PADSTOW TOWN COUNCIL

Procedure For Managing Regulation Infringements – Padstow Cemetery

POLICY/PROTOCOL/PROCEDURE			
Version	Version 1	**Comments**	
Approval Date	26 March 2024	**Responsible Officer**	Town Clerk
Committee	LTOS	**Approval by**	Full Council

VERSION HISTORY		
Date	**Version**	**Comments**
24.11.23	November 2023 draft	New Policy drafted by Assistant Town Clerk/RFO in consultation with Town Clerk and Chair of LTOS as per delegation by LTOS 9 November 2023
12.3.24	Version 1	Considered by LTOS 12 March 2023 following public consultation, final version agreed [No changes made, updated from draft to version and checked for typing errors] - 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 The purpose of this procedure is to define the process for managing infringements of the Padstow Cemetery Regulations in relation to objects left on grave spaces, including cremation plots, in Padstow Cemetery.

1.2 Padstow Town Council recognises the importance of objects and mementoes left on graves and will ensure that any action taken in accordance with this procedure is done so in a sensitive and measured way.

1.3 This procedure should be read in conjunction with the Padstow Cemetery Regulations as a whole. However, the following sections of the Regulations are of particular relevance in relation to the placing of objects/items on a grave:

- Paragraph 3. Cemetery Layout, Grave Types and Memorial sizes
- Paragraph 8. Defined Memorial Areas, Size and Specific Restrictions
- Paragraph 9. Flowers, Tributes and Mementoes On Graves

1.4 A copy of the Padstow Cemetery Regulations can be found online at https://padstow-tc.gov.uk/local-services/padstow-cemetery/. Alternatively, a hard copy can be requested from the Town Council Offices.

1.5 **If you have any questions about the management of regulation infringements, the Padstow Cemetery 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

2. Principles Behind Procedure

2.1 The underlying principles behind this procedure are:

- To ensure equal treatment for all;
- To ensure clarity around what will happen should a Cemetery Regulation infringement occur;
- To ensure Padstow Cemetery is a safe, tidy environment which remains a reverential space for all.

3. Cemetery Management Review (Movement of Objects Including Removal)

3.1 The Council's Foreperson will ensure a Cemetery Review is undertaken approximately every 9 weeks. The review aims to apply the principles behind this procedure by identifying and, where appropriate, removing objects from a grave space, including from the Defined Memorial Area, which infringe on the Padstow Cemetery Regulations.

3.2 A minimum of 2 weeks before the intended Cemetery Review, signage will be placed in Padstow Cemetery and on the Town Council website announcing the date of the review.

3.3 The review will identify the following infringements:

a) Deterioration – the object has deteriorated or become unsightly.
b) Encroachment – the object is encroaching on a neighbouring grave space (irrespective of any relational link to the neighbouring grave).
c) Compliance – the object does not comply with the Regulations.

3.4 Once identified, these infringements will be managed in the following way:

Infringement	Management Of Object(s)
a) Deterioration	If it can be reasonably assumed that the object has reached the end of its intended purpose, e.g a flower arrangement, Christmas Wreath etc, it will be disposed of. In circumstances where this cannot be reasonably assumed, e.g the object is ornamental, broken but not dangerous etc, the item will be placed in the Memorial Store for collection by the object's owner.
b) Encroachment	Where possible, these objects will be relocated to a space within the Defined Memorial Area of the grave space in order to redress the infringement. Where this is not possible, e.g the object is too large, there is a lack of space, the object will be removed and placed in the Memorial Store for collection by its owner.
c) Compliance	Objects which do not comply with the Regulations will be removed and placed in the Memorial Store for collection by the object's owner. The owner of the Exclusive Right of Burial will be contacted to advise them that the item is not compliant and that it has been placed in the Memorial Store. In the first instance, where possible, this contact will be by telephone and followed by a letter or email outlining the same. If the object's noncompliance relates to appropriateness, please see paragraph 4.2.

4. Identifying Infringements And Moving Objects At Other Times

4.1 At any other time outside of the routine Cemetery Management Review, Town Council employees will during the course of their work identify the following infringements:

a) Positioning: the object is outside of the Defined Memorial Area;
b) Appropriateness: the object may cause an offence to others, is dangerous and/or a health and safety risk, or generally unbefitting of a cemetery.
c) Food/Drink: the object is an item of food or drink, sealed or otherwise.

4.2 Once identified, these infringements will be managed in the following way:

Infringement	Management Of Object(s)
a) Positioning	Where possible, objects will be relocated to a space within the Defined Memorial Area in order to redress the infringement. Where this is not possible e.g the object is too large, there is a lack of space, the object will be removed and placed in the Memorial Store for collection or reorganisation by its owner.
b) Appropriateness	Any object identified by a Town Council employee as: • having the potential to cause an offence to others; • dangerous and/or a health and safety risk e.g glass, ceramic, pottery or candles; or • generally unbefitting of a cemetery, will be removed from the grave space and/or Defined Memorial Area, clearly labelled, and stored in a lockable location for collection by appointment. The owner of the Exclusive Right of Burial (EROB) will be contacted to advise them that the item is not compliant and that it has been placed in the Memorial Store. In the first instance, where possible, this contact will be by telephone and followed by a letter or email outlining the same. The EROB owner will be given 3 months in which to collect the item from the Council Offices. Follow up contact will be attempted 6 weeks after the first. If the object is not collected by the given deadline it will be disposed of. In the event of any dispute regarding the appropriateness of an object, the final decision rests with the Town Clerk in consultation with the Chair of the relevant Committee.

c) Food and Drink — Any item of food and drink will be removed and disposed of immediately.

4.3 Funeral tributes placed on a grave immediately following a burial may be left on the grave outside of the Defined Memorial Area and will not immediately be considered an infringement of the Regulations. However, if after 3 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 in accordance with paragraph 4.2. a) positioning.

5. Memorial Store

5.1 Padstow Town Council appreciates that it is often by mistake that infringements of the Regulations occur. The removal of objects found to infringe the Regulations helps to ensure equal treatment for all. The Memorial Store is an area specifically dedicated to the safe, temporary storage of these objects.

5.2 The Memorial Store is located next to the brick built Gordon Dawe Memorial Shelter, midway down the cemetery on the left hand side.

5.3 Objects placed in the Memorial Store by Town Council employees will be clearly labelled. Visitors are welcome to collect from the Memorial Store, without appointment, any item which belongs to them.

5.4 The Town Council will ensure that the Memorial Store is kept in a tidy and respectful condition, as best it can for a public open space. Periodically, the Foreperson will arrange for the Memorial Store to be emptied and items that have not been collected but which have been in the store for 3 months or more will be removed and kept in a lockable location for collection by appointment. These items will be kept for a further 3 months, after which time if they have still not been collected, they will be disposed of. This will be undertaken typically in March, July and November but more frequently if necessitated by a proliferation of items.

5.5 All items left in the cemetery are done so at the owners' risk. The Town Council does not accept responsibility for individual items, including those placed in the Memorial Store.