

HALLS, CEMETERIES AND ALLOTMENTS COMMITTEE

Date: 18th January 2021

Title: Cemetery Regulations - Memorials, Gardens and Tributes.

Contact Officer: Operations and Estates Officer - John Hickman

Background

At the previous meeting members recommended the following:

Minute/Recommendation H378.4. That the Operations and Estates Officer brings a report back to the next meeting on the specific issues raised regarding Cemetery Memorials, Gardens and Tributes.

Minute/Recommendation H378.5. That a new handbook for the Cemetery be designed with the emphasis being on compassion for the bereaved.

The purpose of the report is to explain to Members the reasons for the existing regulations to assist with the review and update accordingly.

Cemetery Handbook

The original cemetery handbook was designed in 2013 by the then Facilities Manager because at that time it was recognised that something more user friendly was required to give to those making arrangements and also maintaining relatives' graves – previously they were simply given a copy of the Full Cemetery Regulations. Consequently, these were reviewed and updated again in 2015.

The original intention of the booklet was to be informal which would include the options available to relatives and what to expect. Focusing on the positive of what was allowed rather than the negative of what could not be done.

The Facilities Manager at the time noted in their report to Council that, *“feedback from relatives often includes comments that they were not sure what they could have, and this has led to some relatives making choices they later feel was not appropriate or regret, especially with regard to woodland and meadow burials. Officers also hope this will help clarify some very sensitive issues and questions relatives are often too distressed to ask about at the time of burial.”*

The main cemetery information and regulations that apply to Tower Hill Cemetery and Windrush Cemetery are still available to the relatives should they require it through the Town Hall, Witney Town Council Website and the Funeral Directors.

Officers will look to review and update the leaflet to try and make it more compassionate for relatives of the deceased, this can be done as soon as any changes currently being discussed by members to the current rules and regulations of the Cemeteries has been agreed by council.

Memorial Gardens and Tributes

Windrush Cemetery has Lawn, Meadow and Woodland Graves.

Tower Hill Cemetery has a mixture of burial types, all sections up to section 6 are traditional sections with headstones and kerb sets, previous council then changed all sections to Lawn sections. There are also family ashes plots laid out as Lawn graves section 2 and also an unmarked ashes section 10.

Initially these lawn graves were only allowed a headstone, no gardens were allowed, or any items allowed to be placed on any part of the rest of the grave.

Garden areas the same size as the headstone foundation slab 3' x 18" were introduced by council in 1994 directly Infront of the existing headstone foundation, or if no headstone was present a 3' x 3' garden was allowed at the head of a grave. If no headstone is present a memorial vase 30cm depth x 30cm length and 30cm height may be sited in the area of the headstone foundation slab. (Exclusive Rights must be purchased in all cases.)

The former Facilities Manager noted in their report to the Leisure and Recreational Committee in November 2012, that following complaints from cemetery visitors:

On visiting the cemeteries at both Windrush and tower hill it is clear that the policy regarding graves is not being followed or enforced, and in some cases the grave areas are in an inappropriate state (see attached photographs). Anecdotally there have been several complaints, usually made to works team members when they are on site, and repeated requests that we take some action.

It also impacts the ground maintenance teams who are unable to attend the cemetery areas as per the specification as strimming and mowing is almost impossible in such areas. There have been numerous occasions where items have become damaged when hidden by long grass and hit by machinery, and we have been asked to recompense for this damage.

The Cemetery information and regulations were also changed at this time to allow relatives more flexibility in what could be placed on graves whilst also improving issues regarding maintenance for cemetery staff and contractors. Additional stone vases and allowance for other decoration was also made provided this is only placed in the garden area and this area is maintained by the owner. Taking into account Witney Town Councils' responsibility to maintain the cemeteries in good order using the DCA guide for burial ground managers, The Local Authorities Cemeteries Order 1977 and the Local Government Act 1972

Lawn Graves as noted by the DCA guide for burial ground managers states;

3.22 It is important for burial ground managers to have regard to the environment provided or created for burials, friends and relatives, and visitors. Lawn cemeteries may reflect the requirements or expectations of many families and visitors, but their provision is primarily to meet the needs of the managers and staff for ease of maintenance and minimising costs. There is considerable room for debate about the extent of provision of formal or informal planting and landscaping, and natural or wild-life opportunities.

3.23 Informal memorialisation can present particular difficulties for managers. Decoration of graves (and the surrounding area) with soft toys, musical ornaments and unauthorised boundary markers may serve to commemorate the deceased in an individualistic way which brings comfort to the family concerned but can appear garish and out of place for others, detracting from the intended ambience of the burial ground. Too rigid and austere a policy towards such memorialisation can attract criticism and encourage flouting of what may be regarded as petty bureaucracy. Equally, an entirely *laissez-faire* approach may only aggravate the incidence of inappropriate and perhaps hazardous decoration. Solutions may include:

- Better information to families about permitted memorialisation and decoration on the grant of grave spaces or burial rights (including the reasons for limitations)
- Notices to this effect within the burial ground to discourage post-burial memorial additions
- Provision of separate, dedicated areas within the burial ground for informal memorialisation, coupled with strict enforcement of prohibitions outside these areas.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/326370/burial-ground-managers.pdf

<https://www.legislation.gov.uk/cy/uksi/1977/204/made>

Following this the former Facilities Manager noted in their report to the Leisure and Recreation Committee of May 2013:

Grave clearance A grave clearance also took place to bring all graves back into line with the regulations at that time.

Officers received a number of complaints from cemetery visitors regarding the decorations and items on some graves at both cemeteries. Councillors will note from the information sheet WTC do state clearly what is appropriate. Councillors agreed a schedule of grave clearance work and letters were sent to plot holders early this. Grave clearance began in April. There have been no issues or complaints regarding the requests to clear grave sites back within regulations, and officers have received a number of very positive comments from cemetery visitors about how nice the cemetery is looking.

The vast majority of graves were cleared and tidied by relatives and very few items have been taken in for storage by WTC. All graves on both cemeteries are now completed. The grounds contractors' team have also passed on comments as it is much safer for them to carry out their duties and minimise potential damage to grave items and machinery.

The current Information and Regulations for Tower Hill & Windrush Cemeteries states as follows:

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| <ul style="list-style-type: none">• The Council does not permit memorial canopies, ledgers, cover slabs or kerb surrounds of any kind (stone, wooden, plastic or otherwise) on or around the grave or plot. |
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Kerb surrounds around Lawn Section garden areas are an H&S issue trip hazard, can become sharp in certain circumstances, cause issues for grass cutting procedures and when digging graves in neighbouring plots. Grave coverings of chippings of stone glass or other materials are also not allowed

as they are H&S hazards to staff, contractors, and visitors in particular when grass cutting operations are being carried out even when the garden area is maintained by the grant owner.

- A natural stone cross which otherwise conforms to the permitted sizes may be fixed to a plinth base not exceeding the overall permitted dimensions.
- Temporary memorials or forms of identification such as metal/plastic name plates or wooden crosses are permitted during the initial twelve month period.

Wooden crosses are not accepted as a permanent memorial currently only temporary during the initial 12 month period following interment.

Council may wish to set an acceptable specification for a more permanent wooden cross provided there is no other memorial or stone vase on the grave and the cross is within a garden area where the memorial should stand and that the exclusive rights of burial have been purchased as for any other garden or memorial. The wooden cross could on be placed with permission from Witney Town Council as any other memorial.

- All memorials of whatever description, admitted into the cemetery, or permitted to be erected or placed therein, shall be so erected or placed and remain at the sole risk of the owner thereof. The Town Council shall not be held responsible for any damage or breakage, which may occur to the same. Masons should clearly inform clients of the above and advise of available insurance covers.

This is standard practice with all burial authorities. Some burial authority's advise owners to take out appropriate insurance to cover their memorials.

- In the interests of safety, any glass items including vases found in the cemetery at any time will be removed without notification for disposal.

Glass is a H&S issue within cemeteries and is removed immediately without notification, glass bottles or similar are simply disposed of but glass vases or similar are put into storage for a minimum of 6mths in case the owner should requests its return to them.

The wording of the Information and Regulation document should be considered for change in this part to state that the items are held in storage for 6mths should the owner wish to collect.

- A small memorial garden may be created and maintained by the grant owner, provided that it does not extend beyond the designated area and the natural growth shall not exceed four feet in height. All other grave space is to be left clear and undisturbed and no mounds shall be allowed to be raised (except those formed by the Council immediately following interment). This garden may include a stone vase or vases. Placing markers to show the boundary of any grave or placing vases on the turf other than those in permitted areas cannot be allowed as this would obstruct the regular grass cutting needed to maintain the cemeteries and access for other burials in the area. Glass vases or containers are not permitted at any time.

Plans are available and should be provided with the Information and Regulations to relatives giving the relevant information regarding garden sizes. The garden area is to be maintained by the grant owner.

Grant owners are permitted to place any decoration within the garden area of the grave that they may wish other than objects that are not permitted on lawn graves within this area, provided the grant owner maintains that area there as per regulations. There is no requirement for Contractors or staff other than for grave digging processes to move touch or cut grass around these items provide the grave owner maintains the garden area. Any items placed outside of the garden area cause issues for grass cutting maintenance, grave digging operations and increase costs. As normal practice the works team pick up any items outside the garden areas on graves and place them back within the garden section whenever they may come across such items.

- Where in the opinion of the Council, any garden is neglected so as to be detrimental to adjacent graves and the general appearance of the Cemetery, the Council reserves the right, after due notice where possible, to level off such garden and reseed/turf.

It is always difficult to assess when gardens are no longer maintained and it can be difficult contacting the grant owner regarding any issue regarding this due to only having the address of the grant owner as given at time of purchasing the grant.

- The Council reserves the right to dig up and remove any garden necessary for the purpose of allowing the grave to be used for additional interments at the risk and expense of the person requiring the grave to be opened.

Although this only happens on rare occurrence at Tower Hill cemetery and is more likely at Windrush where burials re double depth, there can sometimes be a requirement to have to cover garden areas to carry out grave digging operations in adjacent graves. Officers and Works team staff try to avoid this if possible, there is also very limited opportunity currently to inform the grant owner as Witney town Council only holds the address of the grant owner at the time of the purchase or transfer of the grant.

It is standard practice when graves garden areas or tributes are out of regulation that the works team inform the Town Hall, Officers try to contact the grant owner using the address as provided informing the owner of the issue and giving a minimum of 2 weeks' notice to address the issue. If the owner fails to correct the issue Witney Town Council will then deal with the issue. Any items removed from the grave will be held for 6 months in order for the owner to have opportunity to collect before disposal.

Although there are some complaints from owners as to why they are not able to place items as they may wish, it should also be remembered that Witney Town Council also receive many complaints especially verbally to the works team as to why people can decorate their graves in what they see as inappropriate manner.

Currently Witney Town Councils regulations balance the issue by allowing grant owners to place items in a garden area but also restricts it becoming overbearing for others and from affecting cemetery maintenance and interment operations excessively.

Owners very often complain that we have chopped their flower heads off or their silk flowers or other small items have been stolen etc. In most cases this is simply not the case Witney Town Council would notify owners before carrying out any action to remove items and any items removed would have been stored for 6 months in case the owner wanted to claim them. It should be noted that we have squirrels at Tower Hill that are noted for biting the heads off certain types of flowers. At Windrush we have deer and rabbits that are also well known for eating flowers. There are also many other types of

wildlife that are attracted to the some of the items left on graves. Wind is also known to move items particularly where they are not secured down including wreaths bunches of flowers real and artificial, tops of vases etc.

Other burial authority Cemetery rules and regulations - links to many other Burial Authorities for members reference where it can be seen that Witney Town Councils Cemetery Information Rules and Regulations are very much in line with these other authorities and in several cases allow much more than other authorities.

[https://www.didcot.gov.uk/uploads/regulations-and-rules-2019-\(amended\).pdf](https://www.didcot.gov.uk/uploads/regulations-and-rules-2019-(amended).pdf)

<https://www.eden.gov.uk/bereavement-services/cemeteries-and-closed-churchyards/cemetery-regulations/>

http://www.knowsley.gov.uk/pdf/2185.10_rules_and_regulations_for_cemeteries_4.pdf

<https://www.duffieldparishcouncil.gov.uk/uploads/approved-duffield-cemetery-regulations-nov-2019.pdf>

<http://www.stpauls-wokingham.org.uk/churchyard/churchyard-regulations-2017-5-memorials-and-headstones>

<http://www.durham.gov.uk/media/8232/Cemetery-information-and-regulations/pdf/CemeteryInformationAndRegulations.pdf?m=637408609667470000>

<http://www.kidlington-pc.gov.uk/UserFiles/Files/St%20Marys%20Reg%20and%20Price%20list%20April%202020.pdf>

Grant Holders Personal Contact Information.

At the time of writing this report a burial for Tower Hill Cemetery a headstone at the foot of a burial in an existing reserved burial plot had to be removed in order to be able to gain access to prepare the grave for burial. There were only 3 working days' notice of this interment and writing to the Grant owner to inform them the headstone would be removed; Officers were hand delivering a letter to the address recorded for the grant owner and hopefully would be able to speak to the owner regarding the headstone's removal. The headstone was being removed by Banbury memorials and returned as soon as the burial was complete. It would be helpful if phone numbers and email addresses were available to assist with contacting Grant owners at short notice. Obviously the removal and reinstatement is at the cost of the Council – not the grave owner – but unavoidable due to the location of the reservation.

Consideration should be given to gaining additional contact information on the application forms for Grant holders of Exclusive Rights of Burial and interment applicants in addition to Name and Home address currently gathered. Council could also request email addresses and Contact phone numbers home and mobile where possible. This would allow the possibility of easier and much quicker contact with the grant holder should the occasion arise.

Cemetery Clearance and Grant owner Information and Regulation update

Members should consider holding a cemeteries clear up to bring into line with Councils Information and regulation, to existing or new regulation, with communication with grave/grant owners of out of specification graves with signage warning of intended clearance and Information displayed on new or existing cemetery regulations, as carried previously in 2013.

Environmental impact

Having declared a Climate Change Emergency at its Council meeting on 26 June 2019 – with this in mind Councillors should have due regard to the environmental impact of any decisions they make regarding its facilities and services it operates. Councillors should be aware of the increased environmental impact of increased work in regard to maintenance if changes are made to current cemeteries regulations.

Risk

In decision making Councillors should give consideration to any risks to the Council and any action it can take to limit or negate its liability. Council should be aware of increased H&S risk regarding possible changes to current Cemeteries Regulations.

Financial implications

Changes to the current Cemeteries Information and Regulation could incur increased costs in regard to grounds maintenance, particularly if the contractors have to hand remove items or hand mow sections of the cemetery to avoid H&S hazards.

Recommendations

Members are invited to note the report and consider the following:

1. What changes should be made to the current regulations within the current Information and Regulations regarding memorial tributes, glass and grave decoration.
2. Review and updating of areas within the current Cemeteries information and Regulations as detailed within the report
3. Carrying out a cemetery's clearance and grant owner cemetery information & regulation update process within both cemeteries.
4. Updating the Cemeteries Leaflet with any changes to current Cemeteries information and Regulation, and making more compassionate to the bereaved.