

ONGAR TOWN COUNCIL

CEMETERY POLICY

The Council's aim is to provide a safe and attractive place for the burial of the dead. Ideally the cemetery should be used by the community not just as a place for the dead but also to visit to enjoy the calm and contemplative environment. Another aspect of the cemetery is its ecological, environmental and historical value. Burial places are both a work place and public place. The Council has a duty of care to ensure the safety of employees, contractors and visitors.

The main statutory instrument for the management of burial grounds is the Local Authorities Cemeteries Order (LACO) 1977

Exclusive Right of Burial (ERB)

The pre-purchase of graves is permitted with the full amount paid at the time of purchase. Pre-purchase of burial plots by instalments is not acceptable.

LACO 1977 article 10 states that no burial may take place without the consent of the owner unless the person to be buried was the owner immediately before death.

Cremated remains should be buried in a container. The scattering of ashes is not permitted.

Prior to 1962 the Town Council issued grave deeds in perpetuity and this should be honoured by the Council. From 1962 the Town Council issued grave deeds for 50 years only. From 2012 the Council has attempted to contact families to renew ERBs. When the grant expires the Council should make every effort to contact relatives. If no relatives have come forward after 6 months the grave is deemed to be abandoned.

Local Authorities Cemetery Order (LACO) 1977 article 10 states that a local authority may grant to any person the Exclusive Right of Burial (ERB) on any grave on any terms and conditions they think proper. This includes the fees and the time scale for the Grant but this must not exceed 100 years. Grants may be made to more than one person (couples, siblings etc.). Only one deed will normally be issued but copies can be issued (marked as copy). Where there is more than one owner all owners should give permission for burials and sign the Interment Notice.

Adopted at Full Council on 01.12.16

In line with advice from the Institute of Cemeteries and Crematorium Management (ICCM) when the grant expires the Council should make every effort to contact relatives by –

- Writing to the last known address
- Placing notices on cemetery notice board
- Placing notices in local churches
- Placing notices in local newspapers and publications
- Advertising on Council social media

Disinterment

Disinterments should be recorded in a separate Register of Disinterments. The Council will buy back a plot at the original purchase price, after exhumation, on the request of the grave owner. The grave can be re-sold and the new owner should be advised that an exhumation has taken place.

Grave depth

LACO 1977 sch 2 part 1 recommends the minimum depth of graves. A separate policy on shallow graves has been prepared.

Foetal Remains

Foetal remains have no legal status and the burial process is similar to that for body parts. The law does not recognise foetal remains so no Home Office licence is necessary to exhume. However, a faculty may be required and checks should be made with the diocese.

A separate policy on the disposal of foetal remains has been prepared.

Disposal of Body Parts

Body parts are described as organs or body tissue (blocks and slides) removed during a post mortem. It is recommended that an adapted interment notice be use.

An original disposal certificate is required to confirm that the death has been registered and permission of the grave owner is necessary.

A separate policy on the disposal of body part has been prepared.

Transfer of ownership

Council staff will ensure that the correct procedures for transferring ownership of graves are adhered to and the necessary paperwork is received.

Adopted at Full Council on 01.12.16

Memorials

All stone masons working in the cemetery should be British Register of Accredited memorial Masons (BRAMM). Applications for memorials must be approved by the Council. The cost of removal of unauthorised headstones is to be recovered from the person who ordered the memorial (LACO 1977 art. 14). LACO 1977 sch 3 states that the Council may remove dilapidated/unsafe memorials.

Informal memorials such as balloons, solar lights, glass vases etc. are not permitted and the Council may have them removed.

Memorials should be inspected regularly and the public kept informed of procedures. A memorial risk assessment was agreed by the Council in 2015.

Memorial benches

Memorial benches are permitted in the cemetery. The design of the bench must match that of existing benches. Relatives must pay 50% of the total price of purchase and fitting with the balance paid within 4 weeks after fitting. Fitting the bench must be carried out by a contractor appointed by the Council.

Records

LACO 1977 article 9 states that all local authorities must maintain a plan showing and allocating distinctive numbers to all graves. Records of purchases, burials and memorial applications should be kept up to date at all times. All burial records should be kept in paper and electronic format.

Paths

The Council will maintain the paths regularly to ensure adequate vehicular and pedestrian access to all parts of the cemetery.

Grounds maintenance

The Council employs outside spaces staff who carry out most of the grounds maintenance requirements. Additional grounds maintenance is carried out by contractors appointed by the Council.

Preferred contractor

The Council will appoint a preferred contractor for grave digging.

Insurance

The Council will ensure adequate cover for Public Liability Insurance as part of the Council's insurance provision.

Litter/waste management

The Council will maintain a contract with a waste management company to remove waste from the site regularly.

Adopted at Full Council on 01.12.16

Fees and charges

Fees and charges are reviewed annually by the Council.

Rules and Regulations

Rules and Regulations are reviewed annually by the Council.

Historical interest/family history

Burial records are available for the public to view. Members of the public are not left alone with the records in case of accidental or deliberate defacement of the records.

Vandalism

In the unlikely event of vandalism to memorials the cost of repairs will be the responsibility of the memorial owners.

Staff training

Council staff are kept up to date on all aspects of cemetery management with refresher training provided as necessary.