

REPORT FROM: CORPORATE DIRECTOR

TO: POLICY and RESOURCES COMMITTEE

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ENFORCEMENT of CEMETERIES REGULATIONS

PURPOSE OF REPORT:

To consider the approach in response to the growing practice of unauthorised structures and items in cemeteries.

RECOMMENDATIONS

- (1) That the enforcement action outlined below be approved
- (2) That the Committee affirms its support for staff in taking this difficult and sensitive action.

REASON FOR RECOMMENDATIONS

To maintain the cemeteries as attractive, dignified and safe places.

1. This report has been brought at the request of the Administration to consider how the Council can deal with growing problem of unauthorised structures and items in cemeteries.
2. The Council has in place Regulations for the general management and control of its lawned cemeteries at Barnoldswick, Barrowford, Colne, Earby, Nelson and Salterforth. These are in accordance with the Local Authorities' Cemeteries Order 1977.
3. The purpose of the Regulations is to ensure an attractive, dignified and safe environment for the bereaved, visitors to the cemeteries and Council staff working in them, and to ensure a good standard of maintenance.
4. Unauthorised memorials and other items create difficulty in maintaining a presentable look to the cemeteries. Some have been in place for a considerable length of time as families cease to visit graves, move away etc. The longer they are left the more likely they are to become unsightly or dangerous.

5. To that end the Regulations contain restrictions on flowers, shrubs, structures and other items on graves. In essence these are to be contained within 18 inches of the base of the memorial stone and must be kept tidy.
6. The Regulations also control memorials which require specific authorisation, must conform to British Standard 8415 and must be erected by an approved memorial mason (BRAMM/NAMM).
7. The Regulations originally prohibited kerb edgings around graves. Following changes agreed when the Council last considered this issue in 2012 we now allow all registered memorial masons to apply for a permit to fix full or half kerbsets in all six cemeteries.
8. The Regulations give the Council the right to remove unauthorised items or items which have become unsightly. When the Council last considered this in 2012 there was no consensus on enforcing this across all the six cemeteries and as a result such items have not been removed.
9. For some years now flouting of the Regulations has increased significantly. Currently around 450 graves are in breach the Regulations, the majority in Nelson and Colne cemeteries. Elaborate and substantial structures have been erected without permission, often discretely in the evenings and at weekends. Many of the structures and other objects cover the full length of the grave rather than the permitted 18 inches.
10. If any structures are erected without permission we try where possible to make families aware that this is contrary to the Regulations. Most of the answers we receive are that within other areas of the cemetery or in other cemeteries other members of the public have done the same. The main issue with this is at Colne Cemetery. At Nelson it is confined to just the one burial plot. It is less prevalent at the other cemeteries.
11. Over the last 10-20 years it has become apparent that some members of the public now expect to be able to commemorate their dead in a more individual and distinctive way than in the past, finding that this helps with the grieving process.
12. In an attempt to better inform grave plot purchasers of the requirements of the Regulations we introduced in May 2009 the summary below of the rules which they sign at the time of purchase. This has had little effect. To a degree we have to acknowledge that bereavement is a difficult time when people do not fully take on board the Council's requirements.
13. None of this is unique to Pendle and other councils face similar difficulties. There have been examples of press articles criticising councils for attempting to enforce their regulations which inevitably result in adverse publicity.
14. The result however has been a creeping change to the character of our cemeteries, worsening standards of maintenance and an impossible situation for our staff who when they attempt to enforce the regulations frequently encounter a hostile reaction and sometimes verbal abuse.
15. At the same time there is dissatisfaction about the condition of the cemeteries on the part of those who obey the regulations and see others disregarding them and getting away with it.
16. The proposal is that sensitive but firm action is now started to redress the problem.
17. In summary an up to date inventory of unauthorised and unsightly items will be prepared. Where possible existing owners/family members will be contacted by letter and politely asked to deal with them. If there is no response within three months a further letter will be

sent which will make it clear that if it is not dealt with in a further three months the Council itself will remove the item and put it in storage if practical. Where it is not possible to contact anyone consideration will be given to placing a small sign on the grave to similar effect as the letters.

18. The firm support of Members for staff taking this action across all the cemeteries is essential. The Regulations apply to all of them and effective action will be undermined if it is not seen to be consistent. Appropriate publicity will be required at the outset to explain what is happening and the reasons for it.

IMPLICATIONS

Policy:	The Council's policy is embodied in the regulations proposal represents customer demands.
Financial:	No significant costs are envisaged.
Legal:	The Council has the legal authority to remove items which contravene the Regulations.
Risk Management:	The proposal will help mitigate the risks from unauthorised structures.
Health and Safety:	The proposal will help ensure the health and safety of all users of the cemeteries
Sustainability:	None arising from the report.
Community Safety:	None arising from the report.
Equality and Diversity:	None arising from the report.

RULES FOR CEMETERY GRAVE PLOTS

To maintain an attractive, dignified and safe environment for everyone, the following extract from the Cemetery Rules and Regulations below will be enforced:

PLEASE NOTE THAT:

1 FLOWERS AND VASES ETC

The following items are **ALLOWED** to be placed on graves:

- Plants, flowers, small vases and miscellaneous items such as cards, wreaths and small ornaments.
- All items placed on the grave **MUST BE CONTAINED** within a distance of 450mm (18") measured from the edge of the foundation.

2 REMOVAL OF UNAUTHORISED ITEMS

The following items are **NOT ALLOWED** and will be repositioned or removed to store:

- Any item placed on a grave which infringes beyond the allowed distance indicated above.
- Any items which may be considered a Health and Safety hazard to cemetery users. This includes all glass objects; sharp spikes/pointed fencing/railings and tripping hazards.
- Any items which may disturb the peace and quiet of the cemetery for other users such as windmills and chimes
- Any items which exceeds 300mm (12") in height and which has not been formally approved on application to the cemeteries officer.

3 ERECTION OF MEMORIALS

- The erection of a lawn type memorial is subject to formal application and approval. Any memorial erected without permission will be removed.
- Copies of memorial application forms and cemetery rules and regulations are available from, Parks and Recreation Services, Fleet Street Depot, Fleet Street, Nelson Lancs BB9 7YQ, 01282 661593/01282 661586. www.pendle.gov.uk/bereavement

TO BE SIGNED BY THE GRAVE PURCHASER/APPLICANT

I have read the above and agree to abide by the regulations as indicated and hereby give permission to the Cemetery Authority to remove or re-position any item which breaks the regulation.

Signed: Date:

Please print name: