

**Report to** Cabinet  
14/01/2013  
**Report of** Head of citywide services  
**Subject** Rules and regulations for the management of Earlham and  
Rosary cemeteries

**Item**

**16**

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### **Purpose**

To seek approval for a new set of rules and regulations for the future management of Earlham and Rosary cemeteries.

### **Recommendation**

To approve the new rules and regulations for the Norwich cemeteries as detailed in Appendix 1: 'Rules and Regulations for the future management of Earlham and Rosary cemeteries'

### **Corporate and service priorities**

The report helps to meet the corporate priority "City of character and culture" and the service plan priority to ensure neighbourhoods are clean, green and safe for residents and visitors

### **Financial implications**

There are no financial implications

Ward/s: All wards

Cabinet member: Councillor Gihawi – play, parks and open spaces

### **Contact officers**

Chris Eardley

01603 212251

### **Background documents**

None

# Report

## Background

1. There is no statutory requirement for a local authority to provide burial space, however the public often assume that burial provision is a basic local authority function. Norwich City Council currently provides for body burials and the interment of cremated remains in two city cemeteries, Earlham and Rosary. The management of the cemeteries is currently the responsibility of the environmental services development manager within the citywide services team.
2. Local authority managed cemeteries are subject to standards and conditions commonly grouped together as 'Rules and Regulations'. These are provided in order to inform cemetery users about aspects of the management of the cemeteries and the reasonable requirements that are applicable to all those who visit or work in the cemeteries. Clearly defined rules and regulations are essential in order that cemeteries can be operated in an efficient and effective manner, always with due consideration for the needs of the bereaved.
3. Rules and regulations for the Norwich cemeteries have existed since the cemeteries were established and have been reviewed and amended in response to specific issues. They have also been subject to other changes as a result of decisions in various council committees, all of which have now been added to the rules and regulations. The emotive nature of many cemetery issues has also led to some historic issues which cannot now be reasonably managed without a formal re-statement of what is acceptable and what is not.
4. The cemeteries are areas of public open space. The management of these sites should accommodate freedom of movement for those who wish to visit and for those who wish to use them as a route to their destination. This free access should always be balanced with the rights of the bereaved to enjoy an area which is intended for quiet contemplation and reflection. This means that the right of access to these open spaces is accompanied by a responsibility to behave in accordance with the rules and regulations governing the management of the cemeteries.

## New rules & regulations

5. The new rules and regulations presented at Annex 1 encompass the requirements contained within the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977, together with other relevant legislation. Added to this statutory authority, there are other particular requirements for local authorities, for example the requirement to manage health and safety issues.
6. The new rules have been updated and improved from the existing rules and in some cases entirely new paragraphs have been written in order to address more recent issues, such as the memorial safety testing programme. There has been consultation with and input from the Friends of the Rosary cemetery and the rules have been benchmarked against those of other local authorities and against guidance provided by the Institute of Cemetery and Crematorium Management (ICCM).

7. Cemeteries represent a unique management challenge where the opinions and expectations of users can vary wildly and where considerably emotive issues are always present. Balancing the needs and feelings of all users within one set of rules will always be a delicate exercise. However, the over-arching principle of the Local Authorities Cemeteries Order is contained in clause 3(1) which states that – **“Subject to the provisions of this order, a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery”**.
8. Although these rules generally relate to reasonable and acceptable standards of behaviour there are some which require further explanation.
9. **General conduct from visitors to the cemetery:** Paragraph 1 includes an additional line to govern the speed of vehicles using the cemetery. This has been a particular concern of cemetery users and will help dissuade drivers from using Earlham cemetery as a ‘cut-through’ between Bowthorpe Road and Earlham Road. It is also proposed to re-word the regulation relating to the banning of dogs in order to allow assistance dogs accompanying registered disabled persons.
10. **Conditions regulating burials:** These are all of the existing conditions with some additional items. Paragraph 23 – “All bodies must be prepared for interment before being brought to the cemetery”; and paragraph 28 – “Un-coffined burials are not permitted”; These two items were resolved and approved by Public Health Committee on 13th May 1980 as part of the establishment of a Muslim burial section within Earlham Cemetery.
11. **Conditions regulating funeral directors:** The major change proposed here is to ensure that it is the funeral directors who take responsibility for any significant variations to traditional burial services, rather than exposing the council to additional risks and costs. As an example, some religious practices require family members to take a more active role in the committal and burial process. If such activities are required (and subject to the council’s approval), it is proposed that the funeral director will be responsible for assessing and managing all associated risks. The council should not be exposed to additional costs as a result of requests for additional services. Such requests should be part of the contractual arrangement between the bereaved family and the funeral director.
12. **Conditions regulating graves:** These paragraphs relate to grounds maintenance issues. It is essential, particularly for the lawned sections of Earlham cemetery, to re-establish what is and isn’t allowed on or in the vicinity of graves. Everyone purchasing a grave in a lawned section is advised as to the rules in these sections. Families choose to have their loved ones buried in these sections specifically because grave adornments are not permitted and grounds maintenance is much improved by the formal layout of the burial site. Unfortunately, when these rules are not followed it can cause significant distress to the majority of cemetery users. Officers request that members re-affirm the rules for these sections so that action can be taken to return them to the condition expected when the grave owners purchased their plots.

13. **Conditions regulating exclusive rights of burial:** These conditions are a straightforward explanation of the process, excepting paragraph 44 where greater control is sought to avoid future uncertainties where third parties become owners of graves. This has already caused a problem within Earlham cemetery where, for perfectly good and considerate reasons, a third-party became owner of a number of graves but was then left with significant liabilities when the 20 year grants expired and the council now has no record of the next-of-kin.
14. **Conditions regulating headstones, memorials and monumental masons:** These represent the most significant change to the pre-existing rules. It is essential for the council to gain control of memorial safety issues and to ensure that future liabilities are kept to a minimum. The memorial testing programme has highlighted some historic failings in construction processes where many memorials have not been installed to an acceptable standard or where prevailing conditions have compromised the integrity of some memorials within a short time of their installation. It is also clear that many memorials are now subject to neglect and are not maintained. For this reason the appropriate authority is required to enforce best-practice and to better manage health and safety issues for the protection and benefit of all cemetery users and to minimise this council's future liabilities.
15. **Conditions regulating the baby lawn section:** Within Earlham cemetery there are burial sections referred to as 'baby' sections. The rules governing these sections stated that they would be reserved for the burial of babies of one year and under. This stipulation meant that the standard adult grave plot would provide for three baby graves and that the sections would be neatly laid out to accommodate effective grounds maintenance regimes. Unfortunately the 'baby' sections have consistently been used for the burials of young children, including teenagers. The subsequent burial of young children in these sections has meant that coffin sizes, and therefore grave sizes, have varied. As a result the original intention to manage these areas as formal lawned sections needs to be reviewed.
16. Bereaved families often choose to adorn a child's grave with all kinds of mementoes including toys, balloons, lights and windmills. While this is understandable there are issues which arise as a result, including -
- a) Glass and plastic items placed on graves can break and then present health and safety risks to both people and wildlife
  - b) Soft toys and other perishable items eventually become unsightly and cause litter. Sections eventually become cluttered and this leads to complaints.
  - c) Lights and windmills/wind-chimes can create disturbance which, however minor, upsets other visitors, especially those seeking some solitude.
  - d) Toys and other loose items are easily removed. The removal of these items by others can cause further distress to bereaved families
17. In order to provide a compassionate service and to effectively manage these areas in future, it is essential that these issues are addressed. As a result, the current baby section will be closed in 2013 and no further burials will occur in this area.

18. In consultation with parents a suitable screen will be placed around the site and, given that certain rules have not previously been enforced, it is proposed that a more relaxed management style will operate. This will mean that some lights and items which have a historic presence on graves will be permitted to stay. The other provisions of the new rules and regulations will apply. The screening will provide comfort for those who do not wish to be distracted by this section.
19. It is proposed that the original baby section will be re-opened early in 2013 and the remaining space will be used for the burial of any child up to the age of 16. The provisions detailed in paragraph 18 above will also apply in this section.
20. A new formal baby lawn section for babies of one year and under has been designed within some previously unused and unallocated space in Earlham. This will be used for burials from January 2013 and it is proposed that this section will be managed in accordance with paragraphs 70 – 80 of the new rules and regulations.
21. As a result of these changes bereaved parents will now have more options. They can purchase an adult burial plot for their child, thus reserving the option of future burial provision in their family plot when required. They can ask for their child to be buried in the new children's section. If their baby is aged one year and under they can choose for the baby to be buried in the more formal designated baby section.
22. **Conditions regulating the placement of benches:** No new benches are currently allowed in the cemeteries pending a full review of bench provision. The review will be completed during 2013, after which it is proposed that the new regulations should apply. The new regulations are necessary in order to –
  - a) Formalise and standardise the application process
  - b) Prevent the installation of highly personalised structures which may not be appropriate to the surroundings, which may upset other cemetery users or which may not be approved by all members of the same family.
  - c) To avoid future liabilities for the maintenance of benches by ensuring that all new benches are made and fitted to an appropriately high standard, that the owner insures the bench and that the purchase price includes an element of future maintenance costs.
  - d) To preclude the proliferation of loose items on and around benches.

## **Conclusion**

23. Officers recommend approval of these rules and regulations in order that the cemeteries can be efficiently and effectively managed for the benefit of all users.

## Integrated impact assessment



**NORWICH**  
City Council

### Report author to complete

<b>Committee:</b>	Cabinet
<b>Committee date:</b>	16/01/13
<b>Head of service:</b>	Adrian Akester
<b>Report subject:</b>	Rules and Regulations for the Management of Earlham and Rosary Cemeteries
<b>Date assessed:</b>	14/12/12
<b>Description:</b>	

	Impact			
<b>Economic (please add an 'x' as appropriate)</b>	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>	<b>Comments</b>
<b>Finance (value for money)</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Effective management will help to drive-up service standards, making the cemeteries more attractive options as final resting places, thus potentially increasin the number of interments and graves sold per year.
<b>Other departments and services e.g. office facilities, customer contact</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Effective management with clear rules and regulation will reduce customer complaints and therefore reduce customer contact and staff workloads
<b>ICT services</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Economic development</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Financial inclusion</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Social (please add an 'x' as appropriate)</b>	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>	<b>Comments</b>
<b>Safeguarding children and adults</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Impact			
<b><u>S17 crime and disorder act 1998</u></b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Effective management will help to drive-up service standards and will make the cemeteries more attractive places to visit. The new rules should reduce the amount of personal mementoes left on graves and therefore reduce the amount of items available for theft or vandalism.
<b>Human Rights Act 1998</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Health and well being</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Equality and diversity (please add an 'x' as appropriate)</b>	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>	<b>Comments</b>
<b>Relations between groups (cohesion)</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Clear rules and regulations will provide a framework for all faith and non-faith groups using the site with no distinction between them so ensuring asll are treated equally
<b>Eliminating discrimination &amp; harassment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Advancing equality of opportunity</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As above
<b>Environmental (please add an 'x' as appropriate)</b>	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>	<b>Comments</b>
<b>Transportation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Natural and built environment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



	Impact			
Waste minimisation & resource use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Energy and climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>(Please add an 'x' as appropriate)</b>	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>	<b>Comments</b>
Risk management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Reduction in number of complaints, removal of some health and safety risks.

### Recommendations from impact assessment

#### Positive

#### Negative

#### Neutral

<b>Issues</b>

**RULES AND REGULATIONS MADE BY NORWICH CITY  
COUNCIL  
FOR THE MANAGEMENT OF EARLHAM AND ROSARY  
CEMETERIES  
(Local Government Act 1972 & Local Authorities' Cemeteries  
Order 1977)**

**HOURS OF OPENING**

**Opening times (weekends include Saturdays, Sundays and Bank Holidays)**

**1 January to Spring Clocks Change**

*Weekends 8.00am to 4.30pm*

*Weekdays 7.30am to 4.30pm*

**Spring Clocks Change to Third Sunday in April**

*Weekends 8.00am to 6.00pm*

*Weekdays 7.30am to 6.00pm*

**Third Sunday in April to 30 April**

*Weekends 8.00am to 7.00pm*

*Weekdays 7.30am to 7.00pm*

**1 May to 31 August**

*Weekends 8.00am to 8.00pm*

*Weekdays 7.30am to 8.00pm*

**1 September to 30 September**

*Weekends 8.00am to 7.00pm*

*Weekdays 7.30am to 7.00pm*

**1 October to Autumn Clock Change**

*Weekends 8.00am to 6.00pm*

*Weekdays 7.30am to 6.00pm*

**Autumn Clocks Change to 31 December**

*Weekends 8.00am to 4.30pm*

*Weekdays 7.30am to 4.30pm*

**[www.norwich.gov.uk](http://www.norwich.gov.uk)**

**ADMINISTRATION**

The "Burial authority" referred to in this document is Norwich City Council. These rules and regulations will be applied and enforced by designated officers working for the burial authority.

The 'cemeteries' referred to in this document are the Earlham cemetery on Earlham road, Norwich and the Rosary cemetery on Rosary road, Norwich.

The cemetery office will be open on Mondays to Fridays between 9.00am to 5.00pm inclusive. On Saturdays, Sundays and Bank Holidays the office will be closed.

All correspondence should be addressed to: Bereavement services, Norwich City Council, City Hall, St Peters Street, Norwich, NR2 1NH. Tel no 0344 980 3333

These regulations are made under the Local Government Act 1972 & Local Authorities' Cemeteries Order 1977 as amended by Local Authorities' Cemeteries (Amendment) Order 1986 and the burial authority will review and amend these regulations as necessary.

Regulations have always existed in cemeteries and are a necessary requirement for the effective management of a burial facility and to ensure that the cemeteries are maintained for quiet contemplation.

These rules and regulations should be read in their entirety. Section headings are not exclusive and all regulations apply equally to all cemetery users.

As well as the following rules and regulations, the Local Authority Cemeteries Order 1977 applies. In particular, Clause 3(1) of this order states that:

*'Subject to the provisions of this order, a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery.'*

### **GENERAL CONDUCT FROM VISITORS TO THE CEMETERIES**

1. All persons are expected to conduct themselves in an orderly manner and should keep to all roads and footpaths when not attending graves. All vehicles being driven within the cemetery are limited to a maximum speed of 5 m.p.h.
2. Children under the age of 12 should be accompanied by a responsible person.
3. Visitors should always deposit their dead flowers and other litter in the litter bins provided.
4. Dogs are not permitted onto the cemetery grounds except assistance dogs supporting registered disabled persons.
5. No person shall offer goods for sale or solicit orders for the sale of any goods within the cemeteries.
6. Visitors or other persons shall not interfere with any workmen employed by the burial authority and shall not employ them to execute any private work whatsoever within the cemeteries.

### **OFFENCES IN THE CEMETERIES**

7. No person shall:-
  - (a) Wilfully create a disturbance in the cemeteries;
  - (b) Commit any nuisance in the cemeteries;
  - (c) Wilfully interfere with any burial taking place in the cemeteries;
  - (d) Wilfully interfere with any grave, vault, tombstone or other memorial, or any flowers or plants on any such manner;
  - (e) Play any games or sport in the cemeteries.

8. No person, not being an officer of the burial authority, or another person so authorised by or on behalf of the burial authority, shall enter or remain in the cemeteries at any hour when it is closed to the public.

### Penalties

9. Every person who contravenes paragraphs 7 and 8 shall be liable on summary conviction to a fine not exceeding £1,000 and, in the case of a continuing offence, to a fine not exceeding £10 for each day during which the offence continues after conviction therefore, in accordance with articles 18 and 19 of the Local Authorities Cemeteries order 1977.

### **CONDITIONS REGULATING BURIALS**

10. Burials normally take place Monday to Friday between the hours of 9.15am – 3.15pm.  
Committals only on Fridays at 2.30 time slot. During the winter months the last funeral (committal only) will be 2.30pm. The time arranged for the burial service is the time when the cortege should be at the graveside.
11. The burial authority may, from time to time, need to make certain burial times unavailable because of operational issues.
12. The burial certificate or order must be received by the bereavements office a minimum of 2 full working days prior to the funeral taking place. Failure to provide this document may result in delays or the cancellation of the funeral.
13. The location of each new burial plot will be allocated by the burial authority. Where a new burial plot is required (i.e. the burial will not be in an existing, purchased plot) all reasonably practicable efforts will be made to accommodate the last wishes of the deceased and the preferences of bereaved families. The final decision on the allocation and use of any new burial plot rests with the burial authority.
14. Those families requiring interments to be in a designated faith section should make their wishes clear to their funeral director. Such requests will be accommodated subject to sufficient space being available in the appropriate section. No third party has the right to preclude a burial within any burial section.
15. Persons who are authorised by the burial authority will ensure the back filling of any graves as necessary. However, in the event of relatives and friends wishing to do so, this will be permitted at the discretion of the funeral director and with a minimum of 48 hours prior notice to the burial authority. The funeral director will be responsible for all arrangements, including risk assessments, relating to any additional activities at graveside.
16. No burial will be permitted on Sundays or public holidays. Burials on Saturdays will only occur with the prior approval of the burial authority and subject to staff availability.
17. Funeral directors must arrange, where necessary, for memorials to be removed from the grave to allow graves to be reopened. The memorial shall

subsequently be dealt with in accordance with the directions of the burial authority. Responsibility for any memorial removed in error will remain with the funeral director at whose expense the memorial will be reinstated to the satisfaction of the grave owner.

18. Reinstatement of headstone memorials following an interment is not permitted for a period of six months. After this time the instruction of the grave owner to the funeral director or monumental mason may be carried out.
19. All graves within the cemeteries will be excavated, without exception, by authorised contractors of the burial authority. Graves will be excavated to the depth and size instructed by the burial authority.
20. Floral tributes that are placed on the grave after a funeral should be removed when the tributes are seen to be decaying. If these are not removed by the owner, the burial authority may arrange for them to be disposed of.
21. In certain circumstances, it may be necessary for the soil that is excavated from a grave being prepared for an interment to be laid onto an adjacent grave. The burial authority will ensure that this is for the shortest time possible and any adjacent grave affected will be protected by boards on the grave and in front of any headstone. This will only occur if the soil cannot reasonably be placed elsewhere and after the funeral any affected grave will be fully reinstated.
22. In some cases, for cultural, religious or public health reasons, there may be a request for a burial to take place at short notice. In such circumstances the burial authority will make reasonable efforts to arrange the burial within the specified period, however, as these situations are exceptional, no guarantee can be provided. The scheduling of any funeral is always at the discretion of the burial authority.
23. All bodies must be prepared for interment before being brought to the cemetery.
24. No coffin/container will be accepted at a cemetery unless the name of the deceased therein is clearly shown.
25. The identity shown on the coffin/container will be verified to the council's officer in attendance at the funeral by the funeral director at each burial service.
26. After the coffin/container and body have been committed into the grave they shall not be removed or otherwise disturbed except for lawful exhumation by licence and or faculty or by the order of the coroner.
27. Following the interment of cremated remains on the Rosary cemetery, the burial authority will cover cremated plots with stone chippings. Any other style of chippings or flora is not permitted and the burial authority will remove any unauthorised covering.
28. Un-coffined burials are not permitted.

## **CONDITIONS REGULATING FUNERAL DIRECTORS**

29. All funeral directors are required to provide to the burial authority annually and also on receipt of any specific request from the burial authority, the following documentation –
- 1) Full risk assessments and method statement showing how work will be undertaken and what measures will be taken to minimise the risk of personal injury or damage to property. These must cover all aspects of work the funeral director is likely to undertake, including any activities within the cemetery that are associated with the funeral service (including any activities associated with funeral services based on religious beliefs) and all issues relating to vehicle access and movements within the cemeteries.
  - 2) A copy of their incident reporting mechanisms and procedures in accordance with the Reporting of Injuries Diseases and Dangerous Occurrence Regulations 1995 (RIDDOR)
  - 3) A copy of their health and safety policy and codes of practice
  - 4) A copy of their Public and Employee Liability insurance with at least £5 million cover. Copies also to be provided to the burial authority upon policy renewal.

### **CONDITIONS REGULATING GRAVES**

30. Plants and flowers may be planted within the grave space of a purchased grave subject to the grave owner's consent.
31. No trees, shrubs or other vegetation of any kind should be planted on or around graves or anywhere in the cemetery. The burial authority may prune, cut down or remove any vegetation which, in the opinion of the burial authority, has become unsightly, overgrown or is interfering with graves.
32. No trees, shrubs, plants, flowers, windmills, lights, toys or memorabilia of any kind may be grown or placed on any grave in the lawn sections (MM, OO, LL, NN). Any such items will be removed by the burial authority. However, as an interim measure, the placing of bedding plants is permitted for the period between burial and the final turfing in the lawn sections (MM, OO, LL, NN). The burial authority will advise when the turfing is to take place so that any plants can be removed.
33. The marking of the grave space in either cemetery is by the use of flush markers only. Raised kerb sets and fencing of any kind are not permitted. No grave mound, kerbing, kerb sets, or fencing of any style or height is permitted on the lawn sections (MM, OO, LL, NN). Any such additions will be removed by the burial authority.
34. The burial authority is not responsible for any items placed in the cemeteries by grave owners or cemetery visitors and may remove any such items placed in the cemeteries at any time and without prior notice.
35. The burial authority may take over the maintenance of any grave where, in the opinion of the burial authority, the grave has not been suitably maintained. The burial authority will make reasonable efforts to contact the grave owner prior to carrying out works of this kind (subject to paragraph 40).

## **CONDITIONS REGULATING EXCLUSIVE RIGHTS OF BURIAL**

36. The exclusive right of burial (ERB) may be purchased for a grave. This right of burial is for a period of 50 years from the date of purchase. The purchaser is not buying the grave freehold and does not own any land. The person who has purchased the right of burial can determine who may be interred in the grave. Notwithstanding this, the burial authority will determine the total amount of burials and/or cremated remains that may be interred in each grave.
37. The ERB may, at the discretion of the Burial authority, be renewed for a further period of time on expiry.
38. The Deed of Grant issued in relation to the purchase of an exclusive burial right is an important document and should be kept in a safe place. This grant must be presented to the bereavement office by the funeral director before the grave can be opened.
39. The ERB can be transferred to another person by assignment for which a fee is payable to the Burial authority. Equally it can also be bequeathed in a will. The burial authority encourages grave owners to ensure that other family members are aware of the existence of the Deed of Grant.
40. Any change of address must be notified to the burial authority in order that up-to-date records are maintained and so that the burial authority is able to contact grave owners as and when required. No responsibility can be accepted for information which does not reach a grave owner if the burial authority has not been informed about a change of address.
41. Graves for which the exclusive right of burial applies can only be opened with the written consent of the person to whom the Deed of Grant is issued, unless the interment is to be that of the deed holder, before which the exclusive Right of Burial must be updated with the new deed holder details. Until the Deed has been updated no interments will take place, excepting in the event that a Power of Attorney exists in relation to the Deed holder, in which case interments in the grave will be at the discretion of the burial authority.
42. An interment fee is payable each time a grave is reopened.
43. In the event that the owner of an exclusive right of burial wishes to return this right to the burial authority details of the process will be provided on request. No refund will be made if any burials have been made in the plot. In the event that the plot is empty a refund will be payable according to the amount of unexpired whole years remaining on the exclusive right. An administrative fee and VAT will be charged. Full details will be provided on application to the burial authority.
44. The burial authority would normally expect the Deed of Grant to be purchased by the next-of-kin or other close family member. The burial authority will refuse to allow the purchase of a Deed of Grant to a third-party if, in the opinion of the Burial authority –
  - i) Such a purchase would present a third party with the opportunity to decide who could, and who could not, be buried within the cemetery.
  - ii) Such a purchase would provide an opportunity for the third party to profit from the use of the grave.



iii) Such a purchase would create a lack of clarity for future management issues, particularly the ownership of, and liability for, any memorial erected on the grave.

## **CONDITIONS REGULATING HEADSTONES, MEMORIALS AND MONUMENTAL MASONS**

**Paragraphs 46 – 69 inclusive apply to all new memorials and any remedial works to existing memorials where such works are required due to an existing memorial failing a safety inspection (paragraph 68). Paragraphs 45 – 69 inclusive also apply to any memorial which is removed from the cemetery for any purpose and then returned and re-erected within the cemetery. The removal of any memorial for any purpose must always be approved by the burial authority.**

45. Memorials are not permitted on un-purchased graves or anywhere in the cemetery excepting with the written permission of the burial authority and in relation to an interment within the cemetery.
46. No memorial shall be erected upon any grave, unless the exclusive right of burial has been purchased and an application for permission to erect a memorial has been made by the registered owner and approved by the burial authority.
47. Applications for permission to erect a memorial are available from the burial authority or from monumental masons. The written application should be submitted to the burial authority accompanied by the appropriate fee and proof that the memorial is insured.
48. The full design and installation specification must be provided by the monumental mason to the burial authority in advance of any works commencing on site.
49. In order to protect the memorial from unforeseen circumstances, the grave owner must insure the memorial. Proof of insurance must be provided to the burial authority prior to the installation of the memorial. For the avoidance of doubt, the burial authority will not allow the erection of uninsured memorials in the cemeteries.
50. All memorials when completed shall remain the sole risk of the owner at all times.
51. Each memorial must be kept in good repair by the owner.
52. The burial authority reserves the right to refuse to allow the placing of an inscription upon any memorial if, in the opinion of the burial authority, it is deemed to be libellous, inaccurate or likely to cause offence to any person or body of persons.
53. Any memorial that is erected without the written approval of the burial authority is unauthorised and may be removed and stored until such time as a proper application is made and approved. A fee will be charged in respect of the removal and storage in addition to the appropriate erection fee. The burial

authority will take reasonable steps to ensure the safe removal and storage of any unauthorised memorial but will not be held responsible for any damage that may occur as part of this process.

54. All monumental masons carrying out work in the cemeteries shall have at least one person on site that has been registered, or is in the process of being registered with the National Association of Monumental Masons (NAMM).
55. All memorials of 625mm or over (in height) must be designed and erected in full compliance with BS8415.
56. All memorials under 625mm (in height) must have a foundation at least as large as the footprint of the memorial base. The base must be fixed to the memorial using dowels or a recognised lock-down system.
57. In order to ensure that all new memorials achieve the performance standard requirements of BS8415, monumental masons should follow the BRAMM (British Register of Accredited Memorial Masons) guidelines (Blue Book) with regard to ground conditions, foundation design, joints and assembly. The burial authority may insist on corrective or remedial works if, in the opinion of the burial authority, a memorial has not been designed and/or erected in accordance with the BRAMM guidelines. Corrective or remedial works must be completed to the burial authority's satisfaction within 28 days.
58. All new memorials will be inspected following the fixing by the monumental mason to ensure that they have been securely installed and do not present a health and safety risk. If, in the opinion of the burial authority, the memorial fails this inspection, then corrective or remedial works must be completed to the burial authority's satisfaction within 28 days.
59. If there are any discrepancies between the memorial and the original application this will be notified in writing to the monumental mason and the grave owner. Any corrective or remedial works required must be completed to the burial authority's satisfaction within 28 days.
60. Whenever a new memorial fails an inspection or fails to meet the criteria detailed in these rules and regulations, the burial authority will, in accordance with the circumstances of each individual memorial, take appropriate action to remove any health and safety risks. The burial authority reserves the right to charge an administrative fee to the monumental mason or the person to whose order the memorial works were carried out, to cover any costs incurred in this process, including remedial action(s), inspections (including any subsequent re-inspections) and all correspondence.
61. The burial authority requires all monumental masons working in the cemeteries to be fully conversant with the BRAMM guidelines. Any relevant revision to these guidelines may, at the Burial authority's discretion, be applied to the design and erection of all memorials subsequent to the date of the revision. The burial authority will make reasonable efforts to inform monumental masons of such changes, but notwithstanding this it is the responsibility of monumental masons to remain fully conversant with the BRAMM guidelines.

62. The burial authority may refuse memorial applications from monumental masons who have repeatedly been responsible for memorials which have failed inspections or where, in the opinion of the burial authority, there is clear evidence of repeated poor workmanship.
63. Each memorial shall have on the side close to the base the masons name and the number of the grave and an anchor symbol to indicate when a ground anchor has been fitted.
64. Flower vases must be securely fixed to the base and form an integral part of the overall memorial.
65. All rubbish and surplus materials of any kind arising from an erection, removal, repair, alteration or cleaning of any memorial must be removed from the cemetery by the monumental mason or person who has carried out the work. Should any such material be left by persons working on memorials the cost of removal and disposal may, at the burial authority's discretion, be recharged to the monumental mason who submitted the memorial application or the person to whose order the memorial works were carried out.
66. No hewing or dressing of any memorial will be permitted in the cemetery.
67. No erection or other works to memorials will be permitted in the cemeteries at weekends or on public holidays excepting remedial works in response to health and safety issues. Any such works will be permitted at the burial authority's discretion and with formal written approval.
68. The burial authority will carry out a continuous programme of safety inspections to establish whether memorials are at risk of falling and causing damage or injury. If any memorial is found to be unsafe the burial authority has a duty to minimise the risk and will take the action which best suits the circumstances relating to the individual memorial. Action may need to be taken immediately following an inspection.
69. The burial authority will follow relevant guidelines and best-practice and will publish full details of the inspection programme and procedure. The burial authority will use its own website, local media and cemetery signage to communicate details of the programme. The burial authority will make reasonable efforts to contact grave owners, subject to paragraph 40 of these rules and regulations.

### **CONDITIONS REGULATING THE BABY LAWN SECTION**

**The burial authority will seek to accommodate the reasonable requests of the families of deceased children and will explain if, for any reason, certain requests cannot be met. Children can be buried in either a designated baby section (babies one year and under), a designated children's section, or in an adult grave. The options available will be further explained by bereavement services staff on request and/or by funeral directors.**

70. Memorials fixed in a designated baby section must not be any larger than 45.72cm x 38.1cm x 3.5cm (18" x 15" x 1 1/2"). All flower containers must be incorporated and not free-standing.

71. Within the designated grave space allocated by the burial authority, families may place items of remembrance. However, grave owners must be aware that the burial authority accepts no responsibility for the safety of such items and any such items are always left entirely at the grave owner's own risk. For this reason the burial authority advises against placing any items of significant value. The burial authority may remove any glass vases, jars or other fragile materials which have been placed on the grave if, in the opinion of the burial authority, they present a health and safety risk (particularly if damaged).
72. No fences or edging of any kind will be permitted other than the grave edging provided by the burial authority at the time the grave is prepared.
73. All plots will be laid out in a border with edging and stone chippings provided by the burial authority. There will be a choice of colours for the stone chippings.
74. All plots in the designated baby section will be allocated consecutively by the bereavements Officer.
75. All items placed on the grave must be contained within the personal grave space.
76. Noisy items and lights are not permitted as these create a nuisance for other cemetery users.
77. Items found to be outside the personal grave space will be moved back into the personal grave space and the owner of the grave will be informed by letter. Where there are a large number of items that cannot all be moved into the personal grave space the owner of the grave will be informed by letter and requested to remove the items. If the grave owner has not done so within a reasonable time-frame (minimum 14 days from notification) then the items outside the personal grave space may be removed by the burial authority. These will be stored on site (space permitting) for up to three months and arrangements can be made to collect these items by contacting the Burial authority. The burial authority cannot accept responsibility for the safety of such items and can only store them for up to 3 months subject to suitable space being available.
78. In order to prevent memorials being hidden and to maintain the dignity of the burial area items placed on baby graves should not be over 300mm (12ins) in height. Balloons and soft toys should be removed and properly disposed of before they begin to degrade.
79. The burial authority must ensure that the cemeteries are maintained for quiet contemplation by all visitors and may, therefore, remove anything which does not comply with these regulations, which has become unsightly or which may cause distress to other cemetery users.
80. Any section of the cemeteries that is designated as a baby section by the burial authority will be exclusively for the burial of babies of one year old and under. The burial authority will make every effort to accommodate the wishes of bereaved parents of young children when grave locations are being discussed, however, any section designated as a baby section will not be

used as a general burial plot for children of any age regardless of whether such burials have previously occurred in other designated baby sections.

### **CONDITIONS REGULATING CREMATION PLOTS ON ROSARY CEMETERY**

81. All memorials for cremation plaques will be no larger than 45.72cm x 45.72cm x 10.16cm (18" x 18" x 4", and laid level within the borders. Headstones must not be any larger than 38.1cm x 45.72cm x 10.16cm (15" x 18" x 2")
82. Flower containers must be incorporated into the tablet at all times. No other receptacle will be permitted. The burial authority may remove any other objects which are not authorised.
83. No trees, shrubs, plants or any kind of memorial will be permitted on the cremation plots and the burial authority will remove unauthorised vegetation.
84. All cremation plots will be laid out in a border with edging and stone chippings, no other type of chipping will be allowed and the burial authority will remove unauthorised grave dressings.
85. All cremation plots will be allocated consecutively by the bereavements office

### **CONDITIONS REGULATING THE PLACEMENT OF BENCHES**

**No new benches are currently allowed in the cemeteries pending a full review of bench provision. The review will be completed during 2013, after which the following regulations will apply.**

86. The placement of a bench in the cemeteries requires permission to be granted by the burial authority. An application form is available from the burial authority.
87. After an application has been completed the applicant will be contacted and an appointment made to meet an officer of the burial authority within 7 working days.
88. At the meeting the officer will review the proposed location and determine if this is acceptable. If the position is not acceptable you will be advised of the nearest position that a bench can be placed.
89. All benches will be provided and installed by the burial authority. Where an application is successful the applicant will be charged a fee based on the cost of purchase and installation, an amount to cover future maintenance and the administrative costs.
90. Once the bench position is agreed, the burial authority will confirm that permission has been granted in writing and will arrange for the bench to be installed. A plaque or plaques may be purchased from the Burial authority and affixed to a bench that has been purchased. Details of permitted sizes and types of plaques and appropriate wording will be provided by the burial authority as part of the application process. Any plaque(s) fixed to a bench without approval or which do not conform to the permitted size and/or types specified, will be removed and the cost of removal will be charged to the

purchaser of the bench. In such circumstances the burial authority may refuse permission to attach further plaques to the bench.

91. No plants, pots or other loose items will be permitted around the bench and no additional items can be affixed to any bench.
92. After the bench has been installed an inspection will be carried out to ensure it is satisfactory. If there are any issues regarding the addition of unapproved memorials the bench purchaser will be notified and asked to remove them within 28 days. Where such issues are not resolved within this period, the burial authority may remove the bench and/or any memorials for which permission has not been granted. An appropriate charge will be made to the bench owner to cover all costs incurred by the burial authority.
93. The burial authority will provide routine maintenance.
94. Bench owners will be required to pay the costs of repairing any damage which, in the opinion of the burial authority, is not the result of general wear-and-tear. If repairs are not carried out in a timely fashion the burial authority will remove any bench that is unsightly or which may present a health and safety risk. A charge will be levied for the re-installation of benches which have been removed and subsequently repaired.

January 2013