**Parish of St Mawgan-in-Pydar**

**St Mawgan Burial Ground Regulations**

The Parish Council, as the Burial Ground Authority, has determined certain principles governing the erection of memorials in the Burial Ground, which it believes, are in the best interest of parishioners, to preserve the Burial Ground as a rural place of rest, for their deceased relatives.

The Council is also mindful of its responsibility, to contain maintenance expenditure on the Burial Ground, as a charge upon the Parish.

Fees may be obtained from the Clerk or via the Parish Council website: [www.stmawganparishcouncil.org.uk](http://www.stmawganparishcouncil.org.uk)

The following regulations will therefore apply to graves in the Burial Ground:

1. Proposed memorials and their inscriptions must be submitted to the Clerk to the Council for approval by the Council, before erection. This applies also to additional inscriptions upon existing memorials.
2. To mitigate subsidence problems, the Council will not approve the erection of headstones or kerbs until at least 12 months after interment.
3. Memorials for graves may comprise Headstones, Kerbs or Vases, or any combination of these.

 The Parish Council prefers, that memorials for graves in the Burial Ground, are to be of stone (slate, granite or marble), but if a wooden memorial is particularly desired, this will in principle be approved, provided that it conforms to specific requirements, details of which are available from the Clerk.

1. Memorial Grave Headstones will be vertical.
2. All memorials i.e Headstones and Kerbs must be supplied and fitted by a Monumental Stone Mason. All memorials will be subject to ongoing stability testing in accordance with the Council’s policy and the Council reserves the right to remove any memorial which has become or is likely to become dangerous.
3. All Grave Headstones must be securely fixed onto a plinth and on a foundation, in accordance with the National Memorial Masons Code of Working Practice (NAMM,2001) working to British Standard 8415 (July 2018) with the ground conditions prevalent at the Burial Ground to be taken into consideration.
4. The maintenance of the memorial is the responsibility of the owner. Should the memorial stone become unstable or dilapidated, the Parish Council will contact the next of kin to arrange repairs at owner’s expense. However, if the situation requires urgent response then the Parish Council will lay the unstable stone down for safety and reserves the right to remove the stone for storage off-site for three months only, pending collection, after which it will be disposed of, if unclaimed (see Memorial Policy below).
5. All memorial stones are to be kept in good repair and condition by the owner.
6. Memorials in the Area for Cremated Remains must be erected and confined to polished granite tablets set flush with the ground and measuring 18 ins wide by 12in long. They shall be oriented for reading from the North-East, i.e. from below. The memorial fee is included in the fee for the plot. The fees for memorials are intended to provide a contribution towards the maintenance costs of the Burial Ground occasioned by these memorials, as contrasted with the simple mowing of unmarked graves, in what would otherwise be a lawn cemetery. For this reason, planting of flowers or bushes upon a grave, other than within a kerbstone, cannot be permitted and will be removed.
7. **Owner and Burial Ground contractor’s responsibility for Health and Safety**

 **Using Herbicides Around Memorials**
 To conform with current advice, the Parish Council does not advise the use of herbicide around the bases of memorials. Apart from causing discolouration, which is unsightly, there is a possible risk to the environment and public health.  There is a potential high risk of damage to the natural stonework, as well as causing instability to the stone base/foundation by removal of vegetation, such as grass and its interlocking root system. These exposes and weaken the soil structure as the roots die, and voids will be left both above and under the ground.  The soil will fall into these voids, therefore loosening the stone.

 (National Association of Memorial Masons, Working Practice page 11.section 5.g, 2017) <http://www.namm.org.uk/burialauthorities/information-burial-authorities/>.

1. The Council will not be responsible for any damage to memorials or headstones by storm, wind, lightning, subsidence, acts of third parties or any other cause other than as a direct result of negligence of their employees.
2. Burial in a grave will not confer ownership of land or passing of title to that grave. All rights remain with the Parish Council.
3. These regulations are in addition to any currently enforced by Her Majesty’s Governments, The Home Office or H.M. Coroner within whose jurisdiction the cemetery may lie.
4. These Regulations may be subject to change resulting from government legislation or alterations in Council Policy or changes to working practices and will be reviewed annually.

# Section 15 – General regulations relating to items of memorabilia and Christmas wreaths (all areas of the cemetery)

15.1 All graves and memorials have a Defined Memorial Area (including Cremated Remains).

15.2 On Cremated Remains Tablets only fresh cut and artificial flowers are permitted No other item is permitted on or nearby these graves.

15.5 Only artificial flowers, fresh cut flowers and seasonal flowers in pots are permitted.

15.6 Items placed may not exceed a height of **12 inches** (300 mm).

15.7 The following items are not permitted anywhere within the Cemetery - Any item overlapping or outside the defined memorial area.

Any glass items, including vases.

Food and drink of any kind is not permitted as it attracts vermin.

Helium balloons as these exceed the maximum height permitted for memorials a (see section 6) and when deflated become dangerous to wildlife.

Plastic windmills.

Chippings, pebbles and stones (except within a full kerb set on a traditional grave).

Fencing, edging or borders of any kind around or within a defined memorial space.

Any item deemed to be offensive, dangerous or unbefitting of a cemetery.

15.8 Any such items will be removed by the Burial Officer at their discretion and without the need for prior notice to the Grave Owner.

15.9 It is not permitted to plant shrubs that will grow to a large size, produce roots which unbalance headstones and cause additional maintenance and cost.

15.10 Weathered artificial flowers or mementos (e.g., wet and discoloured soft toys, such as teddy bears) will be removed at the discretion of the Burial Officer.

15.11 Grass cutting and maintenance may not be carried out around plots which do not conform to regulations in terms of size or what is put on and around them.

15.12 The Grave Owner may be liable if items on or around a memorial, which are in breach of regulations, cause injury to persons or damage to machinery.

15.13 It is not permitted to hang any item on trees within the Cemetery as this may damage the tree or and frighten off wildlife.

15.14 Planting (seasonal flowers only) is only permitted within the personal Defined Memorial Area. Planting anything, in any other location is prohibited and the items will be removed at the discretion of the Burial Officer.

15.15 Christmas wreaths may be placed within the Defined Memorial Area during the Christmas period.  These should be removed by 1 February.

15.16 All other Christmas decorations will be removed after 7 January.

15.17 The Parish Council does not accept any encroachment into common areas or on to other graves by any individual(s). Any contravention of this will result in any items found to be outside of the Defined Memorial Area being removed.

15.18 The Parish Council reserves the right to periodically request the removal of all items placed from behind or on memorials, or from trees and shrubs, having initially given the owner of the memorial lease an opportunity to do so themselves. The Grave Owner is required to adhere to this request by the deadline specified in the Notification.   Where no response is received from the Grave Owner by the deadline date, the Parish Council reserves the right to proceed with the removal of items.

15.19 The requirement to give prior notice to the Grave Owner does not apply where the items may cause offence to others, are dangerous, cause a health and safety risk, are unbefitting of a cemetery, encroach on areas where burials or scatterings may have taken place, exceed the defined memorial area, or where planting may grow to an unacceptable size.

15.20  The Parish Council will adhere to the published Enforcement framework ([see Appendix 1](https://www.reading.gov.uk/life-events/deaths/crematorium-and-cemeteries/rules-regulations-and-policies/cemeteries-and-crematorium-regulations/#appendix1)) which details how infringements will be dealt with including time frames and storage information.

**Memorial Policy (as referred to in point 5 above)**

The Parish Council has adopted a risk-based and proportionate approach to managing memorials. The approach is integrated into the Parish Council’s overall burial ground management regime that applies a sensible approach to all risks associated with the operation of the burial environment. Memorials are one of a few relatively low-level risks in the site environment that need careful and sensitive management. The Parish Council recognises that it is not possible to control all risks in such an environment.

To ensure safety of all visitors, all memorials will be checked quarterly by the Parish Clerk.

What takes place:

1. A visual check for obvious signs that a memorial is likely to be unstable.
2. Where a visual check suggests no stability defects, a hand test can help confirm that assessment or identify stability problems – this test involves no tools or equipment and is intended to provide support to the visual checks.
3. Arrangements for more detailed inspections of memorials where the initial inspection identifies significant risk, or example by a memorial mason.
4. Where a memorial is deemed to be unstable it will be laid flat to eliminate risk of injury and a notice will be placed on it and in the St Mawgan Parish Noticeboard advising family members to contact the Clerk for more detail.
5. If family members cannot be located within 3 months the Clerk will try to locate family members via Electoral Records.
6. If family members cannot be located the Parish Council will either leave lain down or remove. This will be decided on stone by stone basis and no precedent will be set.

# Appendix 1

# Framework for enforcement of Rules & Regulations

Introduction

The aim being to maintain the graveyard appropriately and hence, a Public Consultation might identify that customers were keen for the Rules and Regulations to be enforced fairly, consistently and in a timely manner to ensure that the grounds were kept safe and tidy.   The Parish Council might consult widely with residents, memorial owners, families of the bereaved and other stakeholders about amending the Rules and Regulations that apply to St Mawgan-in-Pydar Cemetery.  Revisions were made to give the regulatory framework necessary to ensure a safe and dignified environment for all visitors, which is sympathetic to the landscape.

This Enforcement Framework forms part of the Rules and Regulations as an Appendix.  It makes clear how the Parish Council intends to deal with any infringement of the Regulations and how this will be communicated to the person(s) concerned.

The Parish Council recognises the importance of memorials to families after a bereavement and therefore any action to enforce Regulations will be taken in a sensitive and measured way.

## Principles behind Enforcement Framework

The underlying principles behind the Enforcement Framework are:

to ensure equal treatment for all.

to ensure it is clear to everyone what will happen if Regulations are infringed.

to ensure a safe and dignified environment for all visitors.

## The Enforcement Framework

The Burial Officer will

Prioritise areas of the grounds where the most infringements of Regulations are taking place.

Put up public notices in and near the area to be addressed.

Put up public notices in the village noticeboard.

Public notices will specify the following:

Precisely what area is to be addressed.

Date the notice is put up.

Date the notice period ends.

Defined memorial area where personal items may be placed.

Items that are not allowed.

What will happen to any items infringing the Regulations.

How to contact the Burial Officer.

A notice period of 4-weeks will be specified.

Where records are available and considered to be in date, letters will be sent to all memorial owners in the area to be addressed, clearly stating that any items infringing Rules & Regulations need to be removed within the 4-week notice period.  Information included will be identical to that on the public notices.

After the specified time period has expired any remaining items that infringe regulations will be removed with the utmost care and sensitivity.

Where possible removed items will be put in individual labelled bags and stored for 6 months.

After 6 months, any individual labelled bags of items not collected will be disposed of.

Any plants, trees or shrubs will be labelled and retained for collection where possible.

When it is not possible to remove any plant, tree or shrub without damaging it, it will be disposed of with other green waste at the cemetery.

Any memorial owner with concerns should address these to Burial Officer for Parish Council consideration.

If a memorial owner wishes to make a formal complaint about the removal of personal items, this will be dealt with through the  [Parish Council’s complaint procedure](https://www.reading.gov.uk/contact-us/complaints/corporate-complaints-procedure/).

The above enforcement framework will not apply where items must be removed immediately because they may cause offence to others, are dangerous, cause a health and safety risk, are unbefitting of a cemetery, encroach on areas where burials or scatterings may have taken place, exceed the defined memorial area, or where planting may grow to an unacceptable size.

This policy is in line with guidance from the Ministry of Justice: Managing the safety of burial ground memorials: practical advice for dealing with unstable memorials (2014). <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/326725/safety-burial-grounds.pdf>

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