



Monday 27 May 2025

Cabinet
3 June 2025

Please find enclosed the report for the item 7.2 on the main agenda.

7.2 Clearing Cemeteries of Personal Memorials

(Pages 3 - 34)

The purpose of this item is to outline the requirement to clear unauthorised personal memorials, which have accumulated over the years within all the Council's cemeteries, in accordance with the Council's Cemetery Rules and Regulations.

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Report of the Portfolio Holder for Environment and Climate Change

Clearing Cemeteries of Unauthorised Personal Memorials

1. Purpose of Report

The purpose of this report is to outline the requirement to clear unauthorised personal memorials, which have accumulated over the years within all of the Council's cemeteries, in accordance with the Council's Cemetery Rules and Regulations.

2. Recommendation

The Cabinet is asked to:

1. **RESOLVE** and endorse the decision made on 16 July 2024 to clear all unauthorised personal memorials as detailed in this report.
2. **NOTE** the proposal submitted by some of the families that have personal unauthorised memorials and thank them for their engagement.
3. **NOTE** the difficulties experienced by some members of the community when trying to access the graves of loved ones.
4. **CONSIDER** and **RESOLVE** accordingly Broxtowe Borough Council's Bereavement Services alternative proposal for personal memorialisation.

3. Detail

This report was originally presented to Cabinet in 2019 and was approved, the outbreak of Covid-19 prevented the programme commencing. The report was presented to Cabinet again on 16 July 2024 and was approved as presented, the full report is provided in **Document A**.

The Council manages 11 cemeteries and closed graveyards. Analysis completed at the beginning of 2025 demonstrated that 93% of grave owners are correctly following the Cemetery Rules and Regulations. The remaining grave owners, a small number in comparison, have failed to follow the Cemetery Rules and Regulations to some degree. This mainly affects graves located within the lawned areas of the cemeteries. These contraventions of the rules include the installation of unauthorised personal memorials for example, "gardens" that create health and safety hazards for both employees and visitors but also impacts on accessibility for other grave owners, tree and scrub planting, alcohol bottles, deck chairs, fencing, kerbing, bedding plants, vases, flower displays, windmills, and any item made from glass.

Decision details from 16 July 2024

Clearing Cemeteries of Unauthorised Personal Memorials

Decision Maker: Cabinet

Decision status: Recommendations Approved

Purpose: The purpose of this report is to outline the proposal of clearing personal memorials which have accumulated over the years within all of the Broxtowe Borough Council's cemeteries.

Decisions: Cabinet was informed that Bramcote Bereavement Services had carried out a review of the current management arrangements of the Council's cemeteries and identified an issue with personal memorials. The Council's Cemeteries Rules and Regulations stated that "It is Council policy that no item of whatever description is allowed to be placed upon the actual grave space in a lawned area". This is in order to maintain a safe environment for both employees of the Council and visitors to the cemeteries.

Members noted the intention to clear all personal memorials as detailed in the report and stated that communication with families was imperative. Cabinet was reassured that the methods by which families would be notified of the intentions was of a sympathetic nature, which was necessary when dealing with such a sensitive subject.

Following the decision by Cabinet, and the commencement of the work, families approached the Council to discuss their concerns regarding the decision.

The Council responded with the following statement:

The Council acknowledges the extreme distress that the current arrangement to enforce the Cemetery Rules and Regulations are causing. As a result, the Council is proposing that extra time, of up to 12 months, is given. This is completely without prejudice as the Rules and Regulations still apply; however, during the 12-month period no enforcement action will be taken.

The Leader of the Council, Councillor Milan Radulovic, agreed to allow "a sensible dialogue to take place recognising the duty and responsibility that the Council has to maintain a tasteful and safe environment".

A proposal containing suggestions and requests, provided by some of the families that have installed unauthorised personal memorials is provided in **Document B**.

A detailed response from Broxtowe Borough Council Bereavement Services in respect of the proposal provided in Document B, examples of accessibility cases, and a proposal from Broxtowe Borough Council Bereavement Services for Members to consider is contained in **Document C**.

A Health and Safety statement from Broxtowe Borough Council's Head of Health, Safety, Compliance and Emergency Planning is provided in **Document D**.

4. Key Decision

The location of cemeteries will affect individuals within communities who visit and tend to family graves in several wards in the Council's area.

5. Updates from Scrutiny

Not Applicable.

6. Financial Implications

The comments from the Assistant Director Finance Services were as follows:

There are no direct financial considerations at this stage. The decision must be taken with due regard to mitigating any of the associated health and safety, reputational and financial risks.

7. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

There is no statutory duty on the Council to provide burial facilities but where they do then the management is governed by the Local Authority Cemeteries Order (LACO) 1977. The Council's powers to provide a cemetery derives from the Local Government Act 1972. LACO 1977 gives the Council wide ranging powers of management to do what is considered necessary or desirable for the management, regulation and control of the cemeteries. The Council also have a legal obligation to keep the cemeteries in good order and repair from a health and safety element whilst maintaining records, plans, issuing deeds, etc. In relation to the Health and Safety element, the legal obligations have been clearly set out in Appendix 4 at paragraph 4 but a principle piece of legislation the Council must adhere to is the Health and Safety at Work Act 1974 (HSWA) which places the Council under a legal duty to protect employees and other persons working or visiting the cemetery.

The Management of Health and Safety at Work Regulations (1999) made under the HSWA, require all employers to assess the risks to employees and non-employees which arise out of the employer's undertaking. Therefore, the Council is under a legal duty to assess the risk from all plant, structures (including memorials), and work activities in their cemeteries to ensure that the risk is controlled.

The Council also has a duty of care under the Occupiers Liability Act 1957 Section 2(2) which states 'The common duty of care is a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there'. Furthermore, case law has established

the principle of a duty of care towards others who may foreseeably be injured by their activities (Donoghue v Stevenson 1932).

8. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not Applicable.

9. Union Comments

The Union comments were as follows:

Not Applicable.

10. Climate Change Implications

The climate change implications are contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not Applicable.

13. Background Papers

Nil.

Report of the Portfolio Holder for Environment and Climate Change

Clearing Cemeteries of Personal Memorials1. Purpose of Report

The purpose of this report is to outline the proposal of clearing personal memorials which have accumulated over the years within all of the Council's cemeteries.

2. Recommendation

The Cabinet is asked to NOTE the intention to clear all personal memorials as detailed in this report.

3. Detail

Bramcote Bereavement Services have carried out a review of the current management arrangements of the Council's cemeteries and identified an issue with personal memorials. The Council's Cemeteries Rules and Regulations state that "It is Council policy that no item of whatever description is allowed to be placed upon the actual grave space in a lawned area." This is in order to maintain a safe environment for both employees of the Council and visitors to the cemeteries. The Institute of Cemetery and Crematorium Management also states "Proper choice and proper control of unauthorised memorials through the management rules and regulations is essential to the effective long-term control over memorial safety."

Whilst most families, friends and visitors adhere to the Rules and Regulations a number of personal memorials are appearing. Particularly this was the case during the pandemic when the monitoring of graves was impacted.

More details regarding the difficulties experienced as a result of the current situation is provided in **Appendix 1**.

It is important for the health and safety of employees and visitors, and the general maintenance of the cemeteries that the Rules and Regulations are enforced.

The goal is to provide a safer environment and a more attractive cemetery for families to visit.

Further information is provided within the report at **Appendix 2** and **Appendix 3** to show signage to be placed on plots prior to action, while **Appendix 4** includes a letter that grave owners will receive outlining the details of the approach.

4. Key Decision

The location of cemeteries will effect individuals within communities who visit and tend to family graves in several wards in the Council's area.

5. Updates from Scrutiny

Not Applicable.

6. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no budget implications to consider with any operational costs being met from within existing resources.

7. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

8. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not Applicable.

9. Union Comments

The Union comments were as follows:

Not Applicable.

10. Climate Change Implications

The climate change implications are contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not Applicable.

13. Background Papers

Nil.

Appendix 1

Difficulties and Health and Safety Implications

The points below outline the difficulties and health and safety implications related to the personal memorials placed on some graves:

- When excavating a grave, if adjacent plots have personal memorials there is nowhere for the soil box to be placed. In the event that memorials are removed to allow the excavation of a grave, employees have reported facing animosity from families on occasion and risk insurance claims being made for any damage.
- When funeral employees are lowering a coffin and when mourners are attending a funeral they are surrounded by memorial items which could be a trip hazard.
- Families extending the personal memorials beyond the grave impacts on maintenance and mowing of the site and topping up and seeding of graves.
- Impedes safe access and egress for both Council employees and visitors to the site.

An extract from the relevant section of the Rules and Regulations is provided below:

16. Burial areas

It is Council policy that no item of whatever description is allowed to be placed upon the actual grave space in a lawned area. These items include fencing, kerbing, bedding plants, vases, flower displays, windmills, any item made from glass and any alcohol found to be left on a grave will be removed and disposed of immediately. Wooden crosses or any other equivalent religious symbols may only be left as a temporary measure but must be removed once a permanent memorial is erected.

The Council will not provide maintenance to any grave which has prohibited items on it and will neither provide the maintenance nor excavate a grave for any interment until all items have been removed.

The Council reserves the right at any time to remove any unauthorised item placed upon the grave space.

Personal items left on any grave area are the sole responsibility of the grave owner. The Council is not responsible for the loss or damage of such items.

The Council reserves the right to take over the grave maintenance within a burial area without notice to the grave owner where it has been determined that the grave has not been suitably maintained by the grave owner and is unsightly or dangerous.

It is important for employees and visitors, and the general maintenance of the cemeteries that the Rules and Regulations are enforced.

Broxtowe Borough Council cemeteries were awarded the Gold Award 2024 for Cemetery Management by the Institute of Cemetery and Crematorium Management (ICCM). Below is an extract from their management of memorials document “code of safe working practice”

7.0

Unauthorised Memorials

A large number of Authorities experience difficulties with the control of unauthorised memorials. This can be directly related to a lack of choice in the type of memorials available. When considering providing a range of choice the cost of the permission to erect each type of memorial should be related to the whole life risk for the type of design together with the ongoing maintenance costs of sections in which they are placed. The provision of new traditional sections where more flexibility is given on the size, type, design and even the material used for the memorial allows the personalisation of the grave but uses the normal authorisation process. By providing this important option burial Authorities can then insist on the removal of additional memorialisation, particularly on lawn sections where it upsets maintenance routines, but more importantly upsets those bereaved who wish to have an ordered tidy look to the section in which their relative is buried. It is clear from experience throughout the country that the lack of choice makes the policing of additional memorialisation very difficult. There is no other alternative for the bereaved and they are often very upset that they are unable to personalise the grave. Unauthorised memorials then begin to grow unchecked creating the potential for further serious health and safety problems for the Authority, such as spiked wrought iron fences. Proper choice and proper control of unauthorised memorials through the management rules and regulations is, therefore, essential to the effective long-term control over memorial safety.

Bramcote Bereavement Services currently offer a wide range of memorial options for families’ consideration following the advice from the Institute of Cemetery and Crematorium Management as stated above. This is evidenced by the Gold Award achieved.

The goal is to provide a safer environment and a more attractive cemetery for families to visit.

Benchmarking Information

Other cemeteries that have experienced the same personal memorial issue have successfully implemented the clearing of graves. Wilford Hill Cemetery has recently introduced the same policy and have given Bramcote Bereavement Services advice and support regarding the process followed.

By adhering to the Rules and Regulations and enforcing them the Council are providing a safer environment for those who visit the graves of their loved ones.

By starting the project now it will be the summer before the actual removal of items commences.

It is anticipated that some families may complain about the action to remove personalised memorials, but as detailed in this report the health and safety of employees and visitors as well as the maintenance of the cemeteries are important factors which need addressing.

Proposed Approach

- Cemeteries Officers will erect signage, centrally within the cemetery and place signage upon individual plots providing information 3 months' in advance of any action being taken. It will encourage individuals to clear the graves themselves. **See Appendix 2 and Appendix 3**
- Where possible grave owners will be written to in a sensitive manner outlining the details of the approach. **See Appendix 4**
- Memorialisation removed will be stored for one month at Bramcote Crematorium and made available for families to collect.
- Work will commence at the first cemetery and will commence one section at a time.
- A photograph of each grave detailing the items removed will be stored for future reference.

Ask for:	Cemeteries Office
Ext:	0115 917 3630
Email:	Cemeteries@broxtowe.gov.uk
Our Ref:	Unofficial memorial removal
Your Ref:	
Date:	



**Broxtowe
Borough
COUNCIL**

Appendix 2

Advance Notice

Bramcote Bereavement Services work hard to ensure the cemetery is a beautiful place and is well managed in order to provide the best possible environment for you to remember your loved ones. We respectfully ask that you help us achieve this outcome.

The unofficial surrounds, tributes and/or memorials in this section on graves are not permitted and will be cleared and disposed of

After

They result in us experiencing practical problems with the general upkeep of the cemetery and also pose a health and safety risk to the general public and employees visiting the cemetery.

Please ensure ALL unofficial surrounds, tributes and/or memorials in this section are removed prior to this date.

If you require more information, please contact the cemeteries office at cemeteries@broxtowe.gov.uk



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Broxtowe Borough Council

Foster Avenue, Beeston,

Nottingham NG9 1AB

t: 0115 917 7777

typetalk: 18001 0115 917 7777

w: www.broxtowe.gov.uk



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Ask for: Cemeteries Office
Ext: 0115 917 3630
Email: Cemeteries@broxtowe.gov.uk
Our Ref: Unofficial memorial removal
Your Ref:
Date:



**Broxtowe
Borough
COUNCIL**

Appendix 3

Advance Notice

Bramcote Bereavement Services work hard to ensure the cemetery is a beautiful place and is well managed in order to provide the best possible environment for you to remember your loved ones. We respectfully ask that you help us achieve this outcome.

The unofficial surrounds, tributes and/or memorials on this lawn grave are not permitted and will be cleared and disposed of

After

They result in us experiencing practical problems with the general upkeep of the cemetery and also pose a health and safety risk to the general public and staff visiting the cemetery.

Please ensure ALL unofficial surrounds, tributes and/or memorials are removed prior to this date.

If you require more information, please contact the cemeteries office at cemeteries@broxtowe.gov.uk



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Broxtowe Borough Council
Foster Avenue, Beeston,
Nottingham NG9 1AB
t: 0115 917 7777
typetalk: 18001 0115 917 7777
w: www.broxtowe.gov.uk

Ask for:	Cemeteries Office
Ext:	0115 917 3630
Email:	Cemeteries@broxtowe.gov.uk
Our Ref:	Unofficial memorial removal
Your Ref:	
Date:	
Name	
Address	
Address	
Address	
Address	



**Broxtowe
Borough
COUNCIL**
Appendix 4

CEMETERY LOCATION – Grave Number #

Bramcote Bereavement Services work hard to ensure the cemetery is a beautiful place and is well managed in order to provide the best possible environment for you to remember your loved ones. We are writing to you to respectfully ask that you help us achieve this outcome.

Following recent cemetery inspections, it has been noted that there are unauthorised surrounds, tributes and/or memorials which have been placed at the grave numbered above.

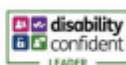
We remind you of the Cemetery Rules and Regulations, a copy of which can be found: <https://www.bramcotebereavement.org/cemeteries/rules-regulations/>

Whilst Bramcote Bereavement Services understand that this is a personal and sensitive issue, the Cemetery Rules and Regulations that were issued to you clearly define the types of surrounds, tributes and memorial that can be displayed.

Unfortunately, due to several complaints of the condition of the cemetery, and the risk to visitors and employees visiting the cemetery, Bramcote Bereavement Services have decided that there is now a need to enforce the Cemetery Rules and Regulations.

Bramcote Bereavement Services work hard to create and maintain a respectful and dignified environment which is sympathetic to the landscape and the people who visit loved ones at their place of rest.

We kindly request that you remove the unauthorised surrounds, tributes and/or memorials prior to After this date Bramcote Bereavement Services will remove any items still in situ and the items will be stored for one month for collection at Bramcote Crematorium.



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w: www.broxtowe.gov.uk

We are aware that there are many other graves in this section and across the cemetery that have the same or similar items on them, please be assured that we are also in contact with the relevant grave owners.

Bramcote Bereavement Services would like to thank you in advance for your support and understanding in relation to this situation.

Yours sincerely,

XXXXXXXXXXXXX

Bereavement Services Manager

Bramcote Bereavement Services
Bramcote Crematorium
Coventry Lane
Bramcote
Nottingham
NG9 3GJ

Tel: 0115 917 3849

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Document B

The following document contains suggestions and requests, provided by some of the families that have installed unauthorised personal memorials

For Approval: Proposals of Alternative Broxtowe Borough Council Cemetery Rules:

The decision made by the council on 16th July is overturned, and no action will be taken for 12 months. The purpose of the 12-month timeframe is to enable an agreement to be made between the committee and the working group, not as a method to postpone the initial actions from the meeting on 16th July.

We propose that top-level decisions are formally made within the next month, to allow for the remaining 6-7 months to be used for implementation and mapping out any finer details, which the working group will be actively involved in.

These proposals account for the need for certain rules to be in place but are intended to be a 'clean slate', being enforced immediately, or to be in place by October 2025. The proposals have taken into consideration the complete lack of any rule enforcement whatsoever before now, which has led to generations of cemetery users to rightly assume and act as if grave decoration is welcomed, which should be honoured as a result. The below proposals may act as a 'clean slate', where rules are shared widely in the community, enforced consistently, and to facilitate the repair of the currently damaged trust between community, council, and crematorium.

Proposal:	Approved (please sign or provide additional comment)
<p>Grave decorations and memorial gardens that are already in place, may remain as they currently are, on existing plots, where the plot owner or bereaved family take regular care and maintenance of the plot, and decoration is within the measurements of the burial plot.</p> <p>Existing graves include all plots purchased prior to August 2023, before the internment forms were amended.</p>	
<p>Any grave decoration or memorial gardens on newly purchased graves must not exceed the width of the headstone and 2.5ft from the front edge of the headstone plinth.</p> <p>New graves refer to any plots purchased after August 2023, honouring the amended internment form that was introduced.</p>	
<p>Where plots have not been maintained by plot owners, the council may remove any decorations from a lawned area, once the plot owner has been notified three times, via a sensitively worded sign on the plot itself, as well as a letter and/or phone call (To take into consideration that addresses held by the crematorium may not be up to date)</p>	<p>The working group are to work with [REDACTED] to produce the associated comms.</p>

<p>To support future communications, the importance of keeping contact details up to date will be publicised on social media via Bramcote Crematorium and Broxtowe Borough Council.</p> <p>This information will also be highlighted in a new information sheet to be created for the use of the crematorium and local funeral directors.</p>	
<p>Health and safety hazards to be removed - Metal or spike fencing, alcohol, large trees or shrubs, glassware, clothing or shoes are to be prohibited due to a justifiable health and safety risk.</p> <p>Any plants that are placed on a grave must be in pots and not in the ground, to allow for easy removal in the case of an adjacent internment.</p>	
<p>Where an adjacent plot needs to be cleared for an internment, adjacent plot owners should be contacted as soon as possible (suggested two weeks prior to the burial, given the standard lead time for funerals being 3-4 weeks). Where adjacent plots aren't cleared by the given deadline, council workers may temporarily remove grave decoration from adjacent plots. Care must be taken in removing grave decoration, but plot owners are ultimately responsible for anything they decide to leave on their loved ones grave. Plot owners are also responsible for re-installing any grave decorations removed for adjacent internment, and are permitted to do so, with the three-strike rule applying where plots are left unmaintained by the owner.</p> <p>To aid in spreading awareness of the above, social media posts highlighting this rule and the necessity to temporarily remove grave decoration for adjacent internment will be posted via Bramcote Crematorium and Broxtowe Borough Council on a regular basis.</p> <p>This information will also be highlighted in a new information sheet to be created for the use of the crematorium and local funeral directors.</p>	<p>The working group are to work with [REDACTED] to produce the associated comms.</p>
<p>Grave diggers will take reasonable precautions to prevent damage to headstones, such as using placing covers over decoration where possible, removing headstones where necessary, and placing soil bins a suitable distance away, as well as ensuring that open graves are secured appropriately until the burial takes place.</p>	
<p>Where a decorative garden (e.g. borders, stones, gravel, etc.) is not present on a burial plot, council maintenance workers are responsible for topping up new graves as frequently as needed, to prohibit sunken plots that are lawned. Sunken graves provide risk of injury (particularly as completely lawned graves disguise uneven ground) and also gives an impression of an unkept cemetery.</p> <p>Plot owners who choose to install decorative gardens are to take full responsibility where the ground sinks or requires maintenance within the measurements of the plot.</p>	<p>It is acknowledged that this is an ongoing problem, and a practical solution is to be agreed.</p>

<p>As of the date that decisions regarding this matter are made publicly available, Councils/Crematoriums/Funeral Directors have a responsibility to make the recently bereaved explicitly aware of any rules they are signing prior to purchase, in a way that is obvious and more suitable for their assumed state of mind. Accessibility, in terms of age and disability, should also be considered, so key information should be provided in written form and via a web link before internment forms are signed, with rules being provided in large print or alternative languages if deemed necessary. The recently bereaved should be verbally encouraged to review any rules prior to purchasing a plot or any other funeral plan.</p> <ul style="list-style-type: none"> - Suggested key information includes the rules that are pertinent to making purchasing decisions and maintaining crematorium records appropriately, such as any cemetery rules the plot owner may be signing up to, and the responsibility and importance of providing and updating personal contact information with Bramcote Crematorium. - The bereaved should also be made aware at the point of purchase that a soil bin may be placed on their loved one's plot when the adjacent plot is used for burial. This is to prevent the emotional distress that is often caused when the friends and family of the recently deceased attend the cemetery to find their loved ones plots inaccessible and covered with a large soil bin. <p>This information will be featured in a new information sheet to be created for the use of the crematorium and local funeral directors.</p>	<p>The working group are to work with [REDACTED] to produce the associated comms.</p>
<p>Plot owners burying their loved ones into existing plots should not be subject to any cemetery rules introduced after they have purchased their plot and should not be required to sign a new internment form stating any new rules. Moreover, owners of existing plots that remove grave decoration in preparation for an additional internment in that plot have the right to re-install any previous grave decoration post-burial.</p>	
<p>It is acknowledged that there have been no reported incidents or accidents in any Broxtowe cemeteries as a result of grave decoration, garden or memorial (see freedom of information request)</p> <p>Any restrictions that are newly enforced on grave decoration for new graves are to prevent any potential accident or injury in the future, in balance with the documented emotional distress that the proposal to enforce the removal of grave decorations has caused. However, any existing plots should not be subject to any new enforcement of rules.</p> <p>The above does not refer to any restrictions or requirements in place for headstones, which are there for the purpose of preventing accident, injury, or death. Headstone restrictions, requirements and safety testing are widely adopted due to cases such as the eight year old boy who sadly lost his life in 2015 due to a fallen headstone.</p>	

<p>An additional notice board to be installed in each of the five open Broxtowe cemeteries. This is for the purpose of making any displayed information more obvious to anyone driving into the cemetery, which includes most cemetery users.</p>	
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Contents of Document

Introduction

Section 1: Broxtowe Borough Council Bereavement Services response to the families' proposal detailed in Document B.

Section 2: Accessibility and inclusion

Section 3: Broxtowe Borough Council Bereavement Services proposal for Member consideration.

Introduction

Following the decision by Cabinet 16 July 2024 some families contacted the Council to raise their concerns regarding the removal of their unauthorised personal memorials. The Leader of Broxtowe Borough Council agreed to delay the enforcement process to allow more time for families; the statement released to the public is shown below:

"The Council acknowledges the extreme distress that the current arrangement to enforce the Cemetery Rules and Regulations are causing. As a result, the Council is proposing that extra time, of up to 12 months, is given. This is completely without prejudice as the Rules and Regulations still apply; however, during the 12-month period no enforcement action will be taken. The Leader of the Council, Councillor Milan Radulovic, agreed to allow "a sensible dialogue to take place recognising the duty and responsibility that the Council has to maintain a tasteful and safe environment."

Some families submitted a proposal contained in Document B. Section 1 below addresses each of the individual proposals in turn for ease of reference. Information contained in quotes is as provided by the families.

Section 1

Broxtowe Borough Council Bereavement Services response to the families' proposal detailed in Document B.

Document B proposal 1

"Grave decorations and memorial gardens that are already in place, may remain as they currently are, on existing plots, where the plot owner or bereaved family take regular care and maintenance of the plot, and decoration is within the measurements of the burial plot. Existing graves include all plots purchased prior to August 2023, before the internment forms were amended."

Response:

The proposal to allow grave decorations and memorial gardens that are already in place, to remain is not an acceptable proposal. These unauthorised memorials create operational, health and safety, and accessibility difficulties that prevents the Council from maintaining a safe and accessible environment for both employees of the Council and visitors to the cemeteries (see Document D).

Interment forms are updated when required. The reference to a change to the interment form in August of 2023 as contained in proposal 1 above is moot. All versions of the interment form have referred to the Rules and Regulations as can be seen in the example image below and signed by the grave owner.

I hereby certify that the above particulars are correct and that I have been made aware of the Erewash/Broxtowe Borough Council's Cemetery 'Rules and Regulations' that apply to this cemetery (and how to obtain them) and, having read them or not, I accept that I am legally bound by them and will uphold (and abide by) them.

Signature of Applicant:

Date:

Full name of applicant:

Address:
.....
.....

Postcode: Landline Contact Number:

Mobile Contact Number:.....

All versions of the Rules and Regulations have contained details of unauthorised memorials. "Grave decorations and memorial gardens" are examples of unauthorised memorials.

Document B proposal 2

"Any grave decoration or memorial gardens on newly purchased graves must not exceed the width of the headstone and 2.5ft from the front edge of the headstone plinth.

New graves refer to any plots purchased after August 2023, honouring the amended interment form that was introduced."

Response

The proposal to allow any grave decoration or memorial garden up to 2.5 feet in front of the headstone plinth, is not an acceptable proposal as it will

create similar operational, health and safety, and accessibility difficulties as experienced with the full-size grave decorations and memorial gardens spanning the length of the grave space. This prevents the Council from maintaining a safe and accessible environment for both employees of the Council and visitors to the cemeteries (see Document D). In addition, accessibility would be impacted for those less able bodied.

Document B proposal 3

“Where plots have not been maintained by plot owners, the council may remove any decorations from a lawned area, once the plot owner has been notified three times, via a sensitively worded sign on the plot itself, as well as a letter and/or phone call (To take into consideration that addresses held by the crematorium may not be up to date)

To support future communications, the importance of keeping contact details up to date will be publicised on social media via Bramcote Crematorium and Broxtowe Borough Council.

This information will also be highlighted in a new information sheet to be created for the use of the crematorium and local funeral directors.

The working group are to work with [REDACTED] to produce the associated comms.”

Response

Broxtowe Borough Council has health and safety responsibilities to its employees, contractors, and visitors to cemeteries (Section 2 and 3: Health and Safety at Work Act 1974). It is recommended to Cabinet that the Rules and Regulations are enforced and therefore the maintenance of lawned graves will remain the responsibility of Broxtowe Borough Council.

Broxtowe Borough Council Bereavement Services are happy to consider any improvement suggestion in respect to its communications to complement existing approaches including; the Bramcote Bereavement Services website, the interment form, the Cemetery Rules and Regulations, notice boards, posters, and the DL leaflet A Guide to Broxtowe's Cemeteries.

Document B proposal 4

“Health and safety hazards to be removed -

Metal or spike fencing, alcohol, large trees or shrubs, glassware, clothing or shoes are to be prohibited due to a justifiable health and safety risk.

Any plants that are placed on a grave must be in pots and not in the ground, to allow for easy removal in the case of an adjacent interment.”

Response

It is recommended that any item which poses a health and safety hazard or contravenes the Rules and Regulations be removed as part of an enforcement programme. This will be informed by the Cabinet decision.

Document B proposal 5

“Where an adjacent plot needs to be cleared for an interment, adjacent plot owners should be contacted as soon as possible (suggested two weeks prior to the burial, given the standard lead time for funerals being 3-4 weeks). Where adjacent plots aren’t cleared by the given deadline, council workers may temporarily remove grave decoration from adjacent plots. Care must be taken in removing grave decoration, but plot owners are ultimately responsible for anything they decide to leave on their loved one’s grave. Plot owners are also responsible for re-installing any grave decorations removed for adjacent interment, and are permitted to do so, with the three-strike rule applying where plots are left unmaintained by the owner. To aid in spreading awareness of the above, social media posts highlighting this rule and the necessity to temporarily remove grave decoration for adjacent interment will be posted via Bramcote Crematorium and Broxtowe Borough Council on a regular basis. This information will also be highlighted in a new information sheet to be created for the use of the crematorium and local funeral directors. The working group are to work with [REDACTED] to produce the associated comms.”

Response

The average time from booking to burial is 12 days. In many cases 3 grave plots may need to be cleared, there is therefore insufficient time to contact grave owners.

Broxtowe Borough Council has health and safety responsibilities to its employees, contractors, and visitors to cemeteries (Section 2 and 3: Health and Safety at Work Act 1974). It is recommended to Cabinet that the Rules and Regulations are enforced, if agreed the above proposal will be unnecessary.

In the interim, any requirement to remove grave decorations or memorial gardens, to allow a burial to occur, will follow the current Broxtowe Borough Council process, as the time from booking to burial does not permit the degree of communication suggested in proposal 5 above.

Document B proposal 6

“Grave diggers will take reasonable precautions to prevent damage to headstones, such as using placing covers over decoration where possible, removing headstones where necessary, and placing soil bins a suitable distance away, as well as ensuring that open graves are secured appropriately until the burial takes place.”

Response

This proposal has already been adopted following an earlier meeting with the families. Headstones are now covered to help prevent damage when reopening graves and the grave digging team have been reminded of their responsibilities. On excavation the soil box will cover 1.5 adjacent graves. It is positioned away from the headstone, which includes a protective cover.

Document B proposal 7

“Where a decorative garden (e.g. borders, stones, gravel, etc.) is not present on a burial plot, council maintenance workers are responsible for topping up new graves as frequently as needed, to prohibit sunken plots that are lawned. Sunken graves provide risk of injury (particularly as completely lawned graves disguise uneven ground) and also gives an impression of an unkept cemetery. Plot owners who choose to install decorative gardens are to take full responsibility where the ground sinks or requires maintenance within the measurements of the plot. It is acknowledged that this is an ongoing problem, and a practical solution is to be agreed.”

Response

Broxtowe Borough Council is responsible for levelling and seeding the grave space. A grave will continue to settle up to six months after the burial.

Document B proposal 8

“As of the date that decisions regarding this matter are made publicly available, Councils/Crematoriums/Funeral Directors have a responsibility to make the recently bereaved explicitly aware of any rules they are signing prior to purchase, in a way that is obvious and more suitable for their assumed state of mind. Accessibility, in terms of age and disability, should also be considered, so key information should be provided in written form and via a web link before internment forms are signed, with rules being provided in large print or alternative languages if deemed necessary. The recently bereaved should be verbally encouraged to review any rules prior to purchasing a plot or any other funeral plan.”

- Suggested key information includes the rules that are pertinent to making purchasing decisions and maintaining crematorium records appropriately, such as any cemetery rules the plot owner may be signing up to, and the responsibility and importance of providing and updating personal contact information with Bramcote Crematorium.
- The bereaved should also be made aware at the point of purchase that a soil bin may be placed on their loved one's plot when the adjacent plot is used for burial. This is to prevent the emotional distress that is often caused when the friends and family of the recently deceased attend the cemetery to find their loved ones plots inaccessible and covered with a large soil bin.

This information will be featured in a new information sheet to be created for the use of the crematorium and local funeral directors.

The working group are to work with [REDACTED] to produce the associated comms."

Response

A grave owner signs an interment form stating they have been made aware of the Rules and Regulations (see image in the response to proposal 1 above). 93% of grave owners follow the rules and do not have any unauthorised memorials which demonstrates that the Rules and Regulations are understood by most grave owners.

However, Broxtowe Borough Council Bereavement Services would be happy to consider any improvement suggestion in respect to its communications. A trifold DL leaflet entitled A Guide to Broxtowe's Cemeteries is available and is included in correspondence with new grave owners when the grave deeds are sent. This document contains the answers to many frequently asked questions and is complemented with other existing approaches including; the Bramcote Bereavement Services website, the interment form, the Cemetery Rules and Regulations, notice boards, and posters.

Document B proposal 9

"Plot owners burying their loved ones into existing plots should not be subject to any cemetery rules introduced after they have purchased their plot and should not be required to sign a new interment form stating any new rules. Moreover, owners of existing plots that remove grave decoration in preparation for an additional interment in that plot have the right to re-install any previous grave decoration post-burial."

Response

It is recommended to Cabinet that the Rules and Regulations are enforced. The Rules and Regulations will therefore always apply in a consistent way to all grave owners.

Rules and Regulations are changed when new legislation is introduced. Therefore, it is likely that any legislative changes will apply to new and existing grave owners.

Any additional interment in a grave plot requires a new interment form to be completed and signed prior to the burial taking place.

Document B proposal 10

“It is acknowledged that there have been no reported incidents or accidents in any Broxtowe cemeteries as a result of grave decoration, garden or memorial (see freedom of information request)”

Response

Rather it is noted that accidents, trips, and falls may happen and may not necessarily be reported. As detailed in Document D any Health and Safety hazards identified should be managed in order to reduce the risk.

Document B proposal 11

“Any restrictions that are newly enforced on grave decoration for new graves are to prevent any potential accident or injury in the future, in balance with the documented emotional distress that the proposal to enforce the removal of grave decorations has caused. However, any existing plots should not be subject to any new enforcement of rules.”

Response

All grave owners are subject to the same Rules and Regulations. It is impractical and not equitable to manage arrangements where different sets of rules apply to different grave owners.

Document B proposal 12

“The above does not refer to any restrictions or requirements in place for headstones, which are there for the purpose of preventing accident, injury, or death. Headstone restrictions, requirements and safety

testing are widely adopted due to cases such as the eight-year-old boy who sadly lost his life in 2015 due to a fallen headstone.”

Response

Broxtowe Borough Council has health and safety responsibilities to its employees, contractors, and visitors to cemeteries (Section 2 and 3: Health and Safety at Work Act 1974). The Council also has a legal duty to assess the risks from cemetery structures and work activities and ensure that the risks are controlled. (The Management of Health and Safety at Work Regulations 1999). In accordance with the legislation an inspection programme has been drawn up and is in place at Broxtowe Borough cemeteries. This is a ‘five year rolling programme approach’ which the Health and Safety Executive (HSE) describe as ‘reasonable’.

Document B proposal 13

“An additional notice board to be installed in each of the five open Broxtowe cemeteries. This is for the purpose of making any displayed information more obvious to anyone driving into the cemetery, which includes most cemetery users.”

Response

There are currently two notice boards in each cemetery positioned at the entrances. 93% of grave owners follow the rules and do not have any unauthorised memorials which demonstrates that the Rules and Regulations are understood by most grave owners. Broxtowe Borough Council’s Bereavement Services uses several communication tools, notice boards are one method of enforcement and reminder utilised. Other methods include, the Bramcote Bereavement Services website, the interment form, the Cemetery Rules and Regulations, posters and the DL leaflet A Guide to Broxtowe’s Cemeteries.

Broxtowe Borough Council Bereavement Services are happy to consider any improvement suggestion in respect to its communications.

Section 2 **Accessibility and inclusion**

Residents with disabilities can find access to their loved ones grave difficult and in some cases impossible. Two recently reported cases are detailed below:

- A gentleman with a mobility disability and vision impairment approached the Cemeteries Officer distressed and tearful. His ability to gain access to

his wife's grave was becoming more difficult. His access was becoming more restricted due to more unauthorised memorials appearing on the graves surrounding his wife's grave.

- More recently Bereavement Services have received an email from a grave owner who stated:

"dad cannot now get to the grave anymore as people have put ornaments and fencing and stones all over the graves around him."

The gentleman is severely disabled. The email also stated:

"can the graves around my husband, please be contacted to advise them of the rules and that their breaking of the rules is preventing people from accessing the grave."

All who visit a cemetery have a right to be able to access their grave plot unhindered, in a safe environment. It is unacceptable to give additional rights to some grave owners at the expense of the existing rights of others.

Section 3

Broxtowe Borough Council Bereavement Services proposal for Member consideration

As detailed throughout this report, due to operational, health and safety, and accessibility difficulties the position of Broxtowe Borough Council Bereavement Services remains as previously detailed in the original report at **Document A**.

The Rules and Regulations state that:

"In the interest of safety, it is Council policy that no item of whatever description is allowed to be placed upon the actual grave space in the lawn and cremated remains area. These items include fencing, kerbing, bedding plants, vases, windmills, gravel, any item made from glass and any alcohol. Any items found to be left on a grave will be removed and disposed of immediately.

The Council reserves the right at any time to remove any unauthorised item placed upon the grave space."

The above rule relates to the lawned area of any grave space.

To allow the bereaved a degree of personalisation it would be acceptable, if Members are minded to agree, that the Rules and Regulations be amended to allow personal items to be placed on the memorial plinth. Whilst Broxtowe Borough Council Bereavement Services recognises that this is unlikely to satisfy the proposal submitted by some of the families as contained in Document B, it will offer a respectful and personal memorial for loved ones. In addition, this

proposal will not impact the operational, health and safety, and accessibility arrangements within the five Broxtowe cemeteries.

Items excluded from this proposal will include glass, alcohol, illuminated items (for example, candles, solar lighting) and any item which does not fit in its entirety on the plinth. No item is to exceed the width and height of the memorial.

Ask for:
Ext:
Email:
Our Ref:
Your Ref:
Date:



**Broxtowe
Borough
COUNCIL**

14 May 2025

Document D

Subject: Health and Safety Management Statement – Cemetery Plot Regulations

Official Health and Safety Management Statement: Decision for the Removal of Unauthorised Personal Memorials from Cemetery Plots

This official statement is given in support of proposed measures to regulate and, where necessary, remove non-permitted decorative items from gravesites within the Council's cemeteries. This action is required to ensure compliance with UK health and safety legislation and uphold best practice as defined by national cemetery management standards.

1. Purpose and Rationale

The aim is to safeguard the health, safety, and welfare of cemetery employees, visitors, and funeral professionals, and to preserve the dignity and functionality of burial spaces. In recent years, the presence of non-standard tributes—including glassware, fencing, lanterns, ornaments, artificial surrounds, and photographs—has created significant health and safety concerns.

2. Key Health and Safety Issues

Grounds Maintenance Hazards:

During mowing and strimming season, these items present serious injury risks to our grounds Employees. Glass, metal, and plastic objects may shatter or become projectiles when struck by equipment, creating danger to employees and visitors alike. Additionally, such items obstruct machinery, leading to repetitive strain and manual handling injuries.

Access Impediments for Funeral Services:

Picket fencing, solar lights, statues, and planters restrict access for pallbearers, funeral directors, and machinery during interments and reopening's. Navigating around these obstructions jeopardises the dignity of the service and compromises employee safety.

Trip and Fall Hazards:

Low-profile or camouflaged items placed in and around plots increase the risk of slips, trips, and falls for all cemetery users, particularly elderly or disabled visitors and pallbearers.



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It is important to note that the absence of formal reports from members of the public regarding trips, falls, or near misses does not equate to an absence of incidents; many such occurrences often go unreported, particularly in sensitive environments such as cemeteries where individuals may prioritise their grief over submitting a complaint.

3. Equality, Inclusion and Accessible Visitation

The Council has a legal and moral duty to ensure that all members of the community, regardless of disability or impairment, can access cemetery grounds and visit their loved ones in a safe and dignified manner. The Council have received reports from individuals with visual impairments and physical disabilities who feel disadvantaged and excluded due to the presence of unauthorised items - such as decorative fencing, glassware lanterns, and other obstructions that restrict or endanger safe access to graves. This is not only distressing for those affected but may also constitute a breach for obligations under the *Equality Act 2010* which requires public bodies to make reasonable adjustments and to proactively remove barriers to access the removal of unauthorised items is therefore essential to uphold our commitment to inclusive public spaces and to ensure that all visitors, regardless of physical ability, can safely navigate the cemetery grounds without increased risk of trips, injury, or exclusion.

4. Legislative and Regulatory Framework

This proposal aligns with statutory duties placed on the Council under the following UK legislation:

- Health and Safety at Work Act 1974 – Section 2 and 3 obligations to protect employees and non-employees from risks to their health and safety.
- Management of Health and Safety at Work Regulations 1999 – Mandates the assessment and control of risks in the workplace.
- Occupiers' Liability Act 1957/1984 – Duty to ensure visitors are reasonably safe while on premises.
- Local Authorities' Cemeteries Order 1977 – Empowers local authorities to regulate memorials and items placed on graves.
- Institute of Cemetery and Crematorium Management (ICCM) Guidelines – Outlines gold standard cemetery operations, focusing on safety, respect, and sustainability.

The Health and Safety Executive (HSE) has enforcement responsibility for all cemeteries. HSE guidance has been used in the production of this management statement.

5. Required Action

To create a safe, respectful, and accessible cemetery environment, the following actions must now be implemented:

- Removal of unauthorised decorative items that breach current cemetery regulations or present safety risks.
- Ongoing communication with grave owners and the public, including advance notices and signage to encourage compliance.
- Review and enforcement of a clear, standardised cemetery regulations policy in line with the Institute of Cemetery and Crematorium Management (ICCM) and Federation of Burial and Cremation Authorities (FBCA) best practice.

6. Accountability and Risk of Liability

It is important to note that, should an incident subsequently occur involving an employee or member of the public - such as injury caused by prohibited items during maintenance or funeral operations the council may be held liable for failing to act on known and documented health and safety risks. In such circumstances, individual councillors and officers who ignored or opposed the professional instruction could be exposed to scrutiny including potential investigation under the health and Safety at Work act 1974. Regulatory bodies such as the Health and Safety Executive (HSE) may deem the inaction as a failure to fulfil the council's statutory duty of care, leaving the Council open to enforcement action, civil claims, reputational damage, and where negligence is proven criminal prosecution. This further underscores the necessity of taking preventative, proportionate, and evidence-based action now, in accordance with established legal and regulatory guidance.

7. Personal Accountability and Potential Liability

While councillors acting within the scope of their duties are generally protected from personal liability this protection is not absolute. Personal liability may arise in circumstances where an elected member disregards formal health and safety instructions, acts outside their lawful powers, or supports decisions that result in foreseeable harm. In the event of a serious incident, such as an injury or fatality linked to unauthorised grave items, regulatory bodies, including the Health and Safety Executive (HSE) may investigate whether those in decision-making roles, failed to discharge their legal duties. Where conduct is found to be negligent, reckless, or in breach of the statutory obligation under legislation such as the Health and Safety at Work act 1974 or the Corporate Manslaughter and Corporate Homicide Act 2007 personal accountability may be examined. It is therefore imperative that councils consider and act upon professional health and safety actions not only to protect public and employee welfare but also to mitigate potential individual and corporate liability.*

8. Conclusion

The Council has inadvertently weakened its own position by granting a 12-month extension for the removal of decorative items and memorial trinkets despite, clear, ongoing well documented health, safety and accessibility risks associated with them. The Council are committed to maintaining the highest standards of care and respect in its cemeteries, and this requires ensuring that all spaces are safe, accessible, and manageable for operational employees and visitors.

The health and safety risks now necessitate the removal of decorative items and memorial trinkets, and the cemetery rules should be applied consistently.

The Council are now required to formally support, act upon and enforce the required actions set out in this statement, to ensure the Council fulfils its legal, ethical and operational duties in maintaining a safe, accessible and compliant cemetery environment for all.

Yours faithfully,

A black rectangular box redacting the signature of the Head of Health and Safety, Compliance and Emergency Planning.

Head of Health and Safety, Compliance and Emergency Planning

Footnote: * See HSE guidance: *“Leading health and Safety at work – Leadership actions for directors and board members (INDG417), and the Institute of Cemetery and Crematorium Management’s Charter for the Bereaved, which outlines standards for the safe, respectful cemetery operations.*