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### **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.