



CEMETERY & CLOSED CHURCHYARD MANAGEMENT POLICY

NORTH TAWTON TOWN COUNCIL

ABSTRACT

This policy is a strategic document for North Tawton Town Council in maintaining and promoting its stewardship of the Town Cemetery and closed churchyard which local residents have a right to enjoy

North Tawton Town Council

22/06/2021

1. Introduction

- 1.1. This policy is a strategic document for North Tawton Town Council in maintaining and promoting its stewardship of the Town cemetery and St Peters closed churchyard which local residents have a right to enjoy. It advocates that the cemetery and churchyard should be a place of peace and tranquillity for the public to visit, to pay respect to their interred relatives and / or friends.
- 1.2. It advocates they are places for contemplation, to be treated with respect.
- 1.3. This document includes all aspects of good management and operation of the Authority's cemetery and closed churchyard. These aspects range from maintenance, health and safety and memorial testing, to pre purchased graves, promoting respect to meeting future land demands for the interment of the dead and the burial of minority groups within our community.
- 1.4. The strategy is a dynamic document and will be updated periodically as societal, legislative and environmental changes present themselves to the Council.
- 1.5. Within the Cemetery and Churchyard, the Council maintains all the buildings, (except churches), trees, paths, roads, site boundaries, drainage, water services and grass cutting, waste disposal and ground maintenance.
- 1.6. Condition surveys are undertaken of all buildings which the Authority controls, on a rolling programme and form part of the Council's Asset Management plan and appropriate budgets.
- 1.7. To improve security, health and safety and the visual appearance of the cemetery and closed churchyard, a programme of inspections has been developed to report defects and potential hazards for maintenance and repair.
- 1.8. The inspectors will highlight any works required. Response times are variable and are dependent upon the assessed risk. Some examples of Potential defects monitored are potholes, poor road and pavement surface, damaged boundaries and gates.
- 1.9. Water supplies and waste disposal facilities are available in the cemetery and closed churchyard.

2. Cemetery regulations

- 2.1. The Council seeks to observe the rights and choices of any individual wherever possible, but to be fair to all, to keep everyone safe, and to maintain the cemetery and churchyard to high standards we do need some regulations. Everyone visiting our cemetery and churchyard need to follow these regulations. To comply with the relevant laws, we run them in accordance with the Local Authorities Cemeteries Order 1977, as amended by the Local Authorities (Amendment) Order 1986 as well as any regulations made by the Secretary of State.
- 2.2. Burial legislation, or burial-related legislation, is not the only legislation which burial managers need to take into account. Given the nature of the activities in most burial grounds, health and safety legislation is of particular importance. Because some managers will also employ staff, or contract for the goods and services needed to operate the burial ground, they will also need to be conversant with contract and employment law. Awareness of relevant aspects of ecclesiastical law will also be required by those responsible for Church of England churchyards (or grounds which have, at least in part, been consecrated according to the rites of the Church of England).
- 2.3. General powers of management – LACO states a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation, and control of a cemetery. A burial authority may enclose, lay out and embellish a cemetery in such manner as they think fit, and from time to time improve it, and shall keep the cemetery in good order and

repair, together with all buildings, walls, and fences thereon and other buildings provided for use therewith.

2.4. Opening times - The cemetery and churchyard are open daily to visitors from dawn to dusk.

2.5. Rights of use/admission

2.5.1. The Council reserves the right to:

- i. close or limit access to the cemeteries when necessary; and
- ii. withdraw the use of the cemeteries from any person or organisation.

2.5.2. Dogs are not permitted at any time unless they are guide dogs.

2.5.3. Only vehicles associated with a funeral cortege, or Council approved vehicles may enter the cemetery and Churchyard. Any vehicle entering must be:

- i. driven slowly;
- ii. kept to the main roadway;
- iii. parked in a way that does not inconvenience visitors or staff;
- iv. vehicle movement may within the cemetery be restricted for the duration of a burial or interment, visitors are asked to comply with cemetery staff requests for this.

3. Cemetery Fees and Charges

3.1. Fees and charges will be set annually by the Council unless otherwise agreed

3.2. The Authority in setting its fees and charges will consider and compare other local authority charges. All fees and charges will be determined by balancing what is a reasonable cost, comparison with other authorities and the expenditure for managing and operating the cemetery and closed churchyard.

3.3. All fees for interments and memorials applications are payable in advance.

3.4. Fees are published on the North Tawton Town Council website

3.5. North Tawton parishioners/residents contribute towards the upkeep of the cemetery and closed churchyard through their Council tax, therefore, residents are offered a lower fee scale than non-residents.

3.6. Residency is determined by the home address of the deceased at the time of death. If a resident has had relocate to a hospital, care or nursing home, or into the care of relatives within the last 10 years, which is outside of the Parish boundary, they will still be considered a resident upon proof of prior residency.

4. Training of Staff

4.1. The Council will carry out relevant training for staff involved in the management of the Cemetery and Churchyard. This could include:

- i. Cemetery Management and Compliance
- ii. Transfer of burial rights training
- iii. Customer care/understanding bereavement.
- iv. ICCM Diploma/Cemetery Certificate
- v. Safe excavation of graves
- vi. New memorial safety guidance
- vii. Understanding the NAMM Code.

4.2. Training is an essential part of providing a high-quality service and funding should be built into the budgets to facilitate this.

5. Records and data management

- 5.1. The Council is required by law (LACO 1977) to:
 - i. Maintain a record of burials.
 - ii. Maintain a plan showing the number and location of each grave.
 - iii. Maintain a record of the granting and transfer of exclusive rights.
 - iv. Issue Deeds of exclusive rights
 - v. Maintain a record of exhumations.
 - vi. Store all records securely to preserve them from loss or damage.
- 5.2. As demand grows for electronic access to information, there will undoubtedly be a demand for public access to online burial data. Preparation should be made for this demand with access to the Burial Register arranged.
- 5.3. Work is taking place to computerise all cemetery administration records, including cemeterial burial plans. This will be essential for the effective operation of the service into the future (in accordance with The Local Authorities' Cemeteries (Amendment) Order 1986
- 5.4. During the process of transferring records, the Council will seek to identify all grave spaces that may be available for sale of rights. These will include:
 - 5.4.1. Graves sold in perpetuity – Rights may be cancelled after 25 years but may only be used where no previous interments have taken place (Local Authorities Cemeteries Order 1977 - LACO).
 - 5.4.2. Reserved graves –no rights issued, these normally reverted to a public grave after 14 years from date of reservation. Any graves in this category may therefore be used for further interments.
 - 5.4.3. Graves where Rights have expired – it is unlikely that any of these exist but, technically when a right has expired the memorial may be removed and remaining space used where family have not renewed Grant of Rights.
- 5.5. Within 96 hours of a burial, the Registrar of Births and Deaths must be notified of the details of the date and place of the burial. The detachable portion of the Registrar's certificate ('green form') or Registrar's certificate of non-liability ('white form') or the coroner's order will be used for this purpose.
- 5.6. Where the burial ground has room for new burials, whether in new or existing graves, the primary aim of the manager will be to ensure that an efficient, effective, and economic service is provided to those seeking burial services, both funeral directors and the family and friends of the deceased. Such a service will be facilitated by ensuring that the burial grounds' records of existing and planned graves are accurate and up-to-date and that they are readily accessible by those who have responsibility for accepting and making bookings.

6. Exclusive Right of Burial

- 6.1. At the time of the interment, you may buy an Exclusive Right of Burial (ERB) in a grave for 25 years. The purchase will be subject to you paying the appropriate fee and completing the relevant application form, which needs the signature of the proposed owner (who then becomes the deed holder). The Exclusive Rights of Burial vary between grave types.
- 6.2. The Exclusive Right of Burial deed holder is entitled to decide who is buried in the grave and whether a memorial can be erected on it (once the relevant fee is paid and the Council has given permission).

- 6.3. Graves are excavated to accommodate the required number of interments specified in the ERB.
- 6.4. We will allocate new graves in strict rotation. We will try to meet the wishes of applicants who buy grave spaces if it is practical to do so, subject to the Council's approval and payment of the appropriate fee.
- 6.5. When the Exclusive Right of Burial period comes to an end the buyer (or their heirs or successors who have become the deed holder) will have the option of renewing that right, subject to any restrictions which may be in force at that time.
- 6.6. Deed holders will need to apply to renew the ERB within 12 months of the previous grant finishing. The Council may grant a renewed right of burial to another person if the ERB grant period has finished and nobody has informed us that they want to renew it. Before we do this, we will, where possible, notify the previous owner (or their personal representative) to give them the option to renew it.
- 6.7. Where no interment has taken place in the grave, the owner of the ERB may surrender it to the Council. We will pay the owner an amount which is in proportion to the number of years remaining for the ERB. We will not make a payment if the ERB has lapsed or finishes within ten years.
- 6.8. If the Council gives permission, the owner of an ERB may transfer it to another person if they provide satisfactory evidence of ownership. The owner must register the transfer in the cemetery's records, have the deed of grant of Right of Burial endorsed by the Council and pay the appropriate transfer fee.
- 6.9. Provided that there is sufficient room and subject to receiving consent from the Cemeteries Registrar cremated remains can be interred in any grave in the cemetery for which you have the Exclusive Right of Burial.

7. Coffin Types

To help us all 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 by the Cemetery Manager.

8. Interments

- 8.1. You can apply for a burial by contacting the Town Clerk. The service operates from 9am to 4pm, Mondays (apart from bank holidays) to Fridays. You must deliver a completed interment notice (authority for burial) along with the Councils application form, which is available from the Councils website to the office at least two clear days before the interment (excluding Saturdays, Sundays and bank holidays).
- 8.2. The Council will not open a grave covered by an Exclusive Right of Burial without the written permission of the registered owner unless the burial is to be that of the registered owner, unless the deceased was the sole grave owner who has the automatic right to be interred in the plot they previously, subject to a transfer of the ownership rights as soon as possible after the interment.
- 8.3. We will need to see and verify the deed before a grave is re-opened. If the deed is lost or mislaid, then a statutory declaration must be made. We must receive the Registrar's Certificate for Disposal or Coroner's Order for burial before any burial can take place.

- 8.4. We will require a Medical Practitioner, Midwife or Nurse's certificate if the interment is for a non-viable foetus.
- 8.5. The responsibility for providing enough 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 person arranging the funeral.
- 8.6. Once we have a Notice of Interment, we 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. All Funeral Directors/Families are expected to arrange this and we would only request a removal as a last possible resort.
- 8.7. When excavating graves, we reserve the right to move memorials and to place excavated soil on nearby graves to make room for equipment. We will return the memorials to their original positions and tidy any disturbed neighbouring graves as soon as possible after the burial.
- 8.8. Only the Council can authorise or employ people to prepare graves unless appointed by the respective funeral director. All grave diggers will provide the council with proof of their Health and safety policy and public liability insurance.
- 8.9. There may be instances where funeral parties are limited by numbers due to government restrictions. In this case you will be informed of the current guidelines.

9. Children

- 9.1. In respect of the body of a non-viable foetus, stillborn child or a child whose age at the time of death did not exceed eighteen years, interment to be in a single grave in the next available plot, inclusive of the exclusive rights of burial for a period of 25 years and the right to erect a memorial, for which a nil Cemetery Fee is applicable for all aspects, following the creation of the Government's Children's Funeral Fund for England in 2018.
- 9.2. CFF funding is available for the stipulated fees and associated expenses incurred in the burial or cremation of a child if the following conditions are met:
 - i. the child had not reached their 18th birthday at the time of their death; or
 - ii. the child was stillborn after the 24th week of pregnancy (as defined in section 41 of the Births and Deaths Registration Act 1953); and
 - iii. the burial or cremation takes place in England; and
 - iv. the burial or cremation is taking/ took place on or after 23rd July 2019.
- 9.3. Where the burial is that of the body of a still-born child or of the cremated remains thereof the words "Still-born child of" and the name of at least one of the parents shall be written in the column headed "Names in full", the column headed "Age" shall be left blank and the address of the parents or parent shall be written in the column headed "Address".

10. Non-Christian Burials

The Council understands that the community within North Tawton may not require the traditional burial and where possible will try and facilitate and accommodate non-Christian burials. Where the Council cannot accommodate such burials, it will advise relatives and families of neighbouring Authorities who provide alternative burials to meet the wishes of the bereaving families and relatives.

11. Green/Eco-friendly Burials

- 11.1. The Council recognises that environmentally friendly burials are a matter of degree and personal belief. Regretfully, due to space constraints, a full 'green' interment cannot be achieved in our current cemetery. However, the Council are considering green/eco-friendly burials when developing the cemetery extension over the coming years. In the meantime, the council will allow the use of wicker or cardboard coffins.
- 11.2. Where possible we fully support the use of environmentally friendly materials and practices within our cemetery
- 11.3. Practical examples include:
 - i. Informing the public of the negative environmental issues associated with the chemicals used in cosmetic embalming.
 - ii. Encouraging the use of materials other than chipboard, fibreboard and plastic in the construction of coffins and cremated remains caskets.
 - iii. Promoting the reduction of the use of plastic in floral tribute construction.
 - iv. Encouraging the use of environmentally friendly chemicals to clean memorial stones, as an alternative to corrosive acids.
 - v. Composting a greater amount of mown grass, leaves, flowers and other plant material removed from the grounds.
 - vi. Reduction in the use of herbicides/chemicals and peat.
 - vii. Increased tree planting.
 - viii. Sourcing alternatives to teak, mahogany and other hardwoods, used in the construction of memorial benches.
 - ix. Encouragement and planting of wildflower with reduced mowing during the growing season.

12. Public Health Burials

- 12.1. The Council treats welfare burials with the greatest of dignity, sympathy and respect as it does for all other categories of burials. Where the deceased person has no relatives or relatives cannot be traced or the family cannot afford the burial and funeral costs, Devon County Council will make the funeral arrangements in accordance with the Public Health (Control of Disease) Act 1984 s.46.
- 12.2. Unless there is a specific request, Public Health Burials will normally be a cremation rather than a burial.
- 12.3. Burials will be provided in un-purchased or public graves otherwise known as 'Common Graves'. Space for further burials cannot be reserved and will be allocated as the next available plot. The erection of a fixed memorial is not permitted.

13. Exhumations

- 13.1. 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 Risks of Infection at Work from Human Resources'.
- 13.2. 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.

14. Burial of Cremated Remains

- 14.1. A designated area within the cemetery is provided and kept for the burial of cremated remains.
- 14.2. Alternatively, a grave plot may be purchased at the relevant cost for the interment of cremated remains.
- 14.3. Cremated remains may be interred in an existing grave plot with the written permission of the owner of the exclusive rights/Deed Holder.

15. Reservation of burial plots

- 15.1. Council policy is not to allow the reservation of burial plots in the current cemetery as it has less than 15 years capacity left. Once the cemetery extension has been opened, this will be reviewed.
- 15.2. Any reserved burial plots, where exclusive rights have been 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 2 part 3 allows the local authority to do 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 his intention to retain them.
- 15.3. If a plot held for over 75 years is thought to be empty, this will be physically checked to ensure this is the case. Correspondence will then be sent to the last known address given for the owner of an empty plot and 6 months given for a response. The records can also be checked to ensure whether the owner has been buried elsewhere within the County owned cemeteries. This can happen when the deceased has left no instructions or will as to where they wanted to be interred.

16. Management of memorials

- 16.1. The erection of a memorial will be permitted only where:
 1. A Grant of Exclusive Rights of Burial exists for the grave.
 2. The grant holders must submit a formal memorial application to North Tawton Town Council, (application form is available on the Town Council website), 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
 3. The written permission of the burial authority (North Tawton Town Council) has been granted.
 4. Payment of the prescribed fee as specified in the Table of Fees and Charges has been made to the burial authority.
- 16.2. The Councils form must be completed if you wish to apply for permission to erect a memorial, add an inscription or carry out any other work on a memorial. The form will include:

- i. name and address of the memorial mason who will carry out the work.
 - ii. material and measurements of the memorial.
 - iii. details of inscription and a diagram of the proposed memorial, including fixing methods.
 - iv. full names and signatures of the registered grave owner/s to give permission for the work.
- 16.3. The applicant must not start any work until they have complied with Section 16.1 above. We will give permission as long as the work undertaken fully complies with the details specified within the Application Form, the BRAMM/NAMM scheme and the requirements of these regulations.
- 16.4. The primary responsibility of a memorial is with the family. LACO gives burial authorities the right to level the surface of any grave (to ease maintenance) and to place an identification mark, if required
- 16.5. The Council will remove any unauthorised memorial and charge the cost to the grave owner, or their personal representative.
- 16.6. During the period of the grant of exclusive right of burial a burial authority is only empowered to prevent a memorial from becoming or continuing to be a hazard to public safety. A faculty will also be required to carry out a programme of memorial clearance from consecrated areas of a cemetery. Where a faculty is granted, conditions may be imposed to control the scope of the work
- 16.7. Having satisfied the criteria above, the following types of memorials may be fitted in the current cemetery.
- 16.8. Headstone, plaque, kerb set, tablet, vase and wooden cross. Maximum height above ground level 920mm
- 16.9. Ashes sections - Plaque or desk. Maximum height above ground level 150mm.
- 16.10. All memorials, including the re-fixing and refurbishment of memorials, must be:
 - i. 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 the BRAMM/NAMM Code of Working Practice and or BS 8145
 - ii. prepared ready for fixing before being taken into the cemetery
 - iii. erected using an appropriate foundation which, where possible, must not be visible above the ground and which must be to the satisfaction of the burial authority
 - iv. secured into the ground using a fixing system that has been approved by the burial authority
 - v. fixed in line with adjacent memorials
- 16.11. 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, please contact the Cemetery manager in the first instance for a detailed specification regarding the type of wood, the finish, size and method of fixing. The same criteria as previously mentioned for other memorials will need to be satisfied. Wooden crosses fall into the same category as headstones for safety inspections, etc. and are therefore subject to the same fee.
- 16.12. All memorials must be able to bear continuous exposure to the weather and must not be made of:
 - i. Glass
 - ii. porcelain
 - iii. plastic
 - iv. artificial stone
 - v. concrete

- vi. polystyrene
 - vii. terracotta
 - viii. or any other material that in the opinion of the burial authority is unsuitable
- 16.13. The owner of the Exclusive Right of Burial is responsible for keeping the memorial in a good and safe condition. The authority has a duty to periodically inspect and test memorials for stability and take actions considered appropriate in order to maintain public safety. These inspections will be well advertised on the Councils website and cemetery information boards prior to the commencement.
- 16.14. If a memorial is found to be in a dangerous condition, the burial authority has a responsibility to make the memorial safe by either securing in the upright position or lowering it to the ground and then advising the registered owner where possible. It is then the responsibility of the registered owner to contact a stonemason and pay for the reinstatement work.
- 16.15. All memorial mason companies who work within the cemeteries must be registered with the British Register of Accredited Memorial Masons (BRAMM). Fixing teams will contain at least one mason in possession of a BRAMM fixer's licence. At all times memorial fixing teams will operate in accordance with the BRAMM scheme and these regulations.
- 16.16. All memorial masons must provide to North Tawton Town Council, on an annual basis, a copy of their current Public Liability Insurance Certificate and be covered for an amount of not less than £5 million.

17. Items on memorials

- 17.1. The burial authority has certain regulations which prohibit certain items from being placed on the memorial. Examples of what is deemed as unacceptable are:
- i. Planting of any trees, shrubs, or garden areas
 - ii. Placing of any glass/plastic containers or grave furniture that can impede cemetery maintenance and if broken, cause injury to staff or visitors
 - iii. Placing of any unauthorised grave surrounds
- 17.2. You may fix photographic plaques, either ceramic or other material, of an approved size to memorials, if you have the Council's written approval.
- 17.3. We ask respectfully that all Christmas wreathes, ornaments etc are removed from all areas of the cemeteries by the end of January following the Christmas period. Signs will be placed within the cemeteries to remind visitors of this.
- 17.4. The Council reserves the right to remove (and dispose of) from any grave space, flowers, plants, floral tributes or wreaths which have deteriorated or become unsightly.

18. Requirements of Monumental Masons

- 18.1. Initially, every Monumental Mason will be required to provide to the Council the following.
- i. Documentation Required to be a member of BRAMM.
 - ii. A copy of their Health and Safety policy and codes of practice.
 - iii. A copy of up-to-date Public and Employee Liability insurance with at least £5 million cover. Copies to be provided for the Council upon the policy renewal.
- 18.2. Failure to provide the documentation will result in permits being withheld and access to the Cemeteries being denied.
- 18.3. 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 the NAMM Code of Working Practice and or BS 8145 or equivalent industry standard.

- 18.4. The grave plot number must be inscribed onto the rear of each memorial without exception.
- 18.5. All contractors engaged on work in the cemetery must comply with all Council directions and requirements.
- 18.6. 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 or 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.
- 18.7. 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 BS8415 and / or the NAMM Code of Practice, this will include the installation of new dowels between the base and headstone plate.

19 Commemorative Benches

- 19.1. The Council may provide commemorative benches at various locations within the cemetery and churchyard. These benches maybe sponsored for an agreed period (currently 10 years). The Council reserves the right to relocate all benches on site to meet operational needs. To sponsor a commemorative bench, please contact the Town clerk.
- 19.2. No other memorial or other items may be placed on the bench.
- 19.3. The Council reserves the right to remove any unauthorised items attached to a bench.

20. Memorial plaques

The Council do not currently have provision for a memorial wall.

21. Maintenance of the Cemetery and Churchyard

- 21.1 Section 23 of the Burial Act 1857 provides for an Order in Council to be made to require works to be undertaken for the purposes of preventing places of burial becoming or continuing to be dangerous or injurious to public health. Section 1 of the Burial Act 1859 also provides that if such works are not carried out, responsibility will be passed to the relevant local authority.
- 21.2. Local authority cemeteries must be kept in good order and repair, as must be all buildings, walls and fences (LACO, Regulation 4). Church of England churchyards that have been closed must be kept in decent order, and their walls and fences in good repair (Local Government Act 1972, s.215).
- 21.3. Local government burial authorities have been given wide powers for the management, regulation and control of a cemetery under the LACO. Essentially, these matters are for the discretion of the authority. Such authorities may also enclose, lay out and embellish a cemetery as they see fit, but they also must keep it in good order and repair, together with the buildings, walls and fences. The Order makes discretionary provision to provide mortuaries and biers, to set aside part of a cemetery for consecration or use by particular denominations

or religious bodies, or to place a chapel on such areas. Such chapels may be provided for use by the Church of England or other denominations or religious bodies on application and where funded other than by the burial authority. Burial facilities may also be shared with other burial authorities.

- 21.4. North Tawton Town Council employ contractors to manage the trees, grass cutting, wildflowers, inspections and removal of prohibited items and dead flowers/refuse. All contractors operate at their own risk and provide the Council with H&S notices and public liability insurance proof.
- 21.5. The Council are currently trialling the use of non-glyphosate-based weed killer, allowing some grassed areas to remain uncut to create a natural environment and promote local wildflower growth during the appropriate season and promoting the use of non-plastic memorials.
- 21.6. Undertakers will be responsible for checking the grave levels of their respective interments within the 12 months period following interment to monitor and correct grave levels.
- 21.7. Burial grounds which seek to provide a haven for wildlife should be cultivated with this in mind, although managers will need to decide the balance to be struck between the needs of mourners and other visitors, and the practicalities of continuing to provide burial facilities. It is important to emphasise that an environmentally sensitive burial ground is not an over-grown or unkempt one, and that the maintenance efforts required may be just as challenging as for a lawn cemetery. Although a different type of mowing regime will be required, (less grass cutting and horticultural maintenance can be expected) the need to maintain hard structures remains and there will still be a need to provide for proper litter and rubbish disposal

22. Offences in Cemeteries

LACO creates certain offences in local authority cemeteries, including;

- i. creating a disturbance,
- ii. committing any nuisance,
- iii. interfering with any burial,
- iv. interfering with a grave,
- v. playing any game or sport, or
- vi. entering or remaining in a cemetery when it is closed to the public.

It may be open for an authority who wishes to extend the range of offences to apply for an appropriate by-law. Burial ground managers should ensure that they are familiar with any such by-laws which may apply within their burial grounds including anything relating to employed and self-employed workers working within the burial ground.

22. Limitations

There are certain limitations as to what works or other actions may then be taken in respect of burial grounds, or parts of burial grounds, which have been consecrated according to the rites of the Church of England.

Such areas are subject to the jurisdiction of the diocesan bishop, which means that no work may be carried out without authority, which is granted by way of a faculty from the diocesan consistory court.

For churchyards, the control is detailed, covering gravestones, walls and fences, as well as the protection of human remains.

For the consecrated parts of local authority cemeteries, the faculty jurisdiction is exercised only where the interests of justice or the respectful treatment of the dead are concerned.

Where ground is consecrated, burial ground managers should consult the local diocesan registrar if major works such as exhumation or levelling of gravestones are planned.

23. Equality and Disability

- 23.1. Facilities and services should be designed and executed in compliance with the Disability Discrimination Acts.
- 23.2. Burial ground managers should always have regard for equal treatment policies and practice, including provision for the disabled, whether or not specific legislation applies.
- 23.3. Burial facilities, memorialisation, appreciation and use of a local open space amenity should be considered for all (subject to constraints of practicality and the authority's policies).
- 23.4. Consideration should be given to wheelchair (and all-weather surface) access to all parts of the burial ground and any church or chapel. The Centre for Accessible Environment (CAE) does not require a hard surface for wheelchair users – only those surfaces do not have any sharp edges, bumps or holes in them.
- 23.5. Attention should also be given to the needs of partially sighted (particularly potential hazards). Similar consideration should be given to provision of information in local community languages. Local authorities may often be in a position to offer advice and guidance on local requirements and sources of assistance.
- 23.6. For funerals carried out on behalf of the local authority or NHS Trust (in the absence of family or friends willing or able to meet the costs), and for burials in graves without an exclusive right of burial, consideration should be given to the location of common grave plots so that there is no evident distinction of the plots or their environs which might identify them (beyond the simplicity of any grave markers or the multiple entries on any memorial stones) as in any way treated as inferior or with less respect.

24. Information to be displayed in the Cemetery/ Churchyard

- 24.1 information to families about permitted memorialisation and decoration on the grant of grave spaces or burial rights (including the reasons for limitations)
 - Notices to this effect within the burial ground to discourage post-burial memorial additions
 - Provision of separate, dedicated areas within the burial ground for informal memorialisation, coupled with strict enforcement of prohibitions outside these areas.
 - Information about the burial ground (ownership/management; age/size; opening times; fees and charges; regulations/by-laws; facilities; aims; notable features)
 - Plan of the cemetery