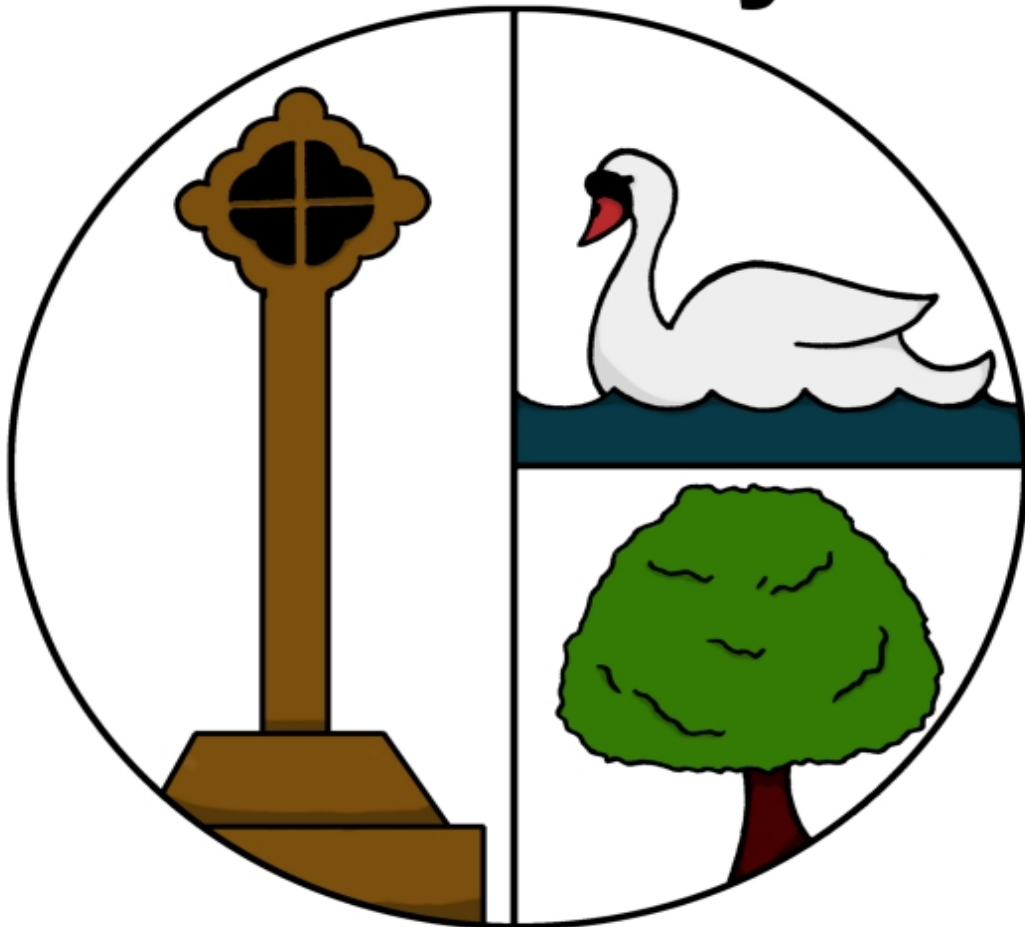


Asfordby



Parish Council

CEMETERY REGULATIONS

Fees and Payments

The current fees are available from the Parish Office. The resident rates apply where the person to be interred or in respect of whom the right is granted is (or immediately before death was) a parishioner of Asfordby Parish, or in the case of a still-born child, where a parent is (or was at the time of interment) a parishioner, or if the deceased moved from the parish into residential care for a period not exceeding three years prior to death.

In all other cases, the non-residents fees apply

Interments

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. Interments will not normally take place at weekends or on public holidays, although 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 mark 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. Cheques should be made payable to Asfordby Parish Council.

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. For the avoidance of any doubt, memorials may only be placed on graves for which an exclusive right to burial has been purchased.

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 Asfordby 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.

Memorials – Headstones, Tablets and Vases

Responsibility for the safety of memorials

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.

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 Asfordby 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.

The Council

Asfordby Parish Council, as owner and operator of Asfordby Cemetery, owes a general duty of care to users of the cemetery. 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.

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, 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.

Dimensions & Specification

Grave Plots

No memorial or any other article shall be allowed to be erected other than the following:

- i) a headstone not exceeding 92 cm (3 feet) in above-ground height, 76cm (2 feet 6 inches) in width and 10cm (4 inches) in thickness. Any such headstone is to be securely fixed to an appropriate solid foundation of sufficient size and mass to ensure the stability of the monument.
- ii) a memorial vase or tablet not exceeding 30cm (1 foot) in any dimension placed at the head of the grave.
- iii) kerbing not exceeding 183cm (6 feet) in length and 92cm (3 feet) in width. Any such kerbing to be fixed to an appropriate solid foundation of sufficient size and mass to ensure the stability of the monument. Kerbing to be installed by a monumental mason and should not be 'home made' or garden edging

Ashes Plots

i) a headstone not exceeding 76cm (2 feet 6 inches) in above-ground height, 60cm (24 inches) in depth and 45cm (18 inches) in width. Any such headstone is to be securely fixed to an appropriate solid foundation of sufficient size and mass to ensure the stability of the monument.

ii) a memorial vase or tablet not exceeding 30cm (1 foot) in any dimension placed at the head of the grave. No memorial or any other article shall be allowed to be erected other than a tablet not exceeding 45 cms x 60 cms.

In all cases, 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 loose chippings of any description to be used.

No trees or bushes to be planted within the grave space.

Procedures for Memorial Erection

No headstone or other memorial shall be placed in the cemetery and no additional inscription shall be made on any memorial without the express permission of the Council. If the memorial is in respect of the interment of a body in the traditional sections of the Cemetery (currently Sections A and B), a period of at least 6 months must elapse between the date of interment and the date of erection of the memorial, to allow for soil compaction. There is no such restriction in respect of the interment of cremated remains in any part of the cemetery or in respect of the interment of a body in the new part of the cemetery, (currently Sections C and G) where a memorial foundation plinth has been installed.

Memorials are only permitted on graves where (in addition to the requirements referred to above) a Permit to Erect and Maintain a Memorial has been purchased from the Council. The permit will be granted for a period of 99 years.

When seeking to purchase the Permit to Erect and Maintain a Memorial, the prospective permit holder (i.e. the owner of the memorial) and the monumental mason must also complete a Memorial Application Form. Amongst the information required on this form 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 Asfordby Cemetery. 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 the Permit (for a new memorial) or by the date of re-erection of the memorial (where an additional inscription is added). Cheques should be made payable to Asfordby Parish Council.

Following the granting of the Permit, the monumental mason must give notice to the Clerk to the Council of their intention to erect the memorial at least three working days prior to the erection. The memorial must be erected on the grave plot allocated. In the traditional part of the cemetery, the Clerk to the Council will mark the grave prior to the erection to facilitate this, if required.

The new area of the cemetery has been designed for memorials to be installed back-to-back. In Section C gravel strips have been installed to facilitate this and in Section G a concrete strip foundation has already been installed.

Tablets 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.

Due to space limitations no further Memorial benches should be placed in the Hoby Road cemetery.

Periodic Safety Inspections of Memorials

Under its duty of care to ensure the safety of the cemetery for users, workers and visitors, the Council requires that all erected memorials are formally inspected for safety on an annual basis. The date(s) and time(s) of the annual inspection will be publicised in the edition of the parish magazine published immediately prior to the planned date(s). Notices advising of the inspection will also be displayed on the cemetery notice board, on the Council's notice boards and on its website at least 14 days before the date(s).

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 by an Independent Memorial Inspector.

If the Council's inspection suggests that some remedial work is 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 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 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, 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 Permit to 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.

General

The cemetery 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 must be respected at all times. Dogs are prohibited.

The Council shall regularly maintain the cemetery gardens, driveway and paths, to include the removal of litter. The Council reserves the right to remove any dead floral tributes that are positioned such as to impede maintenance activities. A water supply is located on the allotment site at the rear of the cemetery for the convenience of visitors.

Should sinkage occur on any grave, the Council reserves the right to top this up, but would normally require the undertaker to arrange this at no extra cost.

No trees, shrubs or flowers shall be planted in the cemetery 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, the Council (as owner and occupier of Asfordby 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 the required action taken.

The Council and its Officers will take all reasonable action to ensure these regulations are complied with.

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.

Adopted by Asfordby Parish Council June 2015.

Policy updated at Parish council meeting 31.08.22/10