

Stretton Parish Council Cemetery Policy

Charter for the bereaved

In year 2000 Stretton Parish Council adopted the charter for the bereaved. The Institute of Cemetery & Crematorium Management (ICCM) produced the charter to improve the services offered to the bereaved. The charter defines the rights of every individual who experiences bereavement and is intended to set standards of service and improve choice.

Stretton Cemetery Service standards

Landscape services maintain to an agreed specification to include:

- Mowing/strimming of grass areas including graves.
- Maintenance of our boundary hedges.
- Maintenance of our shrubs and bedding schemes.
- Maintenance of our trees.
- Regular cleaning of cemetery toilets (if applicable).
- Regular emptying of litter bins

The grass is cut on a 14 to 21 day cycle May through to October or depending on the growing season. The cemetery is maintained as traditional lawned area.

1 Fees and Charges

The current fees and charges are on the Council's website: [Cemetery Rules & Regulations - Stretton Parish Council \(strettonpc.com\)](#) and can also be supplied by the Parish Clerk.

2 Interments

2.1 Interment Arrangements

No interment shall take place without the express permission of the Council. Requests for interment must be made at least three working days prior to the interment to the Clerk to the Council. The hours of interment shall be between 9.00am and 4.00pm, Monday to Friday. Interments will not normally take place at weekends or on public holidays, although Saturday interments will be permitted in special circumstances and due consideration will be given to religious requirements which may require alteration to the foregoing.

Burials must take place in the grave space allocated. The Clerk to the Council **will identify the grave prior to the interment to facilitate this.**

All fees and charges must be paid to the Clerk to the Council by the date of the interment.

2.2 Grant of Exclusive Right of Burial

The exclusive right of burial in an unused and unreserved grave space may be purchased by a member of the public for a period of 99 years at the fee set out in section 1.1. For the avoidance of any doubt, memorials may only be placed on graves for which an exclusive right to burial has been purchased.

When you buy a grave, we will give you a Grant of Exclusive Right of Burial (sometimes called a 'deed') which will show:

- Where the grave is (the grave number)
- How long you will own the exclusive right of burial

Keep this in a safe place because you'll need it if you want to bury someone there in the future. If you move house or change your name please let us know in writing so that we can update our records. **The Council will not buy back any graves purchased.**

Extending your ownership

If your exclusive right of burial is due to expire and you'd like to extend it, please contact us. We do try to ensure there is a connection or family link between the previous owner and the new owner. If it expires, someone else may buy the exclusive right of burial for the grave.

Transferring ownership to someone else

We prepare all documentation for the transfer of Exclusive Right of Burial. You need to contact the Clerk to the Council to complete the required forms.

If you wish to transfer ownership to someone else during your lifetime or add another owner contact us and we'll ask you to complete a Form of Assignment or Deed of variation and send it back to us along with the Grant of Exclusive Right of Burial.

If you want to transfer ownership after you die, include this in your will and make sure the person you are leaving it to knows where to find the Grant of Exclusive Right of Burial.

You can find the fees to transfer ownership above in 1.1(e)

Claiming the grave if the owner has died

If you're trying to claim ownership of a grave because the owner has died, please contact us.

If there's a will, where probate is obtained which states that the grave should be passed to you then we will ask for:

- the Grant of the Exclusive Right of Burial
- a copy of the will and the grant of probate
- an assent from the executor of the probate, giving the Exclusive Right of Burial to you (we prepare this)

If there's no will but you'd like to claim ownership of the grave, you'll need to send us:

- the Grant of the Exclusive Right of Burial
- the grant of letters of administration
- an assent from the administrator giving the Grant of Exclusive Right of Burial to you (we prepare this)

If the person's will or estate doesn't go into probate, you'll need to send us:

- the Grant of the Exclusive Right of Burial
- the death certificate
- a statutory declaration detailing your relationship to the owner (we prepare this)
- a form of renouncement from all other people who may be entitled to claim the Grant of Exclusive Right of Burial

Statutory declarations must be witnessed by a 'commissioner for oaths' such as a solicitor or a magistrate. Fees for processing a claim can be obtained on request.

If the Grant of Exclusive Right of Burial is lost

A deed lost statutory declaration will to be prepared by us.

Statutory declarations must be witnessed by a 'commissioner for oaths' such as a solicitor or a magistrate. Fees for processing a declaration can be obtained on request.

After the exclusive right expires

If your exclusive right of burial expires and you don't want to renew it, you may need to pay to remove the headstone, memorial or grave marker. You can choose a stonemason of your choice

to remove the memorial from the cemetery. Alternatively, the removal is done by us. Fees for which can be obtained on request

2.3 Grave Digging

It is the responsibility of the funeral director (employed by the bereaved family) to engage the services of the grave digger at their own expense. The Council expects the funeral director to hold the appropriate public liability insurance for any work carried out at Stretton Cemetery and requires a copy of that insurance certificate to be sent to the Council on an annual basis. It also requires that the funeral director has a safe working procedure that applies to grave digging and backfilling, a copy to be supplied to the Council on request. Under its policy, the funeral director must note that the Council requires that the grave digger installs appropriate shoring equipment during the excavation to support the ground and prevent collapse, to protect the health and safety of the grave digger during digging and the mourners, clergy and funeral director's staff during the interment.

If, following the excavation of any grave, the grave digger and/or funeral director intends to leave it unattended for any period of time, a temporary barrier must be erected by the grave digger and/or funeral director around the grave or the grave be securely covered, to prevent falls.

On backfilling the grave, the Council requires that the soil is compacted every six inches in depth by treading, to prevent the need for excessive re-instatements. The grave shall be left turfed flat, the site left neat and tidy with any surplus spoil removed to the designated area and the wreaths and flowers carefully placed.

3 Memorials – Headstones, Tablets and Vases

3.1 Responsibility for the safety of memorials

3.1.1 Owners of Memorials

The primary responsibility for the condition and the inherent safety of a memorial during its entire lifespan rests with the owner of the memorial or his/her heirs. The owner has a duty of care to maintain the memorial in a good state of repair at all times so that it does not represent a hazard to themselves, to members of the public or to those working in the cemetery, and to abide by the cemetery policy.

If the owner is concerned at any time about the condition of the memorial or the likelihood of it falling, they should consult the original stonemason or contact the National Association of Memorial Masons (NAMM) for advice at the earliest opportunity. Insuring the memorial will guard against damage to the stone itself and assist in relation to damage to third parties and the Council recommends that owners take out such insurance.

3.1.2 Monumental Masons

The mason acts as the agent for the owner in the construction and erection of the memorial and has a duty of care to manufacture, supply and erect the memorial in accordance with the regulations set out in the cemetery policy. Any instability due to poor workmanship, to failure to comply with the code of practice specified by the Council or to failure to comply with cemetery regulations remains the responsibility of the mason.

The Council requires that all masons undertaking the erection of memorials in Stretton Cemetery carry adequate public liability insurance and, for each memorial, that they sign an undertaking that

they will comply with the NAMM recommended methods of installation (as laid down in NAMM's code of working practice) and any relevant Standards.

The Council recommends that memorial owners obtain a written guarantee from their mason in relation to the workmanship on their memorial.

3.1.3 The Council

Stretton Parish Council, as owner and operator of Stretton Cemetery, owes a general duty of care to users of the cemetery and the adjacent designated overflow land. It has health and safety responsibilities to its staff under Section 2 of the Health & Safety at Work Act 1974 and responsibilities to its visitors under Section 3 of the same act. The Management of Health and Safety at Work Regulations 1999 places a legal duty on the Council to assess the risks from cemetery structures and work activities and to ensure that risks are controlled.

The Council also has responsibilities under the Local Authorities Cemetery Order 1977. In the event of any memorial becoming dangerous or defective the Council can, in accordance with the powers and procedures set out in Article 16(2) and Schedule 3 of that Order, give notice to the owner requiring them to repair or to remove the memorial. It is important that the owner keeps the Council informed of any change to their address to enable contact to be maintained.

In essence the Council, as cemetery operator, must do all that is reasonably practicable to ensure that people are not exposed to risks to their health and safety whilst in the cemetery and/or the adjacent designated overflow land. This means that the Council needs to have a strategy for identifying and dealing with memorials that constitute a risk, even though the primary responsibility for memorial safety rests with the owner. However, for the avoidance of any doubt, whilst the Council must have such a strategy to identify memorials that constitute a risk (see section 3.4), it is the legal responsibility of the owner to ensure that action is taken to repair the memorial to the required standard and to meet any costs that may be incurred in so doing.

3.2 Dimensions & Specification

No memorial or any other article shall be allowed to be erected other than specified above in 1.3

The grave identification number (provided to the monumental mason by the Council) is to be engraved in small letter/numbers on the rear of the memorial in a visible position.

All memorials must be constructed and erected/re-erected in accordance with the National Association of Monumental Masons (NAMM) Code of Working Practice and all relevant Standards in force at the time of construction/erection.

No kerbing shall be erected around the grave plot without prior permission of the Council.

3.3 Procedures for Memorial Erection

No headstone or other memorial shall be placed in the cemetery (or the adjacent designated overflow land) and no additional inscription shall be made on any memorial without the express permission of the Council.

Memorials are only permitted on graves where permission has been given by the Council. The permission will be granted for the period left on the exclusive right of burial grant. Amongst the information required, is the name and address of the relative of the deceased (or other party) that

will be regarded as the owner of the memorial, details of the proposed work and the approximate date that the work will be carried out.

The Council also requires that, on an annual basis, monumental masons provide the Council with a copy of the public liability insurance certificate that applies to any work carried out at Stretton Cemetery (or the adjacent designated overflow land). A copy of the monumental mason's safe working procedure that applies, from time to time, to the erection of memorials may also be requested.

All fees and charges must be paid to the Clerk to the Council within 10 working days of the issue of permission (for a new memorial) or by the date of re-erection of the memorial (where an additional inscription is added). Payments should be made payable to Stretton Parish Council.

To attach the memorial to the foundation, the Council recognises that the memorial mason will need to utilise a power drill and hereby grants permission for such usage, subject to the mason ensuring that his installers are sensitive to the needs of other users of the cemetery at the time of installation.

Tablets and vases will continue to be permitted in the new cemetery area and must be placed on the foundation within the designated area for the grave in question.

3.4 Periodic Safety Inspections of Memorials

Under its duty of care to ensure the safety of the cemetery for users, workers and visitors and as set out in section 3.1.3, the Council requires that all erected memorials are formally inspected for safety on an bi annual basis. The cost of the inspection is included in the fees set out in section 1.3.

The Council recognises that an unstable and thus potentially dangerous memorial is a very difficult issue for the owner to face and is aware that, on informing the owner of a problem, it may inadvertently upset the relatives of the deceased, especially in the case of a more recent bereavement. The Council will endeavour to deal with the matter as sensitively as it can and will offer advice and assistance where appropriate. The owner will be allowed a reasonable time to commission the necessary remedial work, having regard to the level of risk posed by the memorial. The inspection process is described in more detail below.

A visual inspection only will be carried out on memorial vases and tablets. The inspection process for headstones will be carried out in accordance with the Ministry of Justice guidance note "Managing the safety of burial ground memorials", January 2009. It will involve a visual check for obvious signs that a headstone is likely to be unstable, for example:

- Damaged or eroding bonding.
- Movement of parts of the memorial from its original position.
- Undermined or unstable foundations.
- (Where they exist) kerb stones breaking apart.
- Leaning headstones, particularly where there is evidence of recent movement.
- Evidence of structural damage or disturbance (e.g. cracks)
- The presence of vegetation which may cause cracks to widen.

Headstones over 500mm in height (and smaller ones in higher risk locations, if required) will then be subject to a simple hand test to determine their stability. This will be carried out by the inspector standing to one side of the memorial, placing one hand on the top of the stone and applying a firm, steady pressure in different directions to determine to what degree, if any, the headstone is loose.

If some instability is detected a judgement will be made, in light of the risk assessment carried out, as to whether this movement is limited or whether it is sufficient to present a high risk to people's health and safety. (Owners should note that the Council is aware that memorials installed in recent years that were fitted with a ground anchor support system may move within a designed tolerance limit and present no danger. Under its risk assessment, the Council would not regard such movement as presenting a high risk to safety).

If the Council's inspection and hand test suggests that some remedial work may be required but that the memorial does not represent a high risk to health and safety, the Council will write to the owner advising them that the memorial may be unstable and that they should undertake their own checks and take whatever remedial action is required. Owners will be given twelve weeks in which to respond, confirming what action has been carried out/planned. If the owner, following his/her inspection, decides to take no such action, the Council will write to them again confirming that, in taking no action, the owner has accepted full liability for the memorial in its current state. If the Council is unable to trace an address for the owner of any such memorial, it will place a notice on its cemetery notice board and on its website asking the owner to contact the Council to discuss the memorial.

If, following the inspection and hand test, the monument is considered to be an immediate danger to cemetery visitors or workers, the Council must take whatever steps are necessary at the time of the inspection to eliminate that immediate risk. This may involve the attachment by the Council of a temporary support to the memorial (which can only be removed by the monumental mason employed by the owner to repair the memorial at the time that the repair is undertaken) or, if this is not possible, by carefully laying it down on the grave plot. The Council will then write to the owner advising them of the situation and, in accordance with the powers and procedures set out in Article 16(2) and Schedule 3 of the Local Authorities Cemetery Order 1977, give notice to the owner requiring them to repair or to remove the memorial. If, after the expiration of the notice period given by the Council (usually eight weeks but dependent upon the severity of the problem), the owner has failed to inform the Council of his/her intention to repair or to remove the memorial or if the Council has been unable to trace the owner after it has taken such reasonable steps as it may consider necessary for that purpose, the Council may terminate the permission erect and maintain a Memorial (where such a Permit exists) and reserves the right to take whatever action it regards as appropriate to make the cemetery safe and tidy.

In both cases, the Council would obviously wish to contact the owner directly and, to facilitate this, the Council urges owners to keep the Council informed of any change to their address.

4 General

The cemetery (and where applicable, the adjacent designated overflow land) will be open for pedestrian access at all times, although the Council reserves the right to make such closures as may be necessary for repairs, emergencies or in the interests of public safety. The dignity and calm of the cemetery (and the adjacent designated overflow land) must be respected at all times. Dogs must be kept on a lead and ball games are not permitted.

The Council shall regularly maintain the cemetery gardens, driveway and paths, to include the removal of litter.

All floral tributes, including artificial should be removed two weeks following the interment. This will be done by the owner unless instructed otherwise by the Council. It is forbidden to place glass containers or shades, items of pottery, solar lighting, balloons, tins, plastic or wire mesh fences or other items of metal, plastic, or other material on graves. **Artificial flowers are allowed to be placed on the grave.** From 1st January 2023 the council may remove **forbidden** items without notice.

Christmas wreaths left on graves after 1 February each year will be removed by the **Parish Council**

Temporary wooden markers are permitted subject to the council's approval. These should be removed from the grave if and when the permanent memorial headstone is set. The council reserves the right to remove (and dispose of) from any grave space, flowers, plants, floral tributes, or wreaths which have deteriorated or become unsightly.

Should sinkage occur on any grave, the Council will top this up free of charge.

No trees, shrubs or flowers shall be planted in the cemetery (or in the adjacent designated overflow land) without the express permission of the Council. Where such permission is granted, the Council shall supervise the planting. The Council reserves the right to prune or remove any planted material if, in the opinion of the Council, it has become unsightly or overgrown.

As stated in section 3.1.3, the Council (as owner and occupier of Stretton Cemetery) has a duty under health and safety legislation to do all that is reasonably practical to protect the health and safety of persons who enter the site. To identify any potential hazards and risks, a monthly site inspection will be conducted and required action taken.

The Council shall keep the statutory registers and records in relation to burials conducted at the cemetery. The registers and records are open for inspection, free of charge, by appointment with the Clerk to the Council.

This policy was reviewed November 2023