

## **ITEM 11**

### **West Rainton Cemetery**

#### **Draft Rules and Regulations**

##### **Introduction**

1. West Rainton Cemetery, established in 1939, is owned and managed by West Rainton & Leamside Parish Council.
2. As a burial authority, the management of the cemetery is governed by Local Authorities' Cemetery Order 1977.(LACO ).and the Health and Safety Act 1974. (HASA)
3. Under LACO, the Parish Council has a general duty to keep the cemetery in good order and under the HASA it has a duty of care to do all this is reasonably practicable to ensure that all visitors and those working in the cemetery are not exposed to risks to their health and safety.
4. Compliance with these statutory obligations is therefore the priority consideration under which the Parish Council determines its policies, procedures and rules relating to the management of the cemetery.
5. LACO does not prescribe how these obligations should be met. Consequently, the Parish Council may do all such things as it considers necessary or desirable for the proper management, regulation and control of the cemetery.
6. These rules and regulations have been developed and approved by Parish Council following consideration of guidance and advice from a number of national organisations including; central government, the Institute of Cemetery and Crematorium Management (ICCM), the British Register of Accredited Memorial Masons (BRAMM) and the National Association of Memorial Masons (NAMM) as well as in consideration of services provided by other local burial authorities. Consequently, we are able to draw upon a wide range of experience and information to assist in the running of the service and also to answer any queries you might have.
7. As a small burial authority, with very few burials a year, it is not feasible for the Parish Council to employ bereavement services officers or a cemetery manager. Day to day management of the cemetery is administered by the Parish Clerk, in accordance with these rules and regulations. In undertaking these duties, the Clerk works closely with Funeral Directors and Memorial Masons acting on behalf of families.
8. The Parish Council requires the observance of these rules and Regulations to enable the cemetery to be maintained to high standard for the benefit of all visitors and those that work in it.

##### **Contact Information ( for all enquiries)**

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## **Cemetery Location**

9. The cemetery is located in Chantry Place, West Rainton. (Adjacent to the A690). Although geographically located opposite St Mary's Church graveyard, the Parish Council cemetery has no association with the church nor vice versa.

## **Opening Times for Visitors**

10. Access to the cemetery is presently unrestricted, however, the Parish Council has the right to close, limit entry or vary opening times as considered necessary.

## **General Rules**

11. No dogs, other than assistance dogs on a lead are allowed in the cemetery.
12. Vehicles, other than for funeral corteges or contractor access, are not allowed in the cemetery.
13. Anyone visiting the cemetery should not stand, sit or lean on any memorial or act in a manner which could cause damage to property or offence to others
14. Any person acting in an inappropriate manner or creating a disturbance or nuisance by interfering with a burial, grave, memorial, tribute, or the work of the Parish Clerk or contractors on site, will be required to leave the cemetery immediately.
15. The Parish Council and cemetery visitors want to keep the cemetery looking at its best at all times. To help achieve this Parish Council require grave owners to look after and maintain memorials in a neat, safe and tidy manner.
16. All waste should be placed in the bin provided at the entrance.
17. Filming, video recording and photography is allowed for personal use only.
18. Unless without the prior written agreement of the Parish Council it is prohibited to sell goods or promote services, in connection with memorials or graves, in the cemetery.

## **New Burial Plots**

19. Residents within the parish who appear on or are eligible to appear on the Register of Electors and their children living in the Parish, or former residents living in residential nursing care homes, may be interred in West Rainton Cemetery on payments of the appropriate burial fee specified in the published fees and charges schedule. Fees are reviewed annually. A link to the current fees on the Parish Council's website is given below:  
[West Rainton Cemetery Guide for users – West Rainton & Leamside Parish Council \(westraintonandleamsidepc.gov.uk\)](http://westraintonandleamsidepc.gov.uk)
20. Anyone residing outside the parish boundary but who have a family connection with the parish may be also be interred on payment of the appropriate non resident burial fee as set in the fees and charges schedule.

21. Single or double depth plots for adult full burials are currently available for purchase in the burial area to the rear of the cemetery which has brought into use in August 2018.
22. Children's plots are also currently available in a separate burial area on the left-hand side of the cemetery, Burial fees and memorial fees are free for all children under 18 at the time of burial. The size of the grave plot will be appropriate to the age of the child up a maximum of 3ft X7ft (Adult size plot)
23. Cremated remains plots for the burial of ashes containers are also currently available in a separate designated area. It may also be possible to bury the remains in an existing full seized burial plot of another family member.
24. Permission of the Parish Council and payment of the appropriate burial fee is required before any cremated remains burial can take place.
25. Cremated remains need to be in a biodegradable urn or casket. (Advice should be sought from the funeral director).
26. The scattering of ashes on a grave or anywhere else in the cemetery is not permitted.
27. New burial plots are allocated in the next available space but the Parish Council reserve the right to allocate space elsewhere within the cemetery should ground conditions or operational issues dictate. Should this be necessary the Parish Clerk will notify the funeral director prior to any burial arrangements being finalised.
28. It is not possible to reserve or earmark any type of burial plot for future use.

#### **Authority for a burial in the cemetery**

29. Any wishing to arrange a burial in the cemetery must appoint a reputable funeral director. The Parish Council recommend someone that is a member of the National Association of Funeral Directors or similar professional body.
30. The funeral directors will liaise fully with the parish council to arrange the burial.
31. An interment application form must be submitted to the Parish Clerk by the funeral director acting on behalf of the family. The burial can not go ahead until all the required information, necessary supporting documentation and payment of the appropriate burial fee is received.
32. At least 10 days notice is required to allow sufficient time to get all the necessary authority and arrangements in place for a burial to proceed.

#### **Purchase of the Exclusive Right of Burial to Grave Plot**

33. The Parish Council does not employ its own grave diggers. Arrangements for grave preparation and the interment will be made by the Parish Council in consultation with the appointed funeral director and a free lance grave digger.
34. An interment fee payable for this service will be determined by the funeral director and included as part of their fees.

35. The burial fee payable to the Parish Council, relates to the purchase of the Exclusive Rights of Burial. (EROB) You are not buying a grave freehold; it is more like purchasing a lease.
36. The EROB entitles the owner to use the grave space for burial and to erect a memorial on the grave. (Grave Rights). The EROB does not confer upon the owner an interest in the land itself, which at all times will remain the absolute property of West Rainton & Leamside Parish Council
37. For the avoidance of doubt, throughout these Rules and Regulations, all references to transactions concerning graves or grave space ownership, shall be taken to relate to the EROB only and not the land comprising the grave.
38. Funeral directors will make arrangements for the payment of the appropriate fee for the EROB direct to the Parish Council prior to the burial and then recover this cost from the purchaser through their fee.
39. Upon receipt of the appropriate fee, the EROB will be issued direct to the named owner, confirmed in writing by the funeral director on the interment application form. The name and address of this person will be recorded in the Parish Council burial records as the Registered Owner of the grave plot number shown on the EROB document.
40. Proof of Ownership of the EROB is very important. Named owners should keep their EROB document safe. If a double plot is purchased, the second burial may not take place without the written permission of the grave rights owner. The original copy of the EROB will need to be produced as proof of ownership to the Parish Clerk. . It will also need to be produced to confirm ownership when an application is made for permission to erect a memorial on the grave.
41. If a full or cremated remains burial is required to be made in an existing grave which requires re-opening, an original copy of proof of ownership together with the payment of the relevant re-open fee is required before the burial can proceed.
42. The Parish Council's records contain details of the registered grave owners and their contact details. It is important the grave owners keep the Parish Council updated with any changes in case an issue arise requiring action or the consent of the grave owner in the future
43. In the past, it had been Parish Council policy to allow residents to reserve plots and purchase the EROB to a grave plot for future use.
44. Anyone wishing to arrange a burial in a reserved plot must produce the original copy of the EROB issued at the time of purchase, together with a receipt of payment of the appropriate fee at that time, before a burial can take place.
45. Ownership of the EROB does not transfer automatically on the death the registered owner to the next of kin or another family member. A legal transfer of ownership will be required before anyone else can exercise the Grave Rights.
46. More information about EROB and transfer of ownership are published on the Parish Council's website or available from the Parish Clerk on request:

## **Memorial Installation**

47. No memorial may be erected, replaced, repaired/alterd, removed or have an additional inscription added, without the prior approval of the Parish Council.
48. All memorials must be designed and installed by Parish Council approved memorial masons. ( As must all other types of memorial work)
49. All masons wishing to carry out memorial works within the Cemetery must:
  - be either registered with the British Register of Accredited Memorial Masons (BRAMM) or have membership of the National Association of Memorial Masons (NAMM)
  - Possess a Fixer's license
  - Hold an appropriate level of Public Liability Insurance
  - Design and install all memorials in strict compliance with British Standard 8415. To achieve such compliance, masons must employ the fixing methods prescribed by the NAMM Code of Working Practice and / or the BRAMM Blue Book.
  - Return a signed declaration to Parish Clerk to indicate their understanding of our Cemetery Rules and Regulations relating to memorials as defined by this policy.
50. The Parish Council will maintain a register of local memorial mason businesses which meet these requirements and which are therefore authorised to work in the cemetery.
51. Approval to under take any type of memorial work should be sort by the appointed memorial mason on behalf of the grave rights (EROB) owner by completing a memorial application form ( Appendix A ) and returning this to the Parish Clerk.
52. The application form must be fully completed and signed by both the Grave Rights Owner and the memorial mason and be approved by the Parish Clerk before any work (including manufacture) commences.
53. Where the Grave Rights Owner is deceased or unknown, legal entitlement to exercise the Rights to the grave must be established, and a full legal transfer of these Rights completed, before any application for memorial works can be approved by the Council. In this instance, families should contact the Parish Clerk who will advise on the how to do this.
54. Once the application is approved, the Parish Clerk will sign and return a copy of the application form to the memorial mason, as written approval for the work to be undertaken. This will only be issued following receipt of the required fee.
55. Details of current fees are published on the website or will be provided by the Parish Clerk on request.
56. The installation of a memorial kerb set is not permitted on any grave in the current or any new burials area developed in the future. This is because of the inevitable increased maintenance costs over the longer term. This is not just grounds maintenance but also the cost to make memorials safe when grave owners can not be contacted or are no longer able of willing to make good.

57. In older parts of the cemetery where kerb sets are already in situ but where new burial plots are no longer available, kerbs sets are still permitted, subject to prior approval by the \Parish Clerk..
58. The installation of any other type of grave boundary edging or surround, gravel, decorative chippings or artificial turf or any other type of infill to mark the boundary of a grave plot is not permitted. on any grave in the cemetery. This is for health and safety reasons.
59. Only authorised contractors should undertake any work in the cemetery. The installation of unauthorised surrounds will not be BS8415 complaint and without appropriate foundations are likely to sink, become difficult to maintain and may be become hidden by grass resulting in potential safety hazards to visitors and contractors.
60. To help maintain the burial environment, all memorials must be made from Natural Stone, Granite, Marble, Sandstone, Slate, Limestone or Yorkshire Stone.
61. Applications will only be considered if memorials do not exceed the following maximum dimensions given below:

### **Adult & Children's Grave Plot**

#### Headstone

- Maximum overall height - 36ins (91cm) (including the depth of the base )
- Maximum width 34 ins (86cm) including the base
- Minimum thickness 3 ins (7.5cm), maximum 5ins ( 12.7cm)

#### Kerb Set (where permitted)

- Maximum width - 34 ins (86 cm) including the base
- Maximum overall length including headstone - 8ft (2.4m)
- Height – minimum 3ins ( 7.5 cm) - 6 ins ( 15cm) above ground level

### **Cremated remains plot -**

#### Headstone:

- A maximum Height of 18 ins ( 45cm)
- A maximum Width 18ins (45cm) (including foundations and base)

#### Desk top/.tablet:

- A maximum depth of 15 ins – 38 cm (front to back) A maximum width of 18ins (45cm)
- A maximum thickness of 6ins(15cm) tapering to a minimum of 3ins (7.5cm)

### **Additional Memorials to full grave plot**

- Desktop/tablet – Maximum dimensions as above
- Memorial Vase – Maximum dimensions H 12 ins ( 30cm), W 8ins ( 20cm), Depth 8ins (20cm)

62. All inscriptions should be simple, dignified and respectful so as not to cause any potential offence to others.

63. All memorial headstones installed must be in alignment with others in the row.
64. All memorials should be installed in accordance with the current BS 8415 and the appropriate industry code of practice. All Ground Anchors fitted to BS8415–2018 should be NAMM accredited.
65. Any approval is issued on the understanding that the work undertaken will fully comply with the details of the application form and the requirements of the current BS 8415.
66. A certificate of compliance with the current BS 8415 standard must be provided by the memorial mason to the owner of the memorial and a copy sent to the Parish Clerk.
67. The Council reserves the right to refuse any memorial work it considers to be unsuitable
68. Any memorial installed by a memorial mason at the request of the Grave Rights Owner remains the property of the owner and all memorials placed in the cemetery are at the owner's risk.
69. Memorial masons are responsible for ensuring memorials are installed in compliance with BS 8415.
70. Grave Rights Owners are responsible for ensuring that memorials are regularly maintained and any repairs necessary are appropriately carried out with prior approval of the Parish Council.
71. Owners should seek a minimum 10-year guarantee for new memorials installations from their memorial mason and consider taking out insurance to cover all risks.
72. The Council will not accept any liability in respect of accident or damage to memorials. It is the responsibility of the owner(s) of any memorial to keep it in good condition and repair. Where safety measures have been taken as a result of defective workmanship, and a Certificate of Compliance is in force, the owner will have their own personal right of redress against the mason concerned.
73. Masons will be liable for any damage caused by their work in the cemetery. Any damage should be made good, to the satisfaction of the Parish Council and the grave deed owner concerned.
74. The Parish Council recommends a minimum period of 6 months must be allowed after a burial before a memorial headstone is erected and at least 12 months before a kerb set or additional memorials (where permitted – see section on “personalisation below”) are installed due to time needed for grave settlement and levelling. Responsibility for determining when to install approved memorials rests with the memorial mason who must make an assessment of ground conditions.
75. Masons must advise the Clerk when they plan to be on site to carry out approved memorial work.
76. Post installation or reinstatement of any memorial, a photograph should be taken by the installer and sent to the Parish Clerk for his records.

## **Memorial Safety Inspections**

77. As a burial authority the Parish Council has a general duty under the Local Authorities Cemeteries Order 1977 (LACO) to maintain the burial ground in good order.
78. The Parish Council also has a duty of care under Health and Safety at Work Act 1974 (HSWA74) and should do all that is reasonably practicable to ensure that visitors and those working in the cemetery are not exposed to risks to their health and safety
79. Memorial stability and safety are a key area of risk to be considered under these statutory requirements.
80. The Health & Safety at Work Act 1974 requires burial authorities to ensure that memorials are safe so that the potential for injury to those visiting and working in cemeteries is reduced and under the LACO a burial authority is empowered to prevent a memorial from becoming unsafe or continuing to be a hazard to public safety.
81. All memorial headstones will be tested at least every 5 years as recommended by the Health & Safety Executive.
82. All memorial inspections will be carried out by a suitably trained person(s) with experience of burial ground management and the associated risks, and a working knowledge of memorials to an agreed documented specification. If contractors are to be used, evidence of training, adequate public liability insurance and suitable risk assessments and safe methods of working are required.
83. Prior to carrying out any safety inspections, the council will publicise the inspection by way of notices on the cemetery gates and notice board, village notice boards, Village News (if timely), the parish council's website and Facebook page. This communication will advise the community that the council has the right, when necessary in the interests of public safety, to gain access across any grave and may remove or lay flat any memorial without notice or compensation to the owner.
84. Details of the memorial testing process and what will happen should a memorial fail the safety test are published on the Parish Council's website: [insert link to separate doc – memorial testing doc...](#)
85. The Parish Council understands that the inspection and testing process is a sensitive issue and may cause some distress to families, especially if a headstone is found to be unstable and action is taken to make it safe immediately or warning tape is added to a headstone to alert the owner ,and all visitors, that the headstone is unstable and is likely to become unsafe unless action is taken to make good. However, such inspections are essential to keep the cemetery safe for all.
86. All grave owners and cemetery visitors are therefore required to respect the inspection process, and those carrying out the inspections, to allow inspections and any resultant action necessary, at the time of the inspection, to be carried out unhindered.
87. Where action is required by a grave owner to make good, the owner should contact the Parish Clerk for further advice.

## **Grave Personalisation and Floral Tributes**

### **Full Size Adult & Children's Grave Plots**

88. Whilst the Council recognises the benefits to families in being able to personalise a grave, it must also have regard to the operational and access difficulties often caused by instances of excessive grave personalisation. In order to prevent such difficulties, it is necessary to limit the extent to which a grave may be personalised.
89. The following items may not be placed on a grave anywhere in the cemetery:
- Unauthorised grave surrounds, boundary edging or fencing around a grave
  - Gravel, decorative chippings, artificial grass or any other type of grave topping unless within the boundary of an approved professionally installed memorial kerb set (where permitted in older parts of the cemetery)
  - Glass, porcelain, pottery, brittle plastics or fragile items - for Health & Safety Reasons ( can easily be misplaced or broken )
  - Noisy items ( detracts from the calmness of the burial environment and may cause offence to others )
  - Balloons ( can easily be misplaced)
  - Solar Lights (will impact on neighbouring graves)
  - The planting of flowers, trees or shrubs – (these may not only obscure memorials, but their roots can weaken foundations, causing damage to the memorial and also those on neighbouring graves.)
90. A new grave takes time to settle before a memorial headstone or other type of permitted personalisation can be placed on grave.
91. After the burial, personalisation of a grave is therefore limited to a grave identification marker and floral tributes.
92. After a minimum of 6 months a memorial headstone may be installed, subject to prior approval by the Parish Clerk.
93. It will take considerably longer for the whole grave plot area to settle. It may have to be topped up several times before it can be levelled.
94. Only floral tributes that can easily, temporally, be removed should be placed on a grave during this settling period to allow the grave to be topped up as required by Parish Council contractors and for it to fully settle and be levelled as soon as possible, This will usually take a minimum of 12 months.
95. The turfing or grass seeding ( depending on weather and ground conditions) of fully settled graves after a year to create a lawn burial environment enables more effective maintenance and management of the cemetery and is the preferred option for grave maintenance of the Parish Council. Under this option the responsibility of maintaining the grave lies primarily with the Parish Council. However, it is acknowledged and respected that this may not be the preferred option for families and consequently families can choose to opt out of this approach.
96. A minimum of 12 weeks prior to the proposed turfing/grass seeding of a grave a letter will be sent to the registered owner of EROB informing them that the grave plot is planned to be turfed/seeded. At this point should the family not wish to have the grave turfed/seeded the grave owner must contact the parish council in writing to request the grave is not turfed/seeded.

97. If a grave owner “opts out” they must acknowledge that they take full responsibility for the upkeep of the entire grave plot. In such cases, the grave plot area (a maximum dimension of (3ft x 7ft for adults plots ). can then be used as a “garden” type plot for floral tributes and other items of permitted personalisation. Vases and flower holders made from glass, porcelain or fragile materials are not permitted. For children’s graves, the size of the plot will vary as this will appropriate to the age of the child.
98. Memorial Vases and / or a tablet with an inscription are also permitted within the grave area if placed directly in front of the headstone but are subject to maximum dimensions, prior approval by the Parish Clerk and payment of the appropriate fee. They must be installed by a professional mason.
99. Families who are happy with the lawn approach and the grave has been turfed/seeded and the grass fully established , are permitted to then add floral tributes to a “personalisation area” immediately in front of a headstone. The maximum area of this personalisation area is 36ins wide by 18ins deep. Memorial Vases or a memorial tablet with an inscription are also permitted within the “personalisation area” but are subject to prior approval by the Parish Clerk and payment of a fee. They must be installed by a professional mason.
100. If this personalisation area is used, responsibility for its maintenance lies solely with the family. Parish Council will maintain the remainder of the grave through regular grass cutting.
101. It is, however, recognised that on significant dates such as anniversaries and religious festivals, families may need to place floral tributes outside the personalisation area. The Parish Council will exercise a degree of consideration and flexibility on such occasions.
102. No such discretion is permissible on grave plots where owners have “opted out” and in older parts of the cemetery where kerb sets or boundary edging may be in situ. The placing of tributes on these graves must be within the boundary of the grave plot.
103. Memorial vases and / or a memorial tablet may also be added to a grave within the boundary of a professionally installed kerb sets in older parts of the cemetery, subject to prior approval of the Parish Clerk and payment of the appropriate fee.
104. Fresh Floral tributes should be removed no later than 2 weeks after placing.
105. Artificial floral tributes or wreaths laid for specific occasions e.g. Remembrance Day and Christmas should be removed within 3 months. If not removed and they hinder grounds maintenance, these may be disposed of by the Parish Council without prior notice.
106. All memorials and tributes placed on graves are done so at the owner’s risk.
107. If any items are placed on a grave in breach of these regulations, the Parish Clerk will contact the grave owner when:
- The items prevent or restrict access for grave-digging or funeral attendance
  - The items encroach upon, or adversely affect a neighbouring grave
  - The items prevent or adversely affect grounds maintenance
  - A complaint has been received about the items
  - Items placed are considered a safety hazard
  - Unauthorised installations are added to a grave space.

108. Where the need to access a grave is urgent (for example, because of a forthcoming funeral) the Parish Clerk will contact the owner of the EROB by telephone, wherever possible, to request the removal of the items as soon as possible. If contact can not be established, such items may be removed by the Parish Council if necessary.
109. Where the situation is not urgent, the Parish Clerk will write to the grave rights owner and request that they attend on-site to discuss matters in order to reach agreement upon a reduction of personalisation to a level which does not cause difficulties.
110. Where an unauthorised installation of a grave surround of boundary edging/infill is added to a grave area, the Parish Council has the right to make arrangements for its removal with due notification of the EROB owner at his or her last known address. Any expense incurred by the Parish Council in doing so shall be chargeable to the Grave Rights Owner.
111. Should the Parish Council consider that any grave plot where the EROB owner has opted out of having a grave turfed/seeded appears unkempt, a letter will be sent to the owner of the EROB requesting that the grave plot is maintained by a certain date.
112. The Parish Council reserve the right to turf any uncared for grave plots should no contact be received or action taken by the family within the timescale outlined.

### **Cremated remains plots**

113. All cremated remains plots will be made good with turf removed for the burial immediately after the burial.
114. Due to the limited space of cremated remains plots, personalisation is restricted to the installation of either a cremated remains headstone or desktop/tablet. The only additional personalisation allowed is the placing of one floral tribute immediately in front of a headstone or desktop/tablet.

### **Amendments**

115. West Rainton & Leamside Parish Council reserves the right to change or amend these Rules and Regulations, if and when required