

WEST RAINTON AND LEAMSIDE PARISH COUNCIL CEMETERY POLICY

West Rainton Cemetery, established in 1939, is owned and managed by West Rainton & Leamside Parish Council. Following a review of its cemetery management policies, the Parish Council has drawn up this Cemetery Policy document which comes into force on 1st April 2025.

The rules and regulations in this policy supersede any previous policy documents relating to West Rainton cemetery.

Introduction

1. West Rainton cemetery is entirely owned and administered by West Rainton and Leamside Parish Council. It is located opposite the graveyard of St. Mary's Church between Chantry Place and the A690.
2. As a burial authority, the management of the cemetery is governed by Local Authorities' Cemetery Order (LACO) 1977 and the Health and Safety at Work Act (HASWA) 1974.
3. Under LACO, the Parish Council has a general duty to keep the cemetery in good order and under HASWA it has a duty of care to do all that 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 undertake such measures as it considers necessary or desirable for the proper management, regulation and control of the cemetery.
6. This policy has been developed and approved by the Parish Council following consideration of guidance and advice from a number of national organisations including; Central Government, Institute of Cemetery and Crematorium Management (ICCM), British Register of Accredited Memorial Masons (BRAMM) and the National Association of Memorial Masons (NAMM) as well as reviewing the services provided by other local burial authorities. Consequently, the Parish Council is able to draw upon a wide range of experience and information to assist in the running of this service and also to address any queries from the public.
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 the rules and regulations in this policy. In undertaking these duties, the Parish Clerk works closely with funeral directors and memorial masons acting on behalf of bereaved families.
8. The Parish Council requires observance of the rules and regulations set out in this policy to ensure the cemetery is well presented for the benefit of all visitors and those who work in it.

Contact Information (for all enquiries)

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Opening Times

9. Access to the cemetery is generally unrestricted, however the Parish Council has the right to limit entry by closure or vary opening times as considered necessary.

General Rules

10. No dogs, other than assistance dogs on a lead are allowed in the cemetery.
11. No vehicles, other than funeral corteges or contractor's vehicles, are allowed in the cemetery.
12. Visitors to 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.
13. 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.
14. For the benefit of visitors to the cemetery and the wider community, the Parish Council endeavours to maintain a tidy cemetery at all times. To help achieve this the Parish Council requires grave owners to maintain memorials and tributes in a neat, safe and tidy manner.
15. All waste material should be placed in the bin provided at the entrance to the cemetery.
16. Filming, photography and video recording within the cemetery is only permitted for personal use.
17. Without the prior written agreement of the Parish Clerk, it is strictly prohibited to sell goods or promote services in connection with memorials or graves within the cemetery.

Eligibility for burial in the cemetery

18. 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 qualify for interment in West Rainton cemetery on payment of the appropriate fees.
19. Anyone residing outside the parish boundary but who have a family connection with the parish may also be buried in West Rainton cemetery on payment of the appropriate non-resident burial fee.

Fees

20. The Parish Council reviews cemetery fees on an annual basis. The current fees and charges are listed on the Parish Council's website:

www.westraintonandleamsidepc.gov.uk

Burial Plots

21. It is not permitted to reserve a specific burial plot for future use.
22. Burial plots are generally allocated in the next available space but the Parish Council reserves the right to allocate space elsewhere in the cemetery should ground conditions or operational issues require it. Should this be necessary, the Parish Clerk will notify the funeral director prior to any burial arrangements being finalised.
23. Single or double depth plots for adult burials are currently using an area to the rear of the cemetery which was brought into use in August 2018. An adult burial plot area measures 0.9m x 2.1m (3ft x 7ft).
24. Children's burial plots use a separate area on the left-hand side of the cemetery. The size of a child's burial plot will be appropriate to the age of the child, up to a maximum of 0.9m x 2.1m. Burial fees and memorial installation fees are free for all children who died when under the age of 18 years old.

Cremated remains

25. There is a separate designated area for the interment of cremated remains. Those wishing to bury cremated remains in an existing adult burial plot of another family member should contact the Parish Clerk.
26. Cremated remains must be in a biodegradable urn or casket. Your funeral director will be able to provide an appropriate container.
27. The scattering of cremated remains on a grave or anywhere else in the cemetery is not permitted.

Authority for burial in the cemetery

28. Anyone wishing to arrange a burial in West Rainton cemetery must appoint a reputable funeral director. The Parish Council recommend using a member of the National Association of Funeral Directors or similar professional body.
29. The funeral director must liaise fully with the Parish Clerk to arrange a burial.
30. A burial application form (Appendix A) must be submitted to the Parish Clerk by the funeral director acting on behalf of the bereaved family.
31. Arrangements for a burial cannot proceed until the Parish Clerk has received all necessary information, supporting documentation and payment of appropriate fees. At least 10 working days' notice is required for this process.
32. The Parish Council does not employ its own grave diggers. Arrangements for grave preparation and the interment will be made by the Parish Clerk in consultation with the appointed funeral director and a free-lance grave digger.

33. A burial fee is payable for this service and will be determined by the funeral director and included as part of their fees.
34. An interment may only proceed after the Parish Clerk has confirmed in writing to the funeral director that all the required documentation and fees are in place.
35. The burial fee payable to the Parish Council relates to the purchase of an Exclusive Right of Burial (EROB) certificate which describes the rights of the grave owner.
36. An EROB entitles the owner to decide who is buried in that plot and to erect a memorial on the grave. The EROB does not confer upon the owner any 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 grave ownership or grave space shall be taken to relate to the EROB only and not the land comprising the grave itself.
38. Funeral directors will make arrangements for the payment of appropriate fees for the EROB direct to the Parish Clerk prior to a burial and then recover the cost from the EROB owner through their own fee.
39. Upon receipt of the appropriate fee, the EROB will be issued directly to the named owner, confirmed in writing by the funeral director on the burial application form. The name and address of the EROB owner 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 an existing grave is to be reopened, either for a burial or to bury cremated remains, an original copy of proof of ownership together with payment of the relevant re-opening fee is required before an interment can proceed.
42. The Parish Council records contain details of the registered grave owners and their contact details. It is important for grave owners to keep the Parish Council informed of any changes in their address in case an issue arises requiring action or consent of the grave owner.
43. Although it is no longer permitted, in the past it has been Parish Council policy to allow residents to reserve plots and purchase an EROB for a specific grave plot for future use.
44. Anyone wishing to arrange an interment in such 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 an interment can proceed.

45. Ownership of an EROB does not transfer automatically on the death of 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 those grave rights.
46. More information about EROB and transfer of ownership is published on the Parish Council website or is available from the Parish Clerk on request.

Memorials

47. The installation of a kerb set is not permitted on any grave in the current burial area or in any future burial area. This is because kerb sets add significantly to cemetery maintenance costs. These are not just ground maintenance costs but also the cost to make memorials safe when grave owners cannot be contacted or are no longer able or willing to maintain a memorial in a safe condition.
48. In older parts of the cemetery where kerb sets are in place but where new burial plots are no longer available, kerb sets are still permitted subject to prior approval by the Parish Clerk.
49. The installation of any type of grave boundary edging or surround, such as gravel, decorative chippings, artificial turf or any other type of infill to mark the boundary of a grave plot is not permitted in the cemetery.
50. Only authorised contractors may undertake work in the cemetery. Installation of unauthorised grave surrounds will not be compliant with BS8415 and without appropriate foundations are likely to sink and become difficult to maintain. They may also become hidden by grass resulting in a potential safety hazard to visitors and contractors.
51. To help maintain a consistent burial environment, all memorials must be made from natural stone, granite, marble, sandstone, slate, limestone or Yorkshire stone.
52. Memorial applications will only be considered if memorials do not exceed the following dimensions:

Adult and Children's grave plots

Headstone

Maximum overall height of 91cm (36ins) including the depth of the base

Maximum width of 86cm (34ins) including the base

Thickness: Minimum of 7.5cm (3ins). Maximum of 12.7cm (5ins)

Kerb set (where permitted)

Maximum overall length including headstone of 2.4m (8ft)

Maximum width of 86cm (34ins) including the base

Height above ground level: Minimum of 7.5cm (3ins). Maximum of 15cm (6ins)

Cremated remains plot

Headstone

Maximum height of 45cm (18ins)

Maximum width of 45cm (18ins), including foundations and base

Desk top/Tablet

Maximum depth of 38cm (15ins) front to back.

Maximum width of 45cm (18ins)

Maximum thickness of 15cm (6ins) tapering to a minimum of 7.5cm (3ins)

Additional memorials to a grave plot

Desk top/Tablet

Maximum depth of 38cm (15ins) front to back.

Maximum width of 45cm (18ins)

Maximum thickness of 15cm (6ins) tapering to a minimum of 7.5cm (3ins)

Memorial vase – maximum dimensions

Height 30cm (12ins)

Width 20cm (8ins)

Depth 20cm (8ins)

53. All memorial inscriptions should be simple, dignified, and respectful so as not to cause offence to others.

Memorial Installation

54. No memorial may be erected, replaced, repaired/altered, removed or have any additional inscription without prior written approval from the Parish Clerk.
55. All memorial works in the cemetery must be carried out by Parish Council approved memorial masons.
56. Masons wishing to carry out memorial works within the cemetery must comply with the following rules:
- Either be 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 BS8415. 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 the Parish Clerk to confirm their understanding of the Parish Council's Cemetery Policy relating to memorials.
57. The Parish Council will maintain a register of local memorial masons who meet these requirements and who are therefore authorised to work in West Rainton cemetery.

58. Approval to undertake any type of memorial work must be sought by the appointed memorial mason on behalf of the grave owner by completing a memorial application form (Appendix B) and returning it to the Parish Clerk.
59. The application form must be completed in full and signed by both the grave owner and the memorial mason. The application must be approved by the Parish Council before any work can proceed.
60. The Parish Council reserves the right to refuse any memorial work it considers to be unsuitable.
61. Details of current fees for memorial works are published on the Parish Council website or can be provided by the Parish Clerk.
62. Where the grave 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 Parish Council. The Parish Clerk can offer advice to grave owners on how to establish their legal rights.
63. Once the application is approved and the required fee has been paid, 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.
64. Any approval is issued on the understanding that the work undertaken will fully comply with the details on the application form and requirements of BS8415.
65. A certificate of compliance with the current version of BS8415 must be provided to the Parish Clerk by the memorial mason.
66. Masons must inform the Parish Clerk when they plan to be on site to carry out approved memorial works.
67. All memorials must be installed in accordance with the current BS8415 and the appropriate industry code of practice. All ground anchors fitted to BS8415-2018 must be NAMM accredited.
68. Memorial headstones must align with other headstones in a row.
69. Following installation or repair of a memorial the mason must take a photograph of the completed work and send it to the Parish Clerk for his records.
70. Masons will be liable for any damage caused by their work in the cemetery. Any damage must be made good to the satisfaction of the Parish Council.
71. Any memorial installed by a mason at the request of a grave owner remains the property of that owner.
72. Grave owners are responsible for ensuring their memorial(s) is regularly maintained and any repairs necessary are carried out with prior approval of the Parish Clerk.

73. Grave owners are recommended to seek a 10-year guarantee for new memorial installations from their memorial mason and to consider taking out suitable risk insurance.
74. The Parish Council will not accept any liability in respect of accident or damage to memorials. It is the responsibility of a memorial owner 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 place, the owner will have their own personal right of redress against the mason concerned.

Memorial Safety Inspections

75. The Parish Council has a general duty under the Local Authorities Cemeteries Order (LACO 1977) to maintain the burial ground in good order.
76. The Parish Council also has a duty of care under the Health and Safety at Work Act (HASWA 1974) to do all that is reasonably practicable to ensure that visitors and those working in the cemetery are not exposed to undue health and safety risks.
77. Memorial stability and safety is a key area of risk to be considered under these statutory requirements.
78. HASAW 1974 requires burial authorities to ensure memorials are safe and that the potential for injury to those visiting and working in cemeteries is as low as reasonably practicable. Under LACO 1977 a burial authority is empowered to prevent a memorial becoming unsafe or continuing to be a hazard to public safety.
79. All memorial headstones will be tested at least every 5 years as recommended by the Health and Safety Executive.
80. All memorial inspections will be carried out by suitably trained person(s) with experience of burial ground management and associated risks, appointed by the Parish Council. They must demonstrate a working knowledge of memorials to an agreed documented specification and provide evidence of training and adequate public liability insurance. Documentation of risk assessments and safe working practices will be required.
81. Prior to undertaking any safety inspections, the Parish Council will publicise the inspection with notices on the cemetery gates and notice board, Village News (if timely), Parish Council website, parish notice boards and appropriate social media. This communication will advise the community that the Parish Council has the right and a duty, when necessary, in the interests of public safety to gain access across any grave and may remove or lay flat any memorial found to be unsafe without notice or compensation to the owner.
82. Details of the memorial testing process and the consequences should a memorial fail the safety test are published on the Parish Council website:

www.westraintonandleamsidepc.gov.uk

83. The Parish Council appreciates that the inspection and testing process is a sensitive issue and may in some cases cause distress, especially if a memorial is found to be unsafe and immediate action such as removal or wrapping in a warning tape is required. Nevertheless, such inspections and actions are intended to keep the cemetery safe for all and are a legal requirement for the Parish Council.
84. All grave owners and cemetery visitors must respect the inspection process and allow those conducting inspections to carry out their work unhindered, including any action deemed necessary at the time of inspection.
85. Grave owners whose memorials have been classified as unsafe should contact the Parish Clerk for further advice.

Personalisation of adult and children's grave plots

86. Whilst the Parish Council recognises the consolation families find in being able to personalise a grave, it must also have regard to the operational and access difficulties that can be caused by excessive grave personalisation. To prevent such difficulties occurring it is necessary to strictly limit the extent to which a grave plot may be personalised.
87. The following items are **not permitted** on or around any grave in the cemetery:
 - Unauthorised 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 a professionally installed memorial kerb set that has been permitted in older parts of the cemetery.
 - For Health and Safety reasons objects of glass, porcelain, pottery, brittle plastics or fragile items that can be easily displaced or broken.
 - Any noisy items that may cause offence to others and detract from the calmness of the burial environment.
 - Balloons, because they can be easily displaced.
 - Solar lights, because they can impact on neighbouring graves.
 - Planting of flowers, trees or shrubs which may not only obscure memorials but their roots can undermine and weaken foundations potentially causing damage to memorials and neighbouring grave plots.
88. Because a new grave takes time to settle, personalisation of a grave for at least 6 months after a burial is strictly limited to a grave identification marker and floral tributes only.
89. After a minimum of 6 months a memorial headstone may be installed, subject to prior approval by the Parish Clerk.
90. It will take considerably longer for the whole grave area to settle so it may have to be topped up several times before it can be finally levelled.
91. Only floral tributes that can be temporarily removed may be placed on a grave during this settling period. This is to allow the grave to be topped up as required

by the Parish Council contractors and for it to fully settle, a process that usually takes a minimum of 12 months.

92. Once a grave has fully settled, the preferred option of the Parish Council is to lay turf or sow grass seed, depending on weather and ground conditions. A grave owner will be informed by letter 12 weeks in advance of any proposed turf laying or grass seeding of a grave.
93. Creating a lawn burial environment facilitates more effective ground maintenance and management of the cemetery. Under this option, responsibility for maintaining the grave will lie with the Parish Council.
94. However, it is acknowledged that families may have a different preference and wish to personalise a grave themselves, subject to the limitations described in paragraph 80 above. If the grave owner does not wish to have the grave turfed/seeded they must contact the Parish Clerk in writing to confirm their preference.
95. If a grave owner declines the offer to turf/seed the grave they must acknowledge that they take full responsibility for the upkeep of the entire grave plot. In such cases, the grave plot area may then be used for floral tributes and other items of permitted personalisation. Note that vases and flower holders made from glass, porcelain or fragile materials are not permitted.
96. Memorial vases and/or a tablet with an inscription are permitted if placed directly in front of the headstone but are subject to prior approval by the Parish Clerk and payment of the appropriate fee. These items must be installed by an approved mason.
97. Grave owners who accept 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 the headstone. The maximum size of this "personalisation area" is 0.9m wide by 0.45m deep (36ins x 18ins). 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 the requisite fee. These items must be installed by an approved mason.
98. If a "personalisation area" is used, responsibility for its maintenance lies solely with the family. The Parish Council will maintain the remainder of the grave plot with regular grass cutting.
99. The Parish Council recognises that on significant dates such as anniversaries and religious festivals, families may wish to place floral tributes outside the "personalisation area". The Parish Council will exercise a degree of consideration and flexibility on such occasions.
100. No such discretion is permissible on grave plots where owners have opted out and in older parts of the cemetery where permitted kerb sets or boundary edging may be in place. The placing of tributes on these graves must be within the boundary of the grave plot.

101. Memorial vases and/or a memorial tablet may also be added to a grave within the boundary of an approved kerb set in older parts of the cemetery, subject to prior approval of the Parish Clerk and payment of the requisite fee.
102. Fresh floral tributes should be removed no later than 2 weeks after they have been placed on a grave.
103. Artificial floral tributes or wreaths laid for special occasions, such as Remembrance Day, should be removed within 3 months of being placed on a grave. If they are not removed and they hinder ground maintenance the Parish Council reserves the right to dispose of them without prior notice.
104. All memorials and tributes on graves are placed at the owner's risk.
105. The Parish Clerk will contact the grave owner in relation to items placed on a grave when any of the following circumstances arise:
 - Items are placed on a grave in breach of these regulations, e.g., unauthorised items
 - Items prevent or restrict access for grave digging or funeral attendance
 - Items encroach upon or adversely affect a neighbouring grave
 - Items prevent or adversely affect ground maintenance activities
 - Items have been the subject of a formal written complaint
 - Items are considered to be a safety hazard
106. Where the need to access a grave is urgent (for example due to a forthcoming funeral) the Parish Clerk will, wherever possible, contact the owner of the EROB by telephone to request the removal of such items as soon as possible. If contact with the EROB owner cannot be established, the Parish Council reserves the right to remove such items without further notice.
107. Where the situation is not urgent the Parish Clerk will write to the EROB owner and request they attend an on-site meeting to discuss a course of action that ensures compliance with this policy.
108. Where an unauthorised installation of a grave surround or boundary edging or infill is added to a grave area the Parish Council has the right to make arrangements for its removal following due notification of the EROB owner at their last known address. Any expense incurred by the Parish Council in removing unauthorised material shall be chargeable to the EROB owner.
109. Should the Parish Council consider that any grave plot where the EROB owner has opted out of having a turfed/seeded appears unkempt, a letter shall be sent to the EROB owner requesting the grave plot is maintained within a specified timescale.
110. The Parish Council reserves the right to lay turf, or sow grass seed, on any uncared for grave plots should no response be received or action taken by the EROB owner within the specified timescale.

Personalisation of cremated remains plot

111. Any cremated remains plot will be made good with turf that has been removed for the interment.
112. Due to limited space for cremated remains plots, personalisation is restricted to the installation of either a cremated remains headstone or desktop/tablet.
113. The only additional personalisation permitted is the placing of one floral tribute immediately in front of a headstone or desktop/tablet memorial.

Amendments

114. West Rainton and Leamside Parish Council reserve the right to review, change or amend this policy document at such times it considers to be appropriate or necessary.