



PADSTOW TOWN COUNCIL

**PADSTOW CEMETERY
NEWQUAY ROAD
PADSTOW**

REGULATIONS

**Adopted By Padstow Town Council
25th March 2014**

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Padstow Town Council welcomes all visitors to the Cemetery and you are requested to respect the peace and dignity of the facility.

The Cemetery is managed and operated by Padstow Town Council in accordance with the Local Authorities' Cemeteries Order (LACO) 1977, as amended by the Local Authorities' (Amendment) Order 1984 and such other regulations as may be made by the Secretary of State for the Department of Justice, from time to time.

MANAGEMENT OF THE CEMETERY

1. All persons entering the Cemetery will be subject to the orders and control of the Council or any person authorised by the Council.

2. All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of the LACO article 18 (1):-

No person shall:

- (a) Wilfully create any disturbance in a Cemetery;
- (b) Commit any nuisance in a Cemetery;
- (c) Wilfully interfere with any burial taking place in the Cemetery;
- (d) Wilfully interfere with any grave or vault, any tombstone or other memorial or any flowers or plants on any grave, or
- (e) Play at any game or sport in a Cemetery.

Anyone who contravenes paragraph 2 shall be liable on summary conviction to a fine not exceeding the limit as stated in the Local Authorities' Cemeteries Order 1977 as amended from time to time.

3. Visitors to the Cemetery shall not unreasonably interrupt the Council's employees at their duties or employ them to execute private works within the Cemetery or extend to them any gratuity. All enquiries, complaints and requests by members of the public must be made to the office of the Council and not to Council employees in the Cemetery

4. All dogs should be kept on a lead.

5. Children (e.g. under the age of 12 years) are not permitted in the Cemetery - except under the care and supervision of a responsible person.

6. No person shall sell or offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit for orders from the same, within the Cemetery.

7. No burial shall take place and no monument shall be placed in the Cemetery, nor shall any additional inscription be made on a monument or memorial, without the prior written consent of the Council.

INTERMENTS

8. All applications for interments must be submitted on the prescribed form or notice to Padstow Town Council at least 48 hours prior to the appointed time of the interment.

9. The application for interment must contain Full details of the deceased, the proposed interment, the grave to be used and the signature of the owner of the exclusive right of burial, if applicable or the person that is arranging the interment and be accompanied by the appropriate fee for interment.

10. Interments may be permitted subject to staff availability on Saturdays, Sundays and Bank Holidays and will incur an extra fee.

11. The Funeral Director or person in charge of the funeral arriving after the appointed time must act under the direction of the Council or their authorised person as to when the funeral service may proceed.

12. The person or persons arranging the interment shall be responsible for the attendance of a celebrant, if appropriate, to officiate at the burial service and for payment of any fee to which the celebrant is entitled.

13. Any form of religious service may be used but any other ceremony is subject to the approval of the Council. Alternatively the coffin may be committed without service.

14. A certificate for disposal issued by the Registrar of Births and Deaths or a Coroners Order for Burial or a duplicate copy thereof must be delivered to the Council or their authorised officer when the funeral cortege arrives at the Cemetery.

15. The responsibility for providing sufficient bearers to carry the coffin reverently from the hearse to the grave, whether mourners are present

or not, rests with the Funeral Director or person arranging the funeral.

16. All graves will be prepared by an approved contractor.

17. No body shall be buried in a grave in such a manner that any part of the coffin is less than 900 mm (3') below the level of any ground.

18. No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by means of a layer of earth not less than 150mm (6") thick.

19. Where any grave is re-opened for the purpose of making another burial therein no person shall disturb any human remains interred therein or remove therefrom any soil which is offensive.

20. After interment no body or cremated remains may be removed from a grave without the production of the ecclesiastical faculty and/or Ministry of Justice licence for exhumation required by law. The original documents will be required for this purpose.

21. In the case of the re-opening of a private grave the written consent of the owner of the burial rights will be required. Where the owner is previously deceased the funeral organisers will be responsible for proving legal authority to request that the grave be reopened. No consent is required for the interment of the owner of the Exclusive Right of Burial.

22. No animal remains or ashes are permitted to be interred in the Cemetery

EXCLUSIVE RIGHT OF BURIAL

23. The Exclusive Right of Burial in a grave may be purchased at the time of the interment on payment of the appropriate fee and completion of the relevant application form including the signature of the proposed owner.

24. The "Right" is granted for a period of 99 years.

25. The Exclusive Right of Burial entitles the deed holder to determine who is buried in the grave and whether a memorial can be erected on the grave (subject to payment of the relevant fee and permission being granted by the Council).

26. Please inform us of any change of address. As owner of the Exclusive Right of Burial you are responsible to inform the Council of any change of address. If a problem occurs with the grave or memorial and we cannot contact you we have the right to take whatever action is necessary to put the problem right. If this involves a cost to the Council we may ask you to pay this before allowing any further burials in your grave.

27. All such private graves will be initially excavated to the standard depth determined by the Council. The Council cannot be held responsible if, due to the factors outside their control, the full number of interments in a grave cannot be achieved.

28. New graves are allocated in strict rotation within each section of the Cemetery. If a request is received for a grave to be dug out of sequence (except where an Exclusive Right of Burial has already been purchased) this will incur a double fee. Plans showing the grave spaces are kept at the Councils office, where they may be seen during normal office hours of the Council.

29. At the expiration of the 99 year period of the Exclusive Right of Burial the purchaser, or her/his heir or successors, will have the option of renewing the Right, subject to such restrictions and regulations as may be in force at that time.

Application should be made for renewal if the Right within twelve months of the expiry of the previous grant.

Where the period of grant of Right of approval has elapsed, and no notification of the intention to renew has been received from the person who held the Right of Burial, the Council may grant a renewed Right of Burial to another person, but before doing so will, where possible, notify the previous owner of the Right, or personal representative, and give option of renewal.

MEMORIALS

30. A monument may only be erected on a grave space within the Cemetery in accordance with these Regulations and upon payment of the appropriate fee. The right to erect a monument rests with the "Exclusive Right of Burial deed-holder", or their executor and will be for the unexpired portion of the grant of Exclusive Right of Burial.

31. A memorial cannot be erected/replaced until six months after the burial to allow the ground to settle. The exception to this is cremation tablets where they can be placed immediately, subject to approval.

32. All works to memorials, including refixing and refurbishment must be carried out under the supervision of a mason who is a registered Approved Contractor, a member of the BRAMM or NAMM scheme and in strict accordance with BS8415 and the NAMM code of practice.

33. Any contractor working in the Cemetery must have public and product liability insurance of at least £5,000,000 and provide the Council with supporting paperwork to confirm this on an annual basis.

34. Applications for approval to place a new monument in the Cemetery, alter or add to any inscription, or replace, add to or remove from the Cemetery any monument, must be submitted to the Council on the appropriate Monumental Application Form, provided by the Council.

Such notice must be submitted at least two weeks in advance of the proposed date of erection and must include:-

(i) The grave number and name of the deceased;
(ii) In the case of a new monument, a drawing of the monument and its specification, including the type, colour and finish (i.e. polished, honed etc.) of the material (natural stone) to be used, and showing all dimensions, including those of the kerb set (if appropriate) and the foundation slab. The type of approved ground anchor system used must be stated on the application.

(iii) The text of any inscription to be inscribed on the monument, or any text to be altered or added to any existing monument, and the method of lettering (i.e. incised, incised inlaid with lead etc.)

(iv) The name, address and signature of the person placing the order for the monumental work to be undertaken, who should be the owner of the Exclusive Right of Burial. If the owner is now deceased ownership must be resolved before permission will be granted; this is the responsibility of the executor, family or representative of the deceased.

If the owner is alive but is not making the application, the applicant must provide a letter in the owners' hand confirming and authorising such application. Ownership of the memorial remains with the holder of the Rights and not with the person who may have paid for it.

(v) The name, address and telephone number of the monumental mason.

35. The approval of the Council for any such application will be confirmed by the return of an authorised signed copy of the Memorial Application Form. No work should be undertaken until the Memorial Application Form has been returned. This form is authorised on the understanding that the work undertaken will fully comply with the details specified within the Application Form and the requirement of these Regulations. The approved form must be produced if and when required by a Council employee whilst work is being carried out.

36. Anyone who erects a monument or who undertakes any monumental work, within the Cemetery not in compliance with these Regulations may be compelled to remove the said monument and pay all costs involved.

37. All monuments shall be constructed of granite, marble, slate or other hard natural stone of monumental quality, which must be durable and sound. The grave number and the memorial mason's name must be clearly but discreetly inscribed on the memorial base.

38. The maximum width of the headstone is to be 2ft 6", and the maximum height 3ft.

A flat tablet not more than 14" x 9" in the Cemetery, in the old cremation area and 15" x 12" tablet with integral vase hole in upper left hand corner (cremation extension area of cemetery only)

9" x 9" (12" x 9" in rows M P Q & R) in the Churchyard fixed to a suitable foundation, all to be in natural stone of, granite, marble, slate or other hard natural stone of monumental quality.

Any size over these maximums to be considered by the Council.

39. All persons employed, on behalf of the owner of the Exclusive Right of Burial or personal representative of such person, to erect any monument shall carry out their work strictly under the direction of the Council and shall:-

(i) at the cost of the owner, or personal representative remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of the work;

(ii) perform the work during the normal opening hours of the Council offices;

(iii) provide their own tools and equipment and complete the work with due despatch.

40. The Council must be informed of the removal of any monument from the Cemetery or of any remedial work to monuments.

41. The removal and re-erection of a monument to facilitate the re-opening of a private grave, or to level such grave shall be at the expense of the grave owner or their personal representative.

42. Any person removing a monument to permit a further interment shall either remove the same from the Cemetery, after informing the Council, or place it in a position indicated by the Council.

43. Any monument removed from a grave to facilitate an interment shall be re-placed as soon as possible.

44. Any unauthorised monument shall be removed at the expense of the grave owner, or their personal representative.

HEALTH AND SAFETY

45. Any monument or memorial erected in the Cemetery remains the property and responsibility of the grave owner or their personal representative and therefore, remains in the Cemetery at the sole risk of, and must be kept in good state of repair, by the said owner or personal representative.

Padstow Council shall not be held responsible for any damage or breakage which may occur to any monument or memorial through any cause whatsoever.

46. The Council strongly encourages the insuring of all memorials in its cemeteries.

47. The Council hold the legal right to remove any monument or memorial, which has become, or is likely to become, dangerous or which is in a derelict or unsightly condition.

48. The Council undertakes safety inspections on all memorials on an annual basis. Where the Council is unable to trace the owners of graves with unsafe memorials, these memorials will be staked for a period of twelve months and laid flat to prevent the possibility of accidents. If, at the end of this period, no work had been undertaken to rectify, the

Council will make safe by either removing or fixing or burying.

MAINTENANCE AND UPKEEP

49. After an interment has taken place in a private grave and a reasonable time has elapsed for the natural subsidence of the earth used to fill the grave, the Burial Authority shall, in accordance with the Local Authorities Cemeteries Order 1977, cause the surface of the gave to be levelled and properly covered with top soil and seeded except for any area covered by any monument or memorial.

50. It is the responsibility of the grave owner to keep the grave space in a tidy condition. In default the Council reserves the right to level top soil and re-seed.

51. The placing on graves of glass containers or shades, items of pottery, tins, plastic or wire mesh fences or other items of metal, plastic or other material are forbidden and will be removed by the Council without notice.

Temporary wooden crosses are permitted.

52. Spring flowering bulbs may be planted on a grave, as directed by the Council, but the planting of perennials, shrubs and trees is not permitted.

53. The Council reserves the right to remove from any grave space flowers, plants, floral tributes, wreaths or receptacles which have deteriorated or become unsightly and dispose of them in such manner as they deem fit.

54. Grass cutting will be carried out by Padstow Town Council, at a frequency determined by weather conditions and by the Council.

55. The Council has a programme of works taking place in the Cemetery throughout the year to raise the level of any sunken graves.

CREMATED REMAINS

56. Cremated remains may be interred, in caskets or other approved containers, or scattered in a conventional grave in the Cemetery for which the "Exclusive Right" has been purchased.

FEES

57. Fees for all Cemetery services will be determined by the Council annually, to take effect from 1st April each year.

58. In determining whether fees will be chargeable at the Parishioner or Non-Parishioner rate, the Town Council have defined the term "Parishioner/Resident" in respect of the operation of the scale of charges to include:-

- any person who has resided in the Town of Padstow for not less than one year immediately prior to death;
- anyone who, at any time, has lived in the Town for at least five years;
- patients in hospitals or institutions normally resident in Padstow.

59. All fees are payable in advance to Padstow Town Council.

GENERAL

60. All rubbish and waste material, including wreaths and floral tributes, which have been removed from graves, should be disposed of in the litter bins provided. Household waste or other waste material not generated in the Cemetery must not be placed in the litterbins.

61. The Council are empowered to alter or amend the foregoing regulations at any time; to introduce further regulations as they consider necessary; to waive any of the foregoing regulations in exceptional circumstances or to impose temporary restrictions on any matters not specifically covered by these regulations.

62. No camping or overnight parking permitted in the Cemetery or car park at any time.

Appendix A **Interment & Burial Fees**

PADSTOW TOWN COUNCIL

Council Offices
Station House
Station Road
PADSTOW
Cornwall
PL28 8DA

Mrs Kathy Pemberton
Town Clerk
Email: enquiries@padstow-tc.gov.uk
Website: www.padstow-tc.gov.uk
Tel: 01841 532296



Fees Payments and Sums fixed and settled under Section 34 of the Burial Act 1852 and by the Town Council under Section 214 of the Local Government Act 1972 made and adopted at a meeting of the Council held on 1 December 2011 to be effective from 1 April 2012.

INTERMENTS

The fees given below apply to the digging of an earthen grave to a depth of 2 metres. An Exclusive Right of Burial must be purchased for all earthen graves.

- | | |
|--|-----------|
| 1. Interment of the Body of a still-born child or a child not exceeding one month | No Charge |
| 2. Interment of the Body of a child exceeding one month but not exceeding 12 years | £40.00 |
| 3. Interment of the Body of a person exceeding 12 years | £166.00 |
| 4. Interment of the Body of a second person in a double depth grave | £102.00 |
| 5. Interment of Cremated Remains | £50.00 |
| 6. Where the funeral takes place or involves work on a Saturday an additional fee (on a Sunday or Bank Holiday double fee) | £90.00 |
| 7. Sexton's fees (If this cost increases this cost will be re-charged) | £443.00 |

EXCLUSIVE RIGHTS OF BURIAL (in addition to Interment Fees above)

- | | |
|--|---------|
| 8. For Exclusive Right of Burial in an Earthen Grave | £100.00 |
| 9. For Exclusive Right of Burial in an Earthen Grave in the children's section | £60.00 |

10. In respect of Cremated remains	£50.00
11. Issuing of a Statutory Declaration or Form of Assignment	£25.00
12. Research fees for family history If this cost increases this cost will be re-charged)	£10.34 (per hour)
13. Photo copying of documentation	10 pence (per copy)
<u>ADDITIONAL FEES</u>	
14. Non-resident of Parish	Double fees
15. Grave to be dug out of sequence (except where an Exclusive Right of Burial has already been purchased)	Double fees

MONUMENTS TABLETS AND INSCRIPTIONS

16. For permission to erect a monument not exceeding 2'6"x3'0"	£42.00
17. For permission to erect a vase not exceeding 8" or a vase tablet	£41.00
18. For permission to erect a flat tablet not exceeding 14 x 9" in Cemetery Cemetery Cremation Extension area only 15" x 12" tablet permitted with an integral vase hole in the upper left hand corner. 9" x 9" (12" x 9" in M P Q & R Rows in the Churchyard) Only 15" x 12" tablet with integral vase in upper left corner permitted in Churchyard Extension	£40.00
Any size over these maximums to be considered by Council.	
19. For each additional inscription after the first	£16.00
20. Changing cremation tablets	£16.00
21. For permission to erect a kerb memorial size not exceeding 7' x 3'	£30.00

NOT ALLOWED IN NEW PART OF CEMETERY (August 1974)

*Charges amended as agreed at L.T.O.S. Meeting on 17.04.14 and ratified at by Council on 25th June 2014

*Sextons charges amended as agreed at L.T.O.S. Meeting on 07.11.17 and ratified by Council on 28th November 2017

Appendix B Interment Form

PADSTOW TOWN COUNCIL

Council Offices
Station House
Station Road
PADSTOW
PL28 8DA

Kathy Pemberton
Town Clerk
Email: enquiries@padstow-tc.gov.uk
Tel: 01841 532296
Website: www.padstow-tc.gov.uk



Notice of Burial/Reservation of Burial Plot – please complete reverse of form
This notice must be delivered to Padstow Town Council no later than **TWO CLEAR WORKING DAYS BEFORE THE PRE-ARRANGED TIME FOR THE BURIAL.**

Deceased's Details

Full Name of Deceased:.....

Address:

.....Post Code:.....

Age:..... Sex: M/F Date of Death:.....

Service Details

Day and date of service:

Time of service:

Name of Minister

Grave Details – all are earthen

Purchased Grave Public Grave New *Reopen
Grave

Size of coffin:.....

* For reopen please give name and date of death of previously interred

If new grave, type required: Full size grave Cremation Plot

Size of coffin

Please complete ownership details

Grave Number:

Depth Required: Please delete as appropriate
Single /Double

<p>Funeral Director Name:..... Address: Telephone No:..... </p>

Please complete appropriate section

New Graves - to purchase a new grave

Full Name(s) of Purchaser(s):.....
Address:
.....Post Code:
Signed.....dated.....

Note: The person(s) named above will be registered as the grave owner(s) with the deed being made in his/her/their name(s). No memorial may be arranged and no further interment may take place without the signed consent of the grave owner(s)

Purchased Graves - Conditions Covering Burial - a grave purchased in advance or a 2nd interment.

1. The Exclusive Right of Burial is granted for a period of 99 years dating from the first burial.
2. The whole of the grave space will be turfed flat and mown by Town Council staff.
3. All memorials should be:
 - an upright memorial headstone no larger than 3 feet in height by 2 feet 6 inches in width

Cremation Plots - Conditions Covering Burial

1. The Exclusive Right of Burial is granted for a period of 99 years dating from the first burial.
2. All memorial tablets should be a maximum of 14" by 9" diameter in the cemetery, old cremation area and 15" x 12" tablet with integral vase hole in upper left hand corner (cremation extension area of cemetery only) and 9" x 9" (12" x 9" in rows M P Q & R) in the Churchyard (15" x 12" tablet only with integral vase hole in upper left hand corner (cremation extension area only) fixed to a suitable foundation, all to be in natural stone of, granite, marble, slate or other hard natural stone of monumental quality.

Previously Purchased Graves

(Not required for Burial of the Registered Owner)

The Registered Owner of the Exclusive Right of Burial must give permission for the burial by signing below:

I consent to grave number
being opened for the burial of the late signed.....
dated.....

The person applying for the interment must provide their name, address, contact number and sign and date below:

Full Name.....

Address.....

Signed: Date:

Data Protection Legislation: Information that you provide will be held and used in compliance with the Data Protection Act 1998. For further information about how we take care of and use your information please ask for the Council's leaflet 'Data Protection and You'

Appendix C

Memorial Application for Padstow Cemetery/Churchyard

PADSTOW TOWN COUNCIL

Station House, Station Road
Padstow, Cornwall
PL28 8DA



Memorial Application for Padstow Cemetery/Churchyard

This **application** is to be completed and signed by the Owner of the Deed of Grant of the exclusive Right of Burial and the Memorial Mason **for every kind of work** proposed to be carried out in relation to a memorial at the above burial ground. Please note – if you are the next of kin applying on behalf of the Exclusive Right holder we will require the signature of the Exclusive Right holder. Please note this form constitutes an application only and no works should be undertaken until written permission is granted by Padstow Town Council. Padstow Town Council will not be responsible for any losses incurred for works to a memorial that were not approved. **Please note an incomplete form cannot be accepted for processing**

Section One : For Grant Owners Use

Name of Deceased					
Grave or Memorial Plot Reference No					
Date of Burial					
Full Name of Applicant					
Status of Applicant Please tick relevant box	Exclusive Right Holder		Executor		Next of Kin
	Of the Deed of Grant of Exclusive Right of Burial			Please specify relationship to the deceased (e.g. son)	
<p>I understand that the memorial remains my property and as the registered owner/ executor/next of kin - of the holder of the Deed of Grant of Exclusive Right of Burial I am responsible for the costs of erecting and maintaining the memorial at all times to meet current, and any future, Health and Safety Regulations that may be applied.</p> <p>If, at any time, the memorial is found to be in an unsafe condition I accept that the memorial may be laid flat and that I will be responsible for the cost of any subsequent renovation or remedial work if I choose to have the memorial reinstated.</p> <p>I will ensure that I notify Padstow Town Council, in writing, of any change of address to enable them to notify me of any change in regulations that may affect the grave or memorial.</p>					
Signature of Exclusive Right holder					
Date					
Address including postcode					
Daytime telephone number					

A copy of Padstow Town Council's Memorial Regulations are available from the Padstow Town Council Office or are available to be downloaded from the Council's website at www.padstow-tc.gov.uk

Section Two : To be completed by the Memorial Mason who will be carrying out work, of any kind, on a memorial or erecting a memorial at Padstow Cemetery.

Description of work: Please tick box as appropriate and provide details

- Additional work
 Repair work
 Erection of Headstone (please list style of memorial e.g. erection of book)
 Placing of Cremation Stone

Description:

Memorial Material:

Type and colour of stone and details of fittings e.g. granite, NAMM approved anchorage system etc.	
Size Please give full dimensions of proposed memorial	

enclose a sketch/photograph of the proposed memorial/inscription

Proposed Inscription – to be shown as it will be spaced and located on the memorial

Please note – If the lettering is on several sections of the memorial use a numbered reference that corresponds with numbered areas on the sketch/photo of the memorial that must be attached to this application showing **all** relevant measurements.

I confirm that:

The memorial will be manufactured and erected in accordance with the current code of practice as prepared by the National Association of Memorial Masons.

All work carried out on the memorial (e.g. removal for additional inscription or other repair work) will meet with the current code of practice as prepared by the National Association of Memorial Masons.

I/We agree to be responsible for any damage caused to Council property or to surrounding memorials, turf etc. caused by the negligence of myself, my workmen and/or any subcontractor employed by me and confirm we have appropriate public liability insurance in place.

I/We agree to remove all unused materials/rubbish and to leave the area in a neat and tidy state.

I/We agree not to carry out any work on site while a funeral is in progress.

I/We confirm that the applicant has seen and approved the specifications as detailed in this application.

I/We have explained to the owner of the Deed of Exclusive Right of Burial (details overleaf) that the memorial remains their property and that they are responsible for keeping it in a good and safe condition in accordance with the current code of practice as prepared by the National Association of Memorial Masons at all times.

I/We have advised the owner to consider insuring the memorial against accidental damage and vandalism.

Signed	
Full name of signatory	
Date	

I give permission for the memorial/inscription on Grave Space in accordance with the particulars submitted to me

Town Clerk Date

In accordance with the current schedule of fees set out by Padstow Town Council I/we enclose payment of the following fees:

Item	Fee	Amount Due
Cemetery :		
Headstone - not to exceed 2ft 6" wide by 3ft high	£40	
Vase/Vase tablet – not to exceed 8"	£41	
Cremation Plot & Cemetery		
Tablets		
14" x 9" in cemetery any size over these maximums to be considered by the Council	£40	
15" x 12" tablet with integral vase hole in upper left hand corner (cremation extension area of cemetery only)	£41	
9" x 9" (12" x 9" in rows M, P ,Q, and R in churchyard	£40	
15" x 12" tablet only with an integral vase hole in the upper left hand corner (churchyard extension area only)	£41	
Both Cemetery & Memorial Garden		
For the right to place on any gravestone or monument any inscription after the first	£16	
TOTAL DUE		

All cheques to be made payable to 'Padstow Town Council'

Please complete and return the signed form to:

The Town Clerk
 Station House
 Station Road
 Padstow
 CORNWALLPL28 8DA

No special provision can be made for maintenance

<p>FOR COUNCIL USE ONLY</p> <p>Invoice number</p> <p>Amount</p> <p>Receipt and Date</p> <p>_____</p> <p>This work was carried out on</p> <p>Signature.....</p>

Appendix D Memorials Policy

PADSTOW TOWN COUNCIL

Council Offices
Station House
Station Road
PADSTOW
PL28 8DA

Kathy Pemberton
Town Clerk
Email: enquiries@padstow-tc.gov.uk
Tel: 01841 532296
Website: www.padstow-tc.gov.uk



Memorials Policy

Adopted by Padstow Town Council on 6th November 2012

It is the policy of Padstow Town Council to accept donations for the purpose of planting trees, shrubs (referred to as memorials) within Wheal Jubilee Parc & Padstow Cemetery to memorialise a departed family member or friend, subject to availability of space.

All donations shall be in compliance with the following:

- No applications will be considered for bench memorials as the Council feel that there is no further space available for the siting of further benches in the parish
- Memorial donations will be accepted only for the purpose of placing, purchasing and planting trees and shrubs,
- Memorials shall be self-supporting e.g. all costs related to a memorial shall be at the expense of a donor(s), including installation, repair or replacement, if necessary;
- Memorials shall remain the property of the Council and legal ownership of a donated tree, shrub remains with the Council;
- No flowers/wreaths will be permitted to be placed on memorial trees/shrubs or benches at any time and no ashes can be buried alongside memorial trees. Anything placed on memorials will be removed and disposed of without reference to the owner.

Types of Tree/Shrub and Locations

The Council will provide potential donors with a list of tree species etc. for memorial use to select their memorial from. The exact location of the siting of the memorial will be decided on by the Council – whilst the Council tries to locate a tree at a requested location this cannot be guaranteed. All planting will be carried out by Council staff.

Plaques - Memorial donations will be recognised by use of a memorial plaque which will be placed near the donated tree(s). Standard memorial plaques shall be used to promote consistency -size – maximum 17.5cm wide x 7.5mm (7" x 3") high on stainless steel with plaque wording approved by the Council. No structures or planting around the memorial will be permitted.

Ceremonies A ceremony or gathering at the time of a memorial dedication is permitted, but must be arranged in advance with the Council;

Trees/Shrubs - The Council does not guarantee tree or shrub survivability. Trees and shrubs are planted between mid-November and mid-March when the species are dormant, to minimise stress, and ensure their successful establishment.

Records - The Council shall maintain a record of each donation. The record shall contain all pertinent information such as the donor's name, person's name that is being memorialised tree location and type of tree etc;

The Council's decision in all matters relating to memorial donations is final.

Maintenance and replacement of sponsored trees

- The Council monitor and carry out routine maintenance on newly planted trees (watering, mulching, and loosening of ties) for 3 years to ensure their satisfactory establishment. After this time the trees will be included within the Council's routine tree maintenance programme.
- For the first 3 years the Council will replace a tree in the unlikely event that it fails to establish and dies.
- For the first 3 years the Council will replace a tree if it suffers irreparable damage from vandalism providing replacement is practicable.
- If unforeseen circumstances require it, the Council reserves the right to move or remove the tree if deemed necessary and plant a replacement tree in an appropriate location.

Maintenance of sponsored shrubs

- The Council monitor and carry out routine maintenance on planted shrubs (watering, mulching, and feeding) within the Council's routine maintenance programme to ensure their satisfactory establishment.
- If unforeseen circumstances require it, the Council reserves the right to move or remove the tree if deemed necessary and we would plant a replacement tree in an appropriate location.

Maintenance of existing memorial benches

- The Council monitor and carry out routine maintenance on memorial benches within the Council's routine maintenance programme.
- If unforeseen circumstances require it, the Council reserves the right to move or remove the bench if deemed necessary either by its falling into disrepair or placing it in an alternative appropriate location.
- Should a bench become unsightly or unsafe the Council will notify the donor at the last known address to advise of its intention to remove the bench – if no response is received within 2 weeks the bench will be removed. In cases where the bench is a health and safety hazard it will be removed immediately and you will be notified. Any memorial plaque will be returned to you if the memorial is removed.
- In the event of damage by vandalism if the Council is unable to recover the insurance excess Council reserves the right not to replace the bench or to offer the sponsor the opportunity to pay the excess in order to facilitate a replacement.
- If any alteration or addition is required to a memorial bench plaque the Council will agree the wording and arrange for the replacement plaque to be installed. The cost of the plaque along with a £20 plus VAT administration fee will be invoiced to the owner.

Approximate costings for memorial trees/plaques

- Trees/Shrubs – price will be cost price to include tree post and delivery plus £20 plus VAT for planting and upkeep.
- Memorial plaques - All plaques will be stainless steel with no more than 35 words – the **approximate** cost will be £50 plus Vat – actual cost to be confirmed with the manufacturer. A £20 plus VAT administration fee will be charged for any addition/update to existing plaques.

All memorials must be paid in full for prior to their installation.

Please note all prices are exclusive of VAT

Please complete the attached form and return it to the Council who will confirm the price and other relevant details in writing. The Council will order and take delivery of your chosen memorial.

Installation undertaken by staff is included in the cost –if you wish to be present when tree/shrub is planted please note this on your application form.

If you have any queries about the plaques or scheme, please email enquiries@padstow-tc.gov.uk or call on 01841 532296

APPLICATION FOR MEMORIAL TREE / SHRUB

Please indicate in which of the locations you would prefer your memorial to be placed. Please choose one of the following (all choices are subject to availability of space and site location).

Wheal Jubilee Field

Cemetery

If you wish to place a plaque please complete the memorial plaque application form.

I wish to be present when tree / shrub planted Yes / No

First Name	
Surname	
Address	
Postcode	
Telephone	
Email	

I have read and understood all of the terms and conditions regarding memorials and accept them in their entirety.

Signed : Date :

Print name :

Please return to : The Town Clerk at Padstow Town Council

For office use only	Date
Tree/shrub costings obtained & advised	
Invoice issued	
Invoice paid and receipt number	
Tree/shrub ordered	
Tree/shrub planted	

MEMORIAL PLAQUE ORDER FORM

Please complete and return this form to order a new or replacement plaque

Plaque Details

- The plaques are approximately 5" x 3"
- The plaques are professionally engraved on stainless steel with black text and supplied with fixing holes.

Wording for the plaque – to be approved by the Council

- Up to 35 words
- Write the message how you want it to appear- e.g. UPPER or lower case

Your Details

First Name	
Surname	
Address	
Postcode	
Telephone	
Email	

Please return this form to the office and we will obtain a quote for the plaque – this will include a £20 administration fee plus VAT. Please note the plaques will not be processed until the application has been approved and payment has been received

Signed: _____ Date: / /

Appendix E
Transfer Of Rights

PADSTOW TOWN COUNCIL

Council Offices
Station House
Station Road
Padstow
Cornwall
PL28 8DA

Mrs Kathy Pemberton
Town Clerk
Email: enquiries@padstow-tc.gov.uk
Website: www.padstow-tc.gov.uk
Tel: 01841 532296



Exclusive Rights of Burial

The Deed of Grant of Exclusive Right of Burial is an official document which confirms with the purchaser their right to burial within a defined grave space within the cemetery. There is a popular belief that the grave itself is purchased. In fact, only the rights of burial are purchased and not the land itself, which remains the property of the burial authority.

Padstow Town Council issues new Deeds of Grant of Exclusive Right for a term of 99 years. After the rights have lapsed, grave ownership reverts to the Council and the Council is at liberty to reuse or resell any space remaining.

Alternatively an extension of your EROB can be considered by the Council.

These Exclusive Rights of Burial would be for up to two normal interments within the grave plot. However, when the grave plot is full with respect to normal burials, it may still be utilised for the interment of cremated remains.

It is important to retain the Deed in a secure place, as it is the only legal document held by the owner confirming their entitlement to the burial and memorial rights.

Transfer of Deed of Grant of Exclusive Rights of Burial

If the owner of the Exclusive Rights dies, it is reasonably assumed that they gave permission to have themselves interred in the grave. After this, the Rights become part of their estate and may be left in a Will or assigned by their executors to someone else. If the Rights are not specifically mentioned in the Will, they will form part of the 'residue' of the Will, usually willed as 'and all my other worldly goods' at the end of the Will.

Whoever inherits the Rights will need to contact the Council and arrange for a transfer of ownership before the grave can be opened again. It is not possible to place a new

monument or alter an existing one without the express permission of the owner (Exclusive Right holder).

If probate was obtained we will need to be supplied with a sealed copy of probate for registration, if probate wasn't obtained a Statutory Declaration will need to be completed and witnessed before a Magistrate or a Commissioner for Oaths.

In cases where the owner of the Rights died years ago and the family wish to reuse the grave, there is a need to legally transfer ownership. This may involve seeing copies of Will(s) and / or Grants of Probate. Otherwise there may be a need to make a Statutory Declaration in front of a Commissioner for Oaths, Solicitor or Magistrate. Although the Council can advise of the process and provide specimen paperwork, ownership is the family's responsibility and the Council is unable to accept a booking for an interment unless ownership has been clearly established.

When there is no will

If the owner of the rights dies without leaving a will, we would need to receive a sealed copy of the letters of administration or if these were not issued a statutory declaration by the next of kin will have to be completed and witnessed before a Magistrate or a Commissioner for Oaths.

Exclusive Rights that are no longer required by the Right holder may be surrendered to the council at any time, by writing to the council and returning any deed(s) held.

Change of Address for an Exclusive Right of Burial

Please write to Padstow Town Council to change your address on your Deed of Grant, giving your old and new addresses.

PADSTOW TOWN COUNCIL

Council Offices
 Station House
 Station Road
 PADSTOW
 PL28 8DA
 Tel: 01841 532296

Kathy Pemberton
 Town Clerk
 Email: enquiries@padstow-tc.gov.uk
 Website: www.padstow-tc.gov.uk



Notice of Reservation of Burial Plot

This notice must be delivered to Padstow Town Council, Station House, Station Road, Padstow, PL28 8DA.

Ownership Details – *Please refer to note below
 Full Name(s) & Address(s) (including post code) :

.....

.....

.....

.....

.....

***Note:** The person(s) named above will be registered as the grave owner(s) with the Deed (Exclusive Right of Burial) being made in his/her/their name(s). No memorial may be arranged and no further interment may take place without the signed consent of the grave owner(s). The Exclusive Right of Burial is granted for a period of 99 years from date of purchase.

Full Size Grave – all are earthen	
Single Depth <input type="checkbox"/>	Double Depth <input type="checkbox"/>
<u>Grave Number</u>	Fee Paid: Receipt:
<u>Deed Issued</u>	Notes:

Conditions Covering Memorials – Full Size Graves

1. The whole of the grave space will be turfed flat and mown by Town Council staff.
2. All memorials should be an upright memorial headstone no larger than 3’ in height by 2’ 6” inches in width.
3. Any memorial vase must be incorporated in to the base of the memorial.

Exclusive Right of Burial

Should you wish to transfer ownership of the Deed (Exclusive Right of Burial) please contact the Town Clerk’s office.

Signature(s) :

Date :.....

* Paragraph 38 adopted by Council 28.03.17

