



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
8 October 2019
Agenda Item 7

Key Decision - No

Ward(s) Affected:All

Bereavement Services - New Adur & Worthing Councils Burial Ground Regulations

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1 Adur and Worthing Councils have always sought to provide excellent services and facilities to our communities and families who have experienced bereavement. Being open and transparent about how we operate our services, as well as the requirements and expectations that are placed upon those who choose to use our services, is critical to maintaining the positive and valued relationships we have with our communities.
- 1.2 The existing cemetery rules and regulations were last updated in November 2011 and last revised in January 2012. This report presents a complete review and update to the rules and regulations and now incorporates the Memorial Garden at Worthing Crematorium.
- 1.3 The report also asks for consideration to be given to separating two rights, the first to the exclusive right of burial and the second the right to erect and maintain a memorial. This is to further support the key issue of management of our burial grounds, in particular in relation to memorial safety.

2. Recommendations

- 2.1 The Joint Strategic Committee approve the separation of the two rights. The right to erect and maintain a memorial for 10 years (with the option to renew) and that the right for exclusive right of burial to remain at 50 years, to be adopted in January 2020 in line with the publication of the new fees and charges.
- 2.2 The Joint Strategic Committee approve the adoption of the ICCM's Management of Memorials guidance.
- 2.3 The Joint Strategic Committee approve the new rules and regulations for burial grounds.

3. Context

- 3.1 Adur and Worthing Councils have always sought to provide excellent services and facilities to our communities and families who have experienced bereavement. Being open and transparent about how we operate our services, as well as the requirements and expectations that are placed upon those who choose to use our services, is critical to maintaining the positive and valued relationships we have with our communities.
- 3.2 The existing cemetery rules and regulations were last updated in November 2011 and last revised in January 2012. This report presents a complete review and update to the rules and regulations which now incorporates the Memorial Garden at Worthing Crematorium. The report also recommends that members separate the rights to exclusive right of burial, and the right to erect and maintain a memorial.
- 3.3 Adur and Worthing Councils are the 'burial authorities' as set out in the Local Authorities Cemeteries Order 1977. Burial grounds in this context include all Adur and Worthing cemeteries, council managed churchyards and the Memorial Garden at Worthing Crematorium.
- 3.4 Adur and Worthing Bereavement Services will be adopting The Institute of Cemetery & Crematorium Management's (ICCM) [Charter for the Bereaved](#) this year. The Charter is intended to provide the bereaved with information and assistance regarding decisions that they may need to make when arranging a funeral and to improve and update cemetery and crematoria services.
- 3.5 Burial ground rules are necessary to provide clear, easy to understand information for the general public, mourners, funeral directors, memorial masons, and others, as to what to expect from the burial authority and what is and is not permitted behaviour in the council's burial grounds.

4. Issues for consideration

- 4.1 Clearly all of our churchyards are places for contemplation, and sanctuary for those who are bereaved, and a final resting place for those who have died. However, burial ground regulations are primarily concerned with issues of **health and safety**, for visitors, staff and all

users of our burial grounds. We clearly have a duty to minimise the risk of harm to those who use our burial grounds, regardless of their purpose, and to ensure that we have a planned approach to the management of these places.

- 4.2 The second area for regulation is to do with **maintenance costs**. The burial authority is not responsible for grave maintenance; the owners whether in perpetuity or not, are responsible. This has become more important for local authorities that are in their second century of cemetery management as many of the bereaved are dead or have moved away, and neglected graves appear to the public, to be the council's responsibility.
- 4.3 The final area to consider is **artistic quality and decency**. Clearly this is somewhat contentious, given differences in taste and preference. However there is an opportunity within the new rules and regulations, to consider increasing choice and options for more diversity, for our bereaved communities.

5. Health and safety

Memorial management and safety

- 5.1 Responsibility for the overall safety in a burial ground lies with the burial authority, which has responsibilities under the Health and Safety at Work Act 1974 and the Occupiers Liability Act 1957 to ensure that, as far as reasonably practicable, their sites are maintained in a safe condition. This includes anyone who enters the site to carry out work, such as a memorial mason, carry out this work in a safe manner and in such a way that others using the site will not be put at risk.
- 5.2 The ICCM have also published management guidance in their publication the Management of Memorials, which is based on research carried out by the Confederation of Burial Authorities (CBA) and supported by the Health and Safety Executive (HSE).
- 5.3 Whilst the responsibility for general safety lies with the burial authority there are specific responsibilities for memorials that lie with the owner of the memorial and memorial mason responsible for installing it. The owner of the memorial is responsible maintaining the memorial in good condition and should be properly informed, in writing, of their

and other party's responsibilities. They should also be encouraged to insure the memorial.

- 5.4 A burial authority should carry out regular inspections on their memorials, at least once every five years. Where they identify unsafe memorials through this inspection programme they have a responsibility to ensure such memorials are not a danger to visitors and employees in the burial ground. Where possible, they should contact the owner, advise them of the problem and ask them to make the memorial permanently safe, usually by having it refixed.
- 5.5 Burial authorities must record their approach to the inspection and making safe of memorials in a suitable memorial safety policy. Any health and safety enforcement agency would require a copy of this should an investigation ever be necessary.
- 5.6 Currently the Council's do not have a policy that guides memorial safety and management. It is recommended therefore that the Councils adopt the **ICCMs Management of Memorials Guidance** that sets out the minimum standards of safety in burial grounds. Having this in place will enable the Councils to progress its much needed programme of memorial safety works.

Rights to erect and maintain memorials and safety considerations

- 5.7 Article 10 of the Local Authorities Cemetery Order 1977 gives burial authorities the power to grant rights to erect and maintain memorials. However, the Order restricts any action when memorials become dangerous, to making safe only. In reality, this often means that memorials are 'laid flat' for many years as a memorial can only be removed at the end of the period of the grant.
- 5.8 Adur and Worthing Councils and many authorities, incorporate memorial rights into the exclusive right of burial, with the two running concurrently. The situation can, and does arise, that granting a joint right for 50-100 years, is likely to result in a significant number of memorials becoming neglected or dangerous within that period, as families die or have moved away. This has led to consideration of separating these rights to allow Councils to take action more quickly.

- 5.9 The recommendation of this report is that the Councils separate these rights, and that the period of grant of exclusive right of burial continues to be granted for a period of a maximum of 50 years. However, the right to erect and maintain a memorial is for a reduced period, which would allow the councils to take action sooner, if required. The main matter then to resolve is the length of time for the right to erect and maintain a memorial.
- 5.10 In the case of *Brown v Cotterill* the Judge stated that a memorial properly installed should not need any major work carried out on it for a period of 30 years. The ICCM's response was that burial authorities should issue this same right for the same period as that contained in any guarantee given by the memorial mason, in most cases this is 5 years. However, European product liability law has placed a liability on the memorial mason for a 10 year period.
- 5.11 Whilst technical systems can achieve a reliable method of installation for up to 30 years, any guarantee provided by a mason would only cover workmanship and safety related to that workmanship, it would not cover actions by a third party, vandalism, grave settlement or acts of nature. It should also be noted that the proposed National Association of Memorial Masons (NAMM) national registration scheme, for memorial masons indicates that the industry intends to police itself and drive up standards with the aim of being able to provide a 30-year guarantee. This however is not yet fully operational.
- 5.12 One Borough has decided to issue the rights to erect and maintain a memorial for a period of 10 years. At the end of the period the memorial is inspected with the condition being that the owner of the rights makes any necessary repairs before the right is renewed.
- 5.13 Having considered the range of options it is recommended that Adur and Worthing Councils adopt this approach and separate the right to erect and maintain a memorial and the right for exclusive right of burial. It is proposed that from January 2020 (in line with setting fees and charges) the right to erect and maintain a memorial is limited to 10 years, with the option to renew every 10 years and the right for exclusive right of burial should remain at 50 years.

6. Memorial maintenance and management

- 6.1 Controlling the erection and placement of unauthorised memorials is a sensitive and difficult issue for the Councils, but one which needs to be addressed. The specifications of what is permitted on each grave type is set out in the regulations (9.9, 9.11 and 10)
- 6.2 It is clear from the experience across the country, the management of unauthorised memorialisation is a live and sensitive topic, but one which for all users of our burial grounds is necessary to retain the essence of these places of contemplation as well as crucially, managing health and safety. Therefore ensuring there is reasonable and proper choice of memorials as well as measures to control unauthorised memorials through the Burial Ground Regulations are essential.
- 6.3 The ICCM advice is that authorities should not only consider a range of choice, that they should also ensure that the cost of the permission to erect each type of memorial is related to the whole life risk for the type of design together with the ongoing maintenance costs of sections in which they are placed (See memorial permit fees in [Bereavement Services fees and charges 2019](#)).
- 6.4 Within Adur and Worthing burial grounds there is the provision of traditional sections where more flexibility is given on the size, type, design and material used for the memorial allows the personalisation of the grave. By providing this important option, we as the burial authorities can use our powers to remove additional memorialisation, particularly on the lawned sections of our burial grounds which not only cause problems for maintenance routines, but more importantly upsets those bereaved who actively chose that part of the ground for its order and simplicity.

7. Artistic Quality and 'decency'

- 7.1 The ICCM Charter for the Bereaved believes that cemeteries should allow the use of a variety of materials for memorials.
- 7.2 Designs can be varied, there should be no problem allowing memorials made of suitable materials, including stone, wood or stainless steel, even glass inserts have been used successfully and safely on memorials. Memorials up to a height of 1.5m are

acceptable. If installed correctly. The main criteria are that these memorials are using inherently safe materials, that they are designed to comply with BS 8415 and that they are installed in such a way that they will remain safe for at least 30 years, provided they are not destabilised by a third party.

- 7.3 Bereavement Services will produce a pamphlet for new memorial owners to inform them of their responsibilities, such as to have them maintained on a regular basis following installation and advise them that their memorials will be subject to a minimum five-yearly inspection.
- 7.4 The provision of such choice combined with the application of management rules and regulations should encourage the bereaved to express themselves through design of an approved memorial, rather than adding numerous unauthorised memorials to the grave. Research has found that families look for more than a standard template memorial when a close relative has died.
- 7.5 Bereavement Services advocate this approach and as such the proposed Burial Ground Regulations have relaxed the rules for the aesthetics, wording and materials of memorials.

8. Other changes

- 8.1 The changes to the former set of rules and regulations are based on ICCM best practice. Here are a list of changes of note:
 - 8.1.1 Cemetery opening and closing times are unified across both councils (3.1);
 - 8.1.2 All vehicles permitted (3.6)
 - 8.1.3 Children under 14 years of age must be supervised by a responsible adult (3.4);
 - 8.1.4 New rule about commercial filming or photography in burial grounds (4.3)
 - 8.1.5 Distinguishes public graves and private graves and how both are managed (5.2);
 - 8.1.6 Remove the ability to pre-purchase graves in advance of need. This will help the councils conserve burial space and utilise our existing burial grounds to the full. Preventing the purchase of graves which are then never used (5.4);

- 8.1.7 Clearer service level agreement about the Internment and what the bereaved, funeral director and minister/officiant can expect from the councils and what the council expects from them (8).
- 8.1.8 Stipulate material that coffin should be made from
- 8.1.9 Changed Friday interment times to 10am to 1pm (previously 2pm) in line with cemetery operatives working hours (8.2);
- 8.1.10 Coffin, shroud or urn must have a nameplate that will be checked prior to burial (8.1);
- 8.1.11 Lawn graves memorials have limits to size as these are sold at a lower price as they are easier to maintain (9.8 and 9.10)
- 8.1.12 Memorials that are unsafe, adjacent to a grave being excavated and pose a hazard to the grave digger may be temporarily removed (9.16)

9. Engagement and Communication

9.1 The Councils are not required to formally consult on these proposals, however as part of our ongoing engagement and review of our approaches to burial ground and memorial management and safety, the bereavement services team engage with the following key stakeholders and will invite comment for future reviews and updates to these rules:

- the Institute of Cemeteries and Crematorium Management;
- the Muslim Council of Great Britain and Worthing Mosque;
- the Diocese of Chichester;
- NAMM and BRAMM and local memorial masons;
- local funeral directors;
- local ministers and officiants;
- the Friends of Heene Cemetery and Friends of Broadwater Cemetery.
- Other established community groups
- Wider community through Bereavement Services blog, Worthing Crematorium website, Adur & Worthing Cemeteries website, press releases.

10. Financial Implications

- 10.1 To carry out any memorial safety works in a churchyard/consecrated sections within our cemeteries. The councils need to obtain a faculty from the Diocesan Registry. There is a statutory lodgement fee of £296.20 associated with each application. The fee is as per the Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2018 <http://www.legislation.gov.uk/ukxi/2018/900/made> . It is understood that the councils can do one application to cover a five years period and covers all our managed churchyards and consecrated sections within our cemeteries. This has to be renewed every five years.
- 10.2 Council is liable for all memorial safety within our grounds where the owner/successor can not be traced, due to rights to erect and maintain a memorial. It is difficult to quantify what this will cost. There is no specific annual budget for memorial safety works and any necessary work is funded from the general cemetery and crematorium repairs and maintenance budgets.

11. Legal Implications

- 11.1 The Local Authorities' Cemeteries Order 1977 provides the Councils, as Burial Authorities, with the power to grant rights of burial and also grant to those with such a right, and in some circumstances their relative, the rights to erect a memorial. Such grants may be made by the Burial Authority on such terms and subject to such conditions as they think proper. A grant, either for burial rights, or to erect a memorial, shall exist for the length of time specified in the grant, subject to it being for a maximum of 100 years. At the end of the period of the grant of a right to erect a memorial, the Council has the power to remove any such memorial.
- 11.2 The Council also has the power to enter into an agreement with any person, on such terms and subject to such conditions as they think proper, in respect of the maintenance of a grave or a memorial for a maximum term of 100 years. A person purchasing burial rights is also often likely to be the same person with the grant and right to erect the memorial. That individual has proprietorial rights over the grave and monument. The condition, integrity and inherent safety of the monument during its entire lifespan is legally the responsibility of the proprietor. The owner of the memorial therefore has a responsibility to

maintain it during the period of the grant of right to erect it, unless the grant provides to the contrary.

- 11.3 An owner of the right to erect a memorial, granted in recent years may well be traceable, but where a grant is for 50 years and was granted some time ago, it is less likely that the owner will be properly maintaining the memorial or traceable by the Councils. Reducing such grants to a period of 10 years, renewable thereafter, would mitigate the risk of the owner failing to maintain.
- 11.4 The owner of the grant has a responsibility for the safety of any memorial, as does the mason who erected it. But the Council, as the landowner has an overall responsibility for the safety of any visitors to their cemeteries and burial grounds through the Occupiers Liability Act. Consequently any liability following accident or injury arising from a poorly maintained or erected memorial could be apportioned between the owner of the grant, the mason and the landowner. But often due to the lapse of time, the owner and mason cannot be traced leaving the Council responsible. The ultimate responsibility for safety rests with the Council as landowners and therefore action must be taken to prevent accidents and injury as far as possible. This may mean making unstable memorials safe, by laying them flat, by closing certain areas of the site to public access or by removing certain memorials under their powers within Article 16 of the Local Cemeteries Order 1977 (provided listing building legislation does not apply). In such circumstances costs may be recovered from the owners, if they can be traced.
- 11.5 For the Councils to carry out any memorial safety works in a churchyard/consecrated section within their cemeteries, they are first required to obtain a faculty from the Diocesan Registry. The Councils can do one application to cover a five years period and it covers all its managed churchyards and consecrated sections within its cemeteries, and is renewable.

Background Papers

- [Proposed Adur & Worthing Burial Ground Rules and Regulations](#)
- [Current Cemetery Rules and Regulations](#)

- [Bereavement Services Fees and Charges 2019](#)
- [ICCM Charter for the Bereaved](#)
- [ICCM Management of Memorials](#)
- [Guide for burial ground managers](#)

Officer Contact Details:-

Kate Greening

Bereavement Services Manager

01903 872678

kate.greening@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

- 1.1 Services should not differentiate between those who can pay and those who cannot. Adur & Worthing Councils provide the option of private or public graves. Public graves are placed among the purchased 'private graves'.
- 1.2 Unpurchased graves are dug deep and used for multiple burials in a location decided by the authority.
- 1.3 The councils offer a variety of types and priced burial options
- 1.4 By allowing smaller, cheaper memorials in general, the wide variation in memorial types also makes it less easy to identify those who have fewer resources.

2. Social

2.1 Social Value

- 2.1.1 To promote appreciation of, and commitment to, the wider role of burial grounds in the environmental, historical and cultural life of the community.
- 2.1.2 Burial grounds may offer educational benefits of providing information, particularly for schools and colleges. This might promote familiarisation with death, bereavement and memorialisation; record sources for local or national history; and examples of local environmental development and conservation. Burial grounds should be seen as a beneficial resource for the local community in which to take pride.
- 2.1.3 The preservation of burial sites as an amenity for future generations is also an essential consideration. Although burial sites are developed for other purposes, most are not, and the working assumption must be that the site will continue to be a resting place for the remains of many generations.

2.2 Equality Issues

- 2.2.1 Bereavement Services aims to develop and manage a service that is equally accessible to all.
- 2.2.2 The councils currently offer a variety of different types of graves for different faith groups. Recently cemeteries have tended to dedicate land to all religions and they do not have areas formerly consecrated by a Bishop. Reserving sections for individual religions, including the Church of England, creates a precedent. Consequently, other groups, including Catholics, Hebrews, Muslims, Free Church and even Humanists and atheists, are entitled to equal treatment. This

would lead each cemetery having to reserve individual portions to each group, which ties up large parts of the cemetery. In contrast, a single section used for everybody is equal, much easier to administer and much less expensive to operate. Unfortunately, this can create real difficulties for some religions and this should be recognised and considered. For instance, the single section system is generally covered by lawn graves. For those of the Muslim faith, this poses a number of problems. The Koran prohibits anybody sitting or walking upon a person's grave, yet this cannot be prevented on lawn-type graves. Logically providing the traditional grave choice, which allows that grave to be covered by a memorial or kerbs, overcomes these problems. Muslim graves are required to be oriented with respect to Mecca.

- 2.2.3 In the Muslim faith disposal of the dead is carried out by burial. Burial must take place without delay. It is widely believed among Muslims that a body of a person should be buried within 24 hours of the actual death. As such Working Councils, have in place a pre-dug Muslim grave, in the Muslim Section at Durrington Cemetery that enables the burial to take place as soon as all the requisite paperwork is in order and payment made. The grave is a public grave, dug to a single depth, prepared for shroud burial and oriented so that the face of the deceased, which would have been turned to the right after death, is facing Mecca, which is south-east in Britain.
- 2.2.4 The Muslim section is available to all branches of the Muslim faith.
- 2.2.5 Applicants for burial in the Muslim section may contact Bereavement Services directly or work with us through their own Imam.
- 2.2.6 The lead time for all other interments at our cemeteries are 72 hours, this is to take into consideration the paperwork, removal of memorial if required, establish ownership and permission to open a private grave. If circumstances permit, the councils will endeavour to complete this work more quickly.
- 2.2.7 In some faiths it is common for those attending the service to wish to backfill the grave themselves. It is recommended in the Cemetery Operatives Training Scheme that the excavation and backfilling of all graves should be carried out by trained staff using a quality specification. In these circumstances the cemetery staff overseeing the burial will seek cooperation of those taking part in the backfilling in order that the safety is maintained and to allow cemetery operatives to remove shoring equipment as backfilling proceeds if necessary. Therefore shovels and soils should be provided for them.
- 2.2.8 All crematoria and many cemeteries maintain a chapel for use in holding a burial or cremation service. Bereaved are able to hold non-religious service or dispense entirely with a service, should they wish. Nonetheless, difficulties do arise where atheists or followers on non-Christian religions use these buildings. Many crematoria and most burial chapels were designed and built when the Christian faith dominated this country. These buildings often look like traditional churches or contain fittings that comply with the

traditional church interior. The names in these buildings are similarly religious, with the term 'chapel' or 'vestry' in common usage.

2.3 Community Safety Issues (Section 17)

- 2.3.1 LACO creates certain offences in local authority cemeteries, including creating a disturbance, committing any nuisance, interfering with any burial, interfering with a grave, playing any game or sport, or entering or remaining in a cemetery when its closed to the public.
- 2.3.2 The Burial ground regulations set out what to expect from the burial authority and what is and is not permitted behaviour in the council's burial grounds.
- 2.3.3 The council has limited resources with respect to an Enforcement Officer
- 2.3.4 Rough sleeping issues are passed on to Park Wardens
- 2.3.5 It is the responsibility of every employee to report any hazard or potential hazard that they should notice
- 2.3.6 All accidents and injuries should be reported to the Bereavement Services Manager and an entry made in the Accident Book. All accidents should be investigated by the manager and where changes in work practices made where appropriate.

2.4 Human Rights Issues

- 2.4.1 Matter considered and no issues identified.

3. Environmental

- 3.1 Better management of unauthorised memorials will reduce the incidence of litter in the natural environment
- 3.2 Adoption of a reduced length of right to erect and maintain a memorial may eventually allow older burial areas to have the memorials removed and the areas to return to nature.

4. Governance

- 4.1 Matter considered and no issues identified.



ADUR & WORTHING
COUNCILS

Burial Ground Regulations

DRAFT

1. Introduction

- 1.1. These regulations apply to all burial grounds owned and/or managed by the Council.
- 1.2. Currently the sites include:

Adur District Council

Lancing & Sompting Cemetery
Mill Lane Cemetery
St Nicolas Churchyard
Southwick Cemetery

Worthing Council

Broadwater & Worthing Cemetery
Durrington Cemetery
Worthing Crematorium & Memorial Garden

2. Contact Details

- 2.1. All funeral bookings, general enquiries and comments regarding the Cemeteries should be directed to:

Bereavement Services, Adur & Worthing Councils, Worthing Crematorium, Horsham Lane, Findon, West Sussex BN14 0RQ

Telephone: 01903 872678

Email: cemetery@adur-worthing.gov.uk or crematorium@worthing.gov.uk

The offices are open from 09.00 to 17.00 Monday to Friday.

- 2.2. These Regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other appropriate regulations currently in force.

3. Admission to the Burial Grounds

- 3.1. The Cemeteries are open for visitors every day of the year during the following times:

April to September	09.00 to 20.00
October to March	09.00 to dusk

Where there are gates, these will be locked at the closing time given above, all visitors and their vehicles are asked to leave the cemetery in good time. No person is permitted to be in the Cemetery outside of the published opening hours without the express permission of the Bereavement Services Manager.

- 3.2. The Cemeteries are places of peace and quiet reflection. They are also workplaces. Visitors to the sites are welcome, but please respect the special nature of the sites, the needs of other users, and safety factors. No games, sports, skateboards, roller blades or similar are allowed in the burial grounds. No consumption of alcohol or drugs may take place within the burial grounds, and anybody under the effects of such substances will not be admitted.

DRAFT

- 3.3. Any person creating a nuisance or disturbance, such as interfering with a funeral, grave, headstone, flowers, trees, etc. will be required to leave the cemetery immediately and may be the subject of subsequent legal action.
- 3.4. Children under the age of 14 are welcome in the cemetery but must be supervised by a responsible adult. It is particularly important that children are not allowed to climb on any monuments, trees or other items within the cemetery.
- 3.5. Dogs must be kept on a lead at all times. Dog walkers must keep their dogs under control on a lead at all times. Any dog mess must be picked up and disposed of properly away from the cemetery.
- 3.6. Vehicles are permitted in the cemetery but must not exceed the speed limit of 10 mph and must obey any instructions given to them by an officer of the Council. Vehicles must stick to the main driveways and avoid parking so as to cause a nuisance or damage to any graves or grassed areas. The Council or any of its employees cannot accept responsibility for the loss or damage to any vehicle or its contents whilst in the Cemetery.
- 3.7. Visitors with disabilities or other special requirements should contact the Bereavement Services Office who will be pleased to assist.

4. **General Regulations**

- 4.1. No employee of the Council is allowed to take any gratuity, or to undertake paid private work of any kind in connection with the cemetery or crematorium either in their own time or during their employed hours.
- 4.2. No person shall canvass or solicit business in the burial grounds without permission of the Bereavement Services Manager.
- 4.3. No commercial filming or photography without the express permission of the Bereavement Services Manager.
- 4.4. All fees for interments or memorial works must be paid in full to the Council in advance.
- 4.5. The Council will publish a scale of fees and charges annually. Residents of the area will qualify for reduced fees compared to non-residents. A resident is defined as somebody who, immediately prior to their death, was a resident of the area, or who lived in the area for over ten years and moved out of the area less than 24 months before their death.
- 4.6. Strewing ashes in any burial ground other than in the dedicated areas and subject to payment of the appropriate fee is not permitted.
- 4.7. The Council reserves the right to amend these regulations and to deal with any circumstances or contingency not provided for in the regulations as necessary.

5. **Graves**

DRAFT

- 5.1. Graves are available in the cemetery, which consists of consecrated and unconsecrated sections. The selection of grave spaces shall be at the final discretion of the Councils, but the wishes of applicants will be met wherever possible.
- 5.2. Every interment shall take place either in a private or public grave. Private graves are graves to which an Exclusive Right of Burial has been issued. Public graves are graves which remain in the ownership of the Council and to which no specific rights have been granted.
- 5.3. The Exclusive Right of Burial for a grave can be purchased for a period of 50 years. The Exclusive Right of Burial does not allow a memorial to be placed on the grave. The Rights to Erect and Maintain a Memorial are covered in Section 9.
- 5.4. The Exclusive Right of Burial cannot be purchased in advance of need, i.e. graves cannot be pre-purchased or reserved. The Exclusive Right of Burial can only be transferred to another person via the legal process laid out in the Local Authorities Cemeteries Order 1977.
- 5.5. For graves pre-purchased on or prior to 8 October 2019. Where no interment has taken place in a pre-purchased grave, the council may agree to repurchase the rights of the grave. If the Council does agree, a payment of 50% of the original purchase price of the exclusive right of burial will be paid to the holder of the grant.
- 5.6. In public graves, the Council undertakes to leave 20 years before allowing the burial of a person unrelated to the original burial. The Council may allow the burial of related people in the grave before the expiration of 20 years. The Council may also allow the Exclusive Right of Burial to be purchased by a family member before the expiration of the 20 year period.
- 5.7. Memorials will only be permitted on purchased graves. Memorials must conform to the regulations given at 9 below.
- 5.8. The types of graves available are Traditional Graves, Lawn Graves, Muslim Graves, Cremated Remains Graves and Children's Graves. Traditional Graves and Muslim graves can accommodate full memorials including kerb sets and can be planted over the length of the grave; Lawn Graves are laid to lawn and a headstone only is allowed; Cremated Remains Graves are for the burial of cremated remains only; Children's Graves are reserved for the burial of children under 16 can accommodate full memorials including kerb sets and can be planted over the length of the grave (See Care of Graves and Memorials).
- 5.9. Muslim burials are expected to take place without delay, ideally within 24 hours of death. Worthing Councils have in place a prepared public grave dug to a single depth for shroud burial only. This grave is available to any branch of the Muslim faith. Applicants for burial in the Muslim section may contact Bereavement Services directly or work with us through their own Imam.
- 5.10. All graves will be excavated and prepared for interment by the Council or their appointed contractors only. No other person or company will be allowed to undertake any excavation within the cemetery except with the express permission of the Bereavement Services Manager. The depth of each grave will be determined by the Council in accordance with the provisions of the Local Authorities Cemeteries Order 1977.

DRAFT

5.11. Following the interment the Council will level the grave and either add topsoil and seed it as appropriate to the season.

6. Coffins

6.1. Coffins and urns for burial must be made from suitable biodegradable materials such as wood, wicker, cane, bamboo, wool, cardboard etc.

7. Booking of Interments

7.1. A provisional booking for a funeral may be made by telephone to the Bereavement Services Office.

7.2. The provisional booking should be followed up by the submission of a completed Notice of Interment (form supplied by Bereavement Services) to Bereavement Services at least 72 working hours in advance of the intended date and time of the funeral. Receipt of the fully and correctly completed Notice of Interment will act as confirmation of the provisional booking. Interments for St Nicolas Churchyard require 96 hours notice.

7.3. The **exact size** of the coffin, casket or container must be given in writing to the Council as soon as possible after the provisional booking, together with any other pertinent information relating to its size and shape (eg locking bar handles, casket shape, wicker coffin etc). The Council will subsequently add a suitable amount to the given size in order to determine the dimensions of grave to be excavated.

7.4. As much information relating to the funeral as possible must be given to the Council in advance, especially if it is unusual, eg large number of mourners expected, motorbike cavalcade, jazz band, piper etc.

7.5. If the grave is purchased and is to be reopened for a further interment, the written permission of the registered grave owner must be given.

7.6. It is the responsibility of the person making the funeral arrangements to ensure that any memorial on the grave is removed from it at least 48 working hours prior to the date and time of the funeral.

7.7. The Certificate given by the Registrar of Births and Deaths or an order of the Coroner must be delivered to Bereavement Services prior to the funeral.

7.8. The Council will determine the appropriate fees to be paid for the funeral, which must be paid fully in advance if a contract between the funeral arranger and Council is not in place.

8. Interments

8.1. All coffins, shrouds, cremated remains caskets and containers must have a nameplate that identifies the name of the deceased contained within.

8.2. Funerals will normally only be permitted Monday to Thursday 10:00 – 14.00, Friday 10.00 – 13.00 (excluding Bank or other Public Holidays). It may be possible to arrange funerals outside of these times subject to additional cost. Please contact the Bereavement Services Manager if a time outside of the permitted hours is required.

DRAFT

- 8.3. All funerals will be subject to the control of the Council's designated officer, who will meet the cortege and direct it to the Chapel and/or grave as appropriate. The designated officer will check the nameplate on the coffin, shroud or casket prior to interments taking place.
- 8.4. The time appointed for an interment must be punctually observed. The Council reserves the right to delay a late arriving funeral in the event that it impacts on another service and charge an additional fee if work goes beyond the usual working hours.
- 8.5. Services in the cemetery chapel must not exceed 30 minutes, unless special arrangements for a longer time have been made with the Bereavement Services Manager and the appropriate fee paid.
- 8.6. It is the responsibility of the person making the funeral arrangements to organize a Minister or Officiant for the funeral if one is required.
- 8.7. Any floral tributes from the funeral will be placed on top of the grave following backfilling, and will remain in situ for a minimum of 14 days before being cleared by Council staff (unless family have already removed them).

9. Memorials

- 9.1. Adur & Worthing council's issues the right to erect and maintain a memorial for a period of 10 years. At the end of the period the memorial is inspected with the condition being that the owner of the rights makes any necessary repairs before the right is renewed. Failure to make repairs means that the rights revert to the burial authority and the memorial can be legally removed.
- 9.2. The Council has adopted the [ICCM Management of Memorials](#) Policy dealing with current and future memorial installations, safety inspections and making safe unstable memorials. Masons carrying out work in the burial grounds must comply with this Policy.
- 9.3. All memorials fixed in the cemetery must comply with British Standard 8415.
- 9.4. Only those memorial masons businesses that are British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Masons (NAMM) accredited, and those memorial masons that hold a current BRAMM or NAMM Fixer Licence, will be able to work in the cemetery. Fixers who do not hold a BRAMM or NAMM Fixer Licence will only be permitted to work under the direct supervision of a mason who holds a BRAMM or NAMM Fixer Licence.
- 9.5. Memorials will only be permitted on purchased graves. No memorial will be permitted on a public grave.
- 9.6. Memorials other than those fixed by a BRAMM or NAMM accredited memorial mason are not allowed. Fences cannot be erected around a grave nor the space defined other than through planting of suitable plants or the installation of proper kerbsets by a BRAMM or NAMM accredited memorial mason. On lawn sections no planting is permitted and no objects must be placed on the length of the grave.

DRAFT

- 9.7. Before any memorial may be erected or works undertaken to an existing memorial, an application must be submitted to the Bereavement Services Manager on the appropriate form supplied by the Council. The owner of the right to erect and maintain a memorial must sign the form to give their permission for the proposed memorial/works. On approval by the Council a permit will be issued to the responsible Memorial Mason. The Memorial Mason must make an appointment to carry out any works in the cemeteries.
- 9.8. Memorials must be constructed of materials suitable to the environment and period of grave lease. The Council reserves the right to reject an application for any memorial that it deems unsuitable.
- 9.9. The maximum height of lawn memorials is 3', the maximum width is 2' and the depth is 12". The memorial must be a minimum of 3" thick. No other memorial or items are permitted as they interfere with the councils maintenance.
- 9.10. On traditional graves the Councils will consider applications for larger memorials subject to them being satisfied that the installation is compliant with current recognized industry standards. The Council will also consider the installation of kerb sets if they are constructed to current recognized industry standards.
- 9.11. On lawn cremation plots a tablet no larger than the plot footprint is permitted, no greater than 3 inches high. No other memorial or items are permitted as they interfere with the councils maintenance.
- 9.12. On traditional cremation plots, a memorial will not exceed the size of the plot footprint. Designs will be considered on an individual basis, it is constructed to current recognized industry standards and with due consideration for adjacent memorials and safety.
- 9.13. On children's graves the Councils will consider applications for larger memorials subject to them being satisfied that the installation is compliant with current recognized industry standards. The Council will also consider the installation of kerb sets if they are constructed to current recognized industry standards.
- 9.14. Memorials at Old Shoreham (St Nicolas) need to conform with the requirements of the *General Directions of the Chancellor of the Diocese concerning churches and churchyards* regarding memorial type, inscription and materials and only the following stone will be permitted: Limestone (Portland, Purbeck, Derbyshire, Hopton Wood, Hornbeam, Nabresina, Caen/Normandy), Sandstone (York), Slate (blue/black Cornish, grey/blue Welsh, green Westmoreland), Granite (light to medium grey). The memorial may not be polished beyond a good smooth finish and mirror or high polishes are not permitted. Painting of lettering on memorials is only permitted in a low contrast colour.
- 9.15. The memorial mason must inscribe the company name only on the reverse of the stone towards the base in lettering not more than 1" high. No trademark, phone number or other advertising will be allowed. The memorial mason must also inscribe the grave number towards the bottom right hand side of the reverse of the memorial in letters not exceeding 1" high. On kerbstones the grave number must be inscribed on the right hand side of the foot kerb.
- 9.16. Memorial masons must remove all arisings from the cemetery at the conclusion of their work, and must leave the area in a tidy condition. It is not possible for memorials to be stored in the cemetery prior to re-fixing following a burial – all such memorials must be removed from the site by the memorial mason appointed to remove a memorial prior to the grave being excavated.

DRAFT

- 9.17. During grave digging any nearby / adjacent memorials which pose a hazard to the grave digger will be temporarily moved to a safe distance from the grave to be excavated and replaced immediately following the interment at the council's expense. Bereavement Services will attempt to contact the memorial owner informing them that the actions are intended to reduce risk to the grave digger and also protect their particular memorial from damage should the grave being prepared collapse and their memorial fall.
- 9.18. The owner of the memorial has a responsibility to maintain it during the period of the grant of right to erect it, unless the grant provides to the contrary. The condition, integrity and inherent safety of the monument during its entire lifespan is legally - the responsibility of the owner.
- 9.19. The burial authority is holding the owner's private property in a public place. The burial authority have the overall responsibility for the safety of any visitors to council run burial grounds.

10. **Care of Graves and Memorials**

- 10.1. All memorials erected are the sole responsibility of the owner and the Council shall not be held responsible for any damage to or caused by the memorial, howsoever incurred. The memorial remains the responsibility of the grave owner during the lease period of the grave. The Council reserves the right to repair or make safe any memorial which becomes unsafe or falls into disrepair, and to recover any expenses from the registered owner. The Council will undertake routine safety checks on all memorials, and will notify the grave owner at the last registered address of any necessary works to make the memorial safe. The grave owner will be given a period of 6 months from the date of the letter to effect the necessary repairs. The Council reserves the right to temporarily make safe any memorials that pose a threat until such works are completed. If the grave owner does not arrange for the repairs to be made, the Council may repair or remove the memorial at the owner's expense.
- 10.2. The Council recommends that grave owners take out an insurance plan for their memorial.
- 10.3. Grave spaces must be kept in a neat and tidy condition, and all litter must be removed from the site. Litter is defined as either rubbish/garbage left behind or things that are lying in an untidy way.
- 10.4. All flower holders or other items left on graves must be made of non-breakable material. Any items left on graves are at the owners' risk and the Council cannot be held responsible for any theft or damage to them howsoever caused. The Council may remove any articles from any grave that are likely to cause risk, damage or offence to other visitors to the cemetery or which interfere with the Council's maintenance of the site.
- 10.5. No trees may be planted on graves. Only suitable planting such as annual bedding or small shrubs only will be permitted on traditional graves. The Council may remove any plants that it considers unsuitable or that infringe on other grave spaces or interfere with the Council's maintenance work.
- 10.6. No memorial benches are permitted other than those purchased from the Council.
- 10.7. Items tied to trees, plants or memorial benches or other public property are not permitted and will be removed at regular intervals.

DRAFT