

Ledbury Town Council



Ledbury Cemetery, New Street, Ledbury,
HR8 2DX

Rules and Regulations
September 2020

LEDBURY TOWN COUNCIL

REGULATIONS CONCERNING BURIALS IN LEDBURY NEW STREET CEMETERY

WELCOME

Ledbury Town Council welcomes all visitors to the Cemetery every day of the year, and the cemetery is manned on weekdays from 9:00am to 17:00pm. We ask for respect and dignity of the facility, including keeping dogs on leads and children always supervised.

APPLICATIONS OF INTERMENT

All applications must be submitted to Ledbury Town Council 14 days prior to the interment. Applications received must be signed by the registered owner of the exclusive right of burial. Should the owner be deceased, the applicant must contact the Proper Officer of the Council prior to the interment taking place to transfer ownership.

1. CEMETERY

a) Exclusive Right of Burial

The Exclusive Right of Burial entitles the deed-holder to determine who is buried in the grave and whether a memorial can be installed (subject to the payment of the relevant fee and permission from Ledbury Town Council being granted). All requests for transfers of Exclusive Right must be in writing to Ledbury Town Council together with payment of the relevant administration fee. You will be required to provide documents such as grant of probate or letters of administration to demonstrate your right to have the grave transferred into your name.

All Exclusive Rights of Burial terminate after 99 years; however, the deed owner does have the right to purchase additional years which should not exceed 100 years.

b) Statutory Declaration in Respect of a Transfer of Exclusive Right of Burial

A statutory declaration is a legal document and is required by the Council as evidence of the ownership of a grave belonging to a deceased person. A declaration is needed if a grant of probate or letters of administration is not required for their estate and you want the grave ownership transferred to you. Only the registered grave owner may authorise burials or a memorial for a grave

Please note: The owner of the Exclusive Rights is responsible for advising Ledbury Town Council of any change of address. Failure to notify us of a new address may result in any remedial action required in respect of the grave plot, or any memorial installed on the plot, having to be taken without reference to the owner of the Exclusive Right

2. BURIAL PLOTS

c) Grave Depths

Interments in new graves will take place in plots allocated by Ledbury Town Council (other than those pre-purchased prior to 1986).

The Local Authorities Cemeteries Order 1977 states that 915mm of soil must be between the top of the last coffin interred and the ground level (for an average coffin being 380mm in height. For double depth graves 150mm of soil is to be left between each coffin. New Grave opening depth: 1980mm Second Interment depth: 1370mm Child's Grave depth: 1370mm

Single plot: 4'3

Double plot: 5'8"

d) Memorials

All memorials **MUST** be erected in accordance with BS8415 (or any such new regulation that is introduced herein after) and the National Association of Monumental Masons (NAMM) Code of Practice. Ledbury Town Council reserves the right to refuse permission for the installation of any memorial where the fixing method does not comply with current guidelines. All memorials remain the property and responsibility of the 'Exclusive Right' owner. Ledbury Town Council shall not be responsible for any damage or breakage which may occur to any memorial through any cause whatsoever i.e. vandalism, storm damage etc. Owners should consider insurance for their memorials. The memorial owner has a responsibility to maintain their memorial.

Any 'Exclusive Right' deed holder who wishes to erect a memorial in the cemetery must contact a NAMM approved Memorial Mason. The application must show a drawing or illustration of the design, dimensions, full constructional details (for checking against the NAMM Code of Practice) materials to be used and any inscription required. Where memorials or kerb sets are erected that are not in compliance with these directives, the Council reserve the right to remove such items and all costs incurred will be charged to the 'Exclusive Right' deed holder. Subsequent additions of kerb sets or additional memorials items must be applied for as above.

Headstones should not exceed 2 feet 6 inches in height, 2 feet in width and 12 inches in depth.

Monumental Mason's names, signs or marks may be inscribed on any memorial item provided their appearance is seemly and unobtrusive having regard to the memorial as a whole. Every memorial erected or placed in the cemetery shall bear the grave space number on the back face or base.

e) Flowers and additional memorials

Only permitted flower receptacles are allowed in the Cemetery. Under no circumstances should glass containers be used. The Council reserves the right to remove, and dispose of, deteriorated floral tributes, and any other unauthorised articles such as fences, ornaments. Any unauthorised items will be removed by the Groundsman and may be placed in the Cemetery Chapel or replanted elsewhere in the Cemetery without further reference.

Please note: The planting of trees, bushes or shrubs are not permitted in the new section of the Cemetery.

3. GARDEN OF REMEMBRANCE & CREMATED REMAINS

f) Purchase of a Garden of Remembrance Plot

All plots purchased are double in depth. A "Grant of Exclusive Right of Burial" certificate will be issued with the plot receipt. Any change of ownership must be notified to Ledbury Town Council, together with appropriate documentation.

Garden of Remembrance depth: 20"

- g) Caskets of ashes may be interred within the Garden of Remembrance or in a conventional grave in the cemetery where the 'Exclusive Right' has been purchased. **There is no facility for 'scattering' ashes.** Cremated Remains may only be interred in grave spaces where 'Exclusive Rights' exist on receipt of the written permission of the registered owner of the grave.

4. GENERAL

h) Cutting and general Maintenance Work

Ledbury Town Council is now a lawned Cemetery. Mowing and general upkeep of the cemetery will be carried out by the Groundsman employed by Ledbury Town Council. The frequency of maintenance will be determined by weather conditions.

Individual maintenance of grave spaces is the responsibility of owners. The Council reserves the right to carry out levelling or in-filling on grave spaces where this becomes necessary. The Council will reinstate subsided graves over a period of time following interment and will lay seed when natural settlement of the ground has ceased. Owners are reminded not to plant this area of the grave, as plants will be removed to allow reinstatement work.

i) Litter and Rubbish

Ledbury Town Council Litter bins are situated around the Cemetery and should be used to dispose of all rubbish. Wreaths and floral tributes from recent funerals should be removed when they have deteriorated. The bins are emptied by the Groundsman weekly.

j) Water supply

There are two water connections in the Cemetery, near the Chapel and entrance gate by Oakland Drive. Water cans are provided, and we ask that you return these to the tap areas when you have finished with them. The water supply may be turned off to avoid frozen pipes or during drought conditions.

The Town Clerk has the authority to exclude any Memorial Mason, Funeral Director or member of the public not adhering to the above Rules and Regulations. The period of exclusion will be determined by the Town Clerk and will be commensurate with the offence committed.

No burial shall take place, no cremated human remains shall be scattered and no tombstone or other memorial shall be placed in a cemetery, and no additional inscription shall be made on a tombstone or other memorial, without the permission of the officer appointed for that purpose by the burial authority.

Every person contravening the above provision shall be liable (under article 19 of the local Authorities Cemeteries Order 1977), on summary conviction to a fine not exceeding £1000); and in the case of a continuing offence, to a fine not exceeding £10 for each day during which the offence continues after conviction therefor.

**Town Clerk
January 2020**

ENVIRONMENT & LEISURE COMMITTEE	17 SEPTEMBER 2020	AGENDA ITEM: 7(ii)
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Report prepared by Angie Price – Town Clerk

GRANT OF EXCLUSIVE RIGHT OF BURIAL AND EXCLUSIVE RIGHT OF BURIAL TRANSFER

Purpose of Report

The purpose of this report is to make Members of the Environment & Leisure Committee aware of Standing Order 23 within their Standing Orders, and how this relates to the signing of Deeds of Grant of Exclusive Rights of Burial and the Transfer of those Deeds.

Detailed Information

A Deed of Grant is an important legal document, that confirms an individual or individuals as the current legal owner(s) of the Right of Burial in a named grave. As such each deed that is generated following the purchase of the Exclusive Right of Burial should be treated as a legal document and signed in accordance with the Councils Standing Order 23 "Execution and Sealing of Legal Documents". This Standing Order states:

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.*
- b The council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.***

During a recent review of cemetery procedures, it was highlighted that currently:

- a. No resolution to authorise the signing and sealing of the documents is taking place; and
- b. Deeds of Grant and Transfers of the Deeds of Grant were being signed by the cemetery administrator and that no seal is being placed onto the document, which is not in line with Standing Order 23 as set out above.

Standing Order 23(b) is in **BOLD** type and therefore is deemed a statutory requirement and cannot be changed, and as such should be adhered to by Council.

To ensure that this statutory requirement is met the Town Clerk would recommend that the following wording be included on the Environment & Leisure Committee agendas going forward:

- a. That in accordance with Standing Order 23(a), authority be given for the Deeds of Exclusive Right of Burial (Deed numbers to be included) to be signed, granting the exclusive right of burial to those named as the purchaser of the Deed of Exclusive Right of Burial.
- b. That in accordance with Standing Order 23(a), authority be given for the Deeds of Exclusive Right of Burial (numbers to be included) granting the transfer of exclusive right of burial to those named on each transfer request.

The clerk has not been able to ascertain whether there is a Ledbury Town Council seal available for use on deeds, but it may be acceptable to make use of the Council stamp which depicts the Council's logo of the Market House.

Recommendation

1. That to ensure Ledbury Town Council are meeting their statutory requirement in relation to the signing of Deeds of Grant and Deeds for the Transfer of Grant, all future deeds and transfer deeds should be signed by the proper officer and two Council Members.
2. That in the absence of an official Council Seal, Members agree that the Council stamp depicting the Market House logo be used to "seal" all legal documents and deeds going forward.
3. That in future the following be included on the agenda for the Environment & Leisure Committee:
 - a. That in accordance with Standing Order 23(a), authority be given for the Deeds of Exclusive Right of Burial (Deed numbers to be included) to be signed, granting the exclusive right of burial to those named as the purchaser of the Deed of Exclusive Right of Burial.
 - b. That in accordance with Standing Order 23(a), authority be given for the Deeds of Exclusive Right of Burial (numbers to be included) granting the transfer of exclusive right of burial to those named on each transfer request.

ENVIRONMENT & LEISURE COMMITTEE	17 SEPTEMBER 2020	AGENDA ITEM: 7 (iii)
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Report prepared by Angie Price – Town Clerk

CHURCH VOTIVE

Purpose of Report

The purpose of this report is to provide Members of the Environment & Leisure Committee with examples of Church Votive for consideration of purchase to use in the Cemetery Chapel.

Detailed Information

At a meeting of the Environment & Leisure Committee held on 16 July 2020 Members were requested to give consideration to the purchase of a Church Votive for use at the Cemetery Chapel. The purpose of the Votive would be to allow the chapel to be opened on various days throughout the year, such as Mother's Day, Father's Day and the weekend before Christmas, so that members of the public could come and light a candle in memory of loved ones.

At the meeting held in July the Clerk was asked to provide examples of Votives in the region of £400 - £500 costs, and three examples of these are attached for consideration.

Financial Implications

The Votive is a new idea and therefore something that was not budgeted for in the 2020/21 budget setting process and if members agree to purchase one a fund will need to be identified for this.

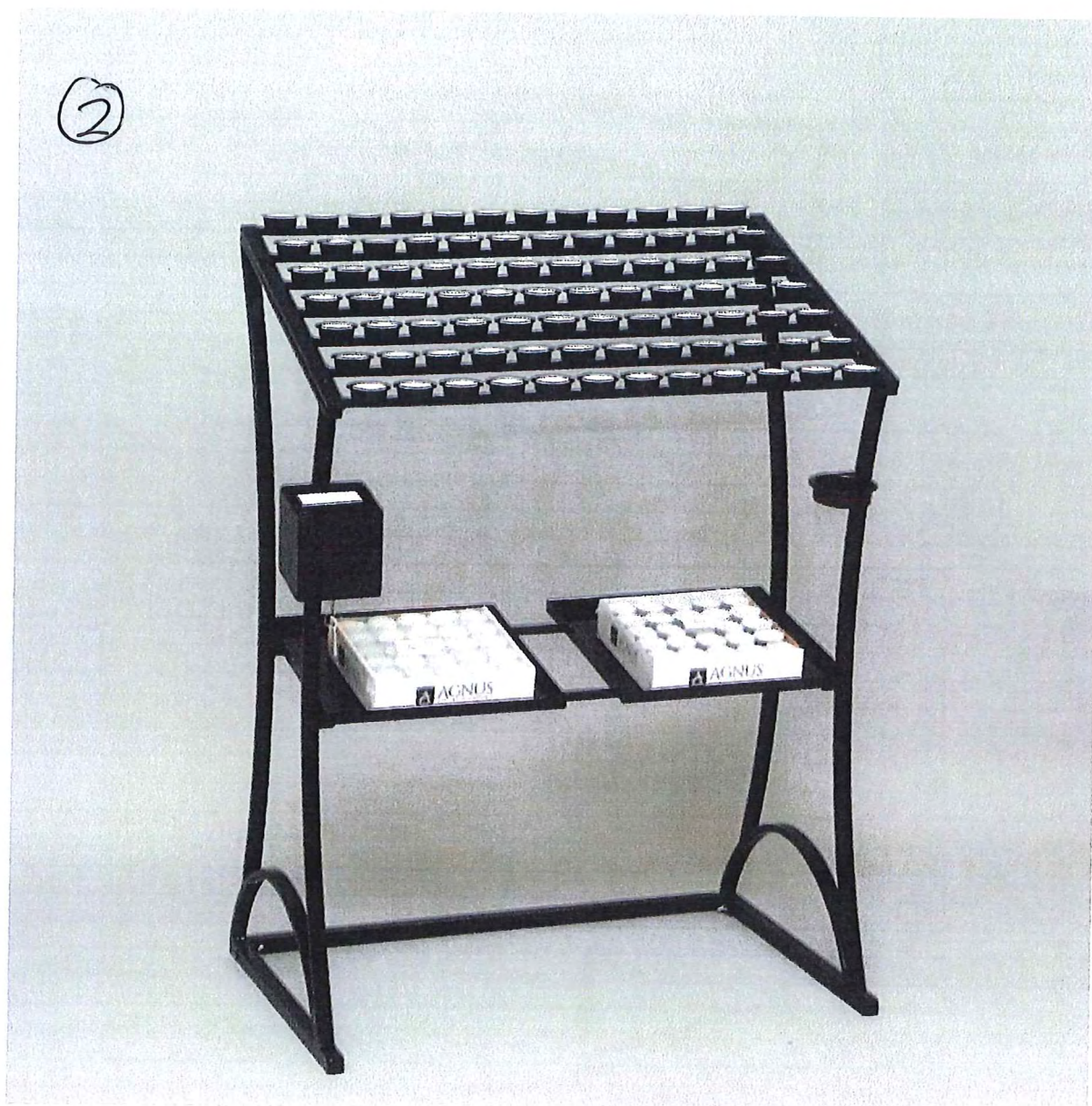
Due to Covid-19 many of the events that the Council had budgeted for in 2020/21 have not been able to proceed and Members may wish to consider requesting approval from Finance, Policy & General Purposes to purchase a Votive from the "Events" budget.

Recommendation

1. That Members of the Environment & Leisure Committee give consideration to the attached votive designs and agree which they would prefer to purchase
2. That a recommendation be made to a meeting of the Finance, Policy & General Purposes Committee that a Votive be purchased, and that the cost of the Votive be taken from the "Events" budget.



£366.00



R 389-17

(3)



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ENVIRONMENT & LEISURE COMMITTEE	17 SEPTEMBER 2020	AGENDA ITEM: 7 (iv)
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Report prepared by Angie Price – Town Clerk

CEMETERY PATH EDGES

Purpose of Report

The purpose of this report is to ask Members of the Environment & Leisure Committee to approve the cost for the repair to the path edges on the new area of the Cemetery.

Detailed Information

Prior to lockdown arrangements were being made to investigate the options for the repair to the gravel and pathway edgings at the cemetery.

A number of contractors were asked to provide a quote, however only two were received. One of the contractors who provided a quote for the specification provided advised of an alternative solution which would work just as well but would be a cheaper option in respect of the path edges.

The Clerk asked the contractor to provide a quote for the alternative solution and on receipt of this and following discussions with the Cemetery Groundsman the suggestion would appear to be a practical solution at a reduced cost to the council.

The edges of the path areas are currently thin wooden strips, which over time have rotted and moved and which now look tired and untidy. If the wooden strips were replaced they would inevitably need replacing in a matter of years, which would become a regular occurrence if this method were to be continued.

The new proposal is to re-grade the grass verges adjacent to the gravel path, which would create a more natural look to the edges similar to the other areas of established path and would enable the machinery to pass easier from side to side.

Topsoil would be imported to re-grade the verge levels with turf then being laid along the sides of the pathways to reinstate the grass along the paths. The surface of the pathways would also be graded to good levels and sub-base added to achieve good levels and then resurfaced with gravel.

Some gravel had previously been ordered for the groundsman to relay the pathway, and this would reduce the cost of the project going forward.

Financial Implications

To carry out the work as described above and for the purchase of 3 extra tonnes of gravel and other materials such as turf = £1,440.00 plus VAT.

Recommendation

That Members of the Environment and Leisure Committee authorise the repairs to the pathways and edgings at the cemetery as per above at a cost of £1,440.00 plus VAT.