



PADSTOW TOWN COUNCIL

PADSTOW CEMETERY NEWQUAY ROAD PADSTOW

REGULATIONS

Amended: 30 March 2021 and adopted by full Council

Amended: 27 October 2020 and adopted by full Council

Adopted by full Council on 25 March 2021

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 a 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 to Padstow Town Council by way of a completed Padstow Cemetery Notice of Interment, no less than two clear working days before the pre-arranged day of interment and accompanied by the appropriate fees.

9. The application for interment must contain full details of the deceased, the proposed interment, the grave to be used and either the signature of the owner of the Exclusive Right of Burial, or the signature of the person that is arranging the interment, whichever is applicable.

10. Interments may be permitted subject to staff availability on Saturdays, Sundays and Bank Holidays and will incur a surcharge.

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 (the 'green form') or Crematorium, or a Coroners Order for Burial must be delivered to the Council Offices no less than two clear working days before the day of interment.

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 interment.

16. Grave excavation and backfilling will be arranged by the Council. Where this relates to the interment of a body, the Council will instruct an approved contractor. Where this relates to the interment of ashes, the Council will instruct appropriate Council employees but in exceptional circumstances it may instruct an approved contractor. Should this incur any additional fees, the Funeral Director or person arranging the interment will be advised.

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 Exclusive Right of Burial will be required. Where the owner is previously deceased the person or persons arranging the interment 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 must be purchased for new graves 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(s).

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

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

26. The owner of the Exclusive Right of Burial is responsible for informing the Council of any change of address. If a problem occurs with the grave, monument or memorial and the owner of the Exclusive Right of Burial cannot be contacted, the Council has the right to take whatever action is necessary to rectify the matter. If this involves a cost to the Council the owner may be asked to reimburse the sum before the Council allows any further interments in the 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 except where an Exclusive Right of Burial has already been purchased. The Exclusive Right of Burial to graves within the section referred to as the Cemetery Roadside Extension 2020, will only be sold at the time of interment and are not purchasable in advance. Plans showing the grave spaces are kept at the Council offices where they may be seen during the Council's normal office hours.

29. At the expiration of the 99 year period of the Grant of 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 for renewal of the Right should be made within twelve months of the expiry of the previous grant.

Where the 99 year period 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 the option of renewal.

MONUMENTS

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 (owner), or their executor and will be for the unexpired portion of the grant of Exclusive Right of Burial.

31. A monument 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 monuments, 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 Padstow Cemetery Monument 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/s of the Exclusive Right of Burial. Where there is more than one owner, all owners must sign the application. If the owner is 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 seek the owner's authorisation which must be confirmed by the owner's completion of the relevant section of the Monument Application Form. Ownership of the monument or memorial remains with the holder of the Rights and not with the person who may have paid for it; and

(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 Monument Application Form. No work should be undertaken until the Monument 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 Monument 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 monumental mason's name must be clearly but discreetly inscribed on the monument base.

38. The maximum dimensions for monuments including tablets are as follows:

Monumental headstones: A width of 2ft 6" and a height of 3ft.

Cemetery old cremation area: A flat tablet not more than 14" x 9".

Cemetery cremation extension area: The only permitted tablet is 15" x 12" with

integral vase hole in the upper left hand corner.

Kerb memorials: For graves with interments prior to 1974, permission may be granted to replace existing "like for like" kerb memorials. New kerb memorials are not permitted anywhere in the cemetery.

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; and

(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 Town 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 monuments or memorials in its cemetery.

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 monuments and 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 has 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 Resident or Non-Resident rate, the Town Council have defined the term "Resident" in respect of the operation of the scale of charges to include:-

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

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.