

Agenda Item	17
Report No	EDI 13/19

## HIGHLAND COUNCIL

**Committee:** Environment, Development and Infrastructure Committee

**Date:** 31 January 2019

**Report Title:** Review of Management Rules for Cemeteries and Kilvean Crematorium

**Report By:** Director of Community Services

### **1. Purpose/Executive Summary**

- 1.1 Highland Council has in place Management Rules regulating the use of and conduct of persons within cemeteries and burial grounds.
- 1.2 The purpose of this report is to seek approval to review the Management Rules and conduct a consultation exercise with relevant stakeholders.

### **2. Recommendations**

- 2.1 Members are invited to:
  - i. note the contents of this report;
  - ii. approve the review of the Management Rules; and
  - iii. agree that consultation with relevant stakeholders takes place regarding the review.

### **3. Background**

- 3.1 Highland Council has in place Management Rules regulating the use of and conduct of persons within cemeteries, burial grounds and Kilvean Crematorium (**Appendix 1**).
- 3.2 The rules (**Appendix 2**) have been updated to:
- a. reflect changes in the organisation of Highland Council, specifically to reflect the creation of the post of Bereavement Services Manager; and
  - b. provide an improved and clearer description of memorials and ornamentation of the grave and where mementoes and memorabilia can be placed.
- 3.3 Section 112 of the Civic Government (Scotland) Act 1982 details the process by which local authorities can make Management Rules which includes a period of public consultation.
- 3.4 The draft Management Rules will need to be made available for inspection for at least a month to comply with the requirements set out in the Civic Government (Scotland) Act 1982.
- 3.5 Members of the public will require to be notified by way of a newspaper advertisement where the draft Management Rules may be inspected, and the address to which objections may be sent. Once the notified period for inspection and objection (which cannot be less than a month) has expired, Community Services will consider (following consultation with officers from Legal Services) whether any changes to the draft Management Rules are required. These changes will be presented for approval to the Environment, Development and Infrastructure Committee in May 2019.
- 3.6 Following the consultation and execution of the Management Rules they will remain in force for a period of ten years unless revoked or amended and will be available for public inspection.

### **4. Implications**

- 4.1 Resource – there are no known resource implications
- 4.2 Legal – the Council has the authority, through the Civic Government (Scotland) Act 1982, to create and enforce Management Rules regulating the use of and conduct of persons within cemeteries and burial grounds.
- 4.3 Community (Equality, Poverty and Rural) – there are no known implications arising from this report.
- 4.4 Climate Change / Carbon Clever – there are no known implications arising from this report.
- 6.5 Risk
- 6.5.1 The review of Management Rules will improve the Council's control over:
- a. operations within the Cemetery by contractors engaged by members of the public; and
  - b. unsafe memorials and other structures installed by members of the public

- 6.5.2 There is a potential reputational risk to the Council regarding enforcement of the Management Rules in relation to memorabilia and ornaments on lairs. This will be addressed through the consultation process
- 6.6 Gaelic – there are no known Gaelic implications arising from this report.

Designation: Director of Community Services

Date: 31 January 2019

Author: Andy Summers, Head of Environmental and Amenity Services

## Appendix 1

### **MANAGEMENT RULES FOR CEMETERIES**

The Highland Council has made the following Rules and Regulations for the management of cemeteries in Highland in terms of Section 17 of the Burial Grounds (Scotland) Act 1855 and Section 112 of the Civic Government Scotland Act 1982 which shall apply to all cemeteries under the control of The Highland Council.

#### **Interpretation of Terms**

In these management rules the following words and expressions shall have the following meanings assigned to them.

The Burial Authority means The Highland Council

Appropriate Officer means the person for the time being appointed by the Council in that designation responsible for the good management of all Burial Grounds.

Casket Lair means a lair reserved for the interment of cremated remains only.

Lair Holder means the owner of the exclusive right of burial in a lair, and to whom the certificate is granted.

Lair includes grave or plot suitable for the burial of a coffin(s) and or caskets containing cremated remains for which the exclusive right of burial has been purchased. .

Ordinary Grave - a grave or burial lair for which the exclusive right of burial has not been purchased.

Memorial means any commemorative marker place over or upon a grave or lair.

#### **2. The Exclusive Right of Burial**

- 2.1 The exclusive right of burial shall, subject to the rules and regulations, be sold at the rate or rates fixed by the Burial Authority from time to time. This right can be renewed at the end of this period subject to an administrative charge.
- 2.2 Purchased lairs will be allocated in rotation at the discretion of the appropriate officer of the Burial Authority. Only such lairs as are numbered on the cemetery plans will be allocated. Pre purchasing of lairs will only be permitted where the anticipated capacity within a particular burial ground allows.

- 2.3 The Burial Authority shall provide the purchaser (Lair Holder) with a lair certificate describing the lair. A lair holder duly recorded by the council shall have exclusive right of permitting the lair to be opened and/or apply to have a memorial erected/altered/removed. The production of a certificate will be held as sufficient authority.
- 2.4 With the exception of trustees, only one person shall be registered as the Lair Holder of a lair or lairs. No lair holder shall be entitled to transfer any or all of his/her lair rights during his/her lifetime without the approval of the Burial Authority. The lair right may be handed back to the Burial Authority and a refund at current lair charge less an administrative charge if the lair is still unused.
- 2.5 On the death of the lair holder the exclusive right of burial must be transferred before any further applications for burial or memorials can be considered, unless it is to permit the burial of the Lair Holder or their widow/widower / legal partner. In the absence of a specific bequest, any claim to inherit the Lair Rights, will have to be established in terms of the Succession(Scotland) Act 1964. Any person claiming rights to a lair by succession shall on production of evidence sufficient to establish the claim and on payment of the appropriate fee, be entitled to have his or her name entered in the register of lair holders. A new lair certificate shall be issued and the successor shall be entitled to all the rights, subject to the present and future Rules and Regulations of the Burial Authority or its successors.
- 2.6 Joint succession to or division of the exclusive rights for any lair is expressly prohibited.
- 2.7 The Council shall maintain registers/records of:-
- All sold lairs detailing the date of purchase, name and address of registered holder, unique lair identification, type of lair, and cost of purchase.
- Unsold lairs.
- Plans and/or maps of all cemeteries.
- 2.8 Lair rights can be transferred within or between cemeteries, subject to an administrative fee.
- 2.9 The Burial Authority shall not be held responsible for any error or misunderstanding as to the person entitled in the register as beneficiary or successor or as to a person entitled to the rights in any lair.

### **3. Interments**

- 3.1 All Burials must be authorised by the Burial Authority prior to funeral arrangements being publicly announced.

- 3.2 Any requests or instructions given verbally will be received at the sole risk of the person giving such requests or instructions. The Burial Authority will not be responsible for any loss, misunderstanding or failure in arrangements which may arise with regard to information or instructions given verbally unless they are immediately confirmed in writing to the Burial Authority. The Burial Authority will not be liable for any failure in arrangements for burial due to circumstances beyond its control.
- 3.3 Any request for interment, including cremated remains, must be submitted to the Local Burial Authority Office on an approved Form and be completed to the satisfaction of the Burial Authority. The authorisation of the burial will not be granted unless at least 48 hours prior to the burial taking place, excluding Saturdays, Sundays and Public Holidays. This notice shall not apply in cases of death from epidemic disease, or other interments required to take place immediately upon the production of a certificate from a Procurator Fiscal or a Medical Practitioner, or in the case of a body found at sea or washed ashore.
- 3.4 Any request should state the name and address, age and date of death of the deceased, the relationship of the deceased to the lair holder, the residence at the time of death and the day and hour of interment and any other such information deemed necessary by the Burial Authority from time to time.
- 3.5 A statutory Certificate of Registration of Death, Cremation or Still Birth, shall be provided by the undertaker/agent to the Burial Authority prior to an interment taking place.
- 3.6 The times for interment may be fixed from time to time by the Burial Authority except in cases of emergency.
- 3.7 The body of a deceased person will not be accepted for disposal by burial unless such body is properly enclosed in a suitable lined coffin.
- 3.8 The Funeral Director/Agent will be responsible for the provision of sufficient bearers to convey the coffin reverently from the hearse to the graveside and for lowering the coffin into the grave. Where Council employees are asked to assist neither they nor the Burial Authority will be held responsible for damage to the hearse or coffin.
- 3.9 No coffin or casket shall be disturbed or removed from any grave with a view to making room for a new interment, unless permitted/instructed in writing by the appropriate authority.
- 3.10 No coffin shall be interred unless there is a minimum of a 600mm layer of earth available between the top of the final coffin and the surface ground level. Coffins in the same lair must be separated from one

another by a layer of earth not less than 150mm in thickness. No coffin shall be interred nearer than 750mm from the foundation or any part of a boundary, wall or building in a cemetery.

- 3.11 The number of burials which can be accommodated in any particular lair cannot be guaranteed in some areas, but it is intended that each lair would accept no more than three full sized coffins plus up to six cremation caskets, subject always to ground conditions, and to the discretion of the Appropriate Officer whose decision shall be final. Infant coffins may be accepted in these lairs, subject to size, ground conditions and to the discretion of the Appropriate Officer whose decision shall be final.
- 3.12 The Burial Authority shall keep registers in which shall be recorded every interment specifying the lair number, the cemetery, the depth of the lair, the date of interment, the name, last address and age of the person buried, burial depth and all other requisite particulars.

#### **4. Areas for Cremated Remains**

- 4.1 Designated areas for the interment of cremated remains only will be provided in some cemeteries. Each new lair shall be capable of holding a maximum of four sets of cremated remains.
- 4.2 No cremation casket shall be interred unless there is a minimum of a 300mm layer of earth available between the top of the casket and the surface ground level.
- 4.3 The exclusive rights to the lair will be sold with the right to erect a memorial which shall be restricted in width to 75mm less than the width of the lair at which it is to be erected and a maximum height of 750 mm. Any proposed variations to these measurements to be by written request to the Appropriate Officer who shall at his/her sole discretion have powers to waive or modify this regulation.
- 4.4 Cremated remains must not be scattered in any part of the cemetery.

#### **5. Memorials**

- 5.1 The erection of memorials shall only be permitted on lairs where an Exclusive Right of Burial has been granted.
- 5.2 A lair holder shall be entitled to have a memorial erected provided it complies with current specifications as determined by the Burial Authority and that it will not intrude in any way over that part of the lair that may require to be opened for future burials. No memorial shall be erected or inscription added within any burial ground until a plan or sketch thereof showing suitable scale and inscription has been

submitted on an appropriate application form and approved by the appropriate officer.

- 5.3 The application for the erection of a memorial must be made in writing at least 21 days before it is proposed to erect the memorial. Any inscription on a memorial must be approved by the Appropriate Officer and must conform to the administrative requirements of the Burial Authority applicable at that time.
- 5.4 All work in connection with the erection of any memorial shall be undertaken by a mason who is accredited under the approved schemes managed by NAMM, or BRAMM or an equivalent approved scheme and carried out to the satisfaction of the Appropriate Officer and the whole expense of such erection and the making good of any damage to council or any other property shall be borne by the person instructing the erection of such memorial. Foundations for all memorials must be constructed in accordance with such recommendations issued by the National Association of Monumental Masons from time to time. Memorials are erected at the owners own risk and the Burial Authority will not be responsible for any loss or damage.
- 5.5 The section and number of a lair must be cut clearly upon the side of the memorial at the expense of the person erecting the memorial. The memorial mason will inscribe his identifying mark on the base of the headstone.
- 5.6 A lair holder is liable for the risk of any damage by or to any memorial on the lair.
- 5.7 The base of the memorial may contain a flower vase holder. Additional forms of memorials, vases, ornaments, will only be permitted within 450 mm out from the base of the headstone. The Burial Authority will not be responsible for any loss or damage to such memorials. Glass or pottery containers/ornaments will not be permitted.
- 5.8 The lair holder shall keep any memorial clean and in a safe condition of repair of which the appropriate officer shall be the sole judge. Failing attention to this requirement within 21 days after written notice to the lair holder at their last known address the Burial Authority shall be entitled at the holders expense either to repair any memorials on that lair, or to cause to have them removed. Until the cost of such repairs or removals are paid, any further Lair Rights shall be withheld.
- 5.9 The planting of trees and shrubs shall not be permitted. Any previous planting which is considered by the Appropriate Officer to be inappropriate because of potential interference to any memorial, grave or maintenance of the cemetery will be removed.



- 5.10 No kerbs, stones, footstones, railings, fences or any other structures (other than authorised memorials) will be permitted on lair spaces within a cemetery.
- 5.11 No memorial or part thereof shall be removed from the cemetery without notification to the Burial Authority.

## **6. General**

- 6.1 Cemeteries that are not permanently open shall have notices displayed at or near their principal entrance, indicating when they are open and closed.
- 6.2 The Burial Authority may by notices posted at or near the place to which it refers, close any part to the public for such time as it may consider necessary.
- 6.3 No persons shall enter or leave a cemetery except by the entrances and exits provided for that purpose.
- 6.4 No person shall enter or wilfully remain in a cemetery except during the hours in which same is open to the public as agreed from time to time by the Burial Authority.
- 6.5 Unaccompanied children under sixteen years of age will not be allowed to remain in the cemetery if their behaviour is offensive, unruly or gives cause for complaint..
- 6.6 No dogs shall be permitted into any cemetery with the exception of guide dogs.
- 6.7 Memorial wreaths/floral tributes shall generally not be removed for at least 14 days or until their appearance has substantially declined. Christmas wreaths shall generally not be removed for disposal until after the end of January, unless their appearance has substantially declined.
- 6.8 No person shall unlawfully interfere in any way with a lair.
- 6.9 No operation of any kind shall be permitted inside a cemetery without the sanction of the Appropriate Officer who must be satisfied that the authority of the lair holder has been obtained before work commences.
- 6.10 Charges for permission to erect and place any memorial in the cemetery or to make any inscription shall be in accordance with the rates determined from time to time by the Burial Authority. A table of fees relating to burial ground and crematoria charges shall be kept at local Burial Authority offices.

- 6.11 A plan of the cemetery and the table of interment fees and other charges shall be kept at a local council office. All fees and charges in connection with the interments, lair certificates etc. shall be acknowledged on an official printed receipt form.
- 6.12 The Burial Authority shall be at liberty to alter these Management Rules or any part of them from time to time as they may see fit and to make and enforce such others if they think this necessary for the proper or better management of the cemeteries.

## **7. Vehicles**

- 7.1 Car Parking facilities provided by the Burial Authority for the convenience of patrons shall only be available during such times as the facilities of the cemetery are being used. In all cases, the directions of the Appropriate Officer must be complied with and all vehicles must be driven at an appropriate speed and with due care and attention.
- 7.2 The Burial Authority shall not be held responsible for damage to vehicles or other property left in a cemetery car parking area, however such damage may be caused.
- 7.3 Vehicles conveying memorials or goods into the cemetery grounds will only be allowed entry with the consent of the Appropriate Officer. The person or persons in charge of such a vehicle must comply with the directions of the Appropriate Officer as to the route to be followed within the grounds.

## **8. Prevention of Nuisance**

Whilst present in any cemetery, no person shall :

- a) Use offensive language or behave in an offensive, disorderly or insulting manner.
- b) Wilfully or carelessly obstruct, disturb or corrupt any officer or employee of the Burial Authority in the exercise of his / her duties or in the execution of any works.
- c) Wilfully or improperly interfere with any other person legitimately using the facilities provided by the Burial Authority or behave in such a manner as to endanger their own or any other person's safety.
- d) Disobey any proper instructions given by any Appropriate Officer to ensure the safety and comfort of all persons using a cemetery.
- e) Bring in any object or objects which may be considered by any member of the cemetery staff to be dangerous.

f) Climb upon any tree, shrub, wall, fence, railing or upon any memorial, fountain, statue, building or other structures.

g) Wilfully break, damage, deface, disfigure, tamper with or improperly soil any tree, shrub, wall, fence, railing, memorial, fountain, statue, building or other structure in the cemetery.

h) Wilfully or carelessly damage, destroy or improperly soil any article supplied for use by the Burial Authority.

i) Retain or remove any article supplied for use by the Burial Authority after it had been used.

8.2 Should any difference or dispute arise as to the real intent, meaning or interpretation of these Management Rules or table of fees and charges, the decision of the Appropriate Officer shall be final.

## **9. Penalties**

9.1 Any person who has persistently contravened or attempted to contravene the foregoing management rules and is in the opinion of the Burial Authority likely to contravene or attempt to contravene them again, shall be made the subject of an exclusion order in terms of Section 117 of the Civic Government (Scotland) Act 1982.

9.2 Any person who :-

a) on being required to leave any cemetery by an Appropriate Officer of the Council who has reasonable ground for believing that the person has contravened or is contravening or is about to contravene any of the foregoing management rules fails to leave .

b) on being informed by the Appropriate Officer, who has reasonable grounds for believing that the person is about to contravene any of the foregoing management rules applying to any cemetery that he is excluded from, enters or attempts to enter the cemetery or

c) is subject to an exclusion order under Section 117 of the Civic Government (Scotland Act) 1982 enters or attempts to enter the cemetery to which the exclusion order relates, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 of the standard scale of fines referred to in Section 225 of the Criminal Procedure (Scotland) Act 1995.

## **Management Rules for Burial Grounds**

The Highland Council has made the following rules and regulations which shall apply to all burial grounds under its control. These rules and regulations are subject to Section 112 of the Civic Government (Scotland) Act 1982, the Burial and Cremation Act (Scotland) 2016 and any additional provisions approved by the Scottish Ministers. These management rules are liable to be changed at the discretion of the Council at any time to enable proper management of its burial grounds.

### **1. Interpretation of Terms**

In these management rules the following words and expressions shall have the following meanings assigned to them:

“The Council” means any appropriate Burials Officer of The Highland Council.

“Right of Burial” means the right to be buried in a lair, and the right to decide whose remains may be buried in the lair

“Lair” means a grave suitable for the burial of coffins and/or cremation caskets

“Casket Lair” means a lair reserved for the burial of cremated remains only

“Lair Holder” means the owner of the exclusive right of burial in a lair, and in whose name the Lair Certificate is registered

“Memorial” means any commemorative marker placed over or upon a grave or lair, (i.e. Headstones)

### **2. The Exclusive Right of Burial**

- 2.1 The Council may sell a right of burial in a lair in one of its burial grounds on the application of any person. The right is only exercisable by the person in whom the right is vested.
- 2.2 Purchased lairs can only be allocated by the Council. Allocations made by Funeral Directors or other persons will not be honoured, unless they have prior written permission from the Council to allocate a specific lair. Pre-purchasing of lairs without an associated burial will only be permitted where the anticipated capacity within a particular burial ground allows. The Council reserves the right to refuse pre-purchasing of lairs at any time.
- 2.3 The Council shall provide the Lair Holder with a lair certificate describing the lair. A lair holder duly recorded by the council shall have exclusive right of permitting the lair to be opened and/or apply to have a memorial erected/altered/removed. Entry in the Council’s interment books shall be conclusive as to the ownership of the right of burial.

In the absence of any reliable record held by the Council, the production of a certificate will be held as sufficient authority.

- 2.4 As per 17(4) of the Burial and Cremation (Scotland) Act (2016), the Council has a duty to amend any detail of their records as necessary to keep those records accurate.
- 2.5 With the exception of trustees, only one person shall be registered as the Lair Holder of a lair or lairs. Joint succession to or division of the exclusive rights for any lair is expressly prohibited. No lair holder shall be entitled to transfer any or all of their lair rights during their lifetime without the approval of the Council. Lair ownership may be handed back to the Council and refunded at current lair charge (minus an administration fee) if the lair is still unused. Where two single-depth lairs were sold in lieu of one double-depth lair, one double-depth charge will be refunded.
- 2.6 The exclusive right of burial is considered to be part of the Lair Holder's estate, and shall be treated in accordance with the terms of Succession (Scotland) Act 1964 as amended and all relevant regulations made thereunder (providing they were domiciled in Scotland at the time of their death). Where a registered lair holder and their spouse / civil partner have died, the lair may only be opened for burial with the permission of all legal successors, whether as an isolated event or as part of the permanent transfer of lair rights.
- 2.7 The written permission of all legal successors is preferred but if this is not appropriate or possible then a declaration may be made by the applicant that all legal successors have been informed and no objections have been made. The Council shall not be responsible for accepting in good faith this claim, or a claim of legal successorship if it is subsequently ascertained that such a claim is unfounded. This applies to Memorial applications too.
- 2.8 The Council will prepare and maintain a register on each of its burial grounds, containing the following information:
  - a) Information about lairs in the burial ground in which rights to burial have been sold
  - b) The date on which these rights were sold
  - c) The names and addresses of the persons the Council sold the rights to
  - d) The names and address of the right-holders if different to the person originally sold the rights. If the Council is unaware of and cannot ascertain this information after reasonable enquiry then this will not be recorded.
- 2.9 Burial Registers will be kept indefinitely. These registers and copies of entries will be supplied to members of the public on request, subject to an administration fee.
- 2.10 Lair rights can be transferred within or between cemeteries, subject to an administration fee.

### 3. Interments

- 3.1 All burials must be authorised by the Council prior to funeral arrangements being announced. The person instructing the burial is personally liable for all burial dues and fees.
- 3.2 All requests must be made in writing. The Council will not be liable for any failure in arrangements for burial due to circumstances beyond its control.
- 3.3 Any request for interment, including cremated remains, must be submitted to the Council on an approved form and be completed to the satisfaction of the Council. The authorisation of the burial will not be granted unless the form is submitted at least 2 full working days prior to the burial taking place. Burials do not require 2 days' notice in cases of death from epidemic disease, or other interments required to take place immediately upon the production of a certificate from a Procurator Fiscal or a Medical Practitioner, or in the case of a body found at sea or washed ashore. If the applicant wishes to choose a new lair, then the 2 full working days start at the time the new lair is chosen. Weekends and public holidays are not considered to be working days.
- 3.4 Any request for interment must include any information deemed necessary by the Council. Interments may only take place during times fixed by the Council, except for circumstances meeting the criteria of the above point.
- 3.5 A statutory Certificate of Registration of Death, Cremation or Still Birth, must be provided by the undertaker/agent to the Council before any interment can take place.
- 3.6 The Council will not accept a body for interment unless the body is properly enclosed in a suitably lined coffin.
- 3.7 The Funeral Director/Agent will be responsible for the provision of sufficient bearers to convey the coffin reverently from the hearse to the graveside and for lowering the coffin into the grave. Where the Council is asked to assist, it will not be held responsible for damage to the hearse or coffin howsoever caused.
- 3.8 No coffin or casket shall be disturbed or removed from any grave under any circumstances, unless permitted/instructed in writing by the Council.
- 3.9 No coffin shall be interred unless there is a minimum of a 60cm (approx. 2 ft) layer of earth available between the top of the final coffin and the surface ground level. Coffins in the same lair must be separated from one another by a layer of earth not less than 15cm (approx. 0.5 ft) in thickness. No coffin shall be interred nearer than 75cm (approx. 2.5 ft) from the foundation or any part of a boundary, wall or building in a cemetery.
- 3.10 The number of burials which can be accommodated in any particular lair cannot be guaranteed, and the decision of the Council shall be final. Generally, adult lairs can hold at least one adult coffin alongside up to six cremation caskets, although some

lairs can hold up to three adult coffins. Infant coffins may be accepted in adult lairs, subject to size and ground conditions.

- 3.11 The Council will record every interment specifying the lair number, the burial ground, the depth of the lair, the date of interment, the name, last address and age of the person buried, burial depth and any other relevant information. An extract from a burial register, duly certified as a true copy by the Council, is sufficient evidence of the burial entered in it for the purposes of any court proceedings.
- 3.12 Clergy of any religion are free to perform ceremonies at the graves of people of their own congregations. In order to respect other mourners, any proposals to play music inside a burial ground (including but not limited to bagpipes and drums) must be authorised by the Council prior to the interment.
- 3.13 Where it is known in advance that a large attendance at a funeral is expected, prior notification should be made to the Council.
- 3.14 The Council will be responsible for fixing sunken lairs when notified by a relevant party.

#### 4. Cremated Remains

- 4.1 Designated areas for cremated remains are only available in some burial grounds. These designated areas will be capable of holding up to four cremation caskets.
- 4.2 No cremation casket shall be interred unless there is a minimum of a 30cm (approx. 1 ft) layer of earth available between the top of the casket and the surface ground level.
- 4.3 Cremated remains must not be scattered in any part of a burial ground.

#### 5. Memorials

- 5.5 The erection of memorials shall only be permitted on lairs where a Right of Burial has been granted and paid for in full. Any applications made before the Right of Burial has been paid for in full will be refused.
- 5.6 A lair holder shall be entitled to have a memorial erected provided it complies with current specifications as determined by the Council and that it will not intrude in any way over that part of the lair that may require to be opened for future burials. No memorial shall be erected or inscription added within any burial ground until a plan or sketch thereof showing suitable scale and inscription has been submitted on an appropriate application form and approved by the Council. The stonemason should not assume automatic approval.

- 5.7 The application for the erection of a memorial must be made in writing at least 21 days before it is proposed to erect the memorial. Any inscription on a memorial must be approved by the Council and must conform to the administrative requirements of the Council applicable at that time.
- 5.8 All work in connection with the erection of any memorial shall be undertaken by a mason who is accredited under the approved schemes managed by NAMM or BRAMM or an equivalent approved scheme and carried out to the satisfaction of the Council, and the whole expense of such erection and fixing damage to council or any other property shall be borne by the person instructing the erection of such memorial. Foundations for all memorials must be constructed in accordance with such recommendations issued by NAMM. Memorials are erected at the owners own risk and the Council will not be responsible for any loss or damage howsoever caused.
- 5.9 The section and number of a lair must be clearly and permanently marked / cut upon the side of the memorial at the expense of the person erecting the memorial. Any headstone which provides for two or more lairs must have all lair numbers marked on the side of the memorial. The memorial mason must inscribe their identifying mark on the base of the headstone.
- 5.10 Maximum Dimensions for Headstones are as such:

	<b>Height</b>	<b>Width*</b>	<b>Depth</b>
<b>Coffin Lair</b>	150 cm	90 cm	45 cm
<b>Casket Lair</b>	75 cm	85 cm	30 cm
<b>Baby Plot</b>	45 cm	60 cm	30 cm

\*Width must be 15 cm less than the width of the lair

Any proposed variations to these measurements to be by written request to the Council who shall at its sole discretion have powers to waive or modify this regulation.

- 5.11 There should be no inscriptions or decoration of any kind on the rear of the memorial, and nothing which could be construed as offensive. Please keep in mind that other users of the burial ground are likely to be grieving and have the right to use the space for peaceful reflection and mourning, without being encroached upon by untidy or disrespectful lair decorations.
- 5.12 The base of the memorial may contain a flower vase holder. Additional forms of memorials, vases, ornaments, will only be permitted within 60cm (approx. 1.5 ft) out from the base of the headstone. Any items outwith this area will be removed by the Council without prior notice and stored for 14 days before disposal. Glass and pottery items are not permitted, nor are any noise-emitting items (e.g. wind chimes). These items will be removed by the Council without prior notice and stored for 14 days before disposal. The Council will not be responsible for any loss or damage to such items.
- 5.13 The planting of trees and shrubs is not permitted, and any such planting will be removed by the Council without prior notice. Any previous planting which is considered



by the Council to be inappropriate because of potential interference to any memorial, grave or maintenance of the cemetery will be removed without prior notice. No kerbs, stones, footstones, railings, fences or any other structures (other than authorised memorials) are permitted.

- 5.14 The lair holder shall keep any memorial clean and in a safe condition of repair of which the Council shall be the sole judge. If the lair holder fails to make safe a memorial 21 days after written notice to the lair holder at their last known address the Council shall be entitled at the holder's expense either to repair any memorials on that lair, lay the memorial flat, or have them removed in the name of public safety. Until the cost of such repairs or removals are paid, any further rights associated with the lair shall be withheld. Sometimes memorials are too unstable to leave standing for 21 days and will be laid flat immediately, and the Council will seek to notify the lair holder in this instance. The Council is not bound to re-erect any memorial. The lair holder is advised to avail themselves of appropriate insurance cover in relation to their memorial.
- 5.15 Where a lair holder is deceased, their legal successors assume liability in regards to the above point.
- 5.16 Memorial benches may be placed within burial grounds only with the authorisation of the Council, and all benches must be to the specification and design as decided by the Council. All benches are available for use by any and all visitors to the burial ground. Maintenance considered appropriate will be carried out by the Council. If the cost of fixing a damaged or vandalised bench is not economically reasonable (in the opinion of the Council) it will be removed and disposed of. Notification will be sent to the last known address of the purchaser in this instance.
- 5.17 No memorial or part thereof shall be removed from the cemetery without notification to the Council.

**\*\*Please consider the environment before placing plastic or synthetic flowers on lairs. These are easily blown away and eventually find themselves ingested by wildlife or in our waterways and oceans, and do not biodegrade\*\***

## 6. General

- 6.1 Information recorded in respect of the deceased, i.e. name, age, occupation, place of death, and burial location is deemed to be in the public domain. This includes the details of a deceased lair holder. Information recorded in relation to a lair holder who is not deceased is subject to GDPR and will only be used by the Council in relation to the burial service. Identifying information of a living lair holder such as name, address, and relationship to any previous lair holder will not be disclosed to any third party, including stonemasons and funeral directors, without the written unambiguous consent of the living lair holder.
- 6.2 Any burial grounds which are not permanently open shall have opening times at the main entrances. No person shall enter or wilfully remain in a burial ground except during the hours it is advertised as being open to the public by the Council. The Council may by notices posted at or near the place to which it refers, close any part to the public for such time as it may consider necessary.
- 6.3 No dogs shall be permitted into any burial ground with the exception of guide dogs.
- 6.4 Memorial wreaths/floral tributes shall generally not be removed until their appearance has substantially declined. Christmas wreaths shall generally not be removed for disposal until after the end of January, unless their appearance has substantially declined before that. The Council does not accept any responsibility or liability for any damage to memorials, ornamentation or flowers in any burial ground, howsoever caused. All items/memorials/flowers are left at the owners' risk.
- 6.5 No operation of any kind shall be permitted inside a burial ground without the sanction of the Council who must be satisfied that the authority of the lair holder has been obtained before work commences.
- 6.6 Charges for permission to erect and place any memorial in the cemetery or to make any inscription shall be in accordance with fees determined by the Council. A table of fees relating to burial ground charges shall be kept at local Council offices and published on the Council's website. All fees and charges in connection with the interments, lair certificates etc. shall be acknowledged on an official printed receipt form.

## 7. Vehicles

- 7.1 All vehicles on burial ground premises and in car parking facilities must be driven with due care and attention, and must not be driven in excess of **10mph**. The Council shall not be held responsible for damage to vehicles or other property left in a burial ground, howsoever caused.

## 8. Prevention of Nuisance

8.1 Whilst present in any of the Council's burial grounds, no person shall:

- a) Use offensive language or behave in an offensive, disorderly or insulting manner
- b) Wilfully or carelessly obstruct any employee of the Council in the exercise of their duties or in the execution of any works
- c) Wilfully or improperly interfere with any other person legitimately using the facilities provided by the Council or behave in such a manner as to endanger their own or any other person's safety
- d) Disobey any proper instructions given by any Council employee to ensure the safety and comfort of all persons using the burial ground
- e) Bring in any object or objects which may be considered by the Council to be dangerous
- f) Wilfully break, damage, deface, disfigure, tamper with or climb on any tree, shrub, wall, fence, railing, memorial, fountain, statue, building or other structure in the burial ground
- g) Wilfully or carelessly damage, destroy or improperly soil any article supplied for use by the Council
- h) Retain or remove any article supplied for use by the Council after it has been used

8.2 Should any difference or dispute arise as to the real intent, meaning or interpretation of these Management Rules or table of fees and charges, the decision of the Council shall be final.