



REVIEW OF THE CEMETERIES SERVICE

1. INTRODUCTION

- 1.1 The Council is responsible for 7 operational cemeteries within the boundary of the New Forest these are located at;

Eling
Blackfield
Beaulieu
Lymington
Sway
New Milton
Milford Road.

- 1.2 The Council is also responsible for 2 closed cemeteries. These are located at Hythe and at Hordle Cliff and although these cemeteries are closed for burials the Council still has an obligation under law to keep these in good order.

- 1.3 Certain Town and Parish Councils within the District are also Burial Authorities in their own right or have closed cemeteries, which they have an obligation to maintain. These have been identified as:

Ringwood
Fordingbridge
Lyndhurst
Totton
Sopley
Brockenhurst
Woodgreen

- 1.4 The proposed Cemetery Regulations and Memorial Masons Registration Scheme was discussed with members of the Environmental Review Panel on 30th June 2005 who recommended their implementation to the Portfolio Holder for Environment. Subsequent meetings were chaired by the Portfolio Holder for the Environment with both Stone Masons and Undertakers who fully supported the revised regulations and the implementation of a Memorial Mason Registration Scheme.

2. BURIAL CAPACITY

- 2.1 The Council needs to look ahead and have clearly identified plans in place to accommodate the burial needs for the future. The trend information available shows that the ratio of burials compared to cremations is starting to increase. Research has identified that we have sufficient space for many years to come in Milford Road Cemetery. Work now needs to be undertaken to plan for the future at the rest of our cemeteries especially Beaulieu and Blackfield as it is projected that these cemeteries will run out of grave space in 5 -10 years if the current burial trend continues.

- 2.2 Whilst more work needs to be undertaken in identifying the different segregations of burial spaces The Institute of Burial and Crematorium Management are suggesting that all new sites should be left un-consecrated and burial plots should be consecrated on an individual basis if that is what is required by the grant holder. This proposal would give Burial Authorities a greater flexibility in managing burial space. Currently in cemeteries owned by New Forest District Council the only segregated areas, which are left un-consecrated, are for Roman Catholic burials. As part of the study looking into burial capacity allowances need to be made for accommodate other faiths.
- 2.3 With the current cost of purchasing land expected to be around £10,000 per hectare and with the known time delay in finding suitable land and then carrying out the required surveys funding has been made available in the 2007/08 budget for a feasibility study to determine the future needs and locations for burials for the remainder of this century.

3. CEMETERY REGULATIONS

- 3.1 The current Cemetery regulations were approved by the Environmental Services Committee on 1st March 1979 and subsequently amended by the same Committee on 19th January 1995.
- 3.2 Attached at Appendix 1 is a revised draft copy of the cemetery regulations. Detailed below are the key issues and changes that have been identified.
- 3.3 Cemetery Regulation 9 is dedicated to the provision of memorials. Within a cemetery certain areas, which are used for burials, are dedicated as “Lawn Cemetery”. In 9.6 of the Cemetery Regulations it is clear that on these lawn areas the only memorial that can be placed on the grave is a headstone to a specific specification. This issue of lawn cemeteries and the enforcement of this regulation is something that has been raised with the Cemeteries Office on numerous occasions. Currently there are numerous occurrences where this regulation is being ignored and to date no enforcement action has been undertaken.
- 3.4 The reason for “Lawn Areas” is to ease maintenance and improve access for burials and visitors to the Cemetery. Lawn areas also improve access for the elderly, infirm and visitors with disabilities.
- 3.5 It is important that Members fully understand the implications regarding “Lawn Areas” and if this regulation is to be approved how it should be enforced.
- 3.6 Memorial fixing has been acknowledged as a skilled task. Within this draft of the Cemetery Regulations we are requesting that a Memorial Masons register be introduced. The reason behind this is that we can then be assured that any Memorial Mason who works on any Council owned cemetery is properly qualified and has the correct insurance protection. The Council can then also ensure that each Company is fully complying with the Cemetery Regulations. Enclosed in appendix 2 is a draft proposal for a Memorial Masons Registration Scheme.

4. HEADSTONE INSPECTIONS

- 4.1 Memorial maintenance is an area that has traditionally been of low priority to burial authorities. However, following accidents involving memorials, including several fatalities, the Health & Safety Executive (HSE) have made it clear that they hold the Burial Authority responsible for the Health and Safety of a cemetery under the Occupiers Liability Act, and therefore for taking steps to discharge its responsibility towards cemetery users.
- 4.2 For the purposes of clarity the term “memorial” relates to any item placed upon a grave except for cut flowers in an approved vase
- 4.3 The Council understands that anything to do with cemeteries is a very sensitive issue and that any actions we take will possibly be upsetting. However, we do have a responsibility for the health and safety of all users of the cemetery, therefore this action is essential. The HSE have indicated that a full inspection programme should be in place and that appropriate actions are specified that will be taken if a memorial is found to be unsafe. The HSE has also indicated that the initial inspection should be completed as soon as possible.
- 4.4 It is essential that as many different means of informing the public as possible are explored in order to avoid any suggestions of insensitivity and in order to reduce the distress that may be caused. The following actions are proposed to inform people who might have an interest in the cemetery of the need for inspections and the actions to be taken:
- Notices will be placed in the cemetery three months prior to the start of work indicating what will be happening and when.
 - Information will be given to Funeral Directors, Bereavement Counsellors and other organisations that may be a point of contact for the bereaved e.g. charities, churches etc.
 - Articles to be placed in local press and the Council’s web site explaining the reason for the works
- 4.5 It is also necessary to obtain a Faculty from the Diocese of Winchester who insist on notices being displayed in each cemetery for a period of 3 months prior to permission being granted to undertake these works to those memorials erected on consecrated ground within our cemeteries. The diocese has produced a set of guidelines for local authorities to follow.
- 4.6 There are various items of equipment available for testing memorial stability, however the current opinion from organisations such as the Institute of Cemetery and Crematorium Management (ICCM) is that testing by hand by a trained operative is adequate, followed by a more detailed test with a calibrated machine. Testing will need to be carried out by trained operatives or specialised contractors. The inspection will record the following detail:-
- a) Grave Details Grave number, surname and date of first inspection.

- | | | |
|----|-------------------|--|
| b) | Memorial Details | Material (natural stone/reconstituted stone) size (height, width and thickness), type of memorial i.e. headstone, cross, kerb set |
| c) | Visual Assessment | Overall condition (erosion/cracking), are the joints secure, any angle of lean. |
| d) | Foundation | Where possible the type of foundation and its condition need to be assessed. |
| e) | Physical Test | To check whether there is movement of the memorial (memorials should be capable of withstanding the application of a 35kg force). If movement does occur this should be recorded along with the area of movement |
| f) | Calibrated Tester | When memorial is found unsafe to take a reading for records & grave owners. |

4.7 As a general guide, once memorials have had their initial inspection, they will be inspected every five years. However, if a memorial shows signs of deterioration this frequency will be increased accordingly. Records of inspection will need to be retained for at least the last two inspections where the memorial is found to be safe. If the memorial has shown signs of deterioration then all of the inspection records from the time the memorial is first found to be deteriorating should be kept.

4.8 Currently in the New Forest there is no mention in the Cemetery Regulations as to how long the licence to erect a memorial is for, although it has always been understood that these licences run in parallel with the Grave Rights. NAMM (National Assoc. of Memorial Masons) and ICCM (Institute of Cemetery & Crematorium Management) are currently recommending that a memorial is guaranteed for 30 years and permission for the headstone could also be authorised for this period. A reduced period for grave rights (in line with many other Councils in the UK) can also be implemented. Both of these actions would reduce the Council's long term liability, free up potential grave space in the future and bring us in line with industry standards.

4.9 If on inspection a memorial is found to pose a risk to users of the cemetery then action to make it safe **must be** taken as required by the HSE. Depending on the condition of the memorial this can range from warning notices on the memorial up to laying the headstone flat on the grave, or removing the memorial if no other method will remove the risk. It is proposed that if a memorial fails the physical stability test then it should be laid flat on top of the grave with any inscription facing upwards. This may mean that a significant number of memorials are treated in this way, but it is the only immediate solution to the health and safety risk posed by these memorials. It is however intended that some memorials can be made safe during inspection or soon afterwards. Where owners of memorials can be traced then these people will be informed of the Council's action and advised within 28 days.

4.10 It is estimated that to carry out the first phase of the inspection programme would require funding of £25,000 which has been identified in the proposed budget for 2006/07 followed by an annual budget provision of £5,000 per annum to continue the inspections on a 5 yearly programme.

4.11 Members are asked to agree this inspection process.

5. UNAUTHORISED MEMORIALS

5.1 Over the last few years the problem of individuals erecting memorials or adding decorative features/artefacts to graves within New Forest District Council cemeteries, without applying, for a permit has become more of an issue. This problem has been made worse by a lack of clear guidelines as to what is acceptable in the cemetery. These memorials and decorations (glass vases, plastic fences, solar lights etc) pose a serious hazard to the safety of cemetery users, council staff and further undermine what control of memorial safety the Council has, and they are also often in direct contravention of cemetery regulations. Provided below is a suggested procedure of how to address this issue.

5.1.1 The proposal is that first the grave owner is contacted asking them to remove the unauthorised memorial and explaining the reasons for this, information will also be given as to how to obtain an authorised memorial. The grave owner will be requested to take action within one month, if no response or action is forthcoming within that time then the cemetery staff will remove the memorial and take it to a safe store where it will be kept for three months. The grave owner will be informed of why the memorial was removed and will be asked to collect the memorial. If the memorial is not collected after three months then it will be disposed of.

5.1.2 If an unauthorised memorial poses a serious risk e.g. glass, then this will be removed immediately.

5.2 Members are asked to agree this procedure for dealing with unauthorised memorials.

6. ENVIRONMENTAL IMPLICATIONS

8.1 It is important for the Council to continue to move forward with its cemeteries service as although they play a key role and an important service for residents, they also act as informal open space provision.

7. FINANCIAL IMPLICATIONS

7.1 The revenue budget for the 2006/07 will need to be increased by £25,000 if the inspection of memorials is to take place in the next financial year.

8. CRIME AND DISORDER IMPLICATIONS

8.1 None.

9. CONCLUSION

9.1 There needs to be a more detailed review of burial provision district wide, especially in light of the medium term constraints on Blackfield and Beaulieu cemeteries.

9.2 The current cemetery regulations have been reviewed and Members are requested to discuss their acceptance and recommend the appropriate form of enforcement action that needs to be undertaken to ensure that these regulations are complied with.

9.3 That a system for inspecting headstones is adopted subject to the approval of funding and that a procedure is agreed for dealing with unauthorised memorials.

10. PORTFOLIO HOLDER COMMENTS

10.1 The Portfolio Holder will report orally at the meeting.

11. RECOMMENDATION

11.1 That the content of this report, the revised cemetery regulations and the Memorial Mason Registration scheme be approved;

11.2 That the headstone and memorial inspection regime as identified in section 4 be approved; and

11.3 That the procedure for dealing with unauthorised memorials as identified in section 5 be approved.

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Background Papers:

None



CEMETERY REGULATIONS

DRAFT PROPOSAL

COMMERCIAL SERVICES

..... 2006

**THESE REGULATIONS WERE APPROVED BY THE CABINET
COMMITTEE OF THE NEW FOREST DISTRICT COUNCIL ON
..... 2006**

1. INTRODUCTION

- 1.1 New Forest District Council is responsible for seven cemeteries situated at the following locations:

Beaulieu Cemetery, Grindingstone, Beaulieu
Blackfield Cemetery, Exbury Road, Blackfield
Eling Cemetery, Eling Hill, Eling
Lymington Cemetery, Highfield Road, Lymington
Milford Road Cemetery, Milford Road, New Milton
New Milton Cemetery, Gore Road, New Milton
Sway Cemetery, Brighton Road, Sway

- 1.2 The Council's regulations have been formulated to ensure that the cemeteries remain neat and tidy and pose no safety risk to either visitors or operatives. The regulations should be observed at all times.
- 1.3 Any organisation carrying out works within the cemeteries identified in 1.1 above must be registered under the Council's Memorial Masons and Funeral Directors Registration Scheme.
- 1.4 With the exception of some older sections the cemeteries are predominantly 'Lawn Cemeteries'.
- 1.5 No edging stones or plastic ornamental fencing, of any type, are permitted on any grave. The Council reserves the right to remove unauthorised items placed on graves to facilitate grounds maintenance and excavation operations.
- 1.6 Beaulieu and Lymington Cemeteries each have a Chapel in which a service can be held prior to an interment taking place.
- 1.7 Beaulieu, Eling and Milford Road Cemeteries each have an area for woodland burials.
- 1.8 Notices are placed at the entrance to each cemetery with the contact telephone number and address of the Cemetery Office.
- 1.9 Selection of grave spaces, both for interments and for purchase, is subject to the approval of the Director of Commercial Services.
- 1.10 The Director of Commercial Services decision shall be final in all matters relating to the management of the Cemeteries.

2. CEMETERY OFFICE

2.1 Any queries or comments regarding the cemeteries should be sent to:
New Forest District Council, The Cemeteries Office, Commercial Services,
Town Hall, Avenue Road, Lymington, Hampshire SO41 9ZG

Tel: 023 8028 5952 Fax: 023 8028 5755
e.mail: cemeteries@nfdc.gov.uk

2.2 The Cemetery Office will be open for business during the following hours:

Monday to Thursday	08.45 to 17.15 hrs
Friday	08.45 to 16.45 hrs

2.3 The office is not open on Saturdays, Sundays, Christmas Day, Boxing Day, Good Friday or on Public Bank Holidays or any other official holiday or when the Council offices are closed.

2.4 Registers of Burials, and associated plans, are available at the Cemetery Office during normal working hours. Searches of the records may be made, and certified extracts obtained, upon payment of the appropriate fee. The system used to record this information is currently under review in order to provide future access using electronic technology.

2.5 A copy of the current Fees and Charges booklet is available from the Cemetery Office upon request. Details may also be obtained by visiting our web site address www.nfdc.gov.uk, click on Money Matters, click on Related Media. Fees and Charges are then shown as an attachment.

3. ADMISSION TO CEMETERIES

3.1 The cemeteries are open to the public daily.

3.2 Vehicular access is permitted in Eling, Lymington and Sway Cemeteries providing that vehicles travel on the main drives and not across the areas of grass.

3.3 In the interests of safety cyclists are requested to dismount when entering the cemeteries.

3.4 Dogs are permitted within the cemeteries providing they are on a leash and are kept under proper control.

3.5 Visitors are requested to deposit litter and spent flowers in the bins provided.

3.6 All persons shall conduct themselves in a respectful and orderly manner and are reminded of Article 18(1) of The Local Authorities' Cemeteries order 1977 whereby no person shall:

Wilfully create any disturbance in a cemetery;
Commit any nuisance in a cemetery;
Wilfully interfere with any burial taking place in a cemetery;
Wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter; or
Play at any game or sport in a cemetery.

3.7 No person shall interfere with the Council's employees in their duties nor employ them to plant graves or execute any private work whatsoever and employees are not authorised to receive any gratuity.

3.8 Damage caused to any boundary wall, fence, ground, paths, memorial or to any other part of the Cemetery must be repaired to the satisfaction of the Director of Commercial Services by the party causing the damage. Details of these repairs should be submitted in writing to the Director of Commercial Services for approval prior to these works being carried out.

4. HOURS OF INTERMENT

4.1 Burials are permitted Monday to Friday (excluding Christmas Day, Boxing Day, Good Friday or on Public Bank Holidays or any other official holiday). Special provision can be made for interments on a Saturday upon payment of the appropriate fee.

4.2 All burials will take place between:

09.30 hrs - 15.00 hrs throughout the year

5. NOTICE OF INTERMENT

5.1 A provisional booking must be made through the Cemetery Office prior to any burial taking place.

5.2 All Notices of Interment must be completed and signed, where applicable, by the owner of the Exclusive Right of Burial on the forms provided by the Council, and delivered to the Cemetery Office, between the hours of 09.00 and 16.00 Monday to Friday, at least forty eight working hours before the date and time of interment. When the owner of the Exclusive Right of Burial is deceased the executor/nearest relative must arrange for the ownership to be transferred prior to the interment taking place.

5.3 All fees and charges must be paid at the time of application, prior to the interment taking place, in accordance with the scale of fees. All payments to be made to the New Forest District Council.

5.4 The relevant certificate from the Registrar of Births & Deaths, Coroner or Crematorium, must accompany the Notice of Interment. No interment will take place unless the certificate for disposal is produced.

- 5.5 The exact size of the coffin or casket must be given on the Notice of Interment.
- 5.6 If an interment is to take place in a grave for which the Exclusive Right of Burial has been purchased the Grant of Right must be produced. If this is mislaid, a Statutory Declaration or other evidence of such loss satisfactory to the Council is required. In all cases the Grantee/Successor must sign the declaration on the Notice of Interment.
- 5.7 No interment shall take place in a new single depth grave unless the Exclusive Right of Burial for that grave is purchased at the time of the interment. Single depth interments will only be permitted where the Exclusive Right of Burial has not been purchased, if the ground conditions are not suitable for deeper graves.
- 5.8 All double depth graves for which the exclusive Right of Burial has not been purchased at the time of the interment will be known as Unpurchased Graves. New Forest District Council reserves the right to reuse these graves for future interments after a suitable period of time has elapsed.
- 5.9 The option to purchase the Exclusive Right of Burial of an Unpurchased Grave is open to relatives at any time subsequent to the interment and must be exercised before a further interment has taken place in the same grave.

6. EXCLUSIVE RIGHT OF BURIAL

- 6.1 The owner of the Exclusive Right of Burial shall fully comply with the Cemetery Regulations ensuring that the grave is maintained in a safe condition to the satisfaction of the Director of Commercial Services.
- 6.2 The Exclusive Right of Burial for graves can be purchased for a fifty year period. This is renewable at the end of the period upon payment of the appropriate fee.
- 6.3 The Exclusive Right of Burial can be purchased in advance of a burial taking place, at the time of burial or after the date of burial subject to the approval of the Director of Commercial Services.
- 6.4 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. It does not extend to possession of the land, which remains in the ownership of New Forest District Council.
- 6.5 A grave space may not be reserved unless the relevant fee to purchase the Exclusive Right of Burial has been paid in full.

- 6.6 The owner of the Exclusive Right of Burial may transfer the ownership to any other person upon payment of the appropriate fee.
- 6.7 After the death of the owner of the Exclusive Right of Burial the personal representative should produce to the Authority the Grant of Probate, Grant of Letters of Administration or other legal documentation so that the change in ownership can be registered in our records.
- 6.8 The owner of the Exclusive Right of Burial may erect a memorial on a grave space subject to the payment of the appropriate fee and subject to section (9) of the Regulations.
- 6.9 Where no interment has taken place in a purchased grave the Council may agree to repurchase the grave at a fee not exceeding the original purchase price.
- 6.10 Persons interring in unpurchased graves acquire no rights. New Forest District Council reserves the right to re-use these graves for future interments after a suitable period of time has elapsed.

7. EXCAVATION OF GRAVES

- 7.1 Grave spaces for those persons above 12 years of age shall be at least 2400 mm (8') x 1200 mm (4') and for those under 12 years of age at least 1200 mm (4') x 1200 mm (4').
- 7.2 No body shall be buried in a grave so that any part of the coffin is at a depth of less than 900 mm (3') below the level of the ground adjoining the grave.
- 7.3 No body shall be buried in a grave unless the coffin is separated from any other coffin already in that grave by the means of a layer of earth not less than 150 mm (6") thick.
- 7.4 Interment shall only take place in a grave for which the Exclusive Right of Burial has been purchased where the owner has given consent, in writing, to the Director of Commercial Services on the Notice of Interment. Such consent must contain the grave number.
- 7.5 Where any grave is re-opened for the purpose of making another interment no person shall disturb any human remains or remove any soil that may be offensive. After a coffin/container/shroud has been committed to the ground it shall not be removed or otherwise disturbed except for lawful exhumation, by licence and/or faculty, or by the order of a Coroner.
- 7.6 Where a burial has taken place the grave shall be entirely backfilled and made tidy on the day of the funeral and, as soon practicable, be covered with fresh turf. Once the turfing has taken place, turf shall not be removed except for additional interments, exhumations or the placing of authorised headstones. Removal of turf for reasons other than previously stated will

entitle the Council to take steps to recoup the cost of replacing the said turf.

8. SCATTERING OF CREMATED REMAINS

- 8.1 The scattering of cremated remains can only take place with the permission of the registered Exclusive Right of Burial holder and New Forest District Council. The Council's cemetery operatives will remove a small area of turf of a previously purchased grave and the remains will be scattered on this area. The turf will then be replaced over the remains. An ashes plot may also be purchased for this purpose.
- 8.2 A Notice of Interment must be completed, certificate presented and all fees and charges paid before scattering can take place.

9. MEMORIALS

- 9.1 Memorials may be erected on graves only if the Exclusive Right of Burial for the grave has been purchased.
- 9.2 No memorial shall be erected on any grave without the prior approval of the Council.
- 9.3 Application to erect a memorial/cut an additional inscription must be made, in writing, on a form provided by the Cemetery Office and signed by the registered owner of the Exclusive Right of Burial. The form should be submitted with a drawing showing dimensions, proposed inscriptions and a description of the type of materials to be used. Full construction details and fixing, including length and diameter of dowells and diameter and depth of drill holes plus the size of the foundation, should also be included to facilitate all future memorial inspections which the Council are legally obliged to carry out.
- 9.4 The Council reserves the right to exclude any memorial that would in any way disfigure the cemetery or which is considered unsuitable in design. It also reserves the right to refuse any inscription, which it considers may cause offence.
- 9.5 All memorials erected shall be kept in good repair by, and at the expense of, the owner. The Council reserves the right to make safe or remove any memorial that is allowed to fall into disrepair or become unsightly or dangerous. The Council will seek reimbursement from the Grant Holder for the whole of the costs of these works.
- 9.6 Where an area of the cemetery is designated as a Lawn Cemetery, no memorial, other than a headstone not exceeding 1350 mm (4'6") in height, 750mm (2'6") wide and 450mm (1'6") in depth shall be permitted to be

erected. Flower vases must be an integral part of the memorial or, if removable, be placed in line with headstones on adjacent graves.

9.6.1 No flowers or plants are permitted to be planted on graves other than in line adjacent with headstones.

9.6.2 No edging stones or plastic ornamental fencing, of any type, are permitted on any grave.

9.7 Memorials placed within the cremated remains sections must not exceed 550mm (22") in width, 550mm (22") in depth and 450mm (18") in height.

9.8 All memorial headstones erected must, on the reverse of the base, show the tradename (only) of the stonemason/funeral director installing the stone. The lettering used must be 13mm (1/2") uniform height and placed on the left hand side of the base, 150mm (6") above ground level.

9.9 Memorial benches and trees may be purchased from the Council and will be installed/planted, at a location allocated by the Cemetery Officer, on payment of the appropriate fee.

10. FIXING MEMORIALS

10.1 The person responsible for erecting, fixing or transporting the memorial must provide details to the Director of Commercial Services of qualifications together with public liability and professional indemnity insurance. Once these have been received and are to the satisfaction of the Director of Commercial services then this person or company will be entered onto an approved list which will be reviewed annually. The approved person must provide all necessary tools, equipment and labour necessary for that purpose.

10.2 The person responsible for erecting or removing a memorial must remove all surplus earth or debris from site and leave the whole area in a neat and tidy condition. They shall use such means as may be necessary to protect the grass, plants and nearby graves from damage.

10.3 Suitable foundations must be provided in order to prevent memorials from sinking or tilting.

10.4 All memorials erected in the cemetery must comply with BS8415 and the National Association of Memorial Masons Recommended Code of Practice.

11. WOODLAND BURIALS

Where an area of the cemetery is designated by the Council as a woodland burial ground, the following provisions shall apply:-

- 11.1 All graves will be purchased and at single depth. Double graves will be two single graves side by side.
- 11.2 No memorials of any type are permitted (including receptacles for placing flowers) except for the choice of a tree or shrub from a Council pre selected list, which will be supplied and planted by the Council.
- 11.3 The Council will maintain the tree/shrub for the first three years; after this the area will be left to develop naturally.
- 11.4 After an interment graves will be turfed and planted with species of wild flowers or bulbs.
- 11.5 Coffins must be made of a soft wood or other degradable material.
- 11.6 Woodland areas will be managed by the Council for the benefit of wildlife and vegetation.



**MEMORIAL MASONS
AND
FUNERAL DIRECTORS
REGISTRATION**

DRAFT

28 November 2005

NEW FOREST DISTRICT COUNCIL

MEMORIAL MASONS **AND** **FUNERAL DIRECTORS** **REGISTRATION**

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REGISTRATION

1.0 Introduction

- 1.1 Registration aims to establish a uniform standard of workmanship and working practices throughout all of the New Forest District Council's cemeteries and graveyards. Registration will address the standards required by Memorial Masons and Funeral Directors for burials and the installation, repair and maintenance of memorials, both new and existing, insurance cover, health and safety and administrative requirements with a view to producing a common approach at every cemetery or graveyard under the New Forest District Council's management. Through adoption of registration it is the New Forest District Council's intention to identify and promote the best practice of the industry by all registered participants.

2.0 Aims

- 2.1 The New Forest District Council is presently preparing an audit and survey report on the current condition of all Council cemeteries and graveyards. The survey will identify burial capacity and working practices, as well as memorials that require attention to meet Health and Safety requirements, and also establish a routine inspection procedure to ensure that the future condition of cemeteries is monitored. Registration will support this initiative by ensuring that memorial masons and funeral directors working within New Forest District Council cemeteries and graveyards operate to the highest standards of workmanship, competence and customer care. The establishment of Registration will promote partnership working that will encourage formal and informal communication, long-term working relationships, innovation and development initiatives between all registered participants and the New Forest District Council. The New Forest District Council's ultimate objectives are to ensure that their cemeteries and graveyards meet all Health and Safety standards and are safe environments for working in or visiting. Additionally, it is intended that by working together all registered participants will find it easier to comply with the Cemetery Regulations. Registration will reiterate the New Forest District Council's intent that all work carried out for and on behalf of the deceased is of the highest standard.

3.0 Scope of the Scheme

- 3.1 Application for Registration will be available to any memorial mason or funeral director who presently works, or intends to work, within the New Forest District Council's cemeteries or graveyards.
- 3.2 **Following the implementation of Registration those memorial masons and funeral directors who are not registered will not be permitted to work within any cemetery or graveyard under the management of this Council.**

4.0 Administration of the Scheme

- 4.1 The Scheme will be administered on behalf of the New Forest District Council by the Cemeteries and Amenities Officer.

5.0 Requirements of the Scheme

- 5.1 All registered participants will be obliged to adhere to the obligations detailed herein. These are the minimum acceptable requirements of the Council and may be up-dated from time to time at the Council's discretion. Memorial masons and funeral directors are welcome to exceed these requirements.

5.2 Eligibility

- 5.2.1 Memorial masons and funeral directors who have been banned from performing work in any cemetery, **whether in this Council's area or elsewhere** or otherwise disciplined, within **Two Years (2 years)** prior to their application to become a registered participant, may at the Council's discretion, be refused registration. In these instances each case will be considered individually and membership offered, or withheld, at the discretion of the Cemeteries and Amenities Officer. Memorial masons and funeral directors must submit details of any such bans or other disciplinary actions with their application for registration. Failure to disclose details of such bans or disciplinary actions, which subsequently come to the attention of the Cemeteries and Amenities Officer, may result in the immediate expulsion from registration. Furthermore, the Council may consider imposing a further restriction, precluding the memorial masons or funeral directors from applying for re-registration for a further period of up to **Two Years (2 years)**, after which a formal renewal application must be made.

5.3 Insurance Requirements

- 5.3.1 General Risk - Every participant to qualify for registration shall be insured for Public Liability to the value of **Five Million Pounds (£5,000,000)** for any one incident.

5.4 Workmanship, Materials and Construction

- 5.4.1 Every participant shall guarantee each individual memorial in respect of safety and stability for a minimum period of **Ten Years (10 years)**. Memorial masons and funeral directors must issue guarantees for as long a period as possible, up to a maximum of **Thirty Years (30 years)**. All guarantees issued must include an obligation to repair/replace all joints that may fail during the course of the guarantee.
- 5.4.2 All memorial masons and funeral directors upon registering must be able to demonstrate a standard of workmanship, which is acceptable to and approved by the Cemeteries and Amenities Officer. Memorial masons, funeral directors, their staff and anyone instructed to carry out work on their behalf (**PLEASE REFER TO SECTION 13.0**) shall be suitably qualified, experienced and competent to perform all works necessary when arranging and carrying out a funeral and when erecting, dismantling and repairing memorials to meet current industry and statutory Health and Safety requirements and guidelines.
- 5.4.3 The standard achieved for memorial masons and funeral directors will be evidenced by qualifications obtained from an accreditation scheme operated by a recognised industry body, for example the National Association of Memorial Masons (NAMM), although in-house company schemes will be recognised if meeting the required standards. All memorial masons and funeral directors who carry out work to memorials within the cemeteries administered by the New Forest District Council shall be BRAMM registered within 12 months of joining the scheme. A letter detailing the qualification and experience of each contractor should accompany application for Registration and, where available, trade references.

5.5 Registration Scheme Compliance

- 5.5.1 Each memorial mason and funeral director signing the '**Memorial Masons and Funeral Directors Registration**' included in these documents will be deemed to have agreed to comply with the following:

Local Authorities Cemeteries Order 1977
Cemetery Rules and Regulations
NAMM Code of Working Practice (Latest Relevant Edition)
Health and Safety at Work Act 1974
The Council's Safety Policy and Risk Assessment Scheme
Memorial Masons Registration Scheme
The Relevant British Standard
All other relevant statutory requirements.

6.0 Procedures

- 6.1 All burials carried out and memorials installed in Council managed cemeteries and graveyards by registered participants of this Scheme must fully comply with all of the Council's standard administration and operational procedures.

6.2 Application to Carry Out Work Within New Forest District Council Cemeteries

- 6.2.1 All work to be carried out within the Council cemeteries must first be approved by the Cemeteries and Amenities Officer. The Cemeteries and Amenities Officer for all of the cemeteries can be contacted as follows:

Cemeteries Office
New Forest District Council
Town Hall
Avenue Road
Lymington SO41 9ZG

Telephone: 02380 285952
Fax: 02380 285755
E-mail: cemeteries@nfdc.gov.uk

- 6.2.2 Application for Registration must be submitted on Form A1.

6.3 Erection of Memorials/Additional Work to Memorials

- 6.3.1 No work shall be carried out unless the appropriate application has been approved by the Cemeteries and Amenities Officer in writing. **There will be no exceptions to this requirement which must be strictly adhered to.**
- 6.3.2 Following the erection of a memorial it should be noted that it will be subject to inspection at least **every Five Years (5 years)** to ensure Health and Safety requirements are met. Memorial masons and funeral directors should take this into consideration when issuing their Guarantee. Any repairs to / replacement of joints or other parts of the memorial, considered necessary after inspection; shall be notified to the memorial mason or funeral director in writing and all works so notified shall be completed within 28 days of written notification being issued.

7.0 Inspection of Memorials

- 7.1 The Cemeteries and Amenities Officer, or other Council staff, may inspect the erection of a memorial either, as the work proceeds, or shortly after the work is completed. Where work is found to be unacceptable, either because it does not conform to the Recommended Code of Working Practice or for any other reason, the Cemeteries and Amenities Officer will instruct the memorial mason or funeral director to return and rectify the work and ensure that it meets the Council's standards. The standard of works should withstand a combined manual and mechanical test.

8.0 Post Work Inspection

- 8.1 The Cemeteries and Amenities Officer, or other Council staff, may inspect a memorial following erection, or completion of other work, either as part of routine maintenance, or in response to a complaint received from any person. Where work is suspected or identified to be not of the required standard for any reason, the Cemeteries and Amenities Officer may instruct the memorial mason or funeral director to dismantle the memorial in order that compliance with the Scheme's standards, the cemetery regulations and any other standards that the Cemeteries and Amenities Officer might require, can be verified. In the event that work does not meet the required standards the memorial mason or funeral director will re-erect the work to the appropriate standards, the costs of dismantling and re-erection in these circumstances will be the responsibility of the memorial masons or funeral directors. In the event that the work complies with the required standards the costs of dismantling and re-erection will be the responsibility of the Council.
- 8.2 If, for any reason, the memorial mason or funeral director refuses to co-operate following post-work inspections the Cemeteries and Amenities Officer will have the right to employ a third party (a qualified memorial mason registered under the scheme) to perform the work. In these circumstances, whether the work complies, or fails to comply, with the required standards, the costs incurred by the third party in carrying out the work will be the responsibility of the memorial mason or funeral director originally installing the memorial. In the circumstances where there is a refusal to co-operate by a memorial mason or funeral director, they will become eligible for action under the Disciplinary Procedures of the scheme.

9.0 Tendering

- 9.1 From time to time the Council may require tenders to be submitted for a range of memorial work, including inspection, repair, removal and replacement of memorials. Memorial masons and funeral directors registered under this scheme will be eligible for registration on all such lists.

10.0 Disciplinary Procedures

- 10.1 To ensure that the Council standards are maintained and that all registered participants to the Scheme are operating uniformly to these standards the Cemeteries and Amenities Officer will operate a disciplinary procedure which shall be applied fairly to all registered participants.
- 10.2 The disciplinary procedure will operate as follows:

Stage 1: Breach of the Rules or Specification

A breach of the Scheme Rules or Specification will result in a **Written Warning** being issued by the Cemeteries and Amenities Officer. The **Written Warning** shall be maintained on the memorial mason's or funeral

director's record for a period of **Eighteen Months (18 months)** and if no further breach occurs during that period, the warning will then be removed from the record.

Stage 2: Subsequent Breach of the Rules or Specification/Failure to rectify Stage 1 Breach

If, during the 18 month period, imposed by Stage 1, another breach of the Rules or Specification is committed, or the original Stage 1 breach is not rectified timeously, to the satisfaction of the Cemeteries and Amenities Officer, this will result in the issuance of a **Final Written Warning**. A **Final Written Warning** shall be maintained on the memorial mason's or funeral director's record for a period of **Thirty Six Months (36 months)** then, if no further breaches occur during that period, the warning will then be removed from the record.

10.3 Gross Misconduct

10.3.1 Certain circumstances shall be considered **Gross Misconduct** and will not be subject to the above stages of the disciplinary procedure. The Cemeteries and Amenities Officer will decide, at his/her discretion, whether or not an incident constitutes Gross Misconduct.

10.4 Exclusion from Registration

10.4.1 Immediate expulsion from registration will result when memorial masons or funeral directors are found guilty of **Gross Misconduct** or commit a further breach of the Rules or Specification whilst the 36 month term, as described in Stage 2, is in effect. The memorial mason/funeral director will be precluded from applying for re-registration and from carrying out any **work whatsoever** within the Council's cemeteries and graveyards for a period of **two years (2 years)** from the date of expulsion. In instances of exclusion for **Gross Misconduct** the Cemeteries and Amenities Officer may consider advising other local authorities of the circumstances, at their discretion.

10.5 Re-registration following an Exclusion

10.5.1 A memorial mason or funeral director committing any breach of the Rules or Specifications, or an act of Gross Misconduct during the eighteen month period following his/her re-registration following expulsion, may be excluded from Registration for a further period at the discretion of the Cemeteries and Amenities Officer.

10.6 Disciplinary Procedure Appeal

10.6.1 A memorial mason or funeral director not satisfied with the decision made under the Disciplinary Procedures is entitled to appeal against any such decision taken by the Cemeteries and Amenities Officer. Any appeal shall be made in writing and must be submitted within two weeks of the disciplinary decision being notified to the memorial mason or funeral director. Such notification will be in writing and the 2 weeks will run from the date of the decision letter. Any appeal must state the reasons for the appeal and only these reasons will be admissible at the appeal.

10.6.2 Appeals will be heard by the **Assistant Director** or **Director** of Commercial Services.

11.0 Review

11.1 All participants, the memorial masons, funeral directors and the Council, may jointly review the rules, requirements and performance of the Registration Scheme annually. Following the conclusion of a mutual review of the Registration Scheme masons and funeral directors shall be required to re-register for a period of one further year.

12.0 Modifications

12.1 All registered participants may propose amendments to the scheme with a view to positive or innovative improvements. The Cemeteries and Amenities Officer shall conduct an initial appraisal of these proposed modifications and if these proposals appear, in the opinion of the Cemeteries and Amenities Officer, to indicate an improvement to the scheme, they will be forwarded for approval. Any such changes shall be introduced at the next annual registration date

13.0 Assignment

13.1 No aspects or obligations of the Registration agreement may be assigned, subcontracted or transferred to a third party without the approval of the Cemeteries and Amenities Officer, confirmed in writing. In any event such approval will only be given to those individuals / companies / other bodies that are already registered participants of the Scheme.

NOTE

Throughout this document any reference to registered participant should be taken to include any individual / body who have agreed to be bound by the Registration Scheme, their employees, and any other person contracted by them, or instructed by them to carry out works described in the Scheme.