

RECREATION, LEISURE & OPEN SPACES COMMITTEE - 1 OCTOBER 2008**Replacement Kerbstone at Cemetery**

1. A double depth plot was purchased in the Cemetery in 1991. In line with the Cemetery Regulations in place at that time, a headstone and kerbs were permitted.
2. The spouse of the person originally interred in the grave passed away in 2008 and was interred as the second burial in the original plot. At that time the kerbstones obviously had to be removed to enable the interment to take place. In between 1991 and 2008 the Town Council had designated the whole of the Ringwood Cemetery as a Lawn Cemetery. The effect of this designation is that kerbstones are no longer permitted. A copy of the Cemetery Regulations is attached as Appendix 1. Regulation 26 refers to the question of kerbstones.
3. Officers originally believed that the old kerbstones were not going to be re-installed and this grave would be grassed and become a more integral part of the Lawn Cemetery.
4. Subsequently the family of the deceased requested consent to install new kerbstones. This was on the basis that the old ones could not be renovated to make them look new and that the deceased had specifically requested new kerbstones.
5. Officers considered the request but determined that since a new burial had taken place, the Lawn Cemetery Regulations should apply and a new set of kerbstones could not be approved. However, Officers believed that it would be reasonable to allow the original kerbstones to be reinstalled.
6. The decision was reached on the basis that it is important to maintain a consistent approach in the management of any facility. In the past exceptions have been made to Regulations at the Cemetery and others have used those exceptions to undermine the overall policy objectives of the Town Council. When one exception is made it is very difficult to deny another. The re-installation of the original kerbstones would not be treated as an exception to the Regulations but the provision of new kerbstones would have to be treated as an exception. The family was advised of the decision and of the reasons for that decision.
7. Subsequently Officers were asked to reconsider and as a result the matter was referred to Solicitors through Ms Kate Rowlandson at the Hampshire Association of Local Councils. A copy of the request for advice is attached as Appendix 2.
8. The response from Solicitors, which is repeated in full was as follows:-

“Dear Kate
 I think that the attitude of the Council is correct. They can refuse new kerbstones, but would have difficulty in justifying a replacing of the existing stones.

 Such a decision is within their powers and any deviation from established policy will cause more difficulty.
 Regards”
9. The family of the deceased continue to be unhappy with the decision and the matter is therefore referred to Committee for final determination. Representatives of the family will attend to explain why they should be permitted to replace the existing kerbstone.

10. Notwithstanding the views of the family, the Town Council has a wider responsibility to the whole community and to manage the Cemetery in line with it's approved Regulations. Relaxations to their Regulations previously caused significant difficulties and in the light of the legal advice now received, it is believed that the Regulations should be fully implemented.

Further information please contact:

Terry Simpson
Town Clerk
25 September 2008

Tel: 01425 473883

Appendix I



Ringwood Town Council

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CEMETERY REGULATIONS

These Regulations became effective on 1 January 2006

1. A certain part of the Cemetery is consecrated for burials according to the Rites of the Established Church, the remaining part being unconsecrated and any burial may take place therein provided such burial and the service (if any) attending is/be conducted with decorum.
2. Notice of every interment on a form to be provided by the Council must be given at least 2 working days previous to such interment taking place to the Ringwood Town Council, "Greenways", 71 Christchurch Road, Ringwood, Hampshire BH24 1DH between 09.00 and 16.30 hours on Mondays to Fridays inclusive. If interment is permitted in a vault or brick grave, then 3 clear days notice must be given. No notice can be received between 16.30 hours on a Friday and 09.00 hours on the following Monday.
3. The hours of interment will in all cases be between 09.00 and 16.00 hours subject to arrangements as to the precise time with the Vicar, Minister or other authorised person required to officiate. No interment may take place on Sundays, Good Friday, Easter Monday, May Day Bank Holiday, Spring Bank Holiday, Late Summer Bank Holiday, Christmas Day, Boxing Day or New Year's Day.
4. All fees and charges to be paid to the Ringwood Town Council when giving notice.
5.
 - a) Selection of the grave space in all cases both of general interment and on purchase is as determined by the Town Council.
 - b) All double depth graves for which the Exclusive Right of Burial has not been purchased at the time of the interment will be known as Common Graves and the Ringwood Town Council reserve the right to re-use these graves for future interments after a suitable period of time has elapsed.
 - c) The option to purchase the Exclusive Right of Burial of a Common Grave is open to relatives at any time subsequent to the interment and must be exercised before a further interment has taken place in the same grave.
6. The certificate of the Registrar of Deaths, or where an Inquest has been held, of the Coroner, must be handed to the Town Clerk, or his duly appointed representative, before or at the same time of interment.
7. Grave spaces for persons above 12 years of age shall be at least 6'6" (2400mm) x 4' (1200mm) and for those under 12 years of age at least 5' (1500mm) x 4' (1200mm).
8.
 - a) The consent in writing of the owner (or funeral director on their behalf) to an interment in a purchased grave or vault must be given to the Town Clerk on the notice of burial and such consent must contain the grave number.
 - b) No interment shall take place in a new single depth grave unless the Exclusive Right of Burial for that grave is purchased at the time of the interment.
 - c) If the Exclusive Right of Burial has not been purchased, single depth graves will not be permitted, except where ground conditions are unsuitable for deeper graves.

9. All vaults shall be constructed under the direction of the Town Clerk, and built with:
 - i) good whole bricks or stone properly bonded and solidly put together with good mortar compounded of good lime and clean sand or other suitable material or with good cement mixed with the clean sand or;
 - ii) other good hard or suitable material properly and solidly put together.
10. Materials of every description to be used in the construction of graves or vaults and all stones, tombs, tablets and monuments must be conveyed into the Cemetery on vehicles with wheels not likely to cause damage to paths and the turf.
11. Whenever a burial has taken place, except in a private vault, the surface of the grave shall, as soon as practicable, be covered with fresh turf unless a monument is to be erected upon it and in no case shall the bare earth be left exposed.
12. No body shall be buried in a grave so that any part of the coffin is at a depth of less than 3' (900mm) below the level of the ground adjoining the grave.
13. All damage caused to any boundary wall, fence, ground, paths, memorials or to any part of the Cemetery must forthwith be repaired to the satisfaction of the Town Clerk by the party causing the damage.
14. No body shall be buried in a grave unless the coffin is effectually separated from any other coffin already in that grave by the means of a layer of earth not less than 6" (150mm) in thickness.
15. Where any grave is re-opened for the purposes of making another interment therein, no person shall disturb any human remains interred therein or remove therefrom any soil which is offensive.
16. Every person who in a Cemetery buries a body in a vault shall on the day of the interment after the deposit in the vault of the coffin containing the body cause the coffin to be wholly or permanently imbedded in and covered with a layer or layers of good cement and concrete not less in any part of 6" (150mm) in thickness or to be wholly and permanently enclosed in a separate cell or receptacle which will be constructed of slate or stone flagging not less than 2" (50mm) in thickness properly jointed in cement or good brickwork in cement in such a manner as to prevent as far as may be practicable the escape of any noxious gas from the interior of the cell or receptacle.
17. The owner of an Exclusive Right of Burial shall maintain the grave in good order and condition to the satisfaction of the Town Clerk.
18. No memorial shall be erected upon any grave unless the Exclusive Right of Burial has been granted and without the consent in writing of the Town Clerk.
19. Before a memorial is erected, the correct grave must be verified and agreed with the Town Clerk.
20. The person responsible for erecting, fixing, moving or transporting the memorial must provide all necessary tools, equipment and labour necessary for that purpose.
21. The person responsible for erecting the memorial must move all spare soil and clean up after the completion of the work to the reasonable satisfaction of the Town Clerk.
22. Suitable foundations must be provided in order to prevent memorials from sinking and must be constructed in accordance with the Code of Working Practice issued by NAMM.
23. No memorial, other than a headstone not exceeding 900mm in height, 900mm wide and 300mm in depth shall be permitted to be erected in any part of the Cemetery. Any flower vase or other container is to be an integral part of the memorial. .

24. No plants with roots shall be planted on or adjacent to graves without Town Council permission.
25. No ornaments or articles are to be placed on or adjacent to graves without Town Council permission.
26. Kerbstones are not permitted.
27. The maximum height of a memorial in the Garden of Rest is 150mm, the size for a single plot being 550mm x 275mm.
28. In all cases, design dimensions and inscriptions must be submitted to the Town Clerk for approval whose decision shall be final. Any contemplated work not provided for as above will be the subject of arrangement and fees with the Council.
29. No memorial is to be removed for any purpose without the previous consent of the Town Clerk. Once consent has been granted the Town Council must be notified before any memorial is removed or replaced.
30. Artificial grass matting must be used in the case of all interments. No dogs will be allowed in any part of the Council's Cemetery unless on a leash, and cycling is not permitted within the Council's Cemetery, and in particular, no moped or motorcycle shall be permitted within the Council's Cemetery.
31. In all cases, whether the grave is hand dug or a mechanical digger is used, the Undertaker and any contractors appointed by him shall comply with all of the provisions contained within the latest Code of Practice issued by the Institute of Burial and Cremation Administration relating to grave digging. In particular, the Undertaker and any contractors shall be responsible for complying with all aspects of Health & Safety legislation relating to the digging, opening and backfilling of graves.
32. On completion of each funeral gravediggers are to remove all boards, wheelbarrows and equipment from the Cemetery.
33. A register of all burials will be kept in the Council office where at all times reasonable searches may be requested and certified extracts obtained from the Town Clerk upon payment of the appropriate fee.
34. The Council's Cemetery will be open to the public, free of any charge.
35. Visitors shall not interfere with the Council's employees in their duties nor employ them to plant graves or execute any private work whatsoever and employees are not authorised to receive any gratuity. Visitors will be required to keep to the paths and refrain from damaging shrubs, flowers and memorials and to behave in a decorous manner.
36. The Town Clerk's decision in respect of all matters of interpretation of these Regulations and all matters relating to the management of the Cemetery administered by the Ringwood Town Council shall be final.

S.Cemetery Regulations/Revised January 2006

Request for Information to Solicitors through Ms K Rowlandson at HALC

Dear Kate

The Town Council owns and operates the town cemetery. Originally, the cemetery was run on a conventional basis with headstones, kerbs and other memorials allowed on each grave place. However, due to the cost of maintenance, a decision was taken some years ago to make a new extension a lawn cemetery. In this area, it was agreed that only headstones would be allowed on each grave. Unfortunately, this rule was not applied rigorously and we have parts of the lawn cemetery where kerb stones had been allowed up until four years ago.

Following a series of problems on interpretation of the lawn cemetery and 'exceptions' allowed by my predecessors and, indeed, Councillors, I advised the Council that the whole cemetery should be treated as a lawn cemetery or none of it and it should revert back to its former style. Council agreed at that time that the whole cemetery should henceforth be treated as a lawn cemetery and for all new burials, only headstones would be permitted.

We now have a situation where a second burial has taken place in a double plot where, correctly, kerb stones were allowed originally. Relatives of the deceased have removed the kerb stones and would wish to replace them with more new modern ones. We have taken the view that since the whole cemetery is now designated as a lawn cemetery, it would be reasonable to allow existing kerb stones to be reinstalled but that new kerb stones should not be permitted. Part of the justification for this is that if a new kerb stone appears on any grave, other people would also wish to install kerb stones on nearby graves.

I should be grateful if Hedleys could advise whether the policy the Council has been adopting is sustainable or whether we should permit new kerb stones to be installed in place of old ones.

I attach, for your information, a copy of the cemetery regulations.

Kind regards,

Terry Simpson.