetery team will top up the soil to maintain its level. For this reason it is not practical to plant out during the first six months and the Council reserves the right to remove and replace any plants to facilitate the topping up operation.

All cultivated areas are to be used for the planting of flowers and miniature shrubs only and the Council reserves the right to remove any trees or oversize shrubs should they deem it necessary. It is inadvisable to place ornaments in the grave area as this may encourage vandalism.

Please do not place plants or remove turf outside the boundaries of the grave or kerbset.

Please note depending on the weather and current workloads graves are usually seeded during late October/November and February/March.

Pre Purchased Graves (Preselect) – The Council mark all pre purchased graves with a 3 x 2 concrete foundation and marker. Please do not place any items on these bases or plots as they will be removed immediately.

C5 NON-COMPLYING ITEMS

For reasons of safety and in order to maintain a dignified environment within the cemeteries the following items are not permitted:

- ❑ glass containers, due to Health & Safety requirements all glass items will be removed from the grave immediately by the cemetery staff
- ❑ memorials of a wooden construction i.e. wooden crosses
- ❑ miniature fencing,
- ❑ Unofficial kerbs made from any material
- ❑ large flower containers,
- ❑ pebbles, stone chipping, gravel or, the like unless placed inside an approved kerb- set,
- ❑ any articles not mentioned in the above list made from wood, plastic, earthenware which are not in keeping with the cemetery.

Should an unauthorised item be placed on a grave, every effort will be made to contact the Deed owner/personal representative and request removal. Should it not be possible to contact the Deed owner, a removal notice will be attached to the item allowing the Deed owner or, relative a suitable amount of time to remove the item concerned.

If after the given period the item is not removed the cemetery staff will be instructed to remove and place in the relevant cemetery shed. The item can be collected from the shed at a prearranged time with the cemeteries officer.

The grave space may be planted out or grassed. Deed owners must ensure that any plants or shrubs placed within the grave space do not exceed more than 18" (305mm) in height.

The concrete marker foundation bases are supplied by the authority free of charge for identification purposes only and must be left unaltered.

SECTION D - GENERAL REGULATIONS

D1 OPENING HOURS

The cemeteries are open for pedestrian access to the public from dawn until dusk all year round. No vehicular access is permitted with the exception of official funeral vehicles, maintenance and emergency vehicles.

Entry to a cemetery outside these hours is an offence, any person entering when a cemetery is closed does so at their own risk and is liable upon conviction to a fine.

D2 MISCONDUCT

Under the provisions of the Local Authorities Cemeteries Order 1977 it is an offence to:

wilfully create a disturbance,
commit any nuisance,
wilfully interfere with any burial,
wilfully interfere with any grave, memorial, flowers or plants
or, play any game or sport in a cemetery.

Any person found committing any of the above is liable upon conviction to a fine.

D3 DOGS

Dogs are not permitted within any of the cemeteries, with the exception that a dog belonging to a person visiting a grave will be allowed provided it is kept on a lead at all times. Contravention of this may result in a fine upon conviction

Any owner of a dog permitted to a cemetery failing to clean up after their dog will be liable to a Fixed Penalty Notice.

D4 CHILDREN

No child under the age of 12 years is allowed in a cemetery unless accompanied by a responsible person.

D5 SCATTERING OF CREMATED REMAINS

Under provisions of the Local Authorities Cemeteries Order 1977 article 10(6) it states no cremated remains must be buried in or over any grave without the consent of the registered owner in writing to the council. Any person contravening this provision is liable on summary conviction to a fine.

Please contact the cemeteries office (Telephone 01827 709343 or email cemeteries@tamworth.gov.uk for further details.

SECTION E - FEES AND CHARGES

Effective from 1st December 2010

Fees and Charges	
Exclusive rights of burial (50 years) Full Grave	£415
Exclusive rights of burial (50 years) Half Grave	£360
Burial of a child (up to 16 inclusive)	Free
Single depth grave digging fees	£300
Double depth grave digging fees	£380
Additional cost for large American style caskets	£50
Burial of ashes	£100
Scattering of ashes (within a grave)	£50
Authority charge for placing a headstone	£100
Authority charge for placing a kerbset	£180
Footstone for existing kerb & border	£50
Authority charge for placing a tablet	£50
Authority charge for placing a vase	£50
Authority charge for placing a flatstone	£180
Authority charge for additional inscriptions	£50
Admin charge pre purchase	£40
Admin charge transfer of ownership	£45
Statutory declaration	£45
Renunciation Charge per additional person	£5
Memorial bench plaque space for 5 years- renewable	£250
Memorial plaque space around memorial tree for 5 yrs - renewable	£250
Search fee per grave	£15
Location fee per grave	£15

If you have any queries please do not hesitate to contact the cemeteries officer on Telephone no. 01827 709343 or email: cemeteries@tamworth.gov.uk

