



# Banwell Parish Council

Banwell Youth & Community Centre

West Street, Banwell. BS29 6DB

Telephone: (01934) 820442

Email: [clerk@banwellparishcouncil.org.uk](mailto:clerk@banwellparishcouncil.org.uk)

**MEETING:** Cemetery and Memorials Working Group.

**DATE & TIME:** Wednesday, 18<sup>th</sup> October 2023 at 5pm.

**LOCATION:** Banwell Cemetery, St Andrews Church, Church Street, Banwell.

**PRESENT:** Parish Councillors, Paul Blatchford (Chairman), Steve Davies, Kevin Gibbons and Maggie McCarthy; plus co-opted member John Keate (Cemetery Orderly).

**Also present:** Liz Shayler (Clerk) and a member of the public.

## NOTES

### 11/23 To receive apologies for absence (agenda item 1)

Apologies were received from Cllr Paul Harding.

### 12/23 To receive members' declarations of interest on any agenda item (agenda item 2)

John Keate as Cemetery Orderly declared an interest in all matter of expenditure.

### 13/23 To agree the notes of the meeting held on the 4<sup>th</sup> of July 2023 (agenda item 3)

**Resolved:** To agree the notes of the meeting held on the 4<sup>th</sup> of July 2023.

**The resolution was correctly proposed and seconded (unanimous)**

### 14/23 Matters for Information / Clerks Report (agenda item 4)

#### i) **Interment of archaeological remains.**

Border Archaeology have agreed to pay the cost of the Grave digger at £120.00. They checked with the Osteologist in reference to the orientation of the remains. The conclusion reached is that as the bones are not full skeletons and are contained within three boxes, the orientation is not relevant. The suggested wording for the stone is still awaited.

#### ii) **Remembrance Garden**

Thanks was given to Cemetery Orderly for the removal of the wasps nest and for clearing the grass before a scattering in September.

#### iii) **Signage**

The new sign is now up although one of the posts is a little unstable. The cemetery orderly to assess and stabilise.

#### iv) **A grave in the unconsecrated area**

Concern was raised by a member of the public that their grave had been cleared. This had not been undertaken officially and so the resident was going to leave a little note with any memento.

### 15/23 To review the current Cemetery Fees and suggest any changes to the Parish Council for adoption (agenda item 5).

**Resolved:** To recommend to the Parish Council that the cost of exclusive rights of burial, interments and memorials remain the same but to introduce a £30 charge for pre-purchased graves to include a grave marker and £30 for bench plaques (application & fitting only).

**The resolution was correctly proposed and seconded (unanimous)**

**16/23 To review and recommend approval of the following documents (agenda item 6)**

**i) Cemetery Regulations**

**Resolved:** To recommend approval of the Cemetery Regulations.

**The resolution was correctly proposed and seconded (unanimous)**

**ii) Memorial Inspection Risk Assessment**

**Resolved:** To recommend approval of the Memorial Inspection Risk Assessment.

**The resolution was correctly proposed and seconded (unanimous)**

**17/23 To suggest any work needed on the paths, trees, garden and the compost area in the Cemetery (agenda item 7)**

**i) Moss**

The Cemetery Orderly has given the moss a treatment today.

**ii) Trees**

The tree report had been received with no suggested works to the cemetery trees except for the removal of the chain around the tree. It was suggested the bench be moved adjacent to the wall.

**18/23 To note the work to the Memorial Gate and suggest any work needed on other memorials around the Parish (agenda item 8).**

Cllr Bailey will be restoring the Jubilee Gates. The Clerk to liaise with the Kathleen Jones Trust who are reviewing the memorials on Riverside.

**19/23 To agree an additional set of cremated remains plots as you enter the Cemetery in line with the Cemetery sign (agenda item 9).**

**Resolved:** To agree an additional set of cremated remains plots as you enter the Cemetery in line with the Cemetery sign.

**The resolution was correctly proposed and seconded (unanimous)**

**20/23 To note the Cemetery and Memorials Budget and income and to agree a suggested budget for 2024/25 (agenda item 10)**

The Cemetery and Memorials Budget and income were noted and to agree a suggested budget for 2024/25 of £7900.

**19/23 To note the annual memorial inspection undertaken on the 6<sup>th</sup> of October 2023 (agenda item 11).**

The Annual memorials safety inspection was noted. It was observed that there had been further disintegration to Warner (70) which would now require a ground anchor. Also, that ground anchor work would be required for Willan (364), Yeeles (237) & Grover (244).

**20/23 Date of next meeting (agenda item 12)**

TBD May 2024 Banwell Cemetery

The Chairman closed the meeting at 17:45

.....Chairman

.....Date

## Brick Graves within the Cemetery

We have been asked by a member of the community as to whether brick graves are permissible within our lawn cemetery. Currently there is nothing within our regulations to specifically permit / not permit this. Generally, brick grave would be considered inappropriate for a lawn cemetery for the following reasons.

1. **Lawn Cemetery Design:** Lawn cemeteries are specifically designed to maintain a uniform, landscaped appearance with neatly trimmed grass and minimal intrusion on the surface. Only headstones or flat markers are typically permitted to maintain the clean, open look of the lawn. Brick graves, by contrast, often require a raised structure or additional masonry that would disrupt the lawn's uniform surface.
2. **Maintenance Issues:** One of the key aspects of a lawn cemetery is ease of maintenance. The open grass areas allow groundskeepers to mow and maintain the grounds easily. Brick graves, especially those with visible structures above ground, would create obstacles that interfere with regular maintenance and upkeep.
3. **Regulations and Consistency:** Our cemetery has fairly strict regulations that apply to all burials to ensure consistency in appearance and structure. Allowing brick graves would be inconsistent with the cemetery's purpose and could lead to requests for other non-compliant grave types, undermining the overall aesthetic and management approach of the lawn cemetery.
4. **Aesthetic Considerations:** Lawn cemeteries are designed to offer a serene, park-like atmosphere. Brick graves can stand out visually and may alter the intended tranquil, uniform appearance of the cemetery.

Whilst it would not suit the aesthetics of the current cemetery then alternative burial options, such as deeper graves or vaults, might be recommended for communities seeking reinforced burial methods while still complying with lawn cemetery guidelines.

To accommodate the traveller communities while maintaining the lawn cemetery aesthetic, the Parish Council could consider offering reinforced vaults below ground as an alternative to brick graves. These could provide the necessary reinforcement without disrupting the surface of the lawn cemetery. However, this requires the installation by a specialist and would require a larger grave space.

A typical reinforced vault would need around 3.5 to 4 feet (107 to 122 cm) wide and 8.5 feet (259 cm) long to comfortably accommodate the vault. This means the space required is roughly 1 to 1.5 feet (30 to 45 cm) wider and 0.5 to 1 foot (15 to 30 cm) longer than a typical grave without a vault which would disrupt the current grave spacing. A solution could be to consider leaving a space at one end of a row but the practicalities of this would need to be discussed with the cemetery orderly as construction would require installation space, especially if heavy machinery is used.



# Cemetery - Regulations

## 1. Introduction

The purpose of this Policy Document is to set out the Banwell Parish Council Cemetery “in-house” rules which apply to the provision of the bereavement services and to provide a useful guide to members of the public who require the said services.

Please note, Explanatory notes are included in italics to provide additional guidance and do not form part of the enforceable rules. This ensures users understand what is legally binding. ~~the explanatory notes set out in this policy document do not form part of the Rules but have been inserted into the Policy Document in italics so as to explain the provisions and reasons for the Rules.~~

All graves will be sold subject to the Rules set out in this Policy Document (which may be amended from time to time by the Council), together with any statutory legislation relating to 1) the provision of the services and 2) the management, regulation and control of Council owned and/or managed cemeteries and crematoria, and issued by central government and any other competent authority under which the Council is bound to comply.

Should anyone have any queries in connection with the Rules and guidance set out in this Policy Document, in the first instance they should contact the Clerk at the Parish Council Office. Any complaints will be dealt with in accordance with the Council’s Complaints Policy.

## 2. Terms of Reference and Definitions

In this Policy Document, unless the context otherwise requires the following terms shall have the meanings given to them below:

“Cemetery” means the Cemetery off St Andres Church Graveyard, East Street for which Banwell Parish Council is the Burial Authority

“The Clerk” means the person holding the office of Clerk to the Council or any person appointed by the Parish Council to act on their behalf.

“The Council” means the Banwell Parish Council

“Exclusive Right of Burial” means an exclusive right of burial granted in accordance with Rule 4.2.1

“Memorial” means an object serving as a remembrance and for the purposes of these rules include a headstone, cross, kerb, landing, edging, stone chippings, vase, flat memorial tablet, wooden grave markers, temporary grave markers and those memorials permitted under Rule 5

“Memorial Rules” means those rules set out under Rule 5 of this Policy Document

“Policy Document” means this document which sets out the Rules

“Register of Burials” means a register of all burials in a Cemetery kept and maintained by the Council

“Rules” means the Banwell Parish Council Cemetery’ “in house” rules set out in this Policy Document.

“Right of Burial” means a right of burial granted in accordance with Rule 4.2

“Table of Fees” means the list of fees and charges for goods and services provided by Banwell Parish Council Cemetery

“the Parish Council Office” means the office at Banwell Youth & Community Centre, West Street, Banwell BS29 6DB.

## 3. General Rules and Guidance

3.1 Other than as set out to the contrary in this Policy Document or in exceptional circumstances, the opening and closing times of Banwell Cemetery is from 9am until 6pm or sunset whichever is earlier.

3.2 Animals are not permitted except for assistance dogs. This includes dogs on leads, even if well-behaved. in any Cemetery other than for assistance dogs.

*Not all of our visitors feel that cemeteries are suitable environments for pets.*

- 3.3 The Council reserves the right to exclude from any Site any persons not being mourners or persons directly connected with a funeral at the Cemetery. Such a right may be exercised by the Clerk on behalf of the Council.  
*In some cases it may be necessary to close the Sites to visitors due to an extremely large funeral or on the request of the police or another authority.*
- 3.4 When notice of burial or cremation is given and where it is anticipated that a funeral is one at which a large number of persons may be expected to assemble, then the applicant or his or her representative shall notify the Clerk.  
*If notification of a large attendance is given measures can be put in place by the staff to ensure the service is not compromised or disrupted in any way.*
- 3.5 If any damage is caused to Cemetery land, walls or premises by any cause whatsoever, the person or persons committing such damage will be held responsible by the Council.  
*The service area will always attempt to recover full costs for any damage caused by visitors in order to protect the available budgets for the upkeep, maintenance and improvement of the service.*
- 3.6 No photography or filming shall be allowed within the Cemetery except with the consent of Clerk. Families or a representative of a family however may photograph an individual Memorial.  
*Some visitors may be offended by being filmed or photographed within the cemeteries or whilst attending funerals.*
- 3.7 No music (whether live or recorded) shall be played within the Cemetery by any person except with the permission of the Clerk.  
*Music can disturb other visitors to the Cemeteries. Permission will generally be granted for music to accompany a funeral service.*
- 3.8 Dead flowers, spent wreaths or other articles of waste or litter must be placed in the appropriate receptacles provided at the entrance to the Cemetery or Churchyard. Any floral items found 'past their best' within the Cemetery may be removed without notice by Banwell Parish Council Cemetery' staff.  
*This allows our staff to keep the cemeteries and crematorium areas tidy for our visitors.*
- 3.9 All persons in the Cemeteries must take all reasonable care in order to protect their own safety
- 3.10 Visitors must conduct themselves in a quiet and orderly manner and must keep to the pathways, except when visiting graves.  
*This ensures that the Cemetery is used in the manner to which is expected from our visitors.*
- 3.11 All vehicles not connected with the excavation and maintenance of graves, or the erection or maintenance of headstones, shall not be permitted. Bicycles will not be permitted. Wheelchairs are allowed access to the Cemetery, motorised or otherwise.
- 3.12 All persons admitted to the Cemetery will be subject to the Rules set out in this Policy Document. Any person infringing the Regulations may be removed from the Cemetery by a member of staff / Councillor of Banwell Parish Council Cemetery.
- 3.13 The Council reserves the right to make any alterations to the Rules as and when required  
*As the service changes and improves it may be necessary to amend the current regulations accordingly or at short notice. Wherever possible when this happens Bereavement Services will take all reasonable steps to inform those affected by any changes.*

## **4. Burial Rules and Guidance**

### **4.1 Bookings**

- 4.1.1 All initial bookings for a burial (including the burial of cremated remains) in any Cemetery must first be made to the Parish Council Office either by telephone or in person and confirmed in writing as soon as possible thereafter using the Councils specified form referred to in 4.1.2 below.  
*This ensures all of our relative processes and procedures can be followed to minimise any problems that may arise.*
- 4.1.2 For all burials a notice of an interment using the Council's specified form must be delivered to the Parish Council's Office at least two (2) Working Days prior to the interment.  
*This ensures that the staff of Banwell Parish Council Cemetery have enough notification to excavate a grave in preparation for a burial.*
- 4.1.3 At the discretion of the Clerk an interment at shorter notice than that provided for by Rule 4.1.2 may be provided:
- a. in a case of emergency certified by a medical practitioner; or
  - b. for those requiring burial due to cultural need in which case the burial will be subject to the agreed 'Out of Hours' burial procedure

Banwell Parish Council Cemetery will try wherever possible to facilitate burials at any time providing that all statutory documentation is in place but this is dependent on staff availability to undertake the necessary checks and preparatory works.

- 4.1.4 A notice of interment will be accepted by telephone but is subject to confirmation in writing on the form provided by the Council and such form shall be duly completed in all respects and be signed by the person applying for the interment.  
*It is a statutory requirement that a burial cannot take place without the consent of the burial authority.*
- 4.1.5 No alteration to a notice of interment is permitted unless 1) a written request for any such alteration has been submitted to the Parish Council Office and 2) such alteration has been agreed by the Clerk.  
*Only alterations to arrangements can be accepted in writing prior to the burial date, this ensures there can be no misunderstandings if verbal alterations only are given.*
- 4.1.6 All fees and charges in respect of an interment will be invoiced at the time of registration of the notice of the interment. The invoice will be raised against the person submitting the application and should be paid by cheque or bank transfer.  
*In usual circumstances this will be the Funeral Director acting on behalf of the bereaved. Payment of fees may also be made direct to the Parish Council Office by the applicant for the interment.*
- 4.1.7 The Council accepts no liability for the consequences arising from the loss or delay in delivery of any notice, Orders or other document sent to the Council by post.
- 4.1.8 The person responsible for the interment shall make all the necessary arrangements with the minister or other person intended to officiate at the interment, including the payment of the minister's fee.  
*Banwell Parish Council Cemetery do not provide a minister or officiate as part of its service.*

## **4.2 Grave Selection & Purchase of Exclusive Rights of Burial**

Banwell Parish Council Cemetery may grant upon such terms and conditions as it considers appropriate, to any individual an Exclusive Right of Burial. Enquiries relating to such rights can be made to the Parish Council Office. Burials, and the grants of Exclusive Rights of Burial will only be allowed in rotation.

### **4.2.1 Exclusive Right of Burial**

- 4.2.1.1 An Exclusive Right of Burial allows the purchaser of such a right to burial in an agreed grave space. A grave which is subject to an Exclusive Right of Burial may not be opened and no one may be buried there without the owner's permission (other than where the provisions of Rule 4.3 apply).

4.2.1.2 An Exclusive right of Burial will be granted for a period of 80 years beginning with the date upon which the grant is made and upon such terms and conditions as the Council deems appropriate. The Council may extend the period of such a grant for up to 100 years from the date upon which the extension is granted. Please note that purchasing the Exclusive Right of Burial grants permission for burial in a specific plot but does not transfer ownership of the land itself. The fee for an Exclusive Right of Burial is set out in the Table of Fees.  
*Under the current legislation, an Exclusive Right of Burial may only be granted for a certain length of time.*

4.2.1.3 Purchase of an Exclusive Right of Burial will only be allowed in rotation.

4.2.1.4 An Exclusive Right of Burial does not constitute any ownership of land. It is purely the right to have a burial in a selected grave.

*The purchase of burial rights is not in any way the purchase of the land in which the grave lies, it is essential that the public are aware that the grave is sold on a lease basis and that the only rights with that lease are the rights to a burial in the grave and to place a subsequent memorial.*

4.2.3.5 On the purchase of the Exclusive Right of Burial a Deed of Grant shall be issued to the person by whom or on whose behalf the said exclusive Right of Burial is purchased.

4.2.3.6 The holder of the Exclusive Right of Burial may surrender his/her right at any time in respect of the grave or grave space where the said right has not been exercised (ie where no burial has taken place and/or no memorial has been placed on the grave). In all cases the fee repayable will be that of the original fee paid to purchase the Exclusive Right of Burial.

*Some people purchase a grave in advance but then later decide it is no longer required. As the grave is unused it is permissible for the Council to sell the right of burial to another person.*

### **4.3 Transfer of Exclusive Right of Burial**

4.3.1 An Exclusive Right of Burial to a grave space may be transferred by deed or bequeathed by will.

4.3.2 In cases where the owner of the Exclusive Right or Burial (“the grant holder”) is still alive the transfer may be done by completion of a Deed of Assignment. A Deed of Assignment is available from the Parish Council Office. This form should be completed and signed by the grant holder and the person taking ownership of the said right and submitted to the Parish Council Office together with the original Deed of Grant. A new Deed of Grant will be then issued to the new holder of the said right. A fee, as set out in the Table of Fees, in connection with this service is payable to Banwell Parish Council Cemetery.

*This is the recognised legal way of transfer of grave rights where the grant holder is alive.*

4.3.3 Where the grant holder is deceased, and provided that the Exclusive Right of Burial has not been specifically left to another person, then upon production of a will or letters of administration the Exclusive Right of Burial may be legally transferred to the person in possession of the Letters of Administration or the beneficiary of the residue of the estate under the terms of the grant holder’s will.

*The grave rights form part of the estate of the deceased and can thereby be transferred to the appropriate person upon proof being submitted to the Administration Office of Bereavement Services.*

4.3.4 In cases where the grant holder is deceased and there is no will or Letters of Administration available then the Exclusive Right of Burial may not be transferred to another person however a further burial in the grave space may be permissible (if there is available depth) subject to the applicant for the burial completing a Statutory Declaration and ensuring that any other person equally entitled counter signs the Statutory Declaration. A statutory declaration must be witnessed by a Solicitor or a Commissioner for Oaths.

*This is a legally recognised way of dealing with this issue.*

#### **4.4 Plan of Cemetery**

In accordance with current legislation the Council keeps and maintains plans showing all used grave spaces and those graves or grave spaces to which special rights appertain (ie an Exclusive Right of Burial). Such plans are kept at the Cemetery and are available for inspection, free of charge on any Working Day. *This is a legal requirement as well as an operational requirement of the service.*

#### **4.5 Register of Burials**

All burials carried out in the Cemeteries are recorded in a Register of Burial. The Registers of Burials are kept in the Parish Council Office and are available for inspection by appointment on any Working Day at the Parish Council Office by any person free of charge.

#### **4.6 “Unpurchased Graves”**

The charge for an interment in a grave where the Exclusive Right of Burial has not been purchased does not include any right or privilege relating to the grave space.

*This is what is termed a public grave and no memorialisation is permitted unless the right of burial is purchased. Any person may apply to undertake a burial in an unpurchased grave and would only have to pay the interment fee as set out in the Table of Fees. However it should be noted that other unrelated burials may take place in the same grave and no headstone or other memorial will be permitted on the grave.*

#### **4.7 Burial Procedure**

4.7.1 Before a grave space which is subject to an Exclusive Right of Burial can be opened, the written consent of the owner of the Exclusive Right of Burial, or his or her legal representative, must be submitted to Banwell Parish Council Cemetery at the Administration Office together with the original Deed of Grant. If the original Deed of Grant has been mislaid /lost a sworn Statutory Declaration relating to the loss of the original Deed of Grant will be required.

*The Council must be satisfied that the person requesting the burial is the person legally entitled to the Exclusive Right of Burial..*

4.7.2 In cases where the person intended to be interred was the owner of the Exclusive Right of Burial immediately before his death, the Council if requested by the person giving notice of the interment, has the power to order that the grave space be re-opened for the interment of the deceased owner without obtaining the consent of his or her executor or other representative.

*The registered grave owner has a legal right to be buried in any grave space they own the rights to.*

4.7.3 All bodies brought to the Cemetery for burial shall be contained in a suitable coffin or shroud to a pattern agreed with Banwell Parish Council Cemetery. All cremated remains must also be held in a suitable container. The coffin or suitable container must be clearly marked for identification purposes and include the full name of the deceased.

*To properly respect the deceased and also prevent distress that may be caused to other visitors or staff is essential that the body of the deceased person is properly covered. Cremated remains will only be accepted in a suitable container prior to burial or scattering within the grounds.*

4.7.4 Interments shall be permitted between 10am and 4pm from the 1<sup>st</sup> April until the 30<sup>th</sup> September and between 10am and 3pm between the 1<sup>st</sup> October and the 31<sup>st</sup> March Monday to Saturday. No burial shall take place on a Sunday without written permission from the Clerk.

4.7.6 No rehearsals of funeral arrangements shall take place in the Cemetery without prior consent, in writing, from the Clerk.

4.7.6 Prior to the burial being undertaken, the Registrar’s Certificate for Disposal or Coroner’s Order for Burial must be handed to the Clerk / Cemetery Orderly’ or his representative unless the person who has arranged for the burial to take place is able to provide a signed written declaration in the prescribed form confirming that the Registrar’s Certificate for Disposal or the Coroner’s Order for Burial has been issued and the reason as to why the said



document cannot be delivered to the Clerk / Cemetery Orderly. This declaration or the relevant certificate must be handed in prior to the burial taking place.

*These are legal documents that must be submitted prior to the burial being allowed to take place.*

4.7.7 A check of the name plate will be made against the statutory paperwork prior to any interment being permitted. *This ensures that the correct coffin is buried in the correct grave.*

4.7.8 The person arranging the funeral or his/her representative shall ensure that they have sufficient persons to transfer the coffin from the vehicle to the grave side and lower the coffin into the grave. In all cases this should be a minimum of 4 persons for a burial of an adult.

*It is the responsibility of the funeral director or the person making the funeral arrangements to ensure enough people are present to transfer the coffin from the hearse/vehicle to the grave side and lower the coffin to the base of the grave.*

#### **4.8 Grave Preparation and Backfilling**

4.8.1 Other than where the provisions of Rule 4.8.6 may apply, all excavation works and backfilling of graves will only be undertaken by the Cemetery Orderly.

~~*To ensure safety and compliance with health regulations, only authorised personnel may excavate graves. As a Health and Safety issue it is not possible to allow any other person to excavate any grave space within the Cemeteries.*~~

4.8.2 Grave spaces in the Cemetery shall be in accordance with the following measurements:-

Full Adult grave space - Maximum of 10ft long by 4ft wide.

*In order to effectively lay out and plan the Cemeteries it is necessary to provide a maximum dimension to each grave space. Should a larger grave space than this be required a request to the Clerk should be submitted.*

4.8.3 Graves shall be excavated to a maximum depth of:

8'6" for 3 interments 6'6" for 2 interments 4'6" for 1 interment.

*This is so that the Council can comply with the current legislation in this regard.*

4.8.4 The positions of the head and the feet of a grave space in all the Cemeteries shall be as designated by the Council.

4.8.5 A grave shall be of sufficient width and length to admit a coffin to the size specified on the notice of interment.

*It is the responsibility of the person making the funeral arrangements to provide accurate measurements of the coffin size to ensure the correct size grave is prepared.*

4.8.6 At the discretion of the Cemetery Orderly and where safe and possible to do so the Council will allow family backfilling to take place under supervision of Cemetery Orderly. In the event of a family wishing to backfill the grave after the service, details must be included on the original notice of interment.

*Some families find this an appropriate way to pay their final respects to the deceased. In all cases Banwell Parish Council Cemetery' staff will be present to oversee and supervise the backfilling and provide assistance where necessary.*

#### **4.9 Burial of Stillborn Children and Foetal Remains**

4.9.1 No interment of a stillborn child shall be permitted unless the Registrar's Certificate for Disposal or the Coroner's Order for Burial is deposited with the Clerk before burial.

*This is a statutory requirement.*

4.9.2 The body of any stillborn child brought to the Cemetery for burial must be enclosed in a suitable receptacle.

*To properly respect the deceased and also prevent distress that may be caused to other visitors or staff is essential that the body of any deceased person is properly covered.*

4.9.3 Burial of stillborn and foetal remains is permitted in any privately owned grave space, in the dedicated Children's sections or in a grave space which is not subject to an Exclusive Right of Burial.

*This allows for a choice for the bereaved.*

#### **4.10 Infectious Diseases**

In all cases when the deceased suffered from an infectious disease or was exposed to radiation, the person making funeral arrangements shall notify the Clerk before the funeral.

For the purpose of this Rule the term "dangerous infectious disease" includes plague, cholera, smallpox, typhus fever, enteric fever (including typhoid and paratyphoid fevers), scarlet fever and diphtheria, and such other infectious diseases as the Area Health Officer may determine from time to time to require such precautions.

*These are the current list of dangerous infectious diseases; this may be added to by the Chief Medical Officer at any point.*

#### **4.11 Inhabitants of the Parish**

4.11.1 For the purpose of these regulations and the Table of Fees a person shall be deemed to be an inhabitant (residential status<sup>1</sup>) if;

- I) At the time of death he/she was a resident of the Parish, or
- II) During the five years immediately preceding death he or she had resided in the Parish for a continuous period of twelve months, or
- III) Being the owner of a grave space, he or she was an inhabitant at the time of purchase.

4.11.2 Additional fees shall be charged to all non-inhabitants (residential status 2) as laid down in the Table of Fees, except that when a grave is purchased by a non-inhabitant for the interment of an inhabitant, no additional fee shall be charged.

4.11.3 A grave may be purchased for a non-inhabitant only if there is a traceable link to Banwell.

#### **4.12 Exhumation**

After interment, no body or casket containing the ashes of a body, shall be removed from the grave without the production to the Clerk at the Parish Council Office of the appropriate order or licence for exhumation in accordance with the statutory requirements.

#### **4.13 Grave Aftercare**

4.13.1 The Council will keep in order all parts of the burial ground, but the owner shall keep all memorials in repair. The Council reserves the right at all times to remove wreaths and flowers.

4.13.2 Any headstone on any grave space not kept in good order, repair and condition by the owner, and to the satisfaction of the Council, will be removed, or otherwise dealt with at the Council's discretion. Where the name and address of the owner of the grave space affected are known to the Council, only after three months' notice of neglect or want of repair has been given to the owner, will this be undertaken.

4.13.3 In the case of urgent safety issues the Council reserve the right to remove the risk promptly and look for reimbursement later. Removal of the risk does not necessarily mean restoring a memorial to original condition; it could be to erect safety fencing or laying on the ground a stone likely to fall.

4.13.4 The Council will manage the aftercare and maintenance of the Cemeteries as they see fit and in accordance with the service standards set out by Banwell Parish Council Cemetery. This includes levelling, turving or seeding areas within the Cemeteries as required.

*Under Article 4 of the Local Authorities' Cemeteries Order 1977 the burial authority has a duty to keep a cemetery in good order and repair. Banwell Parish Council employ a Cemetery Orderly to undertake the grounds maintenance duties, although families may choose to tend their own graves.*

4.13.5 Following an interment, the next of kin contact details must be provided to the Clerk. These details must be kept up to date. If the next of kin details are not kept up to date, and the next of kin cannot be traced by using all reasonable means, then the Council reserves the right to remove any memorial from a grave. In these circumstances the Council will not be held responsible for any damage which may occur.

#### **4.14 Grave Types**

Banwell Parish Council Cemetery only offer a lawn or cremated remains grave type of burial.

##### **4.14.1 Lawn Graves**

Other than a headstone placed on the foundation at the head of the grave no memorialisation (and for the avoidance of doubt this includes kerbs, fences, edgings, chippings, plantings or borders of any description) is permitted on a Lawn Grave.

*Lawn Graves are required to be clear of any materials to allow for regular and easy maintenance and also ensure that all families who purchase a grave on a lawn section are able to keep and maintain a lawn effect throughout the section. Traditional graves which allow for kerbs, edgings and plantings are available, upon request, in other sections of the Cemeteries.*

##### **4.14.2 Cremated Remains Graves**

4.14.2.1 Cremated remains may also be interred in any other full size grave where an Exclusive Rights of Burial has been granted provided that the owner of the Exclusive Right of Burial has given the necessary permission to inter in that grave, or if desired, in an unpurchased grave space.

*Burials of cremated remains are available in any grave or a full size adult grave if required.*

4.14.2.2 Cremated remains must be held in a container suitable for burial. The container must have the full name of the deceased clearly visible. *Suitable identification of the deceased person is essential to ensure the correct remains are interred in the correct grave.*

4.14.2.3 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 delivered to the Parish Council Office, together with the necessary completed notice of interment and the prescribed fee.

*This is to comply with current legislation.*

#### **4.15 Application of the Rules to graves in existence prior to the coming into force of the Policy Document.**

4.15.1 Banwell Parish Council acknowledge that there may be some graves within the Cemetery which were already in existence prior to the coming into force of this Policy Document and which will not comply with the Rules set out in this Policy Document. In some circumstances the Council reserves the right to use its discretion to waive some or all of these Rules with respect to such graves on the condition that such graves are well kept and maintained by the owners of the graves and/or their families/heirs.

4.15.2 The following rules will also apply to any such graves:-

4.15.2.1 Any such grave that is in a designated lawn section will be regularly inspected by staff of Banwell Parish Council Cemetery;

4.15.2.2 Should any grave situated within the cemetery become untidy or neglected in the view of the staff of Banwell Parish Council Working Party, where possible, Banwell Parish Council will notify the registered grave owner that the grave has become untidy or neglected and/or contains any unauthorised memorials such as fences, kerbs or edgings on or around the lawn grave which fall into a state of disrepair the area, and if following 14 days of such notification the grave has not been properly maintained/repared or made tidy or within the said 14 day timescale the grave owner, family or next of kin have not notified Banwell Parish Council Cemetery that they will maintain/repair and/or make tidy the grave within the next 5 days, then the necessary works will be carried out by Banwell Parish Council Cemetery.

*This ensures that neglected graves are restored to a neat and tidy appearance for the benefit of all of our visitors and the grounds staff who maintain the areas.*

4.15.2.3 In respect of Rule 4.13.2.2 once any items are removed and any works carried out on the grave the future management/maintenance of the grave space will fall under the Rules set out in this Policy Document and no further discretion on the part of the Council as to waiving such Rules will be applied.

*This ensures that the problems of unauthorised memorials do not reoccur in the future and ensures the grounds are kept in a neat and tidy condition.*

4.15.3.1 The Rules set out in 4.13 extend to cremated remains where any unauthorised memorialisation becomes neglected.

*This allows for the Authority to deal with any grave space regardless of its type should it become neglected.*

4.15.3.2 The scattering of cremated remains may take place in the Garden of Remembrance with prior permission from the Clerk.

4.15.3.3 No scattering of cremated remains will be permitted unless a copy of the Certificate of Cremation, is delivered to the Parish Council Office.

*This is to ensure that all previous legal requirements have been completed prior to the disposal of the cremated remains.*

4.15.3.4 No person shall scatter cremated remains within any part of the Cemetery without the permission of the Clerk. Any request for the same must be made in writing to the Parish Council Office.

*It is unlawful to scatter any remains within the cemetery without first gaining permission from the Council who manage and own the land.*

## **5. Memorial Rules and Guidance**

### **5.1 Application for permit to place Memorial upon a grave**

5.1.1 No Memorial is to be installed in the Cemetery unless permission has been granted by Banwell Parish Council Cemetery. *It is essential for Banwell Parish Council Cemetery to manage Memorials placed within the Cemetery.*

5.1.2 An application for permission to carry out Memorial works may be made by any of the following in respect of a grave which is subject to an Exclusive Right of Burial.

- (i) the owner of the Exclusive Right of Burial or
- (ii) any person who can satisfy the Clerk that he/ she is a relative of the person buried in the grave, or is acting at the request of such a relative and that it is impractical for him or her or such relative to trace the owner of the said right.

*This ensures the correct person is applying for the memorial works.*

5.1.3 The Memorial Application form must be completed fully and include a detailed plan of the proposed Memorial including its dimensions and details of the proposed fixing method. An application will only be processed upon receipt of the correct fee where applicable.

*This ensures the Clerk can ensure the proposed memorial is within the regulations and will be fixed to an approved industry standard.*

5.1.4 The permit application must clearly state the section of the Cemetery in which the grave is situated together with the grave number.

*This ensures the Memorial is going on the correct grave and the proper person is authorised to instruct the work.*

5.1.5 All such applications are to be submitted to the Parish Council Office. Once checked, and, if agreed by Banwell Parish Council, the work may undertaken once the time & date has been agreed with the Clerk. A site check of the authorised works may be carried out by Banwell Parish Council.

This ensures there is no clash between work being undertaken in the Cemetery and a funeral.

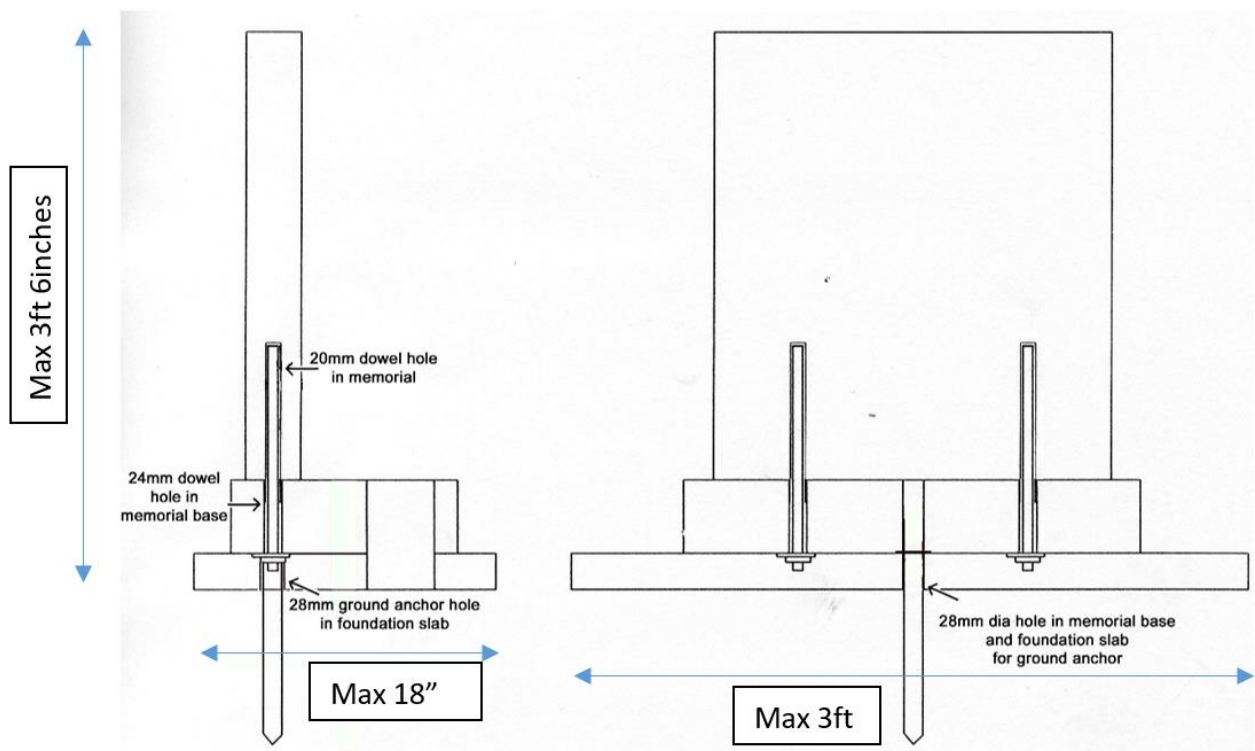
## 5.2 Fixing of Memorials

5.2.1 Memorials shall be permitted on private graves only. Permissible materials include granite, marble, and wood. Other materials may be considered upon application and shall be wholly constructed in natural stone, marble or wood.

5.2.2 No memorial shall be erected or placed on a grave until the owner of the grave has been granted a right to place a memorial, including the approval by the Clerk of the inscription or subsequent inscriptions. The right will not be issued until the appropriate fees and charges have been paid to the Clerk.

### a) GRAVES

A drawing on paper (stating colours, dimensions, grave space number corresponding with the register of graves and short specification of materials to be used, restricted to natural stone, marble or wood, and proposed inscription describing style of lettering and colour) shall be submitted to the Clerk for approval; and the appropriate fees paid before the erection, or undertaking of any work. Stainless Steel dowels only shall be used in connection with any stonework. The grave space number shall be placed on every memorial in half inch (1.5cm) lettering. No memorial shall exceed three feet, six inches (107cm) in height, by three feet (92cm) in width, by one foot (31cm) overall back to front. The concrete base of any memorial shall not exceed three feet, six inches (107cm) in width by 18" (46cm) and shall be so constructed that it does not protrude above the level of the surrounding ground. No kerbstones or granite chippings will be permitted. All memorials must be fixed in line with the National Association of Memorial Masons Code of Working Practice.



### b) CREMATED REMAINS

As for 5.2.2 a) above but no memorial shall exceed four inches (10cm) in height. Memorial tablets for single plots will be 18"x12"x4" (46cm x 31cm x 10cm) deep at the rear tapering to 2" (5cm) at the front, whilst memorial tablets for adjacent double plots will be 18"x18"x4" (46cm x 46cm x 10cm) deep at the rear tapering to 2" (5cm) at the front. This may include one mounted vase (excluding glass) to each memorial tablet.

- c) The name of the monumental mason shall be displayed discreetly up to half inch (1.5cm) high along with the number of the grave space of an inch (5cm) high

5.2.3 Separate vases will not be permitted in the grave space.

5.2.4 No works are permitted to be carried out on any grave space except by:

- a Monumental Mason who agrees to fix their memorials in line with the National Association of Memorial Masons (“NAMM”) approved standard and code of safe working practice
- is accredited to the British Registration of Approved Monumental Masons Scheme (“BRAMM”) or an equivalent scheme or;
- by staff / Councillors of Banwell Parish Council Cemetery (and such works may include any works associated with memorial safety inspections and the subsequent temporary making safe of any Memorial)

*To promote high standards and protect consumers we only allow those Memorial Masons who agree to work to the guidelines of the approved national scheme.*

5.2.5 Basic cleaning/washing down and non-specialist cleaning of a Memorial may be undertaken by any person.

5.2.6 All Memorials (including Memorials being re-fixed after a burial has taken place and those found to be unsafe after Memorial testing has taken place) are to be fixed in line with the National Association of Memorial Masons (“NAMM”) approved standard and code of safe working practice. This states the minimum requirements for the fixing of Memorials. On occasion it may be appropriate to include additional foundations or bearer slabs and these cannot exceed 4’ in width x 18” deep.

All costs for this work must be met by the person to whom a permit to place the Memorial was given on his or her heir.

*To ensure all Memorials are safe they must be fixed to the recognised approved standards of the day.*

5.2.7 All work carried out in connection with memorials or markers shall be carried out under the control of the Clerk. Any memorial or marker wrongly or illegally erected or placed on a grave space shall be removed as the law permits.

5.2.8 The person undertaking the fixing or laying of memorials shall provide all equipment for the work. Equipment and surplus materials shall be removed without delay and the site left in a tidy condition.

5.2.9 An extra administration fee will be charged to a Monumental Mason if any memorial is placed or subsequently amended without an application form being submitted to the Clerk in advance, along with the appropriate fee. The extra administration fee will be the equivalent of the original fee i.e. double will be charged. This is in recognition of the extra work involved.

5.2.10 The upkeep and maintenance of any Memorial within the Cemetery remains the responsibility of the person to whom a permit to place the Memorial was given or their heir.

*All Memorials remain in the ownership and are the responsibility of the grave owner or his/her family.*

### **5.3 Operational Times for Memorial Works**

The erection of, cutting of inscriptions on, or professional cleaning of, Memorials shall be carried out within public opening hours of 9.00am and 6.00pm (or sunset whichever is earlier) Monday to Friday.

*Works can only be undertaken during normal operational hours to ensure safety within the site.*

### **5.4 Memorial Safety Testing**

All Memorials erected within any of the Cemeteries will be subject to periodic testing. This is currently carried out annually but by law must be carried out every 5 years as recommended by the Health and Safety Executive. Any Memorials failing a safety test will be made safe by Banwell Parish Council Cemetery staff.

In the event repairs are undertaken on a memorial a charge will be added to the grave which will be repaid before the grave can be reopened for additional interments. This may include general repairs, sinking the memorial into the ground vertically, laying it flat, cordoning it off, or staking and banding~~being sunk into the ground vertically, laid flat, cordoned off, stake and banded~~ to warn visitors of a danger.

The grave owner or his/her are responsible for authorising suitable repairs to be undertaken by an approved BRAMM (British Register of Accredited Memorial Masons)~~representatives are responsible for authorising suitable repairs to be undertaken by an approved BRAMM~~ accredited mason.

Should it be necessary for any Memorial to be removed from a Site due to it being a danger or where no person has come forward to arrange repairs after a reasonable time period, the Council may carry out any such removal in accordance with the provisions of Section 3 (1) of the Local Authorities' Cemeteries Order 1977. Such provisions include the requirement for the Council to display a notice in conspicuous positions at the entrances to the Cemetery and on the Parish Council notice board.

*The Council has a legal obligation to ensure the Cemetery is safe to both visit and work in. In order to be satisfied that this is the case it is essential that Banwell Parish Council Cemetery carry out regular inspections of Memorials in the Sites in a bid to avoid injury or death to any of its staff or visitors.*

## **5.5 Memorial Types**

5.5.1 The following types of Memorials are permitted in the Cemeteries subject to compliance with Rules 5.5.2 to 5.5.6 :-

- a) Headstone or Cross
- b) Vases will only permitted if attached to the headstone / memorial tablet
- c) Flat Memorial Tablet
- d) Cremated Remains Headstone
- e) Temporary Grave Marker
- f) Bench Memorial Plaque

### **5.5.2 Headstones and Crosses**

Headstones and crosses are permissible on any burial grave space (see 5.2.1)

### **5.5.3 Flat Memorial Tablet**

Flat memorial tablet are permissible on any cremated remains grave space or in front of an existing headstone on a burial grave space.

### **5.5.4 Cremated Remains Headstone**

Cremated Remains Headstones are permissible on any cremated remains grave space.

### **5.5.5 Temporary Grave Marker**

Temporary grave markers are permissible and will positioned by the Cemetery Orderly.

### **5.5.6 Bench Memorial Plaque**

Memorial plaques shall be affixed on the lathes of the back of the bench to be a maximum size of 175mm wide x 75mm high.

The Council reserve the right to agree the inscription on the plaque (see application form).

Once an application has been received and agreed, the applicant shall arrange for the purchase and inscription of the plaque. This will then be given to the Clerk to arrange installation.

The Council accepts no liability for the plaques once installed and the cost of any replacements will be the responsibility of the applicant.

Any maintenance to plaques carried out by a third party must agree with the Council.

The Council will not grant applications for memorial plaques to pets.

No additional mementoes e.g. vases, statues, flowers, wreaths, balloons or other ornamentation etc., shall be permitted on or around the bench. These shall be removed without reference to the original applicant.

## **5.6 Materials**

5.6.1 Memorials made of any type of natural material is permissible in the Cemeteries provided that it complies with the approved NAMM standard and is fixed to the grave by a registered BRAMM fixer other than for the exception set out in Regulation 6.7.2. *This allows for more freedom of choice for the bereaved.*

5.6.2 Wooden crosses must be fitted securely into the ground but do not have to be secured a national approved method.

*Wooden Crosses do not pose the same sort of danger as other traditional memorials.*

## **5.7 Unauthorised Memorials**

5.7.1 Should any unauthorised items be placed on or around any grave or any Memorial put in place contravene the Rules the grave will be photographed, the unauthorised items shall be removed and placed into storage by the Parish Council Staff for a period of up to 1 month, after which they may be destroyed. No notice will be given to the owner of the Exclusive Right of Burial.

*Pursuant to the Local Authorities' Cemeteries Order 1977 no tombstone or other memorial may be placed in a cemetery without the permission of the officer appointed for that purpose by the burial authority. If permission has not been granted the burial authority is permitted to remove the memorialisation from the site.*

*It is essential that the burial sections are maintained to the agreed standard for the benefit of all of our visitors. It is unfair for one or two families to furnish their graves with articles outside of the Rules which can cause distress to others when alternative options are available. It is not always possible to notify the grave owner of the need to remove unauthorised memorialisation, particularly if the grave owner has moved and not informed the Administration Office. It is for this reason, we hold any items that are removed and destroy them after 1 month without necessarily giving notice.*

5.7.2 The Council, in its capacity as a burial authority, is legally entitled to recover the cost it may incur in removing any unauthorised tombstone or other Memorial from the person to whose order the tombstone or Memorial was placed or within two years from the placing of the tombstone or memorial, from the personal representative of such a person.

*All memorials installed within the Cemeteries must be approved by the Memorials Manager by the granting of a permit. If any memorials are erected outside of the Rules or without proper permission they may be removed and destroyed.*

## **6. Gardens of Remembrance**

The Garden of Remembrance provides a peaceful and tranquil setting to scatter cremated remains.

6.1 All cremated remains shall be scattered in accordance with best practice. Cremated remains shall be scattered evenly over the garden so as not to leave any noticeable trace.

6.2 No mementoes, floral tributes, wind chimes or other items are permitted to be left in or on any of the shrubs within the Garden of Remembrance.

## **7. Floral Tributes, Waste and Recycling**

In Banwell Parish Council Cemetery it is common for there to be floral tributes left within the Cemetery. Banwell Parish Council Cemetery are not responsible for the type or condition of any floral tributes left by visitors.

7.1 [Visitors are encouraged to leave biodegradable tributes where possible to support our commitment to sustainability](#)



- 7.2 Floral tributes will be removed from graves where a burial has taken place between 14 and 21 days after the burial date. Should any families wish to remove and keep the floral tributes themselves they are advised to do this within 14 days of the burial date.
- 7.3 Any waste removed including floral tributes may be placed in the compost area at the entrance to the cemetery and visitors are asked to remove any non- compostable materials.
- 7.4 Articles such as windchimes, cards, pictures, flags etc are not permitted to be placed on any tree, bench or other similar feature within the Cemetery.

## **8. Memorial Benches**

The Parish Council own a memorial bench for which next of kin can purchase a plaque in memory of a loved one. A Memorial Bench Plaque application form is available from the Parish Council Office. The cost for a memorial plaque includes installation but does not cover future maintenance. The applicant is responsible for any required upkeep or replacement.



# Memorial Inspection Risk Assessment

Location: Banwell Cemetery

Task: Checking Memorials

Assessed by: Liz Shayler (Clerk)

Activity	Hazard	Who might be harmed?	Initial Risk Rating	Is the Risk Adequately controlled?	What further action is needed to control risk?	Final Risk Rating
<b>Visual / Physical inspection of the memorial</b>	Crushing from the memorial falling	Clerk, Councillors, Public, contractors	2B	Annual memorial safety inspection programme in place Regular checks of memorials prior to interments Loose memorials staked and banded where possible. Use of high visibility tape to identify loose or laid flat memorials Clerk trained to carry our memorial inspections by attending Institute of Cemetery and Crematorium Management (ICCM) Memorial Inspection Course.	Wear PPE – steel toe caps	3C
<b>Manual Handling</b>	Muscle/Back strain	Clerk & Councillors	2B	Always check and move memorials as trained. Remember to carry out visual checks first and always stand to the side of the memorial. Do not attempt to stop a memorial which is falling. Councillor training on site in how to check/ move memorials		3C
<b>Adverse Weather</b>	Increase likeliness of slips, trips & falls	Clerk & Councillors	2B	Check weather forecasts before inspections and postpone if severe weather is expected. Wear appropriate footwear with good grip to prevent slipping.		3C
<b>Allergies</b>	Noxious plants	Staff	3B	Site checked prior to works. Areas requiring treatment identified and treated.		3C
				<b>General:</b> <ul style="list-style-type: none"> <li>Be aware of the environment in which you are working.</li> <li>Ensure clerk / councillor training is undertaken.</li> <li>Always check ground conditions prior to work.</li> <li>ICCM training concerning memorial inspections completed by Clerk / Councillor present during inspection.</li> </ul>		

## Risk Rating Matrix

	A possibility of death, major injury, major damage or loss of property or equipment.	B	C minor injury or minor damage to property or equipment
1 Extremely Likely			
2 Likely			
3 May but unlikely			

Assessment Date: September 2023

Review Date: By September 2024

## Summary of Receipts and Payments

Cost Centre Group - Cemetery working Group

## Cemetery &amp; Memorials

Code	Title	Receipts			Payments			Net Position
		Budgeted	Actual	Variance	Budgeted	Actual	Variance	+/- Under/over spend
101	Cem Grass Cutting				1,950.00	975.00	975.00	975.00 (50%)
102	Cem paths / trees / garden				300.00		300.00	300.00 (100%)
103	Cem making up graves				200.00		200.00	200.00 (100%)
104	Cemetery / Memorial Maintenance				5,000.00		5,000.00	5,000.00 (100%)
105	Env Fee				2,045.00		2,045.00	2,045.00 (100%)
106	Cemetery software				450.00	450.00		(0%)
<b>SUB TOTAL</b>					<b>9,945.00</b>	<b>1,425.00</b>	<b>8,520.00</b>	<b>8,520.00 (85%)</b>

## Cemetery Income

Code	Title	Receipts			Payments			Net Position
		Budgeted	Actual	Variance	Budgeted	Actual	Variance	+/- Under/over spend
110	Cemetery Income		932.96	932.96				932.96 (N/A)
111	Cemetery Bank interest		3,273.34	3,273.34				3,273.34 (N/A)
<b>SUB TOTAL</b>			<b>4,206.30</b>	<b>4,206.30</b>				<b>4,206.30 (N/A)</b>

## Summary

<b>NET TOTAL</b>		<b>4,206.30</b>	<b>4,206.30</b>	<b>9,945.00</b>	<b>1,425.00</b>	<b>8,520.00</b>	<b>12,726.30 (127%)</b>
<b>V.A.T.</b>					<b>90.00</b>		
<b>GROSS TOTAL</b>		<b>4,206.30</b>			<b>1,515.00</b>		

## **To note the annual memorial inspection undertaken on the 12<sup>th</sup> of June**

Cllr Blatchford, the Clerk, Admin Officer and Cemetery Orderly John Keate undertook the annual survey on the 12<sup>th</sup> of June, a memorial mason was present in an advisory capacity.

The following require a ground anchor.

70 (Warner)

237 (Yeeles)

244 (Grover)

339 (Hunt)

346 (Jakeway)

364 (Willian)

365 (Dibble)

For all except one then the grave owner has passed away.

There were a number of memorials which have a ground anchor but which only need cementing the headstone to the base as they are a little loose. The memorial mason agreed to do this when in the graveyard undertaking