



WEYMOUTH
TOWN COUNCIL

Cemetery Management Policy 2021 - 2025



Introduction

The Cemetery Management Policy is a document that sets out the maintenance and management of Weymouth's cemeteries.

The burial grounds in Weymouth provide attractive and peaceful green spaces for all visitors to enjoy, whether remembering a loved one or simply taking some time for quiet reflection.

This policy sets out the principles of how Weymouth Town Council (the "Council") will manage the cemeteries and seeks to provide a balance between respecting the rights and choices of the individual, whilst also meeting the need for providing safe, accessible and sustainable cemeteries.

Background

The Council manages four cemeteries, all of which are open to the public 365 days a year. The sites to which this policy relates are:

- Weymouth Cemetery
- Melcombe Cemetery
- Melcombe Extension
- Wyke Cemetery

Within these areas the council maintains all buildings, trees, paths, roads, site boundaries, drainage, water services, grass cutting, waste disposal and grounds maintenance.

Taps and facilities to dispose of litter are provided at various locations throughout the cemetery grounds.

Grass cutting is usually undertaken between March and October in the lawn areas of each cemetery. In the older sections, the sites will be maintained in a way that preserves the diversity of flora and fauna. Grass cutting is carried out at different times of the year and at different frequencies to protect the species that have developed.

Condition surveys are carried out every 5 years in accordance with the Council's adopted Asset Management Plan. The surveys will determine a planned maintenance schedule and associated budgetary requirements.

To improve security, health and safety and the visual appearance of the cemeteries, a programme of inspections has been developed to report defects and potential hazards for maintenance and repair.

On a monthly basis, the inspectors will highlight any works required, such as potholes, poor path surfaces, damaged boundaries, etc. Whilst manual records are currently kept, it is anticipated that inspections will be carried out using handheld devices, which will enable inspection data to be stored and shared electronically.

Cemetery Regulations

There is a range of legislation which apply to burials and the management of cemeteries and to comply with the relevant laws, the Council run the cemeteries in accordance with:

- Local Government Act 1972
- Local Authorities' Cemeteries Order 1977
- Health & Safety at Work Act 1974
- Environmental Protection Act 1990

Cemetery Conduct

The Council requests that visitors to the cemeteries observe the following protocols:

- Visitors should be quiet and respectful.
- Visitors should not interfere with a burial taking place.
- Visitors should make full use of the recycling facilities provided on site.
- Any person who damages, defaces or destroys any property or causes a nuisance in the cemeteries may be prosecuted.
- Dogs are welcome in the cemetery grounds but must be kept on a lead at all times.
- Dog faeces must be picked up and placed in a waste bin.
- Vehicles must be driven slowly and should not park on any grassed areas.
- Drinking of alcohol and/or use of illegal drugs is prohibited within the cemetery buildings and grounds.

The Council also reserves the right to:

- Prevent vehicles entering the cemeteries during maintenance work.
- Close or limit public access to the cemeteries when necessary.
- Withdraw the use of the cemeteries from any person or organisation.

Cemetery Fees and Charges

Fees and charges will be set annually by the Council.

- When setting its fees and charges, the Council will consider and compare other local authority charges.
- Fees are published on the Weymouth Town Council website.

Fees for the purchase of a grave plot are doubled for non-residents of Weymouth; for clarity this is anyone who lives outside the Weymouth Town Council boundary. Resident status will include anyone who has moved from within the Weymouth Town Council area into a residential/nursing home outside the Weymouth Town Council area but inside Weymouth within the previous 5 years.

Training of Staff

The Council requires the operators of the service to attend relevant training courses, this may include:

- Exclusive Rights of Burial
- Bereavement & Care Loss
- Health & Safety Burial Process
- Public Health Act Funerals
- Sexton Duties
- New memorial safety guidance
- Understanding the NAMM Code
- Exhumation of human remains
- Stability, inspection and testing of burial grounds memorials
- Cemetery Management & Compliance
- ICCM Diploma/Cemetery Certificate

Records and Data Management

The Council is required by law (LACO 1977) to:

- Maintain a record of burials.
- Maintain a plan showing the number and location of each grave.
- Maintain a record of the granting and transfer of exclusive rights.
- Issue deeds of exclusive rights.
- Maintain a record of exhumations.
- Store all records securely to preserve them from loss or damage.

Work is underway to computerise all cemetery administration records, including burial plans and photos of headstones. Public access to online data is also being explored.

Exclusive Right of Burial

At the time of the interment an Exclusive Right of Burial (EROB) may be purchased for 50 years. To complete the purchase a fee must be paid and an application must be completed and signed by the proposed owner, who then becomes the deed holder.

The Council can only grant permission for a person to be buried in a grave or for a memorial to be erected on a grave at the request of the EROB deed holder unless it's for the request of the EROB holder.

The Council excavate graves to a depth of 1.82m (approx. 6ft). This will enable the grave to accommodate two interments, single and double depth.

New graves are allocated in strict rotation. The Council will try to meet the wishes of applicants if practical to do so, subject to the Council's approval and payment of the appropriate fee.

The Council retains plans and records of graves, which visitors may view by appointment during normal office hours.

When the EROB period comes to an end the deed holder will have the option of renewing that right, subject to any further restrictions that may be in force at the time.

Deed holders will need to apply to renew the EROB within 12 months of the previous grant expiring. The Council may grant a renewed right of burial to another person if the EROB grant period has expired and no contact has been made about renewal. Where possible, previous owners (or their personal representative) will be notified to provide the option to renew the EROB.

Where no interment has taken place in a grave, the owner of the EROB may surrender it to the Council. The Council will pay the owner an amount which is in proportion to the number of years remaining for the EROB.

The owner of an EROB may transfer the deed to another person if they provide satisfactory evidence of ownership. The owner must complete a form of Surrender of EROB and provide proof of identify, ie. passport, driving licence, utility bill, etc.

Transfer of the EROB from the living owner(s) to another individual(s) is done through the completion of Assignment Form.

Transfer of the EROB on the death of the registered owner to the person(s) entitled to it required the production of a Grant of Probate or Letters of Administration. If these legal documents have not been applied or issued then ownership may be transferred to the executor by Statutory Declaration.

Coffin Types

To help the Council to respect the environment, all bodies entering the cemetery for burial must be contained in a coffin/wrapping made of a perishable material bearing the full name, age and date of death on it. Alternative coffin materials maybe considered subject to prior written agreement the Bereavement Services team, however, no metal type coffins/caskets will be allowed.

Interments

To apply for a burial, Funeral Directors or members of the public must contact the Bereavement Service team. The service operates from 9.30am until 4.30pm, Monday (apart from Bank Holidays) to Friday. A completed interment notice must be received at least two clear days prior to the interment (excluding weekends and Bank Holidays).

Interments take place between 9.30am and 2pm Monday to Friday in the summer months and in the winter months between 9.30am and 2pm Monday to Thursday and between 9.30am and 11.30am on Fridays in the winter months.

The Council will not open a grave without the written permission of the registered owner unless the deceased is the sole owner who has an automatic right to be interred in the plot if space is available.

If cremated remains are already buried in the grave space that need to be removed to enable an interment to take place, then it will be necessary to obtain an exhumation licence or Bishop's Faculty. Bereavement Services staff can advise whether this is necessary at the time a booking or enquiry is made.

To bury a non-viable foetus, a Medical Practitioner, Midwife or Nurse's certificate must be provided.

Responsibility for providing bearers to carry the coffin from the hearse to the grave or plot (whether mourners are present or not), rests with the Funeral Director or the person arranging the funeral.

Once a Notice of Interment has been received, the Funeral Director or the person arranging the funeral should arrange for any existing memorial to be removed. However, as a last possible resort, the Council reserve the right to instruct a local memorial mason to remove any existing memorial to allow the grave to be excavated. The applicant will pay the cost of removal.

When excavating graves, the Council reserve the right to move memorials and to place excavated soil on nearby graves. Once the burial has taken place, the Council will return the memorials to their original position and tidy any disturbed neighbouring graves as quickly as possible. Requests for personal involvement during these procedures will be considered upon request.

Cemetery grounds maintenance staff will remain discretely in the background whilst a burial takes place. Once the mourners have left the graveside, work will begin to backfill the grave. Only the Council can authorise or employ contractors to prepare graves.

During or prior to a funeral taking place, the Council have the right to exclude those who are not mourners or not officially connected to the funeral.

There may be times whereby funeral parties are limited by numbers due to government restrictions. In this case, the Council will inform of current guidelines.

For cemeteries containing a children's grave section, the Council do not permit the interment of adults in the children's grave section.

Children's Burials

Following the creation of the Government's Children's Funeral Fund for England in 2018, the body of a non-viable foetus, stillborn child or a child whose age at the time of death did not exceed eighteen years, will be interred in a single grave with a nil cemetery fee. This will include an exclusive right of burial for a period of 50 years and the right to erect a memorial.

Public Health Burials

The Council can offer public health funerals where the deceased person has no relatives, relatives cannot be traced or the family cannot afford the burial and funeral costs, Dorset Council will make the funeral arrangements.

Unless there is a specific request, Public Health Burials will normally be a cremation rather than a burial.

Burials can be provided in unpurchased or public graves. Space for further burials cannot be reserved in these common graves and the erection of a fixed memorial is not permitted.

The authority will comply with its statutory duties detailed in Section 46(1) of the Public Health (Control of Disease) Act 1984 regarding welfare burials.

Environmentally Friendly Burials

Where possible, the Council supports the use of environmentally friendly materials and practices within our cemeteries, for example:

- Encouraging the use of materials other than chipboard, fibreboard and plastic in the construction of coffins and cremated remain caskets.
- Promoting the reduction of the use of plastic in floral tribute construction.
- Encourage the use of environmentally friendly chemicals to clean memorial stones.
- Composting a greater amount of mown grass, leaves, flowers and other plant material removed from the grounds.
- Reduction in the use of herbicides and chemicals.
- Increased tree planting.
- Increased biodiversity, including enhancing management practices in Melcombe Cemetery, a Site of Nature Conservation (SNCI), to protect the ecology of the site. Secure Living Churchyard Awards for Melcombe and Wyke Cemeteries by adapting grass cutting practices.
- Sourcing alternatives to teak, mahogany and other hard woods used in the construction of memorial benches.

Grave Reinstatement

In the weeks following a burial, the soil will compress and the mound will reduce. Once the soil has settled, the Council will ensure that the grave is levelled before grass seed is applied.

Exhumations

The exhumation of the deceased is a high-risk health and safety issue with hazards during the excavation work and the potential risk of infectious disease. Therefore, all exhumations will be carried out in accordance with the Institute of Cemetery and Cremation Management 'Code of Safe Working Practice for Cemeteries', and the Health and Safety Executive (HSE) guidance 'Controlling Risk of Infection at Work from Human Resources'.

Exhumation will always be the last resort the Authority will undertake. It will try to resolve issues by alternative means before embarking upon an exhumation. However, where an exhumation is required, then the exhumation of the deceased will be undertaken with sensitivity, respect and dignity.

If the conditions of the licence cannot be met or there are public health or decency concerns, the exhumation will not proceed.

It is an offence to carry out an exhumation, including that of cremated remains, without first obtaining the necessary lawful permissions.

Burial of Cremated Remains

A designated area within cemeteries is provided and kept for the burial of cremated remains.

Reservation of Burial Plots

Any reserved burial plots, where the EROB was purchased more than 75 years ago and the grave has never been used, will be extinguished and the plots reclaimed. The Local Authorities' Cemeteries Order 1977, Schedule 1 2 part 3 allows the local authority to undertake this:

(2) Where any rights described in paragraph 1(1)a or (b) have not been exercised, the burial authority may, at any time after the expiration of 75 years beginning with the first day on which any such rights were granted, serve notice on the owner of the rights of their liability to determination under this paragraph, and the rights shall determine by virtue of the notice unless, within 6 months of the date of the service, the owner notifies the authority in writing of their intention to retain them.

If a plot has been held for over 75 years and has not been used, correspondence will then be sent to the last known address given for the owner of an empty plot and 6 months provided for a response.

Management of Memorials

The erection of a memorial will be permitted where:

- A grant of Exclusive Right of Burial exists for the grave.

- The grant holders must submit a formal memorial application fully completed and signed by all grant holders. Where the owner is deceased a transfer of ownership must be completed before any memorial work is permitted.
- The written permission of the burial authority has been granted.
- Payment of the prescribed fee, as specified in the Table of Fees and Charges, has been made to the burial authority.

If a deed holder wishes to apply for permission to erect a memorial, add an inscription or carry out any other work on a memorial, an application form must be completed. The form will include:

- Name and address of the memorial mason who will carry out the work.
- Material and measurements of the memorial.
- Details of inscription and a diagram of the proposed memorial, including fixing methods.
- Full names and signatures of the registered grave owner(s) to give permission for the work.

In addition to the application form, all works must be carried out in accordance with the BRAMM and/or NAMM scheme and the requirements of these regulations.

The Council will remove any unauthorised memorial and levy the cost to the grave owner or their personal representative.

Installation of Memorials

The following memorials may be fitted (for further details, see Appendix A):

Lawn Sections

Headstone, plaque, desk or tablet may be placed at the head of the grave only. Maximum height from ground level for a headstone is 915mm and for kerb stones maximum height from ground level is 150mm.

Graves in lawn sections of the cemeteries will be grassed, with no mounds. Installation of a memorial of the dimensions indicated above may be installed at the head of the grave but no other memorial or other items in or around the grave.

Traditional Sections

Headstone, plaque, kerb set, tablet or vase. Maximum height above ground level for headstones is 915mm and for kerb set from ground level is 150mm.

Ashes Sections

Headstone, plaque, tablet or desk. Maximum height above ground level 610mm.

Infant and Baby Sections

There are two types of memorial within this section:

- Natural stone tablets. Maximum height above ground level 100mm.
- Natural stone headstones. Maximum height above ground level 457mm.

All memorials, including the re-fixing and refurbishment of memorials must be:

- Constructed and erected, in strict accordance with the size and design approved by the burial authority, by a mason who is an approved contractor and in strict accordance with BRAMM or NAMM Code of Working Practice and or BS8145.
- Prepared ready for fixing before being taken into the cemetery.
- Erected using an appropriate foundation, which where possible, must not be visible above ground and which must be to the satisfaction of the burial authority.
- Secured into the ground using a fixing system that has been approved by the burial authority.
- Fixed in line with adjacent memorials.

Small wooden crosses are sometimes provided by a funeral director, as a temporary grave marker, pending the erection of a permanent memorial and may remain for a period not exceeding twelve months from the date of interment. If a wooden cross is being considered as a permanent memorial, contact must be made to the Bereavement Services office in the first instance for the specifications. Wooden crosses fall into the same category as headstones for safety inspections, etc. and are therefore subject to the same fee.

All memorials must be able to bear continuous exposure to the weather and must not be made of:

- Glass
- Porcelain
- Plastic
- Artificial stone
- Concrete
- Polystyrene
- Terracotta
- Or any other material that in the opinion of the burial authority is unsuitable.

The owner of the EROB is responsible for keeping the memorial in a good and safe condition. The Council cannot accept any liability for repairing damaged or fallen memorials or be responsible for any damage/theft or vandalism or any other circumstances beyond the control of the Council.

The Council has a duty to periodically inspect and test memorials, which will be publicised in the local and social media and information signs will be placed in the cemetery a month prior to commencement.

If a memorial is found to be in a dangerous condition, the burial authority has a responsibility to make the memorial safe by securing in the upright position, lowering it to the ground or attaching appropriate visible signage. The registered owner will be informed and it is their responsibility to contact a stonemason and pay for the reinstatement work within a 12 month period. If the memorial is not repaired within this time, the Council will consider taking appropriate action.

All memorial mason companies who work within the cemeteries must be registered with the British Register of Accredited Memorial Masons (BRAMM or NAMM). Fixing teams will contact at least one mason in possession of a BRAMM or NAMM fixer's licence. At all times, memorial fixing teams will operate in accordance with the BRAMM or NAMM schemes and these regulations.

Items on Memorials

The burial authority has regulations, which prohibit certain items from being placed on the memorial, eg:

- Planting of any trees and shrubs.
- Placing of any glass/plastic containers or grave furniture that can impede cemetery maintenance and, if broken, cause injury to staff or visitors.
- Placing of unauthorised grave surrounds.

The Council reserves the right to prune, cut down or remove any shrub or tree which have become unsightly, overgrown or dangerous.

The Council reserves the right to remove (and dispose of) from any grave flowers, plants, floral tributes or wreaths that have deteriorated or become unsightly.

Christmas wreaths will usually be removed by the end of January.

Requirements of Monumental Masons

Every monumental mason will be required to provide to the Council the following documentation:

- Membership of BRAMM or NAMM.
- A detailed method statement showing how work will be undertaken and what measures will be taken to minimise the risk of personal injury or damage to property. This must cover every aspect of work the monumental mason is likely to undertake in the cemetery, including vehicle access and movement within the cemeteries.
- A copy of Health and Safety policy, codes of practice and risk assessment.
- A copy of up to date public and employee liability insurance with £5 million cover. Copies to be provided for the Council upon renewal of the policy.

- A copy of the incident reporting mechanisms and procedures in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 1995 (RIDDOR).

Failure to provide the documentation will result in permits being withheld and access to the cemetery denied.

All memorials, including the re-fixing and refurbishment of memorials, must be constructed and erected in strict accordance with the size and design approved by the burial authority, by an approved contractor and in strict accordance with the BRAMM or NAMM Code of Working Practice and BS 8145 or equivalent industry standard.

Works must not take place before 9am or after dusk on a working day and not at all on weekends or bank holidays; the Council may grant permission at other times upon request.

All contractors engaged on work in the cemetery must comply with all Council directions and requirements.

All materials and equipment must be conveyed in the cemetery in such a manner as to prevent damage to walks, paths, roads or turfed areas and all soil waste material must be removed in a like manner. Mats, boards or canvas must be used, as directed by the Council, to achieve this end.

Masons must notify the Council of intent to work in the cemeteries at least 24 hours before arrival at the cemetery.

Any person removing a memorial to permit a further interment may only do so after informing the Council. Upon reinstallation of such memorials, they shall be re-fixed in accordance with BS 8415 and/or the BRAMM or NAMM Code of Practice, this will include the installation of new dowels between the base and headstone plate.

A grave number and the name of the stone mason should be engraved on the rear of the headstone.

Memorial Seats

The Council may provide memorial seats at various locations within cemeteries, these benches maybe donated for an agreed period (currently 15 years). The Council reserves the right to relocate all benches on site to meet operational needs.

No other memorial or other items may be placed on the seat. The Council reserves the right to remove any unauthorised items attached to a seat.

This policy will be reviewed by officers and members of the Services Committee once the new Parks & Open Spaces Strategy is complete and will make any necessary amendments.

Appendix 1

MEMORIALS RULES AND REGULATIONS IN RESPECT OF CEMETERIES IN WEYMOUTH

1. No person shall be permitted to carry out works of erecting, repairing, altering or adding to memorials within the cemeteries until such time that ground conditions permit and have been approved by the Council. All memorials must be founded on consolidated ground.
2. The design of memorials, including the type and quality of materials used, shall be subject to approval of the Bereavement Services Officer. Permanent or temporary wooden memorials will not be permitted. No pots, ornaments or planting will be allowed to be placed in front of a memorial in the cremated remains sections of the cemeteries.
3. No kerbing, rails or fencing constructed of metal, plastic wood or any manmade material will be permitted to be erected within the cemeteries and no gravel, shingle or similar material shall be placed on or around the memorial, unless within a kerbed grave.
4. Memorials in non cremated remain sections at Melcombe Regis, Weymouth and Wyke Regis Cemeteries shall not exceed 915mm (3ft) in Width, 1220mm (4ft) in Height and 610mm (2ft) from front to back. Kerbs shall not exceed 915mm (3ft) in Width, 2135mm (7ft) in Length and 150mm (6") in Height.
5. Memorials in cremated remain sections at Melcombe Regis, Weymouth and Wyke Regis Cemeteries shall not exceed 610mm (2ft) in Width, 760mm (2ft 6") in Height and 305mm (1ft) front to back, and no kerbs are allowed.
6. At Weymouth Cemetery Infant and Babies Section, memorials must be of natural stone and conform to a uniform design as follows: 255mm (10") Wide, 255mm (10") Deep, 100mm (4") High at the end of the tablet for a depth of 100mm (4"), then tapering to 25mm (1") at the Foot. Within the head area of the tablet a vase may be inset. This should be placed on a matching base which must measure 350mm (12") x 350mm (12") x 25mm (1"). A detailed plan can be obtained from Bereavement Services.

Stillborn and infant Sections – all memorials must be of natural stone. The maximum size permitted is 455mm (1ft 6") High including the base, 405mm (1ft 4") Wide and 255mm (10") Deep.

No other vase, receptacle, or other items including plants, may be placed in or around the memorial. Any unauthorised items may be removed.

7. No memorials, when erected, shall be removed from the cemeteries except by or with permission of the Council. Prior to any such removal a written permit shall be forwarded to the Bereavement Services Officer; nb. except for the purpose of reopening a grave.
8. No memorial, vase, other object or any planted material shall be erected or placed upon any grave in respect of which an Exclusive Right of Burial and Rights to Erect and Maintain a Memorial has not been purchased.
9. A memorial (including all foundations) taken down and removed for the purpose of reopening the grave shall be immediately removed from the cemetery until such time as the memorial is replaced.
10. No memorial of any description will be admitted into the cemeteries or permitted to be erected except on conditions that such memorial be so erected and remain at the owner's sole risk and that the council shall not be held responsible for any damage or breakage which may occur to the same.

11. The owner or owners of memorials shall keep all memorials in a good state of repair and condition.
12. All memorials must be erected in accordance with the National Association of Monumental Masons (NAMM) Recommended Code of Working Practice.