

## Report of the Interim Strategic Director

**CEMETERY RULES AND REGULATIONS**1. Purpose of report

To seek approval for changes to the Cemetery Rules and Regulations covering the five Cemeteries Managed by the Borough Council.

2. Background

The Rules and Regulations were last reviewed by Cabinet in 2014 and cover the cemeteries at Beeston, Chilwell, Eastwood, Kimberley and Stapleford. There is now a need to update some of the clauses to provide clarity in certain situations. The proposed rules and regulations are shown in appendix 2. The clauses that have changed are detailed in appendix 1. The rules and regulations do not cover the new Muslim burial area at Chilwell Cemetery. Discussions are currently being held with other Local Authorities who manage Muslim Burial areas to produce new draft rules and regulations. Consultation will then take place with the Muslim Community before these are brought to this Committee for consideration and approval.

3. Financial implications

There are no direct financial implications resulting from the proposed changes to the regulations.

**Recommendation**

**The Committee is asked to RESOLVE that the new Cemetery Rules and Regulations be approved.**

Background papers

Nil

**APPENDIX 1**

**PROPOSED CHANGES TO THE CEMETERY RULES AND REGULATIONS**

Detailed below are references to the clauses that have been changed. If a clause has not been listed it remains as approved previously. Changes in Appendix 2 shown in bold and italic text.

1. Introduction – addition of a line relating to not permitting pets or animal cremated remains to be interred.
4. Hours of interment – confirmation of hours for interments.
5. Notice for interment. Addition of a line relating to named grave owner.
12. Purchasing a grave space – change to add 99 year lease.
16. Burial areas – addition of a line relating to items made from glass and any alcohol left on graves being removed.
17. Temporary grave markers – reference to new graves.
25. Maximum possible memorial sizes – addition of a size relating to the sub-base.
28. Time of permitting masons to work. Addition of a sentence relating to work being carried out by a Council approved contractor.

**APPENDIX 2**

**New Cemetery Rules and Regulations June 2019**

Index to the Cemetery Rules and Regulations

1. Introduction to the Rules and Regulations
2. Bereavement Services Office
3. Cemetery opening hours
4. Hours of interment
5. Notice for interment
6. Ministers, clergy and celebrants
7. Cemetery chapels
8. Construction of coffins
9. Disposal certificates
10. Arrival of the funeral cortege
11. Cemetery records
12. Purchasing a private grave space
13. Allocation of grave spaces
14. Private graves
15. Transfer of grave ownership
16. Burial areas
17. Temporary grave markers
18. Maintenance of grave spaces
19. Burial excavation procedures
20. Interment of cremated remains
21. Scattering of cremated remains
22. Grave re-instatement

23. Removal of floral arrangements
24. Garden of Remembrance
25. Permissible memorial sizes
26. Approval of memorials
27. Memorial application conditions
28. Times of permitting masons to work
29. Maintenance of memorials
30. Fees and charges
31. Conduct in cemeteries
32. Advertisements or selling
33. Alterations to these Regulations

## 1. Introduction

All local authority managed cemeteries are subject to standards and conditions known as Cemetery Rules and Regulations. These are designed to inform all cemetery users about the management of the cemeteries and the reasonable requirements applicable to them.

The regulations include the statutory requirements contained within the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977, together with any other relevant legislation that governs this service.

***The cemeteries are for human remains only, no pets or animal cremated remains are permitted to be interred in any of our cemeteries.***

The following cemeteries are covered by these regulations:

- Beeston Cemetery, Wollaton Road, Beeston, Nottingham, NG9 2TD
- Chilwell Cemetery, Field Lane, Chilwell, Nottingham, NG9 5FF
- Stapleford Cemetery, Cemetery Road, Stapleford, Nottingham, NG9 8AP
- Eastwood Cemetery, Church Street, Eastwood, Nottingham, NG16 3HR
- Kimberley Cemetery, Broomhill Road, Kimberley, Nottingham, NG6 9GY

Broxtowe Borough Council reserves the right to make alterations in or additions to these Rules and Regulations and the fees and charges specified herein.

Interpretation of terms throughout these Rules and Regulations:

“The Council” means Broxtowe Borough Council.

“Cemeteries” means the services provided and maintained by Broxtowe Borough Council.

“Purchased Grave” means any earthen grave, where the Exclusive Right of Burial (subject to these Regulations) has been granted by the Council.

“Public Grave” means any earthen grave, where the Council has not granted the Exclusive Right of Burial.

“Memorials” means all memorials that are authorised to be permitted within the cemetery.

2. Enquiries in relation to any cemetery matter should be made to:

Bereavement Services  
Bramcote Crematorium  
Coventry Lane  
Bramcote  
Nottingham  
NG9 3GJ

Telephone Number: 0115 9173338 or 9173630  
Fax Number: 0115 9430067  
Website address: [cemeteries@broxtowe.gov.uk](mailto:cemeteries@broxtowe.gov.uk)

Office opening hours are: Monday to Friday 9am - 4pm

3. Cemetery opening hours

Beeston, Chilwell, Stapleford and Eastwood cemeteries are open for visitors every day from dawn until dusk.

Kimberley cemetery is open as follows:

Jan, Feb, Nov, Dec	9am - 4pm
Mar, Oct	9am - 6pm
Apr, Sept	9am - 7pm
May, Jun, Jul, Aug	9am - 8pm
Sun & Bank Holidays	10am - 4pm

4. Hours of interment

Interments can take place during the following hours:

**9am - 2pm on a normal working day.**

**Later times can be arranged subject to additional fees (see fees and charges)**

**Scatterings can take place between 9am - 3pm**

Interments will not be allowed on Saturday, Sunday, Christmas Day, Good Friday or other public holidays.

5. Notice for interment

All interment requests must be made on the Notice of Interment form supplied by the Council. The details provided on the form must be clear and complete. The Notice of Interment must be delivered to the office by **10.00am** the working day before the burial is due to take place.

EXACT Coffin Sizes (with no additional 'clearance' added) should be provided, where possible, no later than three working days before the burial, or sooner, if the digging schedules require the grave to be prepared earlier.

All graves are dug casket shape and it is normal working practise for the Council to add 6 inches to any size supplied.

All coffins are measured in the grave. Any found to exceed the size given, which is deemed to have caused excessive or unnecessary excavation will result in the 'Excessive Digging' charge (applicable at the time) being made.

Only the current grave owner can authorise the re-opening of the grave space. Therefore, if the original grave owner is deceased, arrangements must be made to officially transfer the ownership prior to the requested opening of the grave, ***unless the interment is the named grave owner where we will assume the owner will want to be interred in the grave they own.***

Any additional expense incurred by the Council as a result of incorrect information having been supplied will be charged to the person making the application.

Separate arrangements apply where a burial takes place direct to a pre-excavated vault to satisfy religious or cultural requirements for a burial within 24 hours of death.

6. Ministers, clergy and celebrants

A burial can take place with or without a religious or secular service. It is the responsibility of the funeral director or bereaved family to arrange for a Minister or other persons authorised to officiate at the burial.

7. Cemetery chapels

There is a chapel available for use at Beeston Cemetery which will seat 70 people. The time allowed for a service in the cemetery chapel is thirty minutes.

There is a chapel at Kimberley Cemetery which is available for use. To hire this facility contact Kimberley Town Council, 35 Newdigate Street, Kimberley, Nottingham. Tel 0115 9382733.

Both chapels are locked when not in use but, with prior arrangement, can be opened for visitors or inspection on request.

8. Coffins

All coffins/caskets including cremated remains must be fitted with lowering handles. Coffins will be accepted made of steel, cardboard and wicker. However, dependent

on soil conditions, these coffins may be restricted to a depth of 4'6" or will be covered with a shallow grave cover prior to backfilling.

#### 9. Disposal certificates

No funeral can take place without a Registrar's Certificate for Disposal or the Coroners' Order for burial. The appropriate documentation must be first provided to the Council representative at the cemetery before the interment can take place for a same day interment or by 10am the previous day. Failure to provide the necessary documentation will result in the delay of the burial until the certificate can be produced.

#### 10. Arrival of the funeral cortege

The time stated for a funeral must be punctually observed to prevent inconvenience or one funeral interfering with another. Any funeral arriving before the time appointed may have to wait until the time arranged.

Any funeral arriving after the appointed time must act under the direction of the Council representative as to when the burial may proceed. Late arrival will incur additional charges. (See fees and charges)

All funeral corteges are under the control and direction of the Council's representative.

The Council's representative will check the coffin plaque details against the appropriate certificate produced for disposal to ensure correctness.

Where car parks are available, private cars must park in these and not on any grassed area of the cemetery. If no car parking is available, parking is permitted on the pathways and main drive when following the cortege, but parking on/over or too close to existing graves is not permitted. If a large attendance is anticipated, this should be notified to the Bereavement Office giving as much notice as possible.

If it is anticipated that a large number of persons may be expected to assemble at any one burial, this must be reported to the cemeteries office as soon as possible in order that necessary arrangements can be made.

The cemetery operatives and Bereavement Services representatives are prohibited from taking any active part in the interment and will not remove padlocks, handle coffins or caskets of ashes, neither lower either into any grave space.

#### 11. Cemetery records

As soon as is reasonably practicable all details relating to a burial will be recorded within registers provided by the Council. Documentation relating to new graves will be sent direct to the purchaser within 3 months of the burial.

Area plans relating to burial sections and individual grave spaces are available for inspection and copies are available upon request. Any person who wishes to inspect the private graves register or cemetery plans must first make an appointment to do so.

12. Purchasing a private grave space **99 year lease**

The Council does not accept requests for the pre-purchase of any type of grave space.

When 'purchasing' a grave space, the purchaser purchases the Right of Burial in the grave and NOT the land itself. This remains the property of the Council and nothing shall be placed on the grave without the Council's permission. No ownership of the land is inferred and none should be presumed.

The Council will provide a Deed of Grant titled 'Exclusive Right of Burial' upon receipt of the purchase of a new grave. This document is proof of ownership. This document must be produced to the Council when a request is made to re-open the grave. The grave rights owner must advise the Bereavement office of any subsequent change of address or contact details.

13. Allocation of grave spaces

The choosing of the position of a new grave space is managed by the Bereavement office and no choice of location can be offered. Burials will only be allowed in designated areas previously laid out for burial. These areas are identified on the cemetery plans.

14. Private graves

No grave in which the Exclusive Right of Burial has been purchased shall be opened without the signature of the Exclusive Grave Rights owner. If you have a space, this can be sold back to the Council if it has not been used for a previous interment.

15. Transfer of grave ownership

In the event of the death of the original grave owner, the person claiming to be entitled to the ownership rights must obtain a formal transfer of ownership with the Council. The system for transfer is as prescribed in the Institute of Cemetery and Crematorium Management's 'Transfer Granting and Exercising of Burial Rights' policy. Fees apply, please refer to the fees and charges.

The formal transfer must take place before funeral arrangements are made to re-open the grave space or approval granted on any proposed memorial work.

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.

#### 17. Temporary grave markers

With the exception of cremated remains graves, the Council will provide at each interment ***in a new grave*** a temporary grave marker. This marker will remain in position until the memorial stone is installed. No other item must be placed upon the grave space. These include plastic/wooden fencing, windmills, and glass vases, etc. This marker will be removed by the Bereavement Service staff once the permanent memorial is erected.

#### 18. Maintenance of grave spaces

The Council will seed/turf all graves opened for burial after a period of 6 months.

The Council will maintain the cemeteries with regular grass cutting and maintenance. Weed control will be carried out around the base of the headstones. This will be carried out throughout the year to ensure the cemeteries are kept to a high standard for all cemetery users.

To avoid accidents and to retain a well-maintained appearance, damaged, broken or discarded items found on all burial areas will be removed and disposed of. No notice will be given to the grave owners in this instance.

#### 19. Burial excavation procedures

Grave spaces may only be excavated and backfilled by Council staff. The sole exception to this is the backfilling of pre-excavated for religious/cultural reasons. In these cases the backfilling must be undertaken in accordance with a Council-approved Code of Practice, after suitable instruction has been given and under the direct supervision and control of the Bereavement Services operatives.

Graves will normally be excavated to a depth of 6' (1.80m) for two interments. Deeper graves may be excavated dependent on soil conditions and will incur a further excavation charge.

All graves will be excavated to receive the required number of interments, however no guarantee is given as this is dependent on weather and soil conditions.

No grave shall be dug or excavated by any other person unless appointed and approved by the Council.

As part of the grave digging process, the Council reserves the right to place excavated soil on adjacent graves for a temporary period whilst the grave is prepared and the burial takes place. During this stage headstones will be protected or temporarily removed as necessary and the grave re-instated to its former state and left in a clean and tidy condition on completion of the works.

#### 20. Interment of cremated remain caskets

The burial of cremated remains caskets is allowed in existing full grave spaces in the cemetery with the present grave owner's written permission. Cremated remains plots are designed to accommodate 2 sets of cremated remains. In some circumstances 3 sets can be accommodated on request, dependent on soil conditions.

All cremated remains caskets must be constructed of perishable and biodegradable materials such as wood, cardboard etc. The full and formal identity of the deceased must be recorded on the casket, either directly inscribed/written or by means of a plaque. If the identity is to be different to the full and formal names submitted on the Notice of Interment, the office must be advised of this prior to the interment. Any discrepancy between the formal name on the Notice of Interment form and that on the casket could cause a delay in (or postponement of) the interment.

No cremated remains shall be interred without a member of Bereavement Services staff being present and the identity of the remains confirmed. The member of staff shall play no further role in the interment process.

#### 21. Scattering of cremated remains

The responsibility for the physical scattering of ashes lies with the Funeral Director or family members present and not the Council. It is an offence to carry out the scattering/interment of cremated remains without the prior permission and attendance of the Council's representative.

Requests for scattering must be made on the appropriate form supplied by the Council and the appropriate fee paid.

#### 22. Grave reinstatement

Whenever an interment has taken place the grave will continue to settle for approximately six months or longer depending upon soil conditions. During this time cemetery personnel will level the grave with topsoil as and when required. the grave as soon as possible.

No shrubs or trees must be planted on any grave space.

The Council reserves the right to remove any shrubs, plants or flowers at any time and without notice.

23. Removal of floral arrangements

Cemetery personnel will remove all funeral flowers and oasis displays following a burial after 14 days or when they become unsightly.

Christmas wreaths are removed by cemetery personnel after the Christmas period. Notices are displayed in prominent areas of the cemeteries advising of the date of removal. Wreaths and displays left on graves after this time will be removed, including artificial flowers/wreaths.

24. Garden of Remembrance

The Council provides a Garden of Remembrance at Kimberley and Eastwood cemeteries. No memorialisation is permitted in the gardens, All requests for scattering must be made on the forms provided by the Council and in the presence of a Council representative.

25. Maximum permissible memorial sizes

All new memorials including all concrete foundations and plinths must not exceed the following **maximum** sizes:

Headstone	Height 4'6" (1370mm)
	Width 3' (900mm)
	Thickness 4" (50mm)
Vase	Height 18" (450mm)
	Width 12" (300mm)

Cremation Plaque 18" (450mm) x 18" (450mm) and up to 22" (560mm) in height ***with a sub-base of 20"***

Please note that not all areas of the cemeteries can accommodate the maximum size permitted due to land layout and soil conditions.

26. Approval of memorials

No memorial will be fixed within any cemetery without a 'Rights to Erect a Memorial' permit being first applied for by the grave rights owner at the fee applicable at the time of application.

The permit is valid for a 5 year period and will only be renewed subject to the memorial passing the relevant safety inspection/test adopted by the Council at the time of renewal.

All memorials must conform to British Standard BS8415 and the Council will not permit a memorial to be erected without a Guarantee of Conformity being issued to the grave owner and a copy being lodged with the authority beforehand.

Additional terms and conditions relating to the maintenance and upkeep of the memorial may be recorded on each individual permit.

Memorials are only allowed on privately purchased graves.

All memorial work undertaken must be in accordance with the National Association of Memorial Masons (NAMM) Code of Working Practice.

All applications must be made to the Council on the appropriate memorial application form. The application should indicate full details on how the memorial is to be installed, including the method of fixing used to secure the memorial to the foundation base.

Each application must include a detailed drawing showing all dimension sizes, the type of material to be used and full inscription details.

All memorial applications will incur a memorial fee, payable to the Council.

Memorials are not allowed on public grave spaces.

#### 27. Memorial application conditions

The Memorial Mason will receive a permit notice allowing him to carry out the work.

All memorials installed within the cemeteries must first have the grave number and section letter clearly inscribed upon it before installation. Memorial Masons that do not abide by this condition will be refused installation.

The Memorial Mason will be responsible for leaving the grave area in a clean and tidy condition once work is completed and the removal from site of all surplus soil/turf excavated during the fixing of the memorial.

The Memorial Mason is responsible for leaving the grave area in a clean and tidy condition once work is completed and the removal from site of all surplus soil/turf excavated during the fixing of the memorial.

The Memorial Mason is responsible for any damage that may be caused to any surrounding ground or memorial as a direct result of the installation.

The Council will remove at the expense of the grave owner or Memorial Mason any memorial that has been installed without the necessary authorisation.

Masons working within any cemetery must be registered members of BRAMM, NAMM or other certificated/recognised association and be registered beforehand on the Council's list of approved stonemasons.

No memorial will be erected without the stonemason having made an appointment with the Bereavement Services office to do so, for which a minimum of 48 working hours' notice is required.

The Council reserves the right to attend and inspect each installation.

28. Times of permitting masons to work

The work of fixing or removing memorials must be carried out between the hours of 9.00am and 4.00pm on normal working days only.

The Council reserves the right to:

Remove a memorial headstone from a grave to allow for adjacent graves to be excavated, in the event of ground collapse and the memorial posing a danger. ***This work will be carried out by a Council approved contractor.*** As soon as the funeral has taken place the headstone will be refitted by the Council with the relevant legislation.

Lay flat or make safe any memorial headstone that has been identified as unsafe at the time of checking adjacent headstones prior to excavation operations or as part of routine inspections within the cemeteries.

Remove any unauthorised memorial from a grave.

29. Maintenance of memorials

All memorials are the sole responsibility of the grave owner.

Grave owners must ensure that the memorial is kept in good repair. Any memorial identified as unsafe will be reported to the grave owner in order for them to arrange immediate repair. If this request is not complied with within three months, the Council may carry out whatever measures it sees as appropriate i.e. lay flat the memorial to remove the danger of instability.

If the grave owner cannot be identified and/or contacted, the Council may arrange any necessary repair or make the memorial safe. The cost will be registered as a charge against the grave to be repaid by the grave owner/successor at a future date.

**The Council will not be responsible for any damage/theft or vandalism or any other circumstances beyond the control of the Council.**

30. Fees and charges

The fees and charges in respect of cemeteries are reviewed on a regular basis, usually annually. Funeral Directors and Memorial Masons will be advised accordingly of any changes in advance.

A list of fees is available upon request. The Council reserves the right to revise these fees and charges.

All fees and charges will normally be invoiced on a monthly basis and are payable within 31 days. Alternatively, a cheque may be paid on the day of the funeral and a receipt issued in due course.

Fees and charges made for the burial or scattering of remains held under the Human Tissue and Organ Act and released by hospitals will be charged at the Council's discretion, dependent on casket/coffin size and depth of grave. All charges are made

on the understanding that all fees are invoiced direct to the hospital concerned, not the families, via the Funeral Director.

31. Conduct in cemeteries

All persons shall conduct themselves in the cemeteries in a quiet, orderly and respectful manner and no person shall commit any nuisance within the cemetery or wilfully interfere with any burial taking place. Any person who wilfully damages, defaces or destroys any property or causes any nuisance within the cemeteries will be liable to prosecution.

Any persons under the age of 16 years must be under the supervision of an adult at all times.

No demonstration of any kind shall be allowed within the cemeteries, or any other religious or secular service other than the service at the time of interment, without prior consent of the Council.

32. Advertisements or selling

No person shall be allowed to distribute business cards or advertisements within the cemeteries.

No person is allowed to solicit/sell/offer for sale/advertise for sale within the cemetery or at the entrance thereto any article of commodity of any description.

33. Alterations to these Regulations

The Council reserves the right from time to time to make alterations in or additions to these Rules and Regulations and Cemetery Charges specified herein.

The Rules and Regulations with respect to the Management of the Cemeteries which were made by Broxtowe Borough Council in 2014 are hereby superseded.