



PADSTOW TOWN COUNCIL

Padstow Cemetery Regulations Effective 1 April 2024

All Regulations previously made by the Council are hereby superseded.
The Council reserves the right from time to time to make alterations, additions or amendments to the Rules and Regulations specified herein.

POLICY/PROTOCOL/PROCEDURE

Version	Version 1	Comments	
Approval Date		Responsible Officer	Town Clerk
Committee	LTOS	Approval by	Full Council

VERSION HISTORY

Date	Version	Comments
3 November 2023	NOV 2023 draft	New regulations drafted considered by LTOS 9 November 2023
24 November 2023	NOV 2023 draft v2	Amended as per resolution of LTOS and slight revision as per delegation to Town Clerk in consultation with Chair of LTOS
12 March 2024	Version 1	Updated to reflect changes agreed by LTOS 12 March 2023 following public consultation - min ref LTOS2023/64.

REVIEW RECORD

Date Review initiated	Review undertaken by i.e. officer/ Cttee/Council	Summary of any recommended updates/changes to be made

1. Introduction

- 1.1 Padstow Cemetery is managed and operated by Padstow Town Council. The Town Council welcomes all visitors to the cemetery. Visitors are asked to respect the peace and dignity of these facilities.
- 1.2 The Padstow Town Council Cemetery Regulations apply to all visitors to Padstow Cemetery. Although these regulations are a requirement for the management of the cemetery, the Town Council has made every effort to avoid restricting the rights and choices of individuals, whilst balancing the need to regulate for safe, tidy grounds that provide a reverential space for use by all.
- 1.3 The cemetery operates 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.
- 1.4 **If you have any questions about these regulations or the management of Padstow Cemetery**, please contact the Town Council Offices at:

Padstow Town Council
Station House
Station Road
Padstow
Cornwall
PL28 8DA

Email: enquiries@padstow-tc.gov.uk // Phone: 01841 532 296

Further information about the cemetery, cemetery related application forms, fees and charges can also be found on the Town Council website: <https://padstow-tc.gov.uk/local-services/padstow-cemetery/>

- 1.5 **There will always be issues relating to cemeteries which could bring distress to families, for anyone needing help and advice following the death of a loved one, you may find the following contacts helpful:**

Cruse Bereavement Support

Helpline: 0808 808 1677 // Website: www.cruse.org.uk

This service provides counselling and support for people who have been bereaved.

Cornwall Bereavement Network

www.cornwallbereavementnetwork.org

This website brings together bereavement services from across the county with the aim of making it easier for those who have experienced the death of a loved one to find support and information.

Sands Cornwall (Stillborn and Neonatal Death Charity)

Email: helpline@sands.org.uk

Website: www.facebook.com/CornwallSands

Sands offer support to anyone affected by stillbirth or the loss of a baby.

National helpline: 0808 164 3332

[Contact information updated 12.3.24]

2. Cemetery Grounds

2.1 Padstow Cemetery is located on the B3276 Newquay Road and is open daily from dawn until dusk. Free parking for visitors is provided at the top of the cemetery and access to the graves can be obtained on foot. Vehicles must not be left unattended for long periods of time or left overnight.

2.2 The Town Council reserves the right to:
 a) Close or limit access to the cemetery, or part thereof, when necessary;
 b) Withdraw the use of the cemetery from any person or organisation.

3. Cemetery Layout, Grave Types and Memorial Sizes

3.1 Padstow Cemetery is divided into 7 distinct sections, the layout of the cemetery can be viewed in Appendix 1.

3.2 The permitted grave type is determined by the section of the cemetery in which it is located. The table below sets out which grave type is permitted in each location and the memorial requirements of each.

Cemetery Section (see appendix 1 for map)	Grave Type	Permitted Memorial (see also sections 7. Memorials 8. Defined Memorial Areas – Size and Specific Restrictions 9. Flowers, Tributes and Mementoes On Graves)
<ul style="list-style-type: none"> Cemetery Extension Roadside Extension 2020 	<p>Lawn Grave approximately 8ft long x 3ft wide (2430mm x 910mm) with grassed area level with the ground.</p> <p>Single depth approx. 4ft 6" (1370mm) for 1 burial* Double depth approx. 6ft (1820mm) for 2 burials* *standard coffin sizes.</p> <p>Interment of ashes permitted in virgin plot or following interment of a body.</p>	<ul style="list-style-type: none"> Lawn memorial headstone with defined memorial area for mementoes immediately in front (see section 9) <p>Maximum dimensions of headstone: 2ft 6" wide x 3ft (760mm x 900mm) high</p> <ul style="list-style-type: none"> Cremation plaque, flat tablet not more than 18" wide x 18" deep (450mm x 450mm), to be placed at the head of the grave in the absence of a headstone. Where a headstone is present,

		<p>the plaque can be placed further down the grave to mark the location of the ashes.</p> <ul style="list-style-type: none"> • Desk vase tablet not more than 18" wide x 18" deep (450mm x 450mm) x 4" high sloping to 2" high (100mm sloping to 50mm), to be placed at the head of the grave in the absence of a headstone. Where a headstone is present, the desk vase tablet is to be placed immediately in front of the headstone within the Defined Memorial Area.
<ul style="list-style-type: none"> • Cemetery Cremation Extension Area 	<p>Cremated Remains Grave Plot prepared double depth for 2 standard casket sizes.</p>	<ul style="list-style-type: none"> • Flat tablet, 15" wide x 12" deep (380mm x 300mm) in size with optional integral vase hole in upper left hand corner with defined memorial area for mementoes (see section 9)
<ul style="list-style-type: none"> • Original Cremation Area 	<p>Cremated Remains Grave</p>	<ul style="list-style-type: none"> • Flat tablet not more than 14" wide x 9" deep (350mm x 220mm) with defined memorial area for mementoes (see section 9)
<ul style="list-style-type: none"> • Children's Section • Children's Section [Cemetery Extension Area] 	<p>Lawn Grave Sizes dependant but not more than Lawn Grave sizes as set out for Roadside Extension 2020 and Cemetery Extension</p> <p>Interment of ashes permitted in virgin plot or following interment of a body.</p>	<ul style="list-style-type: none"> • Lawn memorial, cremation plaque and desk vase with Defined Memorial Areas, as set out for Roadside Extension 2020 and Cemetery Extension
<ul style="list-style-type: none"> • Original Section 	<p>Various - graves pre-date regulations. For new burials, only Lawn Graves are permitted, sizes as set out under Roadside Extension 2020 and Cemetery Extension.</p> <p>Interment of ashes permitted in virgin plot or following interment of a body.</p>	<ul style="list-style-type: none"> • For new memorials only a Lawn memorial, cremation plaque and desk vase with Defined Memorial Areas, as set out for Roadside Extension 2020 and Cemetery Extension are permitted. • Where other memorial types have been erected prior to the first inception of the Padstow Cemetery Regulations (2014) e.g kerb memorial and monolith memorial, these may be maintained with like for like replacements or additional inscriptions made. For all graves in this area, the Defined Memorial Area for mementoes

		will be the same as for a Lawn Grave and all other regulations shall apply.
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4. Exclusive Right Of Burial (EROB)

- 4.1 For new graves, a formal Deed of Grant of Exclusive Right of Burial (EROB) must be purchased at the time of the interment. This requires payment of the appropriate fee and completion of the relevant application form, which must include the signature of the proposed owner(s).
- 4.2 To prolong the usable life of the cemetery and ensure burial space for the future, the pre-purchasing of graves in the Roadside Extension 2020 is not permitted.
- 4.3 The purchaser of the EROB will be known as the EROB owner. The Deed of Grant of Exclusive Right of Burial will be granted for a period of 99 years. The number of joint EROB owners will be limited to three.
- 4.4 The cemetery and each grave space within are the property of the Town Council. Ownership of the ground does not, at any time, pass from the control of the Council. Instead, the EROB grants the EROB owner specific Rights to the grave. Subject to the appropriate applications being made and the relevant fees being paid, these rights are to:
 - a) be buried in the grave (subject to space being available);
 - b) authorise burials in the grave (subject to space being available);
 - c) apply for permission to erect a memorial;
 - d) apply for permission to add an additional inscription to a memorial;
 - e) allow objects to be placed on the grave provided that they comply with the Cemetery Regulations, see sections 8 and 9 specifically.
- 4.5 Each registered owner of the EROB may be buried in the grave without the consent of the other EROB owner(s), subject to space being available. In all other circumstances, no burial may take place within a grave, and no memorial may be erected upon a grave, without the written consent of all registered owners.
- 4.6 Where one of the EROB owners passes away, ownership is retained by the remaining two and so on. In these circumstances, where the approval of EROB owners is required in connection with the EROB or grave, a copy of the deceased EROB owner’s death certificate may be required.
- 4.7 It is advisable that once the last EROB owner has been interred within the grave, arrangements are made to transfer the EROB ownership. No further burials, interments of cremated remains, additional inscriptions on memorials, or installation of new memorials will be permitted until entitled ownership has been established.

- 4.8 Possession of the Deed of Grant of Exclusive Right of Burial in itself does not prove ownership of the EROB. The ownership belongs to the purchaser as registered with the Town Council at the time of the sale of the Right or following the registered transfer of ownership.
- 4.9 Where the EROB owner(s) is deceased, the new owner(s) must demonstrate ownership of the grave by producing either:
- a) Sealed Grant of Probate;
 - b) Letters of Administration;
 - c) a valid Will; or
 - d) in the absence of a), b) or c), a completed Statutory Declaration witnessed by a Commissioner of Oaths (please contact the office for more details)
- 4.10 Where the EROB owner(s) wishes to transfer the Right during their lifetime, they may do so by way of a Form of Assignment.
- 4.11 In all circumstances, the transfer of an EROB is only valid if it has been registered and agreed by the Town Council and the appropriate fee paid.
- 4.12 The EROB owner(s) is responsible for informing the Town Council of any change to their personal details such as name and address. Where an issue occurs with a grave or memorial and the EROB owner(s) cannot be contacted, the Council has the right to take any action necessary to rectify the matter. Where this involves a cost to the Council, the EROB owner(s) may be required to repay this before the EROB can be further exercised.
- 4.13 At the expiration of the 99 year period of the Grant of Exclusive Right of Burial, the EROB owner or their heir or successors, will have the option of renewing the Right, subject to any restrictions and regulations as may be in force at that time.

An 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 EROB owner(s), the Town Council may grant a renewed EROB to another person, but before doing so will, where possible, notify the previous EROB owner and give the option of renewal.

5. Interments

- 5.1 All applications for interments must be submitted to Padstow Town Council by way of a completed Padstow Cemetery Notice of Interment Form. The form must be received no less than two clear working days before the pre-arranged day of interment and be accompanied by the appropriate fees.

- 5.2 The Notice of Interment Form must contain full details of the deceased, the proposed interment, the grave to be used and either the signature of the EROB owner(s), or the signature of the person that is arranging the interment, whichever is applicable.
- 5.3 A certificate for disposal (issued by either the Registrar of Births and Deaths or the 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.
- 5.4 The Council shall not be responsible for any discrepancies, errors or omissions in the Notice of Interment Form or other document relating to a funeral. Nor will it be responsible for the consequences arising from any discrepancies, errors or omissions. The Council shall not be responsible for any documents that have not been completed appropriately or in accordance with the law relating to a funeral, nor the delayed receipt of any document which results in the delay of the funeral.
- 5.5 Where a funeral involves the reopening of a purchased grave it may only proceed where sufficient space remains in the grave and one of the following applies:
- a) The written consent of the registered EROB owner(s) is provided on the Notice of Interment Form;
 - b) The funeral is that of a registered EROB owner;
 - c) The EROB has been formally transferred to the person legally entitled to ownership before the funeral taking place as per 4.9.
- 5.6 Interments may be permitted subject to staff availability on Saturdays, Sundays and Bank Holidays and will incur a surcharge.
- 5.7 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.

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.

- 5.8 The Funeral Director or person in charge of the funeral arriving after the appointed time must act under the direction of the Town Council or their authorised person as to when the funeral service may proceed.
- 5.9 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.

When the coffin is in the grave the responsibility of the Funeral Director towards it ceases and that of Padstow Town Council begins.

- 5.10 New graves are allocated in strict rotation within each section of the cemetery except where an EROB has already been purchased. Plans showing the grave spaces are kept at the Council offices where they may be viewed during the Council's normal office hours.
- 5.11 Grave excavation and backfilling will be arranged by the Town 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.

- 5.12 Purchased graves will be initially excavated to the standard depth determined by the Town Council. The Council cannot be held responsible if, due to factors outside their control, the full number of interments in a grave cannot be achieved.
- 5.13 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.
- 5.14 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.
- 5.15 Where any grave is re-opened for the purpose of making another burial therein, no person shall disturb any human remains interred or remove therefrom any soil which is offensive.
- 5.16 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.

6. Cremated Remains

- 6.1 Cremated remains may be interred in a Lawn Grave. After a grave is full, approximately six cremated remains interments may take place, dependent upon the size of the caskets.
- 6.2 The scattering of cremated remains in the grounds of Padstow Cemetery is not permitted. The scattering of ashes within a Lawn Grave or cremation plot is permitted, but once scattered no further interments will be permitted.

7. Memorials

- 7.1 A memorial 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 memorial rests with the EROB Owner(s), or their executor and will be for the unexpired portion of the Deed of Grant of Exclusive Right of Burial.
- 7.2 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 which may be placed immediately, subject to approval.
- 7.3 All works to memorials, including refixing and refurbishment must be carried out under the supervision of a stonemason who is a registered Approved Contractor, a member of the BRAMM and/or NAMM RQMF scheme and in strict accordance with BS8415, the BRAMM Blue Book and/or the NAMM code of practice.
- 7.4 Any contractor working in the cemetery must have public and product liability insurance of at least £5,000,000 and provide the Town Council with supporting paperwork to confirm this on an annual basis.
- 7.5 Applications for approval to place a new memorial in the cemetery, alter or add to any inscription, or replace, add to or remove from the cemetery any memorial, must be submitted to the Town Council on the appropriate Padstow Cemetery Memorial Application Form.

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 memorial, a drawing of the memorial 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 memorial, or any text to be altered or added to any existing memorial, 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 memorial work to be undertaken, who should be the EROB owner(s). 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 Memorial Application Form. Ownership of the 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 memorial mason.
- 7.6 The approval of the Town 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 Memorial 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.
- 7.7 All memorials shall be constructed of granite, marble, slate or other hard natural stone of memorial 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.
- 7.8 For the maximum dimensions for memorials including cremation tablets please refer to section 3.
- 7.9 For graves with kerb memorials erected prior to the first inception of the cemetery regulations (2014), permission may be granted to replace existing "like for like" kerb memorials. New kerb memorials are not permitted anywhere in the cemetery.
- 7.10 Anyone who erects a memorial or who undertakes any memorial work within the cemetery not in compliance with these Regulations, may be compelled to remove the said memorial and pay all costs involved.
- 7.11 All persons employed on behalf of the EROB owner, or their personal representative, to erect any memorial shall carry out their work strictly under the direction of the Council and shall:-
- i. at the cost of the EROB owner(s), 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.

7.12 The Town Council must be informed of the removal of any memorial from the cemetery or of any remedial work to memorials.

7.13 Any person removing a memorial to permit a further interment or to level a grave, shall either remove the same from the cemetery, after informing the Town Council, or place it in a position indicated by the Council.

The EROB owner(s) or their personal representative will ensure that any removed memorial is replaced as soon as possible and will be responsible for any expense.

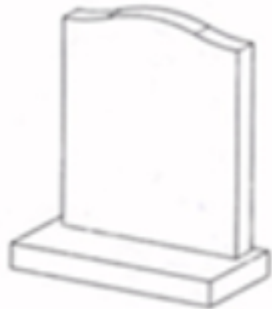
7.14 Any unauthorised memorial shall be removed at the expense of the EROB owner(s) or their personal representative.

8. Defined Memorial Areas, Size And Specific Restrictions

8.1 The Defined Memorial Area is the area of a grave in which flowers, personal planting and mementoes may be placed. The purpose of this area is to enable individuals to personalise grave spaces whilst ensuring that the cemetery can be safely and easily maintained for the mutual benefit of all.

8.2 The size of the Defined Memorial Area differs depending on the grave type. The Defined Memorial Area for each grave type is set out below:

Lawn Grave:



The Defined Memorial Area commences at the base of the headstone and is inclusive of the headstone plinth/base.

The Defined Memorial Area is 18" long (450mm) by a maximum of 2ft wide (600mm). It must not be wider than the headstone and the whole area should be central to the width of the grave space.

Where a Lawn Grave has yet to have a headstone erected, the Defined Memorial Area should be positioned broadly in line with those of neighbouring graves, or as directed by the Council and the same dimensions apply.

Mementoes are welcome in the Defined Memorial Area but must be compliant with the regulations set out in section 9.

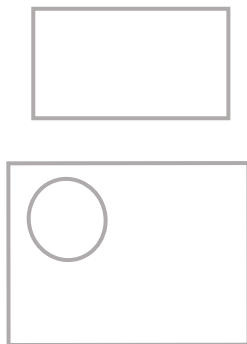
Items within the Defined Memorial Area may be up to 12" (300mm) in height.

Within the Defined Memorial Area seasonal flowers may be planted directly into the ground provided they comply with the regulations in section 9.

Fencing, edging and borders, including border stones, are not permitted around the Defined Memorial area.

Ashes may be interred in a Lawn Grave below the Defined Memorial Area and a flat memorial tablet placed at the interment site, subject to space and the appropriate memorial application being completed and approved, but for the safe maintenance of the grave, memorial items must not be placed on the memorial tablet itself. Instead, items are to be placed in the Defined Memorial Area commencing at the base of the headstone.

Cremated Remains Grave:



The Defined Memorial Area is the whole surface of a cremation tablet. The size of the cremation tablet will depend on the grave's location as outlined in section 3.

Mementoes are welcome in the Defined Memorial Area but must be compliant with the regulations set out in section 9.

Items within the Defined Memorial Area may be up to 12" (300mm) in height.

Plants and flowers in pots are welcome within the Defined Memorial Area provided they comply with the regulations in section 9.

Planting directly in the ground is not permitted.

9. Flowers, Tributes and Mementoes On Graves

- 9.1 Padstow Town Council recognises the importance of memory practices associated with the leaving of objects and mementoes on graves. The Council respects that such practices and the need for them differ for each individual. The following regulations aim to balance these competing needs whilst also considering the safety of the cemetery environment.
- 9.2 For the purpose of these Regulations the terms object, item and memento are interchangeable.
- 9.3 Any object left on a grave space must be placed in the Defined Memorial Area. Without notifying the EROB owner, permitted objects that have

been placed in any other location will be moved to the Defined Memorial Area or, if there is no remaining space, to the Memorial Store (see cemetery map for location). The exception to this will be funeral tributes.

- 9.4 Funeral tributes placed on a grave immediately following a burial may be left on the grave outside of the Defined Memorial Area. If after three weeks from the date of the funeral, items have not been either removed or relocated to the Defined Memorial Area, this will be undertaken by the Town Council.
- 9.5 Impermanent mementoes, vases/receptacles and solar lights that are made of a sturdy, non-fragile material such as metal, plastic or hardstone are permitted. They should be made of a material which does not degrade quickly so as to maintain the visual amenity of the cemetery for other users. For this reason, plastics such as foil banners, helium balloons and soft toys are not permitted.
- 9.6 Solar lights must emit only a soft white light and should preferably be in a lantern style (not topped with a point). The light itself should not exceed 3" by 3" (76mm x76mm) and together with their stand, lantern style lights should not exceed the permitted height of the Defined Memorial Area. Solar lights are limited to one per grave to protect the character of the cemetery and avoid attractions that might encourage undesirable visitors during the hours of darkness.
- 9.7 With the exception of 9.6, objects that are wind, solar, battery or powered in some other way so as to emit light or sound are specifically excluded from the cemetery. This includes windmills. These objects (or a proliferation of such objects) are perceived to have an adverse effect on the character of the cemetery and on the tranquillity that funeral parties and the bereaved expect.
- 9.8 Items made of glass, ceramic and pottery are specifically prohibited as these are a potential hazard to mowers, and when damaged they pose a risk to cemetery workers and visitors.
- 9.9 The planting of shrubs or trees and the keeping of shrubs or trees in pots is not permitted as these will grow to a large size, produce roots which unbalance headstones as well as encroach on other graves and cause additional maintenance and cost.
- 9.10 Due to the risk of fire, candles and open flames are prohibited in the cemetery.
- 9.11 Offerings of food and drink are prohibited.

9.12 The Council reserves the right to remove from any grave space, including from the Defined Memorial Area and without notice, any object whatsoever which:

- a) has deteriorated or become unsightly;
- b) is encroaching on a neighbouring grave space irrespective of any relational link to the neighbouring grave;
- c) does not comply with these regulations;
- d) may cause an offence to others, is dangerous and/or a health and safety risk, or generally unbecoming of a cemetery.

9.13 Any object removed from a grave by the Town Council will be done so in accordance with the Procedure For Managing Regulation Infringements (Padstow Cemetery). A copy of this procedure is appended, it details how infringements will be dealt with including timeframes and storage information.

10. Grounds Maintenance

10.1 The maintenance of the cemetery grounds, including the cutting of all grass areas and the excavation of graves, is the responsibility of the Town Council. To ensure a consistent approach, the Town Council has a set of defined maintenance processes and, where possible, maintains regular scheduling of cemetery maintenance works, however exact timings are determined by weather.

10.2 It is the responsibility of the EROB owner(s) to keep the Defined Memorial Area of a grave space in a tidy condition. In default the Town Council reserves the right to level, topsoil and/or re-seed this area, and in doing so, to remove all items from the defined memorial area.

10.3 In order to excavate or gain access to excavate a grave, it may be necessary to temporarily place plant, equipment and excavated materials on top of adjacent graves. The period during which this may be necessary will be kept to a minimum. Once the burial has been completed, the surface of any adjacent grave affected by the works will be made good.

10.4 When a grave is excavated, it may be necessary to temporarily remove one or more neighbouring memorials to enable access to the grave. In such circumstances, the affected memorial(s) will be replaced immediately following the funeral.

10.5 Following a burial the grave will be backfilled and any floral tributes placed carefully over the grave. The earth used to fill the grave will naturally subside over a period of months and after a reasonable time has elapsed for this to happen the Council shall, in accordance with the Local Authorities Cemeteries Order 1977, cause the surface of the grave to be levelled and properly covered with topsoil and either seeded or turfed,

except for any area covered by any memorial or any Defined Memorial Area that is well kept.

- 10.6 Further subsidence of graves can be expected over time. Annually the team will assess how many graves require topping up/levelling and will arrange for these to be levelled with topsoil, typically in November. Where possible, turf will be removed, the grave levelled and the turf laid back. Where this is not possible graves will be seeded with grass seed when the weather allows, except for any area covered by any memorial or any Defined Memorial Area that is well kept.

11. Health and Safety

- 11.1 All memorials erected in the cemetery remain the property of the EROB owner(s) and are placed in the cemetery at their sole risk. Padstow Town Council shall not be held responsible for any damage or breakage which may occur to a memorial through any cause whatsoever. The Council strongly encourages the insuring of memorials in Padstow Cemetery.
- 11.2 Padstow Town Council holds the legal right to remove any memorial which has become, or is likely to become, dangerous or which is in a derelict or unsightly condition. The Council operates a Memorial Inspection Programme under which all memorials are subject to a minimum 5 yearly inspection in accordance with the Padstow Cemetery Memorial Management Policy.
- 11.3 During the testing process, memorials are assigned one of three categories referred to as C1, C2 and C3. A memorial assigned a C1 category will be considered an immediate danger to the public and immediate action will be taken to significantly reduce or eliminate the identified risk. Action may include cordoning off access to the memorial, installing a stake and band to prevent the memorial falling over, or laying the memorial flat. Full details of the inspection programme, testing process and actions arising from these are set out in the Padstow Cemetery Memorial Management Policy which EROB owners are advised to read. A copy of the policy can be obtained from the Town Council Offices or viewed online at <https://padstow-tc.gov.uk/local-services/padstow-cemetery/>
- 11.4 It is the EROB owner's responsibility to ensure that memorials are kept in a good state of repair and the Council's Memorial Inspection Programme does not negate this.

12. General Rules and Regulations Including Conduct

- 12.1 In accordance with the Local Authorities Cemeteries Order 1977 it is an offence to:
- 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;
 - e) play at any game or sport in a cemetery.
- 12.2 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.
- 12.3 No camping or overnight parking is permitted in the cemetery or car park at any time.
- 12.4 Visitors to the cemetery shall not unreasonably interrupt Town Council employees at their duties, employ them to execute private works within the cemetery, or extend to them any gratuity.
- 12.5 Dogs are permitted within the cemetery but must be kept under strict control and on a short lead at all times. The person in charge of a dog is responsible for cleaning up and appropriately disposing of any fouling that may occur.
- 12.6 Children under the age of 12 must be accompanied and supervised by a responsible adult.
- 12.7 No burial shall take place and no memorial shall be placed in the cemetery, nor shall any additional inscription be made on a memorial, without the prior written consent of the Town Council.
- 12.8 The interment of animal remains including ashes is not permitted.
- 12.9 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.
- 12.10 Padstow Town Council reserves the right to:
- a) amend the Padstow Cemetery Regulations at any time;
 - b) to introduce further regulations as it considers necessary;
 - c) to waive any of the regulations in exceptional circumstances; and
 - d) to impose temporary restrictions on any matters not specifically covered by these regulations.

13. Fees and Charges

- 13.1 Fees and charges for all cemetery services will be determined by Padstow Town Council annually, to take effect from 1 April each year.

13.2 A full list of fees and charges is available on the Town Council website at: <https://padstow-tc.gov.uk/local-services/padstow-cemetery/> and from the Town Council Offices. All fees are payable in advance to Padstow Town Council by BACs payment or cheque.

13.3 In determining whether fees will be chargeable at the Resident or Non-Resident rate, Padstow Town Council defines the term "Resident" to include:

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