

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No. 7

meeting date: THURSDAY, 13 SEPTEMBER 2018
title: CEMETERY REGULATIONS AND ENFORCEMENT
submitted by: MARSHAL SCOTT, CHIEF EXECUTIVE
principal author: HEATHER BARTON, HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

1.1 To update Members of the existing rules in other cemeteries and graveyards.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To help people's live to be safer and healthier.
- Corporate Priorities – To protect and enhance the existing environmental quality of our area.
- Other Considerations – None.

2. BACKGROUND

2.1 A report was taken to the Health and Housing Committee on 7 June 2018; this requested Members approval for the enforcement of removal of memorials from graves and memorials within Clitheroe Cemetery.

2.2 It was requested by Members that further evidence be gained as to what other associations do with regard to memorials and objects on graves.

2.3 It was noted by Committee that there is a high level of sensitivity to the issues in relation to memorials in cemeteries and that other local authorities had often had some unrest as a result of enforcement action being taken.

3 ISSUES

3.1 It was requested by Members that further information was gained as to the rules and regulations that are associated with churchyards, graveyards and cemeteries in and around the borough.

3.2 The Cemeteries Officer and Head of Environmental Health Services have been in close liaison with the Diocese of Blackburn and Diocese of Salford, whose Regulations are intended to encourage good practice in order to create and maintain a place of peace, dignity and respect for the departed.

3.3 It has been noted that both Diocese do not permit any memorabilia on graves that exceed the area.

3.4 As highlighted in the June report, the Rules and Regulations are currently not being enforced. We are currently suggesting a gradual look at the Regulations.

- 3.5 With all new purchases of graves, a welcome pack will be issued (Appendix A). We are also writing to all funeral directors to remind them of the duties of the families when purchasing gravestones.
- 3.7 It is once again appreciated, given the range and strength of feeling amongst those that use and visit the cemeteries, Committee may consider doing a step-by-step approach.
- 3.8 Due to the nature of the woodland burial it is suggested, with Committee's approval, that we look at clearing the woodland area of any mementos first, as there is a strict guideline on no mementoes being in the area.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – None.
- Technical, Environmental and Legal – None.
- Political – Due to the sensitive nature this could create unrest within the community.
- Reputation – Due to the sensitive nature this could create unrest within the community.
- Equality & Diversity – None identified.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Either:

- Consider changing our Cemetery Regulations to allow memorabilia or
- Support the clearance of any objects from the woodland burial area.

5.2 Support the Council's educational drive on the Cemetery Regulations.

HEATHER BARTON
HEAD OF ENVIRONMENTAL HEALTH SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Heather Barton extension 4466.

REF: HB/CMS/H&H/130918



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Guidance Information for Burials and Grave Selection at Clitheroe Cemetery



INTRODUCTION

Thank you for your enquiry regarding Clitheroe Cemetery. The aim of this booklet is to give you some helpful information on what needs to take place should you wish to be buried, or if a family member is already buried within the Cemetery. It will also assist you when choosing a section within the Cemetery for a forthcoming burial or if you wish to pre-purchase a grave.

There is a breakdown of the costs that are involved and the different types of graves available.

It will explain what to do if you require a transfer of ownership and will direct you in the process if a loved one has passed away and they were the "Exclusive Right of Burial" owner of the grave.

It will give you a clear overview of the rules and regulations relating to each grave section.

If you have any concerns, or need further guidance, please do not hesitate to call, email or visit us at the Council Offices:

Ribble Valley Borough Council
Council Offices
Church Walk
CLITHEROE
Lancashire
BB7 2RA

Clitheroe Cemetery address:

Waddington Road
CLITHEROE
Lancashire BB7 2JD

Tel: 01200 414478

e-mail: liz.nash@ribblevalley.gov.uk

web: www.ribblevalley.gov.uk

Office opening hours:

Monday – Thursday 8.30am – 5pm

Friday – 8.30am – 4.30pm

Cemetery Opening Hours:

Monday – Saturday

8.30am – 30 minutes before sunset



CHOOSING A GRAVE/BURIAL PLOT

At the front of this leaflet you will see a map of Clitheroe Cemetery. As you can see it is marked into sections.

We suggest that you visit the Cemetery during the opening times and look around and see which area is of interest to you.

The next step is to make contact with the Cemetery & Grounds Maintenance Officer at the Council Offices and make an appointment to visit the Cemetery with a member of the team to find the most suitable plot.

There are three types of graves:

- Lawn Grave - this grave can only have a headstone memorial;
- Cremated Remains Grave - this is for a section within the Cemetery for the burial of cremated remains; and
- Woodland Burial – this grave is memorial free.

The cost for Exclusive Rights for a standard size grave within the General Lawn Section for 100 years is explained in later on in this leaflet.

When you purchase a plot, you are actually paying for the **Grant of Exclusive Rights of Burial or Deed**. Please read further information on the Exclusive rights of Burial or deed page.

Resident - Person residing in Ribble Valley and paying their Council Tax to Ribble Valley Borough Council at the time of death or at time of pre-purchasing a grave.

Non-Resident - Person not residing in Ribble Valley at the time of death. If the grave owner does not live in the borough but is purchasing for the burial of a deceased resident, they will need to provide proof of residency for the deceased.

Pre-Purchased - Purchasing a grave for future interment. Exclusive Right of Burial is issued. If the purchaser is not a resident of Ribble Valley and a non-resident fee will be charged.

Clause - If the deceased passed away outside the borough (such as a nursing home or in the care of a relative) but was a resident of Ribble Valley in the previous five years, providing proof can be obtained, they will be charged the resident fee.

Please note: If a coffin/casket is larger than the standard size, extra digging costs may be incurred, or the need to purchase two grave spaces.

WHAT TO DO WHEN A LOVED ONE HAS PASSED AWAY AND HAS A PLOT AT THE CEMETERY, AND HOW TO ARRANGE TO BURY A LOVED ONE WITH ANOTHER FAMILY MEMBER

Should you find yourself in a situation where a loved one has passed away and they have a burial plot at the Cemetery, your chosen Funeral Director will contact our offices to establish the status of the Grave. It is really helpful if you know the grave number and section, but do not panic if you don't, we will search for the information for you.

If the deceased is the owner of the grave, and there is room for further interments in the grave, they can be buried within the plot. However, nobody else can be interred in the grave and a headstone cannot be erected until the exclusive rights have been transferred.

If you have a loved one who is already buried in the Cemetery and you wish to know if others can be buried in the same plot, your Funeral Director can check on your behalf, or you can contact the office directly.

If in any doubt, do not be afraid to ask your Funeral Director and the Cemetery and Grounds Maintenance Officer are here to help.

EXCLUSIVE RIGHTS OF BURIAL OR DEED

When a standard sized plot is purchased, what has actually been paid for is the **Grant of Exclusive Rights of Burial or Deed**. To be clear, you do not own the plot, only the rights to the plot. This means you can be buried here, or give permission for any other burials within the plot. Plots can have a maximum of three full burials down to 7ft 6", and once the plot is full, or no further burials are required, up to 8 sets of cremated remains may be buried. No further burials of coffins can take place once cremated remains have been buried.

This right is granted for a set period of time, currently 100 years and during that period of the grant the registered owner will have the exclusive right to request Ribble Valley Borough Council to open the grave for the purpose of either a full coffin burial or a cremated remains burial.

The only exception is when the registered owner dies. The registered owner can be buried in the grave by permission of the Next of Kin or Executor. You should note that if the registered owner is buried in the plot, no further burials can take place, and no changes can be made to the headstone until the exclusive rights are transferred to the Executor, or appropriate person. Please check with our Cemetery Officer for eligibility.

Where ownership of the exclusive right is registered in more than one name, then ALL registered owners must sign and request to open the grave. In this event the remaining owners retain the exclusive rights until they have all passed away.

It should be noted that at the time of grant for a pre-purchased grave the Council may not be aware that the space is unsuitable due to soil conditions, position of tree roots or other matters. In such cases where the grave is unsuitable at the time of burial, an alternative grave will be prepared and the exclusive rights assigned to the purchaser without an additional fee.

Standard size grave—the dimensions of the graves at the Cemetery are 7ft x 3ft in the General Lawn Sections. Therefore a coffin must be **no bigger than** 26" wide and or 82" long to charge the standard interment fee. If the coffin is larger, then further digging fees may occur or the need to purchase two grave spaces. For larger caskets the burial depth will vary dependent on the size.

Please note that if you wish to transfer the ownership or if the grave owner has passed away and you require a transfer, there is a fee to be paid to Ribble Valley Borough Council for the Transfer of Exclusive Rights.

WHEN DO THE RIGHTS EXPIRE?

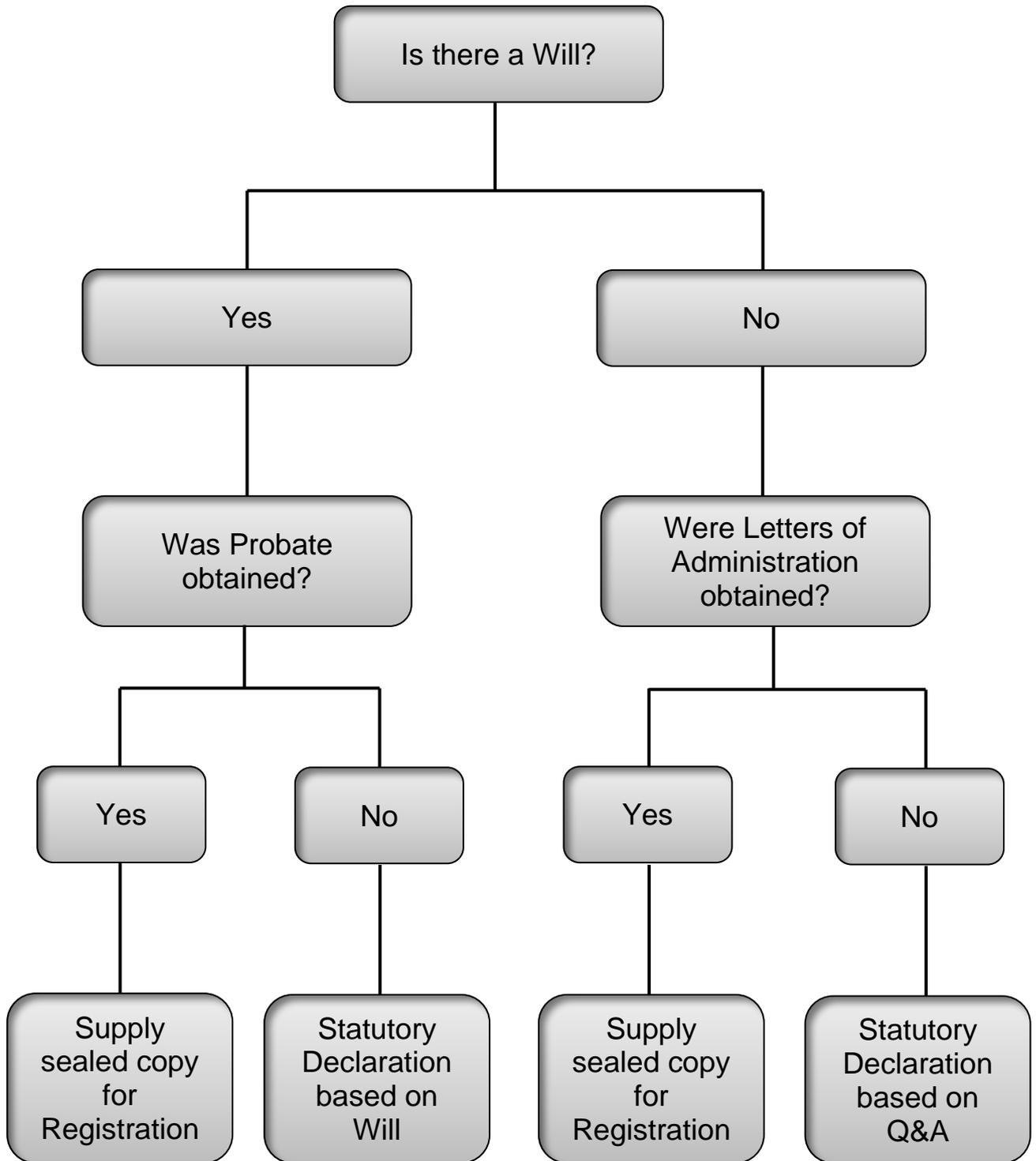
When the period of ownership runs out the right will expire. At this time, the current owner/s will be contacted and invited to renew the ownership. All owner/s have the responsibility to keep the Cemetery Officer aware of any change of address.

However, if they do not renew, this does not mean the bodies buried in the grave will be disturbed. The law does not permit the disturbance of human remains in a grave. The exclusive rights of the grave will fall back in to the ownership of Ribble Valley Borough Council.

TRANSFERRING EXCLUSIVE RIGHT OF BURIAL

- Living owner/s can add additional names to the exclusive right of burial to a maximum of four persons named.
- Alternatively living owners can transfer the ownership over to another person/s.
- If the owner has passed away and a memorial permit is required, or for a further burial in the grave, a transfer would be required.
- There is a charge for all Transfers
- For further information, please contact the Cemetery Officer. If possible, please have the following information available:
 - Grave number and section.
 - Current owner/s full details or last person buried with date of death.
 - Your contact details.
 - Relationship to current owner.
 - Whether there was a Will or if the Estate has been referred to Probate or Letters of Administration have been obtained.

TRANSFERRING EXCLUSIVE RIGHT OF BURIAL AFTER OWNER IS DECEASED



MEMORIAL PERMIT APPLICATION

When selecting a memorial mason to undertake works at Clitheroe Cemetery, they must be registered to NAMM (National Association of Memorial Masons www.namm.org.uk) & BRAMM (British Register of Accredited Memorial Masons www.bramm-uk.org). The owner/s of the grave should be the applicant and should deal directly with your chosen mason. Please read through the rules and regulations for the section regarding the sizes of memorial allowed. If the owner is the deceased, please read Transfer details.

MEMORIAL SAFETY CHECKS

Please be aware that safety checks have to be undertaken on the headstones at the Cemetery every year. It is the grave owner/s responsibility to ensure the headstone is safe. If Ribble Valley Borough Council find it not to be, we will write to you to inform you and ask you to arrange for repairs to be undertaken.



RULES AND REGULATIONS RELATING TO THE GENERAL GRAVE SECTION

1. The grave will be of an area measuring 7ft x 3ft.
2. The coffin or casket exterior measurement must be of a **standard size** to be buried in the grave. Standard size is up to 26" in width and 82" in length.
3. Permanent memorials must be constructed of stone. Temporary wooden markers are permitted.
4. Permission to erect any memorial must be granted by Ribble Valley Borough Council. Applications for a memorial permit should be submitted to Ribble Valley Borough Council by your chosen Memorial Mason.
5. Any fencing, edging or shingle must be approved by Ribble Valley Borough Council.
6. No glass items are permitted for Health and Safety reasons. All ornaments are left at the memorial owner/s risk.
7. The Exclusive Rights of Burial Owner is responsible for the maintenance of the grave area.
8. Any Memorial Mason undertaking work on behalf of the Exclusive Rights of Burial Owner/s must be registered with a nationally recognised memorial mason registration scheme (either RQFM or BRAMM). The structure must be ground anchored by an approved method and most suitable for the soil conditions. The number of the grave **MUST** be cut into the side of the base of the headstone.
9. Every grave for which an Exclusive Right of Burial has been granted, and any monument or memorial thereon, must be kept in good repair by the owner/s and it is the owner/s responsibility for the safety of the memorial. We will send notice to have repairs done to the owner/s when contact details are known. It becomes the responsibility of any owner to keep us up to date with changes of personal details, ie new address if you move. If we do not have up to date records, a notice will be deemed to be properly served if laced upon the grave space, monument or memorial. If the required repairs are not done within two months of the notice, then the Council may remove the memorial or dispose of it.
10. The Council may remove, without notice, any monument, memorial, stone, shrub, plant or item whatsoever erected or place in the Cemetery in contravention of these rules.
11. It should be noted that at the time of grant for a pre-purchased grave, the Council may not be aware that the space is unsuitable due to soil conditions, position of tree roots or other matters. In such cases where the grave is unsuitable at the time of burials an alternative grave will be prepared and the exclusive rights assigned to the purchaser without any additional fee.

PLEASE HELP US MAINTAIN THE BEAUTY OF THE CEMETERY

Our Grounds Maintenance Team are very proud of the grounds here at Waddington Road Cemetery and work very hard to maintain the grounds to an excellent standard. It would be appreciated if you could assist us with preserving the areas by abiding by the guidance list below:

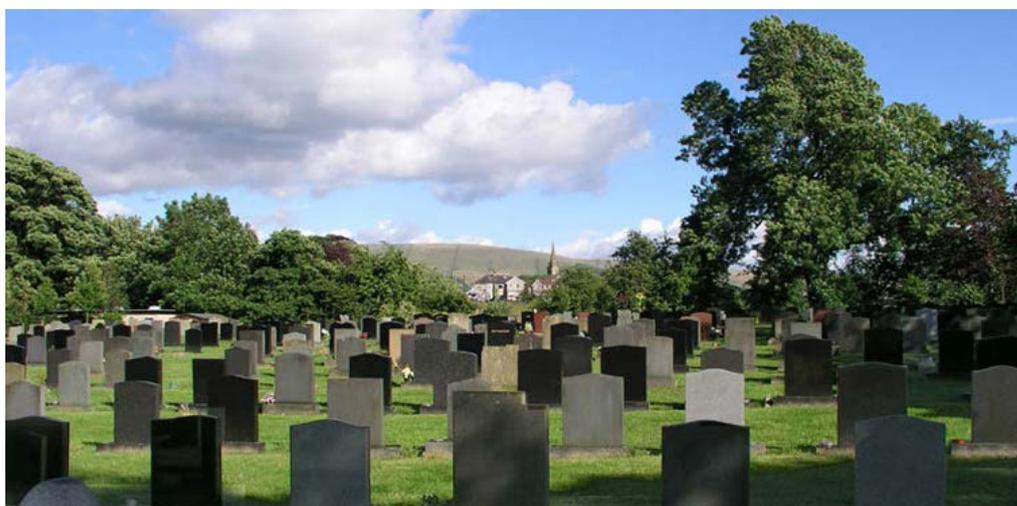
- If you wish to place flowers within your grave space, please remove any wrapping and dispose of them in the bins provided. Please be aware, that our local wildlife like to eat flowers so if you find they have been removed or disturbed it will probably be for this reason.
- Please do not attach ornaments to the trees or plants in the grounds, as this can cause damage. Any ornaments that are in your grave space are left at your own risk and Ribble Valley Borough Council accept no responsibility for loss or damage.
- As you can appreciate, glass can be a hazard to staff, visitors and wildlife so please do not leave any glass items within the grounds.
- Children are welcome to visit the site, however, please could we ask that they be accompanied at all times and please be mindful of others who may be visiting their loved ones.

The Local Authorities Cemeteries Order 1977 provides that no person shall:

- a. Wilfully create any disturbance in a cemetery;**
- b. Commit any nuisance in a cemetery;**
- c. Wilfully interfere with any burial taking place in a cemetery;**
- d. Wilfully interfere with any grave or vault, tombstone or other memorial, or any flowers or plants, or any such matter, or**
- e. Play at any game or sport in a cemetery**

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

Any person found contravening these provisions will be prosecuted.



**DOGS MUST BE KEPT ON A LEAD AT ALL TIMES
& OWNERS MUST CLEAN UP AFTER THEIR DOGS.**

