

SPENNYMOOR TOWN COUNCIL



CEMETERY REGULATIONS AND POLICY

Author of Policy:	Town Clerk
Date Effective From:	24 th May 2022
Policy Review: When & By Whom	12 th May 2022 Constitution Working Group
Next Review:	Sept 2024
Version:	V4

In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's Website www.spennymoor-tc.gov.uk and copies of this document will be available for inspection on deposit in the Council Offices, Town Hall, Spennymoor. Costs are as per the model publication scheme.

Spennymoor Town Council is responsible for the running and maintenance of two cemeteries in the Township:

Spennymoor Cemetery - Rock Road

Tudhoe Cemetery - York Hill

Please note:

No dogs (except Assistance/Guide dogs) are permitted within the Cemetery Grounds

All enquiries should be made to Spennymoor Town Council, Town Hall, High Street, Spennymoor, County Durham, DL16 6DG

Tel: 01388 815276 or email info@spennymoor-tc.gov.uk

1. RULES

1.1 Behaviour in cemeteries

All persons shall conduct themselves in a quiet, orderly and respectful manner and no person shall commit any nuisance within the cemetery or willfully interfere with any burial taking place. Any person, who willfully damages, defaces or destroys any property or causes any nuisance within the cemeteries will be liable to prosecution.

1.2 Cemetery Town Council Staff Member

The Cemetery has a member of staff onsite. There is a lodge for enquiries, with toilet facilities.

1.3 Parking

To assist the elderly and disabled, vehicular access is permitted within the Cemetery at 10 mph during opening times. Parking is not restricted but there is limited capacity. **Note – no parking or driving on grass verges.**

1.4 Fees and charges

A table of fees is available upon request and on the Council website. The Council reserves the right to revise these fees and charges.

The replacement of an existing memorial by a memorial of similar class will be permitted without charge. Please note a memorial form must be completed. These are available from the Town Hall.

2. GRAVE SPACES

2.1 Purchasing Grave Spaces

The exclusive right of burial (or Grave Deed) is sold for 100 years. The maximum period of Grant is governed by legislation.

Please note that the purchase of a grave space is for the purchase of the Exclusive Right of Burial in that grave and **not** for the purchase of the land. The land remains the property of the Council at all times.

Grave spaces can be purchased by contacting the Town Council Staff Member at the chosen cemetery, who will provide a plot number. Grave spaces can be purchased prior to interment.

Payment for the graves should be made at the Town Hall and grave deeds will be issued as proof of ownership, along with the terms and conditions.

Anyone may purchase a grave space within the Cemeteries, but those living outside the Spennymoor Parish area will incur a higher fee.

It is the duty of each grave owner to notify Spennymoor Town Council of any change of address in order for the Council to keep a full and accurate record.

A burial can take place without the grave space being purchased. Any further interments (cremated remains) into the grave space require the plot to be purchased. ***A headstone cannot be erected without the grave space being purchased.***

2.2 Responsibility and Liability - Memorials

Responsibility for the overall safety within a burial ground lies with the burial authority, which has responsibilities under the Health and Safety at Work Act 1974 and the Occupiers Liability Act 1957 to ensure that, as far as reasonably practicable, their sites are maintained in a safe condition.

All headstones are owned by and are the responsibility of the Grave Owner or their next of Kin. This person is responsible for maintaining the memorial in a good condition and may wish to consider insuring a memorial in the same way as they would their household property.

No headstone will be erected until at least 13 weeks after a burial.

Memorial Masons are legally liable for the work they carry out and should ensure that memorials are erected safely and in accordance with current standards available within the industry. If masons do not carry out their work with due diligence they could end up with severe financial penalties. Claims for poor workmanship by the Memorial Mason can be made up to six years after a memorial has been installed.

2.3 Unused graves

Spennymoor Town Council will buy back graves which have not been used for burial and will refund the amount paid at the time of purchase. Please note it is an offence to sell a grave to anyone other than the Council.

2.4 Lawn Graves and unpurchased graves

Grave spaces must be purchased before a Memorial is erected. The grave space will be turfed flat with an area for the memorial to be erected.

An area of 150mm may be used for floral displays around the base of the headstone.

Please note that no shrubs, trees, plants, earth mounds, crosses, wooden crosses, cobbles, solar lights or any other decorations will be permitted on any grave space.

The full grave space shall not be enclosed with fences, kerbs or gravel surrounds. Spennymoor Town Council has the authority to remove any item which contravenes these regulations without prior notification.

The turfed area shall be maintained solely by Spennymoor Town Council.

3. BURIAL AREAS

The Council currently provides burial areas to cater for the following denominations: Roman Catholic, Church of England and Methodist.

3.1 Burials

Every interment shall take place either in a private or public Grave.

A private grave will not be opened without the owner's consent in writing.

All funerals will be met by the Cemetery Town Council Staff Member who will check the nameplate against the statutory paperwork before letting the burial proceed.

The Notice of Interment must be delivered to the office at least two working days (48 hours) prior to the time of the burial.

The coffin or casket size must be confirmed in writing, the size must be exact. **Any alteration to these sizes must be notified to the Cemetery Town Council Staff Member in writing at least two working day prior to the funeral or as soon as possible.**

The Registrar's Certificate for Disposal or the Coroner's Order for burial must be issued to the Town Council staff at the Town Hall 24 hours before the burial can take place.

If you do not hand the Registrar's Certificate or the Coroner's Order for burial to the Town Council Staff Member, then the burial **must not** take place EXCEPT in the situation where the certificate has been issued but forgotten by the funeral Director. If this happens, the funeral Director must sign a declaration in accordance with the Births and Deaths Registration Act 1926 before the funeral can take place. This declaration must explain why the certificate has not been delivered and promise to deliver it to the administration office as soon as possible, preferably on the same day as the burial or, in exceptional circumstances, on the next day.

3.2 Grave Preparation and Backfilling

All excavation works and backfilling of graves will be carried out by the Town Council Staff Members. No grave shall be dug or excavated by any other person unless appointed by the Council.

A grave has to be of sufficient width and length to fit the coffin size specified on the Notice of Interment. The final dressing of the grave space will normally be completed one hour before the cortege is expected to arrive.

Spennymoor Town Council will mat and dress the grave before the burial takes place unless we are asked not to.

Spennymoor Town Council has access rights over all graves and can remove and replace any memorial to facilitate a burial in a neighbouring grave (Health and Safety requirement). We will inform an Undertaker who will notify a Monumental Mason to remove the headstone and replace.

Adjacent grave spaces will be required for the placing of spoil. The grave will be fully reinstated to its original appearance once the interment has taken place.

3.3 Opening Graves

No grave for which a Grant of exclusive right of burial applies shall be opened without the written permission of the registered owner unless the burial is to be that of the registered owner or his/her next of kin or assignees.

If the burial is to be of the registered owner of the Grant of Exclusive Right of Burial we do not need written permission to open the grave. However the name of the deceased as shown on the Registrar's Certificate for Disposal must be **exactly** the same as the name on the Grant of Exclusive Right of Burial to make sure that only the correct person is buried in the grave. Any variation in the names must be explained before the burial can take place.

We have the right to demand to see the Deed of Grant of Exclusive Right of Burial before a grave is opened.

3.4 Depth of graves

No body shall be buried in a grave in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave.

When a grave is re-opened for the purpose of making another burial therein, no person shall disturb any human remains interred therein or remove therefrom any soil, which is offensive.

3.5 Transfer of grave ownership

In the event of the death of the original grave owner, the person claiming to be entitled to the ownership rights must obtain a formal transfer of ownership with the Council.

A copy of the last will and testament identifying the Executor/Executrix will be accepted as proof of intended ownership. If this information is not available

please contact the Town Hall to ascertain what documentation will be required, as this will depend on who intends to have ownership going forward.

The formal transfer must take place before funeral arrangements are made to re-open the grave space.

3.6 Cremated Remains Graves

Graves for the burial of cremated remains are provided at both cemeteries.

Cremated remains can also be interred in any other full size grave where an exclusive right of burial has been granted or if desired, in an un-purchased grave space. No memorials are allowed on an un-purchased grave space.

Cremated remains must be in a suitable biodegradable container. The container must have the full name and age of the deceased clearly visible.

No burial of cremated remains will be permitted unless a copy of the Certificate of Cremation from the crematorium where the cremation took place is given to the Cemetery Town Council Staff Member together with the completed Notice of Interment and all fees must be paid at the Town Hall prior to burial.

4. MEMORIALS

4.1 Permitted Memorials

The following types of memorials are permitted depending on grave type:

- Headstone,
- Vase block or tablet
- Wall plaque and vase block (within the Memorial Garden)

4.2 Managing Cemetery Memorials

Memorials may only be erected over graves in respect of which the Exclusive Right of Burial has been produced. The right to erect a memorial rests with the Exclusive Right holder and will be for the term of the Grant of Grave Space.

The installation of new memorials, renovation of existing memorials, and added inscriptions to memorials is carefully controlled by the Council to ensure that all memorials comply with Spennymoor Town Councils' Regulations applicable to the erection and maintenance of memorials, and work is carried out in a manner that will ensure that all Health & Safety regulations are adhered to.

The Council is a member of the British Register of Accredited Memorial Masons (BRAMM). All masons operating within Council maintained cemeteries must be registered with the scheme and supply certified fixers to supervise construction of memorial stones. All materials and fixing methods are controlled by the National Association of Memorial Masons (NAMM) Code of Practice and masons must also comply with the Council's Rules and Standards for the Erection of Memorials. No mason may work within a cemetery without formal permission.

Application for acceptance onto the register must be made in writing to Spennymoor Town Council. The Council has the right on demand, at the memorial masons cost, to require the memorial mason to dismantle a memorial to demonstrate that correct fixing methods have been used. Contravention of the regulations may result in removal from the register.

It is strongly recommended that the grave owner obtains appropriate insurance cover against all risks for the memorial.

Memorials and surrounds may not be erected over any grave in which the Exclusive Right of Burial has not been purchased.

Applications for memorial work must be submitted to Spennymoor Town Council for approval. This application must be made on the form "Application for permission to erect a Memorial." This form should include the name and address of the memorial mason who will carry out the work, materials and measurements of the memorial, requested inscription and a diagram of the proposed memorial. The application form must also contain the full names of the registered grave owner/s and their signatures or a suitable representative to give permission for the work to be done. The shape and design of a memorial will be considered on application, as long as they do not exceed the sizes given. Please note, a memorial's overall height **MUST** include the height of its base.

Spennymoor Town Council has the right to decline any memorial/inscription that is deemed inappropriate for the cemetery.

Trade names must be placed only on the memorial plinth measuring 3"x2", with the permission of the family.

Spennymoor Town Council do not allow kerbs, posts or vases on the lawn section. Any memorabilia placed on graves will be removed by the council and placed in store to be collected by the grave owner.

Spennymoor Town Council may ban any person that we find trying to get business within the cemetery from entering the cemetery in the future.

4.3 Memorial Safety Testing

Once any memorial has been erected, the grave owner or their executor or personal representative will be held to be responsible for the future maintenance and safety of that memorial.

If you believe yours or any headstone/memorial may be unsafe please notify the Town Council on 01388 815276 immediately so that an inspection, followed by appropriate action, can be carried out.

Memorials within the Cemetery are constantly monitored for safety reasons. If a memorial is found to be in a dangerous condition, Spennymoor Town Council will place stakes either side of the memorial and wrap with tape to alert cemetery users to any possible danger, and contact with the last known grave owner will be made, if the information is less than 30 years old. (We will not write to anyone where the information is older than this, because we have no way of knowing if the owner has since died themselves and we would not wish to distress relatives in this respect).

Spennymoor Town Council's policy on memorial safety is based on guidance that has been developed by the Burial and Cemeteries Advisory Group in England, which advises the Ministry of Justice on all aspects of burial law. (The sub-Group represented burial ground operators, memorial masons and cemetery managers as well as the Health and Safety Executive. The insurance industry and the Local Government Employers were also consulted)

The guidance represents good practice on the standard expected in the risk management of memorials in all types of burial grounds, public or private. It is likely that such good practice will be used by the Health and Safety Executive throughout the UK. The following procedures reflect the new approach to memorial safety that needs to be adopted. The guidance sets out a risk-based approach to help authorities and other operators develop a proportionate approach to managing the risk associated with memorials that is based on good practice.

Any memorial deemed to be immediately unsafe by the Town Council Staff Member will be rendered safe and must, be repaired by an approved memorial mason. The costs of rendering the memorial safe shall be borne by the owner. This may include laying a memorial flat. The Council acknowledges that this can be distressing for relatives, however, in July 2000, a six year old child died as a result of a collapsed headstone in a Harrogate cemetery. This highlighted the risk and liability councils face in cemetery management and, therefore, the Council has to put the health and safety of staff and visitors to the cemetery first.

4.4 Where a memorial is found to need repair but is not an immediate danger

It is Important that you notify us of any change of address as soon as possible. If repairs are not carried out within reasonable time, the Council may take the following action.

1. Remove or store the memorial or,
2. Dismantle the memorial and lay the headstone flush with the ground or,
3. Remove and dispose of the memorial, if it is beyond repair

Any costs related to the above will be borne by the deed owner.

It is **IMPORTANT** to note that only a qualified and approved memorial stonemason can carry out repairs.

The Council reserves the right, after four weeks' notice and failure to take the necessary action, to lay flat or remove any memorial that infringes these regulations, or in the opinion of the council is in a state of disrepair. If a memorial has to be removed from site due to it being dangerous, the Town Council Staff Member, or a contractor employed by the Town Council, can legally remove it.

4.5 Vase and Flower Holders

Subject to the following conditions, vase and flower holders may be placed on graves: In the interest of public safety, no glass or ceramic vases should be placed on any grave. The only permitted holders are to be made of metal/plastic. The Cemetery Town Council Staff Member may remove any articles from any grave which he considers may be dangerous or unsightly in any way or which are likely to cause risk of damage or injury. The holder must not be fixed to the grave or any memorial.

Vase and flower holders must be placed at the head of the grave, within 150mm, so as not to impede grass cutting. No holders should be placed at the bottom of the grave space.

Vase and flower holders are placed on the grave at the owner's risk. Spennymoor Town Council will not be liable in the event of loss or damage caused.

Any vase or flower holder that does not comply with Spennymoor Town Council's regulations will be treated as any other memorial for the purposes of the regulations.

4.6 Removal of floral arrangements

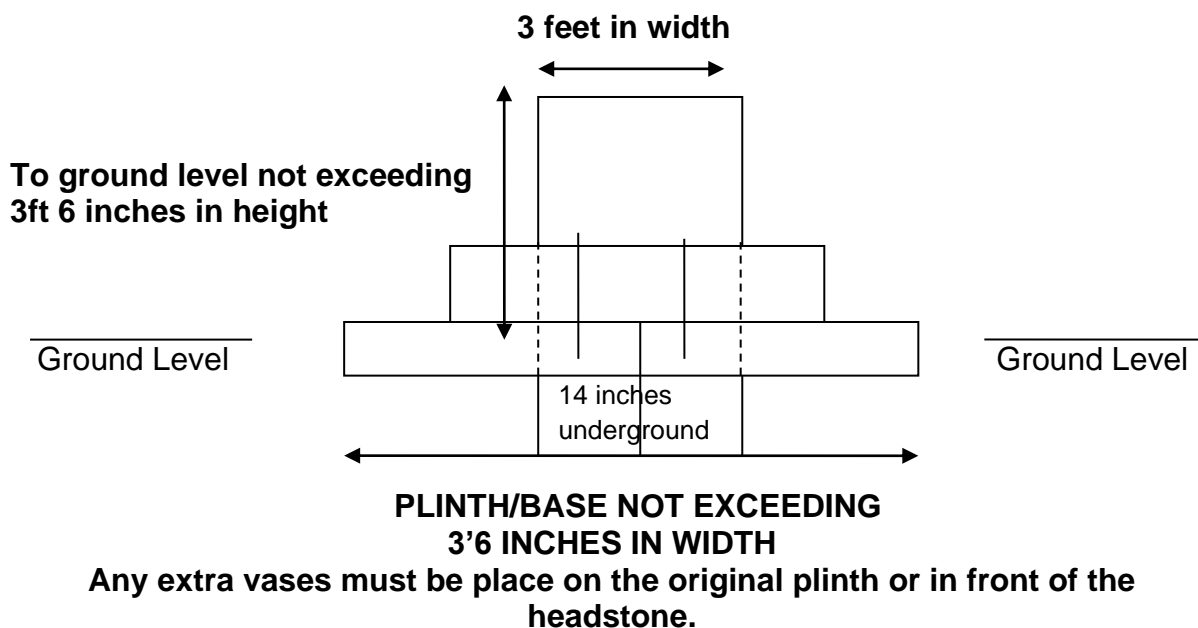
The Cemetery Council Staff Members will remove all funeral flowers, including artificial flowers, and oasis displays when they become unsightly.

Christmas wreaths are normally removed after the Christmas period, during the second week in February

Permitted Memorial Sizes

Memorials are permitted on any section of the Cemetery provided that they do not exceed the maximum measurements:-

For a Double Grave - A headstone not exceeding 3feet 6 inches in height by 3 feet in width



A vase – maximum size 12 inches by 12 inches.

A plaque not exceeding 18 inches square on a plinth abutting an existing headstone / instead of a headstone

Garden of Remembrance

The Garden of Remembrance is available for the burial of Cremated Remains.

No:

- Private planting in the gardens;
- No tributes to be placed on footpaths or lawns;

- Walking on the beds, lawns or memorials, no climbing of the walls or fountains;
- Litter;
- Private scattering of ashes;
- Playing of games;
- Drinking, eating or smoking;
- Bicycles, skateboards, roller blades or roller boots;
- Nothing other than permitted memorials are to be left in any part of the gardens. Any articles, structures or plants that contravene this will be removed.

Spennymoor Town Council cannot accept responsibility for acts of vandalism in the gardens although we will take precautions to prevent vandalism.

Maintenance of the gardens are the responsibility of Spennymoor Town Council. No maintenance or repair should be undertaken by anybody else without consent.

Spennymoor Town Council reserve the right to refuse anyone entry to the gardens.

Spennymoor Town Council reserve the right to arbitrate in any matter.

Memorial wall plaques and vase blocks.

The Council offers memorial wall plaques and vase blocks within both cemeteries for families who wish to commemorate the memory of their loved ones. Only these leased vase blocks are permitted.

Application requests must be made to the council on the application forms provided

The responsibility for any loss or damage will remain with that of the applicant. The condition of the memorial plaque will be monitored by the Council and any deterioration reported to the applicant. Plaques that fall into disrepair will be removed by the Council.

At the expiration of the 'Lease' period if a renewal has not been applied for by the leaseholder Spennymoor Town Council will write to the leaseholder at his / her last known address. If Spennymoor Town Council do not receive notification from the leaseholder within a 3 month period from the expiration of the lease then Spennymoor Town Council reserve the right to remove the memorial from the Memorial Garden.

Cemetery records

As soon as is reasonably practicable all details relating to a burial are recorded within registers provided by the Council. Documentation relating to new graves is sent direct to the purchaser.

Registers of Burials are available for public perusal and are kept at the Town Hall, Spennymoor. A fee of £50 is charged to cover administration and staffing costs.

Any person who wishes to inspect the registers must first make an appointment to do so.

Spennymoor Town Council reserves the right to alter their regulations at any time and these regulations must be adhered to.

Spennymoor Town Council Approved Monumental Masons

Allison, Wm & Sons Ltd	7 South Church Road, Bishop Auckland	01388 603245
Auckland Memorials	31 Tindale Crescent, Bishop Auckland	01388 662368
Bambridge Brothers	223 Northgate, Darlington	01325 463773
Borthwick Memorials	27 Burn Road, Hartlepool	01429 223290
Cleveland Monumental Co.	35 Market Street, Ferryhill,	01740 653340
Harrison, W.S & Son	St Marks House, Shields Road, Newcastle	0191 265 5415
Nelson Sculptors	82 Victoria Road, Darlington	01325 464013
North East Granite Co. Ltd	Littleburn Industrial Estate, Langley Moor, Durham	0191 378 0555/ 0191378 0159
Richmond, Joseph & Sons	629 West Road, Denton Burn, Newcastle	0191 2280058
Scott Memorials of Distinction	21-22 Princess Road, Seaham, County Durham	0800 163 630
Teesdale Memorials	Harmire Enterprise Park, Unit 2, Barnard Castle DL12 8XT	01833 690444
Wood, I Monumental Sculptors	115 Grainger Market Newcastle upon Tyne	0191 230 2990