

Dear Member

ENVIRONMENT OVERVIEW AND SCRUTINY PANEL - THURSDAY, 9TH MARCH, 2017

Please find attached, for consideration at the next meeting of the Environment Overview and Scrutiny Panel, taking place on Thursday, 9th March, 2017, the following reports that were unavailable when the agenda was printed.

Please bring this document with you to the meeting.

Agenda No Item

9. **Cemeteries Regulations Review (Report to follow) (Pages 1 - 52)**

To consider revised Regulations for the operation of the Council's Cemeteries and an updated scheme for the Registration of Masons and Funeral Directors.

11. **Housing White Paper (Pages 53 - 60)**

To brief Members on the Government's consultation White Paper.

Yours sincerely

Jan Debnam
Committee Administrator

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ENVIRONMENT OVERVIEW AND SCRUTINY PANEL – 9 MARCH 2017

CEMETERIES REGULATIONS REVIEW

1. PURPOSE OF REPORT

- 1.1 This report proposes the revision of the existing Cemeteries Regulations and Registration Scheme.
- 1.2 The Regulations were last comprehensively reviewed 2010. These Regulations govern the seven open New Forest District Council Cemeteries and cover all aspects of cemetery management.
- 1.3 The opportunity has been taken to review the Funeral Directors and Memorial Masons Registration Scheme. This is the first revision since its establishment in 2006. This review reinforces and aligns the requirements of the registration scheme to be consonant with the proposed new Regulations.
- 1.3 The Regulations and Registration Scheme has been drafted in partnership with the Cemeteries Task and Finish Group. The proposed documents attached to this report (if approved) will pass forwards to the Cabinet for approval.

2. BACKGROUND

- 2.1 The Cemeteries Regulations all cemeteries and have some bespoke rules for individual sites.
- 2.2 This review aims to harmonise individual requirements into one document, to aid the bereaved family, Funeral Directors and Stonemasons, especially when selecting an appropriate grave or memorial. This assists with this Council's administration and management, closes loop-holes, and manages expectations, while working within the resources available.
- 2.4 The Registration Scheme sets out the required common working practices by contractors (Funeral Directors and Stonemasons) working in New Forest District Council Cemeteries. These contractors are engaged by the holders of Exclusive Rights of Burial or family, however there is a need to ensure they work in a safe and respectful manner in these public open spaces. In common with many authorities, New Forest District Council stipulates that any Funeral Directors or Memorial Masons wishing to work in our cemeteries is registered. Registration includes the submission of a copy of their insurance; proof of industry qualifications; sets our minimum standards; and the discipline procedure in cases of poor or unsafe practice.
- 2.4 Recommendations from industry bodies (such as the Institute of Cemetery and Crematorium Management (ICCM)) have been incorporated. This revision brings New Forest District Council on a similar approach to other authorities.

3. PROPOSALS WITHIN NEW REGULATIONS & REGISTRATION SCHEME

3.1 The following changes have been incorporated:

Cemetery Regulations:

- Revision of format and language to make them more readable and engaging
- Adjustment to the definition of child to include “Under 18s”. Previously teenagers were charged at adult rate and a child was classed as under 12.
- Clarification on the definition of a “resident” (para 4.1);
- Creation of flowcharts (Appendix 1) to assist the reader.
- Revision of the administration for internment and the installation of memorials, including placing emphasis on the Funeral Director or Stonemason to provide a copy of New Forest District Council’s Regulations to their client.
- Clarification of when two plots are required (para 5.2.6)
- A small increase in cremated memorial permitted height (para 0.3.4) from 450mm to 550mm following industry practices and allowing standard designs to be used.
- Clarification on memorabilia, including glass items, to reduce safety hazards to visitors and this Council’s maintenance staff.
- The inclusion of Calshot (following receipt of planning approval for new cemetery)
-

Funeral Directors and Memorial Masons Registration Scheme:

- Emphasis on the member’s responsibility to advise and manage customer expectations within the Regulations – avoiding speculative applications or unrealistic expectations being formed and resulting in distress when these are declined.
- Emphasis that the member is responsible for ensuring that applications are accompanied by the necessary legal paperwork and their new insurance certificates, to assist administration.
- Inclusion of examples of behaviour which could lead to exclusion from the scheme, such as bringing New Forest District Council into disrepute.
- The revision of job titles, following previous organisation restructures.

3.2 This proposal brings no additional resource requirement to the establishment; and it is believed that any additional costs can be absorbed within current budgets.

3.3 The existing Cemeteries Administration team is fit for purpose, with additional responsibilities being incorporated into Job Descriptions, to be reviewed through the normal process. The team will report directly to the Open Spaces Officer in partnership with the Open Spaces Manager.

3.4 These drafted documents have been sent out for consultation as follows:

- The Task and Finish Group have reviewed
- Five industry consultees (the most common users) have been sent copies and their comments invited
- New Forest District Council’s Legal Service have been consulted

5. FINANCIAL IMPLICATIONS

- 5.1 The clarification of who should pay resident/non-resident fees has financial implications as residents receive a 50% discount on the listed New Forest District Council fees and charges.
 - 5.1.1 Non-residents account for approximately 15% of internments carried out during 2015-6. Thirty nine non-resident internments within New Forest District Council's cemeteries, compared to 250 resident internments undertaken. Of the 15% non-residents the proposed changes will only affect approximately 10% this equates to £2,000 loss of fee income compared to if they had been non-residents
 - 5.1.2 There have been three internments of teenagers, which have been charged at adult rate since 2012. This equates to £550 pa. This change will therefore have minimal financial implications and assist grieving families.
 - 5.1.3 The 2017-8 review of fees and charges covers the shortfall outlined in paragraphs 5.1.1 and 5.1.2, and the Cemeteries budget is expected to break-even.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 None

7. CRIME & DISORDER IMPLICATIONS

- 7.1 None

8. EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 The adoption of the new regulations will avoid age discrimination of teenagers (see paragraph 5.1.2).

9. RECOMMENDATION

- 9.1 That Environment Overview and Scrutiny Panel approve attached regulations for submission to the Cabinet.

For further information contact:

Steve Jones,
Open Spaces Service Manager
Tel: 023 8028 5588
E-mail: steve.jones@nfdc.gov.uk

Background Papers:

Attached

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CEMETERY REGULATIONS

Draft – Version 007

April 2017

Revision date due 2022

Email cemeteries@nfdc.gov.uk

Cemeteries Office, Town Hall, Avenue Road,
Lymington, Hampshire, SO41 9ZG

Telephone 023 8028 5952 **Fax** 023 8028 5755

www.newforest.gov.uk

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2 Definition of Terms

Application - A request made on the Council's prescribed form.

The Council - New Forest District Council.

Cemeteries - All cemeteries coming under the control of New Forest District Council and as identified at Section 5.1 below.

Cemeteries Service or Office - The Council department responsible administering and maintaining the Cemeteries for both burial and the interment of ashes.

Cemeteries Representative: Is any member of staff appointed by the Council Service Manager to carry out Cemeteries administration or supervision work on behalf of the Council.

Exclusive Right of Burial (EROB) - An agreement between the Council and the elected Holder(s) / Owner(s) of an interment plot giving them the Right to open the plot and install a memorial stone. The terms *Holder(s)* and *Owner(s)* relating to the Exclusive Right of Burial will be used interchangeably within these Regulations.

Owner(s) / Holder(s) of an Exclusive Right of Burial – All Owners / Holders are elected upon Purchase of the interment plot or during Transfer of Exclusive Rights. During the interment plot Ownership of Rights tenure, changes in Ownership are permissible through Assignment of Rights.

Exclusive Right of Burial Deed of Grant – The legal document which records the purchase of the Exclusive Right of Burial, lists the Deed of Grant unique number, the Holder(s) / Owner(s) and interment plot details.

Transfer of Exclusive Right of Burial – The act of transferring the Exclusive Right of Burial for the remaining years on the Deed of Grant when the Holder of the Exclusive Right of Burial is deceased.

Assignment of Exclusive Right of Burial - The act of assigning the Exclusive Right of Burial for the remaining years on the Deed of Grant upon instruction from the Holder(s) / Owner(s) of the Exclusive Right of Burial. Assignment of Exclusive Right of Burial also applies to Transfers when clarifying proposed elected new Holder(s) / Owner(s).

Statutory Declaration – A Statutory Declaration is a written statement of fact that is signed in the presence of a Solicitor or a Commissioner for Oaths. The Council's Cemeteries Service uses Statutory Declarations with EROB Transfer cases and other instances requiring a prescribed declaration.

Interment – The act of burying within a burial or a cremated remains plot.

Family Organised Interment – A burial or cremated remains interment organised directly through the Cemeteries Office.

Interment plot – An interment plot is a space assigned for burial and / or cremated remains.

Burial Plot – A burial plot is assigned for burial and cremated remains. A burial plot is also known as a grave. Both terms will be used interchangeably within these Regulations.

Cremated Remains Plot – An interment plot assigned for cremated remains only.

Woodland Grave - An interment plot assigned for burial and / or cremated remains located within the Woodland Section of a cemetery.

Common Grave – A common grave is a burial plot which has not been purchased upon or after interment.

Statutory Inspection - Statutory Inspections involve the testing of memorials to assess their safety and risk level. . The inspection process is also known as topple testing. Mandatory inspections are periodically carried out by the Cemeteries Service, in line with the recommendations stated in *Article 16.1 of The Local Authorities' Cemeteries Order 1977*.

Memorial Masons and Funeral Directors Registration Scheme – Memorial Masons and Funeral Directors who are Registered with the Council permitting them to undertake works within the Cemeteries. A list of the Registered Memorial Masons and Funeral Directors are available on the Cemeteries Service website or can be requested from the Cemeteries Office.

Memorial Bench Donation – Individuals are able to donate a memorial bench to memorialise a loved one who has been interred within the chosen cemetery.

Memorial – A memorial is a permanent, fixed, typically inscribed, structure used to memorialise the person(s) interred. Memorials permitted may include memorial headstones, kerb-sets and integrated floral tributes. All memorial installations are subject to Application and approval.

Memorial Application - A request to install a memorial at one of the Cemeteries; made on one the Council's prescribed application form.

Memorabilia – Memorabilia are portable commemorative objects which are not fixed to the main interment plot's memorial. Memorabilia are not subject to Application; however, only authorised memorabilia are permitted (see 10.3).

Selection Fee – Selection Fee applies to all newly purchased graves and woodland cremated remains plots if the next in line plot is not the preferred choice and an alternative is purchased. A Selection Fee does not apply to specifically chosen cremated remains plots (see 8.2.2).

Dependent living needs – An individual who needs care and assistance is classified as having dependant living needs.

Independent living needs – An individual who is able to care for themselves is classified as having independent living needs.

BRAMM - British Register of Accredited Memorial Masons Scheme is a network of nationally accredited businesses and registered fixers.

NAMM – National Association of Memorial Masons Scheme is a network of nationally accredited businesses and registered fixers.

3 Introduction

The following Cemetery Regulations are intended for all parties with an affiliation with the Cemeteries Service and the Cemeteries.

The Cemeteries Service administers and maintains cemeteries for both burial and the interment of ashes.

The New Forest District Council Cemetery Office is committed to providing an excellent customer service to the bereaved. The Service includes:

Interment bookings;

Memorial applications;

Purchase and Legal Transfer of the Exclusive Right of Burial; and

Enquiries relating to all Cemeteries which are administered by the Council.

The Service of Interment includes the administration for the booking of the interment, the preparation and completion of the interment at the time of committal, and the maintenance of statutory registers and records post interment.

There are no restrictions on who can be interred within the Cemeteries provided by this Council, however, the Council implement a 50% discount for New Forest Residents for all Cemeteries Service fees. See 4.1 for further clarification.

The Council Regulations have been formulated to ensure the Cemeteries remain well maintained and pose no safety risk to either visitors or operatives. The Regulations should therefore, be observed at all times.

The Service Manager's decision shall be final in all matters relating to the management of the Cemeteries.

3.1 Contact Details

For Cemeteries enquiries, please contact the Cemeteries Office by email at cemeteries@nfdc.gov.uk. You may also contact the Office on 023 8028 5952 or fax 023 8028 5755.

The Cemeteries Office will be open for business as per the times published on the Cemeteries website.

The Cemeteries Office is not open on Saturdays, Sundays, Christmas Day, Boxing Day, Good Friday, Public Bank Holidays or any other day when the Council Offices are closed.

Information notice boards are placed at the entrance to each Cemetery with the contact email address, telephone number and address of the Cemeteries Office.

4 General Regulations

These Regulations are in addition to the provisions presented in *the Local Authorities Cemeteries Order 1977* and any other appropriate Regulations currently in force.

4.1. Fees

A copy of the current Fees and Charges is available from the New Forest District Council Cemeteries Service website www.nfdc.gov.uk. Details may also be obtained by contacting the Cemeteries Office during the Office opening hours. Please see 3.1 for contact details.

Fees and Charges for the Cemeteries Service will be determined by the Council annually and will take effect from 1 April each year.

Fees and Charges are payable in advance. The Council does not currently provide a payment plan service.

4.1.1 Purchase of Exclusive Right of Burial

See 12.1 for Fees and Charges Flow Chart

Resident fees apply to:

A current resident of the New Forest District;

A non-resident Purchase of an Exclusive Right of Burial for a resident of the New Forest;

A previous resident who has relocated due to dependent living needs; and

A previous resident who has relocated due to independent living needs, but lived in the District for at least 10 years prior to relocation.

Non-resident fees apply to:

A non-resident of the New Forest District; and

A previous resident who has relocated due to independent living needs and lived in the District for less than 10 years.

4.1.2 Interment Fees

See 12.2 and Appendix 1b for Fees and Charges Flow Chart

Resident fees apply to:

A current resident of the New Forest District;

A previous resident who has relocated due to dependent living needs;

A previous resident who has relocated due to independent living needs, but lived in the District for at least 10 years prior to relocation; and

A purchased a burial or cremated remains plot as a resident.

Non-resident fees apply to:

A non-resident of the New Forest District; and

A previous resident who has relocated due to independent living needs, and lived in the District for less than 10 years.

Under exceptional circumstances, the Council reserves the Right to implement Resident fees to *non-residents*. All decisions will be final and are at the discretion of the Service Manager.

Proof of residency is required to support Resident Fees claims and need to be submitted with all Application requests. In cases where proof of residency is unattainable, a Statutory Declaration for Proof of Residency must be completed; otherwise Non-Resident Fees will be incurred.

5 Cemeteries

The Council's Cemetery Regulations form the basis for the management and administration of the Cemeteries and are designed to ensure a safe and pleasant environment and provide information to visitors and Exclusive Right of Burial Holders.

Information notice boards are placed at the entrance of the Cemeteries which contain cemetery management and maintenance notices, cemetery section maps and latest news updates.

In its management of the Cemeteries the Council will give consideration to wildlife and vegetation.

5.1 The Cemeteries

The following Regulations shall apply to all the Cemeteries under the administration of the Council, and are sited at the following locations:

Beaulieu Cemetery, Grindingstone, Lodge Lane, Beaulieu, SO42 7XP

Blackfield Cemetery, Exbury Road, Blackfield, SO45 1XE

Calshot Cemetery, Calshot Road, Calshot, SO45 1BP

Eling Cemetery, Eling Hill, Eling, SO40 9HE

Lymington Cemetery, Highfield Road, Lymington, SO41 9JL

Milford Road Cemetery, Milford Road, New Milton, BH25 6PN

New Milton Cemetery, Gore Road, New Milton, BH25 6RR

Sway Cemetery, Brighton Road, Sway, SO41 6EB

These Regulations also apply to the closed cemeteries currently maintained by the Council. The Council is responsible for the maintenance of the grounds, trees and boundaries, and is required to undertake statutory inspections and testing of memorials.

Beaulieu, Calshot and Lymington Cemeteries each have a small chapel in which a service can be held prior to an interment taking place.

Beaulieu, Calshot, Eling and Milford Road Cemeteries each have a Woodland Section which has provision for both burial and cremated remains plots.

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

5.2 Cemetery Sections

5.2.1 Lawn Section

With the exception of some older sections, the Cemeteries are predominantly organised as *Lawn Cemeteries*. The Lawn Sections are designed on the War Grave principle; with a memorial stone of a standard size at the head of the grave leaving the remainder of the grave laid to lawn. Floral tributes may be placed in the area immediately in front of the permitted memorial stone, but not exceeding 400mm beyond the base of the memorial. For a more detailed memorial description see 10.3.1.

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to remove the memorial headstone to facilitate any subsequent interment within the purchased burial plot and to meet the costs for its removal and replacement. Applications must be made in writing to the Council when re-erecting amended memorial headstones. See 10.2.1 for more information.

In designated Lawn Sections, no memorabilia, edging stones or ornamental fencing of any type, is permitted on any grave. For a more detailed memorabilia description see 11.1.

Lawn Section burial plots, may provide space for two burials, at double and single depth, six subsequent interments of cremated remains in caskets and a further six scatterings of ashes below ground (without caskets).

All graves will be dug at double depth if achievable. Single depth new graves will be dug if a double depth is not achievable or if specifically requested at time of booking.

5.2.2 Cremated Remains Section

Authorised memorial stones are only permitted to be installed in this section. For a more detailed memorial description see 10.3.4.

A cremated remains plot may provide space for four interments of cremated remains in caskets and a further two scatterings of ashes below ground (without caskets).

To ensure the optimum number of cremated remains interments, casket dimensions should not exceed 9 inches (220mm) in height, 13 inches (330mm) in length and 9 inches (220mm) in width.

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to remove the memorial stone to facilitate any subsequent interment within the purchased cremated remains plot and incur charges for its removal and replacement. Applications must be made in writing to the Council when re-erecting amended memorial stones See 10.2.1 for more information.

5.2.3 Woodland Section

Woodland burial and cremated remains plots are available in all Woodland Sections.

In keeping with the ethos of woodland burial grounds, memorials and items of memorabilia are restricted to a memorial plaque mounted on a plinth with a cut flower container. Subsequent memorial plaques will be mounted on the plinth of the first interment.

The Woodland Section comprises designated burial plots with a predefined memorial tree, a memorial shrub or bulbs.

Memorial plants are to be purchased through New Forest District Council at time of Interment. Designated bulb burial plots and cremated remains plots are also available within the Woodland Section.

The Council's planting schemes for the Woodland Sections schemes have been predesigned to achieve memorial plant longevity and to engender a natural woodland setting. No further planting is permitted within Woodland Sections. For a more detailed memorial description see 10.3.5.

Woodland Section burial plots may provide space for a single depth burial, six subsequent interments of cremated remains in caskets and a further six scatterings of ashes below ground (without caskets).

Woodland Section cremated remains plots may provide space for twelve interments of cremated remains in caskets, six at double depth and six at single depth, and a further six scatterings of ashes below ground (without caskets).

Coffins and caskets within the Woodland Section must only be made from a biodegradable material such as wood, cardboard, shroud, wicker, bamboo and similar. No plastic, which includes the handles, or veneer is permitted. For further information, please see *Natural Burial Grounds, Guidance for Operators* issued by the Ministry of Justice (2009). Embalming or the utilisation of other non-environmentally safe substances is not permitted for Woodland burials.

5.2.4 Baby and Children's Sections.

These sections are for babies and children only. For a more detailed memorial description see 10.3.2.

The length of Baby and Children's burial plots will not exceed 4 feet (1220mm).

5.2.5 Traditional / Romany Gypsy / Travellers Section

Conventionally located within the older areas of the Cemeteries, these sections permit the authorised installation of traditional memorial stones and kerb-sets.

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to remove the kerb-set to facilitate any subsequent interment within the purchased burial plot and to meet the costs for its removal and replacement. Applications must be made in writing to the Council when re-erecting amended memorial headstones See 10.2.1 for more information.

Romany Gypsy and Travellers Burial Sections are available within specific cemeteries; these sections permit the authorised installation of traditional memorial stones and kerb-sets. For a more detailed memorial description see 10.3.3.

Traditional / Romany Gypsy / Travellers Section burial plots may provide space for two burials at double and single depth, six subsequent interments of cremated remains in caskets and a further six scatterings of ashes below ground (without caskets).

5.2.6 Burial Plots Requiring 2 Grave Spaces Section

These Sections consist of burial plots requiring 2 grave spaces to allow for the Interment of uncoffined burials, coffins which exceed the standard burial plot capacity or any other Interment which requires a non-standard burial plot.

A memorial stone of a standard size at the head of the grave leaving the remainder of the grave laid to lawn is permitted. Floral tributes may be placed in the area immediately in front of the permitted memorial stone, but not exceeding 400mm beyond the base of the memorial. For a more detailed memorial description see 10.3.

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to remove the memorial headstone to facilitate any subsequent interment within the purchased burial plot and meet the costs for its removal and replacement. Applications must be made in writing to the Council when re-erecting amended memorial headstones See 10.2.1 for more information.

No memorabilia, edging stones or ornamental fencing of any type, is permitted on any grave. For a more detailed memorabilia description see 11.1.

Burial Plots Requiring two Grave Spaces Section burial plots, may provide space for two burials at double and single depth, and if required, six subsequent interments of cremated remains in caskets and a further six scatterings of ashes below ground (without caskets).

5.2.7 Scattering of Ashes Section

Ashes may be scattered above ground within the designated area of the Memorial Garden, Blackfield Cemetery.

In keeping with the ethos of the section, items of memorabilia are restricted to a memorial plaque mounted on the memorial rail within the scattering area

6 Management of the Cemeteries

6.1 Cemetery Operation

Cemeteries maintenance operation which includes grass cutting, landscape planting management, the upkeep of flower beds and borders and any other routine cemetery grounds work, will be carried out by the Council, at a frequency determined by the Council and subject to weather conditions.

The Cemeteries Service will endeavour to reinstate all newly excavated burial plots after an Interment, subject to weather conditions and to the season appropriate for these works being undertaken.

The reinstatement of burial plots within Lawn Sections shall include the levelling and seeding or turfing the grave surface.

The reinstatement of burial plots within Woodland Sections shall include the levelling and seeding or turfing the grave surface with the inclusion of bulb planting.

The Council reserves the Right to disconnect the water supply during the winter months to avoid the freezing and burst pipes, or when the tap is defective and requires remedial works.

The Council reserves the Right to change the appearance of any of the Cemeteries as part of the Council routine cemeteries maintenance operations and development schemes.

6.2 Admission to the Cemeteries

All persons shall conduct themselves in a respectful and orderly manner and are reminded of *Article 18.1, Offences in Cemeteries, of The Local Authorities' Cemeteries Order 1977* whereby

No person shall:

- a) wilfully create any disturbance in a cemetery;*
- b) commit any nuisance in a cemetery;*
- c) wilfully interfere with any burial taking place in a cemetery;*
- d) wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter; or*
- e) play at any game or sport in a cemetery.*

All persons contravening any of the above provisions *shall be liable on summary conviction to a fine not exceeding £100 and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after conviction therefor (Article 19, Penalties, of the The Local Authorities' Cemeteries Order 1977).*

The Cemeteries are open to the public daily; local restrictions to pedestrian access may apply.

The Council reserves the Right to temporarily close public access to the Cemeteries or any part of a cemetery at any time without notice.

On sites that have vehicular access (see 5.1), a speed limit of 5mph is in operation in all the Cemeteries and applies to all modes of transport without exemption. No vehicle is to be left in a position so as to cause an obstruction to pedestrians or other traffic.

All persons entering the Council Cemeteries do so at their own risk. The Council shall not be liable (except in respect of personal injury or the death of a person caused by the Council's negligence) for any loss, injury or damage sustained regardless of the form of action, whether in contract, tort (including negligence and breach of statutory duty), strict liability or otherwise.

In the interest of safety, cyclists are requested to keep to the main pathways.

Dogs are permitted within the Cemeteries providing they are on a lead and are kept under proper control at all times. All dog fouling must be removed immediately in the appropriate manner and disposed of in the bins provided.

Visitors are requested to deposit litter, spent flowers and other unwanted items in the bins provided.

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 Service Manager by the party causing the damage. Details of these repairs should be submitted in writing to the Service Manager for approval prior to these works being carried out.

No person shall interfere with the Council employees in their duties nor seek to employ them to plant graves or execute any private work whatsoever.

All enquiries, complaints and requests by members of the public should be made to the Cemeteries Office.

7 Administration for Interment

Completion and submission of a Notice of Interment form is mandatory with all interment and scatterings of cremated remains within all the Cemeteries.

Unauthorised scattering of ashes is not permitted. Prior to the scattering of any ashes, permission from the Cemeteries Office should first be sought by completion and submission of a Notice of Interment form.

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 should be made to the New Forest District Council.

The Council reserves the Right to charge a fee for cancelled or postponed Interments.

7.1 Booking an Interment

A provisional telephone booking must be made through the Cemeteries Office prior to the submission of any formal papers and / or payment of fees, to ensure the requested date and time is available.

To secure Interment bookings, the Council's Notice of Interment form must be completed in full and signed, by all the Owners of the Exclusive Right of Burial or the Applicant(s) for the Exclusive Right of Burial. Completed forms, together with Certificates for Interment and payment, need to be received by the Cemetery Office at least 2 working days prior to the Interment date.

In all cases the Grantee(s) or Successor(s) must sign the declaration on the Notice of Interment form to agree to comply with these Cemetery Regulations.

No paperwork is to be handed to the Council's Cemeteries Team on the day of Interment.

Notice of Interment and relevant forms and information are available on the Cemeteries website. Further advice and assistance on this procedure can be obtained by contacting the Cemeteries Office during Office hours or by email.

The Council advises families to contact a chosen Council Registered Funeral Director before proceeding with all family organised burial and cremated remains interments; all booking requirements apply. All family organised interments are subject to approval from the Service Manager.

All additional cremated remains interments must be declared at the time of the booking for the Burial Interment. A separate Notice of Interment form for each additional cremated remains interment will need to be completed.

7.2 Certificates for Interment

The relevant certificate from the Registrar of Births and Deaths, or the Coroner or Crematorium, must accompany the Notice of Interment. No interment, including family organised interments will take place unless the Certificate for disposal is produced at least 2 working days prior to the Interment date.

If an interment is to take place in a grave for which the Exclusive Right of Burial has been purchased the Deed of Grant for the Exclusive Right of Burial must be produced as proof of Ownership. If this is mislaid, a Statutory Declaration for a Lost Document and accompanying Indemnity Agreement needs to be completed whereby instructing the reissue of a lost Deed of Grant.

When the Owner of the Exclusive Right of Burial is deceased, the Executor(s) or next of kin should arrange for the Ownership to be Transferred to the entitled legal Owner(s). Information on this procedure is available on the Cemeteries website. Further advice and assistance may be obtained by contacting the Cemeteries Office.

With all family organised burial interments, the additional Council supplied Method Statement and Statutory Declaration will need to be completed and accompany the standard mandatory certificates outlined above.

7.3 Coffins and Caskets

The exact maximum external coffin or casket sizes must be measured and specified in inches, and must include the handles, if applicable. These exact measurements must be declared on the Notice of Interment form. No measurement allowances are permitted.

Incorrect measurements are the responsibility of the Funeral Director or the person completing the Notice of Interment form with family organised interments. Inaccurate measurements may engender issues at the time of interment. In exceptional circumstances, inaccurate coffin or casket measurements may incur a penalty.

All coffin and casket sizes will determine the number of all subsequent interments.

With burial interments, coffins needing more than one burial plot space will require the purchase of two burial plots

8 Procedures for Interment

All burial and cremated remains interments and scattering of ashes are committed and registered to the requirements as laid out in *The Local Authorities' Cemeteries Order 1977*.

Animal interments are not permitted within the Council's Cemeteries.

8.1 Hours of Interment

Interments may only take place in accordance with these Regulations, subject to availability and between the hours published on the Cemeteries website.

Hours of Interment are subject to change and are at the discretion of the Service Manager.

By prior arrangement and subject to availability, interments may take place on Saturdays; however, additional charges will be incurred.

No burials may take place on Sundays, Bank or other Public Holidays or any other day the Council Offices are closed. In exceptional circumstances, interments may take place during these periods are at the discretion of the Service Manager. Additional charges will be incurred.

8.2 Allocation of New Interment Plots

8.2.1 Burial Plots (including children's graves and Woodland cremated remains plots)

Allocation of next in line graves is subject to availability and in all cases shall be at the discretion of the Service Manager.

If requested at the time of booking the interment, new graves may be available for selection when the next in line grave is not the preferred choice. Selection choice is subject to the approval of the Council and payment of the appropriate fee. Burial plots will not be available for Selection in areas not currently active.

Some cemeteries contain sections which are segregated by religious denominations. Specific requirements should be made at time of booking. Requesting a preferred section will not incur a Selection Fee.

Traditional / Romany Gypsy / Travellers Sections are available within selected Cemeteries (See5.1); these Sections permit alternative burial preferences other than within the Lawn Cemetery. Requesting this preferred Section will not incur a Selection Fee. Burial plot Selection may be available, subject to the approval of the Council and payment of the appropriate fee.

Woodland Sections are available within selected Cemeteries (See5.1); these sections provide for a more natural interment. Burial plot types include memorial tree, shrub and bulb graves. Selection of a burial plot type will not incur a Selection Fee, but specifically chosen graves, which are not next in line, will incur a Selection Fee.

8.2.2 Cremated Remains Plots

Allocation of next in line cremated remains plots are subject to availability and in all cases shall be at the discretion of the Service Manager.

If requested at the time of booking the interment, new cremated remains plots may be available for Selection when the next in line plot is not the preferred choice. Selection choice is subject to the approval of the Council. Selection of cremated remains plots does not incur a Selection Fee. Cremated remains plots will not be available for Selection in areas not currently active.

8.3 Excavation of Interment Plots

All burial plots shall be prepared and completed by persons employed by the Council.

All burial and cremated remains plots are excavated to the requirements as laid out in Part 1 of Schedule 2 to *The Local Authorities' Cemeteries Order 1977*.

8.3.1 Burial plots (excluding children's graves)

All new burial plots for persons above 17 years of age shall be prepared at double depth, subject to the ground conditions at the time of interment, allowing for two burials to take place in each grave space (See Section 3 Cemeteries Sections for grave capacities 5.2).

With single depth graves, the top of the coffin will be at a depth of no less than 3 feet (900 mm) below the level of the ground adjoining the grave.

Where a burial has taken place the grave shall be entirely backfilled and made tidy on the day of the interment and will be continually topped-up with soil until settlement ceases. As soon as practical, the burial plot will be seeded or turfed. Once the turfing has taken place, the turf shall not be removed except for additional interments, exhumations or the placing of authorised memorials.

Removal of turf, for reasons other than previously stated, will entitle the Council to take proceedings to recuperate the cost of replacing the said turf.

With double depth burials, if conditions at the time of the first interment prevent the deeper grave, alternative arrangements may be required. An alternative, more suitable, burial plot may be available. An additional adjacent burial plot may need to be purchased to accommodate two burials when double depth burials are unattainable.

8.3.2 Cremated Remains Plots (including Woodland cremated remains plots)

Unless otherwise stated at the time of booking the interment, all new cremated remains plots shall be excavated at double depth, subject to the casket size, allowing for two cremated remains interments at double depth.

8.3.3 Baby / Children's Sections

All graves for children of 17 years of age or under shall be excavated at single depth only.

8.4 Re-opening of Interment Plots

8.4.1 Burial Plots

Graves may be re-opened for further interments, subject to space availability.

Reopened graves will be prepared at single depth.

No burial interment shall take place in a re-opened grave unless the coffin is separated from the coffin already in that grave by the means of a layer of earth no less than 6 inches (150 mm) thick.

If the layer of earth is calculated to be less than 3 feet from the top of the coffin to ground level, a concrete capstone / slab will be required to permit the interment at single depth.

No person shall disturb any human remains or remove any soil that may be contaminated. After the Interment 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. This includes disturbing the earth / turf following the scattering of Ashes.

8.4.2 Cremated Remains Plots

Reopened single depth cremated remains plots will be excavated at single depth, providing for two cremated remains interments in caskets.

No person shall disturb any human remains or remove any soil that may be offensive. After a casket 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. This includes disturbing the earth / turf following the scattering of Ashes.

8.5 Scattering of Cremated Remains

8.5.1 Scattering of Cremated Remains within Purchased Burial and Ashes Plots

Scattering of cremated remains without a casket is permitted below ground within all purchased burial and cremated remains plots, subject to space availability.

The Cemeteries Service will remove a small area of turf from a previously purchased grave, including Woodland cremated remains plots, providing for an area for the scattering of cremated remains. The turf will be replaced over the remains to complete the scattering interment.

The act of the scattering of the ashes is the responsibility of the person(s) instructing the scattering of ashes interment. The persons employed by the Council will not scatter the ashes during the interment.

The location of the scattering of cremated remains will be recorded within the Cemetery Registers and records.

8.5.2 Scattering of Cremated Remains within the Memorial Garden

The scattering of ashes within the area of the Memorial Garden may only be above ground and in areas designated by the Council for this purpose (See 5.2.7).

The act of the scattering of the ashes is the responsibility of the person(s) instructing the scattering of ashes interment. The persons employed by the Council will not scatter the ashes.

8.6 Exhumation

After interment, no body or cremated remains may be removed from a burial or cremated remains plot without the production of an ecclesiastical Faculty and / or Home Office Licence for exhumation required by law. Original documents will be required for this purpose.

All burial and cremated remains exhumations must adhere to *The Local Authorities' Cemeteries Order 1977*.

9 Burial Plot Ownership and Burial Rights

The Exclusive Right of Burial entitles the registered Owner(s):

To be interred in the burial or cremated remains plot, subject to space availability (See 5.2 for plot capacities);

To determine who is to be interred within the said burial or cremated remains plot, subject to space availability; and

To apply for the Right to erect a memorial on the burial or cremated remains plot, in accordance with the Regulations.

Purchasing the Exclusive Right of Burial, however, does not extend to possession of the land; this remains in the Ownership of the Council.

The Council reserves the Right to allocate the provision of space with its Cemeteries.

9.1 Purchasing the Exclusive Right of Burial

The Exclusive Right of Burial may be purchased in advance of an interment taking place to reserve the burial or cremated remains plot, or at the time of the interment, subject to space availability.

The Exclusive Right of Burial does not specify the number of interments that can be accommodated within the burial or cremated remains plot; this will be dependent upon the depth of the first interment, the size of coffin / casket interred in the plot, and the ground conditions at the time of excavation (See 5.2 for plot capacities).

The Council recommends a maximum of three people hold the Rights to the Exclusive Right of Burial; please note all Holders must agree to give consent for future interments and memorial applications on the purchased plot.

Once the Exclusive Right of Burial has been purchased, a Deed of Grant will be issued to all elected Owners of the burial or cremated remains plot. The Deed of Grant is proof of Ownership and must be produced with all prospective interments and memorial applications.

A burial or cremated remains plot may not be reserved unless the appropriate fee to purchase the Exclusive Right of Burial has been paid in full.

The selection of burial and cremated remains plots, both for interment and prepurchase, is subject to availability and the approval of the Service Manager.

The Exclusive Right of Burial for burial and cremated remains plots may be purchased for 30 years; when this time has lapsed, the purchase of an additional 30 years may be available, subject to payment of the appropriate fee.

For existing Exclusive Right of Burial which have been purchased for more than 30 years, when this time has lapsed, the purchase of an additional 30 years may be available, subject to payment of the appropriate fee.

For existing Exclusive Right of Burial which have been purchased for perpetuity, the Rights will remain in perpetuity.

When the Exclusive Right of Burial tenure has lapsed, the Ownership reverts to the Council, unless additional years are purchased by the previous Owner(s) or interested parties / next of kin. The purchase of additional years is subject to payment of the appropriate fee.

9.2 Transfer or Assignment of Exclusive Right of Burial

The Owner(s) of the Exclusive Right of Burial, may Transfer or Assign the Ownership to any other person(s) of at least 18 years, upon payment of the appropriate administration fee.

When the last Owner to the Exclusive Right of Burial is deceased, a Transfer of the Right is required to enable future interments and memorial headstone installations and amendments. The Exclusive Right of Burial forms part of the Estate of the deceased Owner, which can only be Transferred, for the remaining years on the Deed, to the entitled person(s).

The entitled persons(s) may instruct the Council of the Transfer of the Exclusive Right of Burial, upon production of the original Grant of Probate, the Grant of Letters of Administration or the relevant Statutory Declaration and supporting legal documentation, together with the appropriate administration fee.

9.3 Lost or Mislaid Exclusive Right of Burial

The Owner(s) of the Exclusive Right of Burial are responsible for informing the Council if the Deed of Grant has been lost or mislaid and must request a Deed of Grant reissue from the Cemeteries Office.

Reissuing the Exclusive Right of Burial Deed of Grant if lost will incur a Reissue administration fee.

9.4 Surrender a Burial Plot with an Exclusive Right of Burial

Where no interment has taken place in a purchased burial or cremated remains plot, the Owner(s) of the Exclusive Right of Burial may request the Surrender of the plot in return for a refund of the original purchase payment, less the years of Ownership.

No refund will be made where the Exclusive Right of Burial tenure has lapsed; the Ownership reverts to the Council.

9.5 Change of Address or Name Change

The Owner(s) of the Exclusive Right of Burial are responsible for informing the Council of any changes of address or Deed registration details.

Reissuing the Exclusive Right of Burial Deed of Grant through change of address or Deed registration details will **not** incur a Reissue administration fee.

9.6 Unpurchased Burial and Cremated Remains Plots

With previously unpurchased burial and cremated remains plots, the Exclusive Right of Burial must be purchased after an interment has taken place in order to erect a memorial and / or to re-open the plot for further interment. All purchases are at the discretion of the Service Manager.

The Council reserves the Right to reuse any Common Grave for future interment.

10 Erecting and Maintaining a Memorial

A memorial may only be erected on a burial or cremated remains plot within the Cemeteries in accordance with the current Regulations in force at the time of Application.

The type of memorial permitted is determined by the section that has been selected by the Owner(s) of the Exclusive Right of Burial.

All memorial installations must be in accordance with the current BRAMM and NAMM standards.

Memorial Applications will only be approved from Memorial Masons and Funeral Directors who have registered with the Memorial Masons and Funeral Director Registration Scheme.

10.1 Authorisation to Erect and Maintain a Memorial

The Owner(s) of the Exclusive Right of Burial may only apply to erect a memorial, subject to the payment of the appropriate Memorial Application fee. If the Owner is deceased, the Exclusive Right of Burial will need to be Transferred prior to Memorial Application approval (See 9.2.)

With previously unpurchased burial and cremated remains plots, the Exclusive Right of Burial must be purchased after an interment has taken place in order to apply to erect a memorial. All purchases are at the discretion of the Service Manager.

10.2 Applying and Approval of Memorial Applications

10.2.1 Memorial Stone Application

A Memorial Application to erect or amend an existing memorial must be made prior to installation. The Council Memorial Application must be completed in full and signed by all the Owners of the Exclusive Right of Burial to agree to the proposed Application.

A Memorial Application is not needed for *insitu* memorial cleaning maintenance where the original stonemason installed the memorial. It is the responsibility of the Memorial Mason to ensure works are undertaken with consideration to adjacent memorials. All sub-contractors will need to be Registered under the Memorial Masons and Funeral Directors Registration Scheme.

Memorial Applications cannot be submitted; neither can Applications be approved, prior to interment.

All memorial stones for burial plots must display the installer's trade name and the plot details on the reverse of the memorial. The lettering used must be 1 inch (25mm), of uniform height, and placed on the left hand side of the base, 6 inches (150mm) above ground level. No other Inscriptions or drawings are permitted to be shown on the reverse side of the headstone.

All memorials for cremated remains plots must display the installer's trade name and the plot details on the front of the memorial base. The lettering used must be 1 inch (25mm), of uniform height.

Memorial Applications must be submitted with the appropriate fee and include a copy of the Deed of Grant for each Owner of the Exclusive Right of Burial.

Memorial Applications for burial plots can be submitted any time after interment. The Council, however, recommends a period of deferment for one year to allow for adequate ground settlement.

Memorial permits will be issued upon memorial application approval and are valid for one year from date of approval. If the Permit has expired, a new memorial application will need to be submitted together the correct application fee.

The Owners of the Exclusive Right of Burial are responsible to ensure memorial installations are safe from settlement, and to ensure the elected registered stonemason will guarantee remedial works (Please consult the Memorial Masons and Funeral Director Registration Scheme).

The Owners of the Exclusive Right of Burial are responsible for ensuring works are guaranteed against faulty installation.

Memorial Applications for cremated remains plots and designated sections with precast plinths can be submitted any time after interment. A period of deferment to allow for ground settlement is not required; memorials can be installed any time after interment.

The Council reserves the Right to exclude any memorial that would in any way disfigure any of the Cemeteries or which is considered inappropriate in design. It also reserves the Right to refuse any inscription which it considers may cause offence. The Service Manager's decision is final.

10.2.2 Memorial Plaque for Burial and Cremated Remains Plots within Woodland Sections Application

The memorial plaque and plinth are purchased through and installed by the Cemeteries Service upon submission of a Memorial Application and payment of the appropriate application and purchase fee.

The Memorial Application must be completed in full and signed by all the Owners or the proposed Owners of the Exclusive Right of Burial to agree to the proposed Application.

10.2.3 Memorial Tree or Shrub for Burial plots within Woodland Sections Application

The memorial tree / shrub can only be purchased through and installed by the Cemeteries Service upon submission of a Memorial Application and payment of the appropriate Application and Purchase Fee.

The Memorial Application must be completed in full and signed by all the Owners or the proposed Owners of the Exclusive Right of Burial to agree to the proposed Application.

10.2.4 Memorial Plaque within Memorial Garden Application

The memorial plaque is purchased through and installed by the Cemeteries Service upon submission of a Memorial Application and payment of the appropriate Application and Purchase Fee.

10.2.5 Memorial Bench Donation Application

The memorial bench can only be purchased through and installed by the Cemeteries Service upon submission of a Memorial Bench Donation Application and payment of the appropriate Application and Purchase Fee. Memorial Bench spaces are regulated and are available within each Cemetery's design plan. When the allotted memorial benches have been donated, further donations are not permitted.

Applications for Memorial Bench Donations can only be submitted to memorialise those who have been interred within the chosen cemetery.

10.3 Permitted Memorials

10.3.1 Burial plot within Lawn Sections

A memorial headstone is only permitted within the Lawn Section of any of the Cemeteries the section that has been selected by the Owner(s) of the Exclusive Right of Burial.

The memorial headstone must not exceed 4 foot 6 inches (1350mm) in height, 2 foot 6 inches (750mm) in width and 1 foot 6 inches (450mm) in depth. Memorials falling outside these measurements will not be approved or permitted to be installed.

Flower vases must be an integral part of the memorial or, if removable, must be placed no more than 15 inches (380mm) in front of the authorised memorial headstone base (See 11.1.1).



Milford Road Cemetery. An example of an NFDC Cemeteries Lawn Section.

10.3.2 Burial plot within Baby / Children's Sections

The memorial headstone must not exceed 2 foot 6 inches (760mm) in height, 2 foot 6 inches (760mm) in width and 1 foot 6 inches (450mm) in depth. Memorials falling outside these measurements will not be approved or permitted to be installed.

The kerb-set must not encroach outside the integral space of the burial plot.

10.3.3 Burial plot within Traditional / Romany Gypsy / Traveller Sections

A memorial headstone and kerb-set is permitted within the Traditional Section of the Cemeteries.

The memorial headstone must not exceed 4 foot 6 inches (1350mm) in height, 2 foot 6 inches (750mm) in width and 1 foot 6 inches (450mm) in depth. Memorials falling outside these measurements will not be approved or permitted to be installed.

The kerbing must not encroach outside the integral space of the burial plot.

10.3.4 Cremated Remains Sections

A memorial stone is only permitted within the Cremated Remains Section of the Cemeteries.

The memorial stone must not exceed 22 inches (550mm) in height, 22 inches (550mm) in width and 22 inches (550mm) in depth, and must be fixed to the supplied paving. Memorials falling outside these measurements will not be approved or permitted to be installed.

10.3.5 Burial and Cremated Remains plots within Woodland Sections

The memorial plaque is provided and installed by the Cemeteries Service and will measure a maximum of 6 inches by 4 inches (150mm by 100mm). The permitted inscription will state the name of the deceased, their duration of life and the plot number details. The memorial plaque will be secured to a plinth and positioned at the top end of the burial plot.

One memorial plaque for each interment is permitted within the Woodland Section of any of the Cemeteries.

Following an interment, the Cemeteries Service will provide and install the predetermined memorial tree or shrub for each allocated burial plot within the Woodland Section planting scheme.

The Council are responsible for the maintenance and management of all planted memorial trees and shrubs.

10.3.6 Memorial Garden

The memorial plaque is provided and installed by the Cemeteries Service and will measure a maximum of 6 inches by 4 inches (150mm x 100mm). The permitted inscription will state the name of the deceased, their duration of life and the plot number details. The memorial plaque will be secured to the Memorial Garden memorial rail.

10.4 Memorial Bench Donation

The memorial bench is provided and installed by the Cemeteries Service and will only be installed at an agreed location, subject to availability within the predetermined layout, and on payment of the appropriate donation.

A memorial bench donated to the chosen cemetery is for public use.

The Council will maintain the donated memorial bench for 10 years; after this period the Council reserves the Right to remove and replace the bench with a newly donated bench.

10.5 Owner(s) of Exclusive Right of Burial Memorial Responsibility

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to maintain their memorials in a safe condition.

The Owner(s) of the Exclusive Right of Burial shall fully comply with these Regulations guaranteeing the burial or cremated remains plot is maintained in a safe condition to the satisfaction of the Service Manager. Repairs will be at the expense of the Owner(s) of the Exclusive Right of Burial.

If the Owner(s) of the Exclusive Right of Burial cannot be contacted, 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 Owner(s) or the successor(s) in title for the whole of the costs of these works.

Should a memorial fail the Council's Statutory Inspection, it is the responsibility of the Owner(s) to organise repairs and to meet the full costs of those repairs.

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to organise the removal of memorials or kerb-sets prior to interment. The replacement of the memorial without inscription amendment will not require submission of a Memorial Application.

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to submit a Memorial Application with any proposed amendments to existing memorials or kerb-sets.

10.6 Registered Memorial Masons and Funeral Directors Responsibility

Any organisation undertaking works within the Cemeteries must be registered under the Council's Memorial Masons and Funeral Directors Registration Scheme.

All Registered Memorial Masons and Funeral Directors must ensure the Cemeteries Office possess current copies of the mandatory Registration insurance certificates prior to any works being undertaken within the Cemeteries.

All Registered Memorial Masons must ensure the Cemeteries Office possess current copies of Association Membership certificates.

For Memorial Masons or other person(s) involved in the production and installation of memorials, Employers Liability, Public Liability with £5,000,000 cover and Professional Indemnity insurance are required.

For Funeral Directors, Employers Liability and Public Liability insurance with £5,000,000 cover are required.

It is the responsibility of the Registered Memorial Masons or Funeral Director to ensure the persons requesting the memorial are the Holders of the Exclusive Right of Burial. All Holders need to agree to the Memorial Application.

A copy of these Regulations must be made available to the Holders of the Exclusive Right of Burial to clarify the Council's permitted memorials and memorabilia.

It is the responsibility of the Registered Memorial Mason / Funeral Director to ensure all applications received comply with the current Regulations in force at the time of submission. All applications containing inaccurate or erroneous information must be rectified prior to formal submission to the Cemeteries Service.

Suitable foundations must be provided in order to prevent memorials from sinking or tilting. All memorials erected in any of the Cemeteries must comply with BS8415 and the National Association of Memorial Masons Recommended Code of Practice.

Works must be guaranteed for at least 10 years to safeguard against faulty installation.

10.7 Removal of a Memorial for Access

The Council retains the Right to remove memorials, prior to an impending interment, to gain access to adjacent burial plots. The Cemeteries Service will make contact with the Holder(s) of the Exclusive Right of Burial; when contact is not possible, the Council will remove and replace the said memorial. The Holder(s) of the Exclusive Right of Burial will not incur any memorial removal and replacement costs.

10.8 Memorial Inspection and Rights of the Cemeteries Service

Statutory Inspections and testing of memorials will be periodically carried out by the Cemeteries Service or its contractors, in line with the recommendations stated in *Article 16.1 of The Local Authorities' Cemeteries Order 1977*.

11 Memorabilia

Authorised memorabilia are only permitted on a burial or cremated remains plot within the Council's Cemeteries in accordance with the current Regulations in force.

The type of memorabilia permitted is determined by the Exclusive Right of Burial Owner(s) chosen Section.

No flowers or plants are permitted to be planted either side of the burial or cremated remains plot access space.

11.1 Permitted Memorabilia

11.1.1 Burial plot within Lawn Sections

Flower vases which are not integral to the memorial headstone are permitted, but must be placed no more than 15 inches (380mm) in front of the authorised memorial headstone base.

All memorabilia must remain within the integral space of the burial plot.

11.1.2 Burial plot within Baby / Children's Sections

For all unauthorised memorabilia see 11.2.

All memorabilia must remain within the kerb-set or the integral space of the burial plot (See 10.3.2).

11.1.3 Burial plot within Traditional / Romany Gypsy / Traveller Sections

For all unauthorised memorabilia see 11.2.

All memorabilia must remain within the kerb-set or the integral space of the burial plot.

To demarcate the integral space of the burial plot, traditional rounded picket fencing is permitted for one year from interment, but must not encroach beyond the said space. Once the year has elapsed, the Council reserves the Right to remove the temporary picket fencing to make space for the authorised memorial, subject to Memorial Application approval (See 10.3.3).

No other fencing is permitted.

11.1.4 Cremated Remains Sections

No memorabilia is permitted other than the authorised memorial (See 10.3.4).

11.1.5 Burial and Cremated Remains plots within Woodland Sections

Flower vases are provided and installed by the Cemeteries Service and are available upon request.

To preserve the ethos of a woodland burial area, other items of memorabilia are not permitted. The Service Manger reserves the Right to remove any unauthorised memorabilia without prior notification to the Owner(s) Exclusive Right of Burial.

11.1.6 Memorial Garden

To preserve the ethos of a memorial garden, other items of memorabilia are not permitted. The Service Manger reserves the Right to remove any unauthorised memorabilia without prior notification.

11.2 Unauthorised Memorabilia

Unauthorised memorabilia are items which are not explicitly stated under the *Permitted Memorabilia* Section (See 11.1). The classification of unauthorised memorabilia is at the discretion of the Service Manager whose decision is final.

Memorabilia items which could potentially cause harm, offence or are a safety concern to cemetery visitors and Cemeteries Representatives are not permitted and will be removed immediately. This list is not exhaustive; the key, unsafe items include:

Glass vases, wind chimes, solar lights, lanterns and wire fencing.



An example of unauthorised, hazardous memorabilia

11.3 Owner(s) of Exclusive Right of Burial Memorabilia Responsibility

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to ensure any authorised memorabilia within the said burial or cremated remains plot are maintained in a safe and secure condition.

Any *items* which could potentially cause harm and are a safety concern to cemetery visitors and Cemeteries Representatives are not permitted (See 11.2). The removal of these unauthorised, unsafe items is primarily the responsibility of the Owner(s) of the Exclusive Right of Burial.

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to ensure any memorabilia floral tributes are removed and placed in the designated bins provided once spent.

11.4 Removal of Unauthorised Memorabilia

All memorabilia *items* which could potentially cause harm, offence, or are a safety concern to cemetery visitors and Cemeteries representatives will be removed immediately, labelled and stored for one month. The Cemeteries Service will make contact with the Holder(s) of the Exclusive Right of Burial to invite collection of the unauthorised memorabilia. After one month of storage, the unauthorised will be disposed of.

11.5 Removal of Memorabilia for Access

The Council retains the Right to move authorised memorabilia, prior to an impending interment, to gain access to adjacent burial plots or to facilitate grounds maintenance. The Cemeteries Service will make contact with the Holder(s) of the Exclusive Right of Burial; when contact is not possible, the Council will move and replace the said memorabilia. The Council will remove and replace the memorabilia at no cost to the Holder(s) of the Exclusive Right of Burial.

The Council retains the Right to remove unauthorised memorabilia prior to an impending interment, to gain access to adjacent burial plots, or to facilitate grounds maintenance. Unauthorised memorabilia will be removed, labelled and stored for one month. The Cemeteries Service will make contact with the Holder(s) of the Exclusive Right of Burial to invite collection of the unauthorised memorabilia. After one month of storage, the unauthorised items will be disposed of.

The Council does not accept liability for any alleged damage to any unauthorised memorabilia items.

11.6 Seasonal Memorabilia

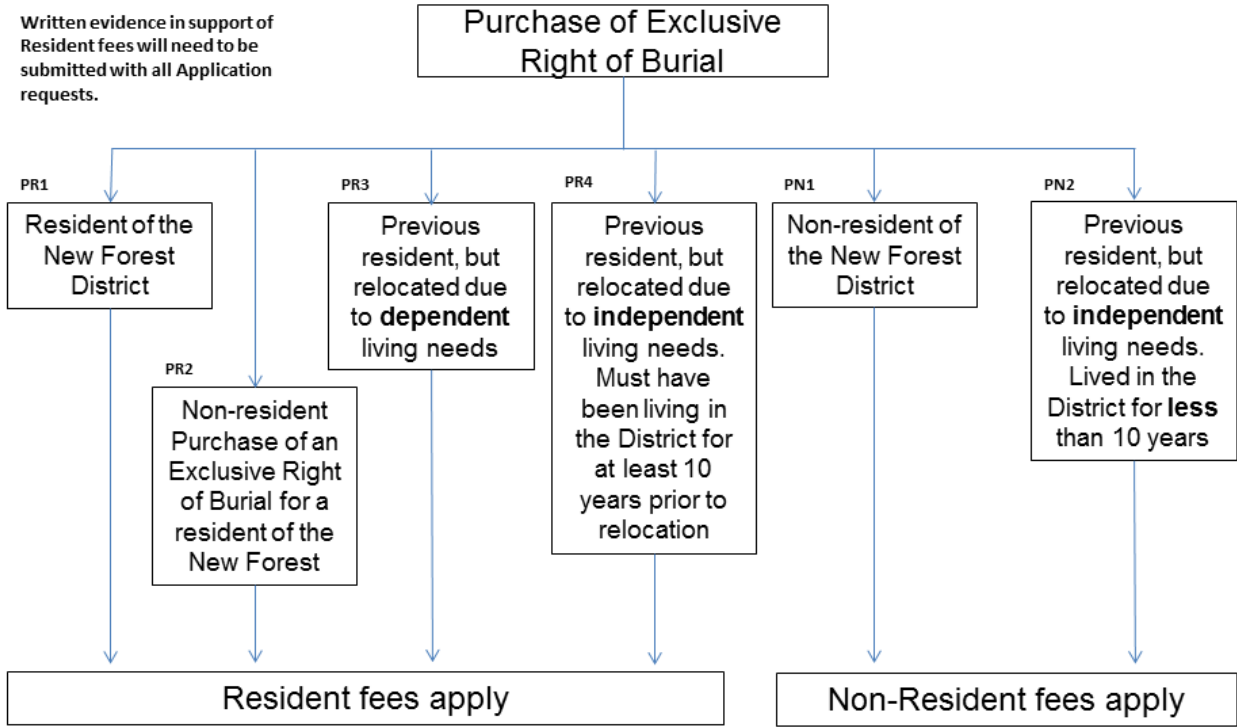
Seasonal memorabilia which are not integral to the memorial are permitted and must be placed at the head end within the integral space of the plot.

Disposal of spent seasonal memorabilia is principally the responsibility of the Owner(s) of the Exclusive Right of Burial; after a maximum period of 2 months the Cemeteries Service will remove and dispose of spent memorabilia as part of routine maintenance works.

12 Appendices

12.1 Appendix 1a

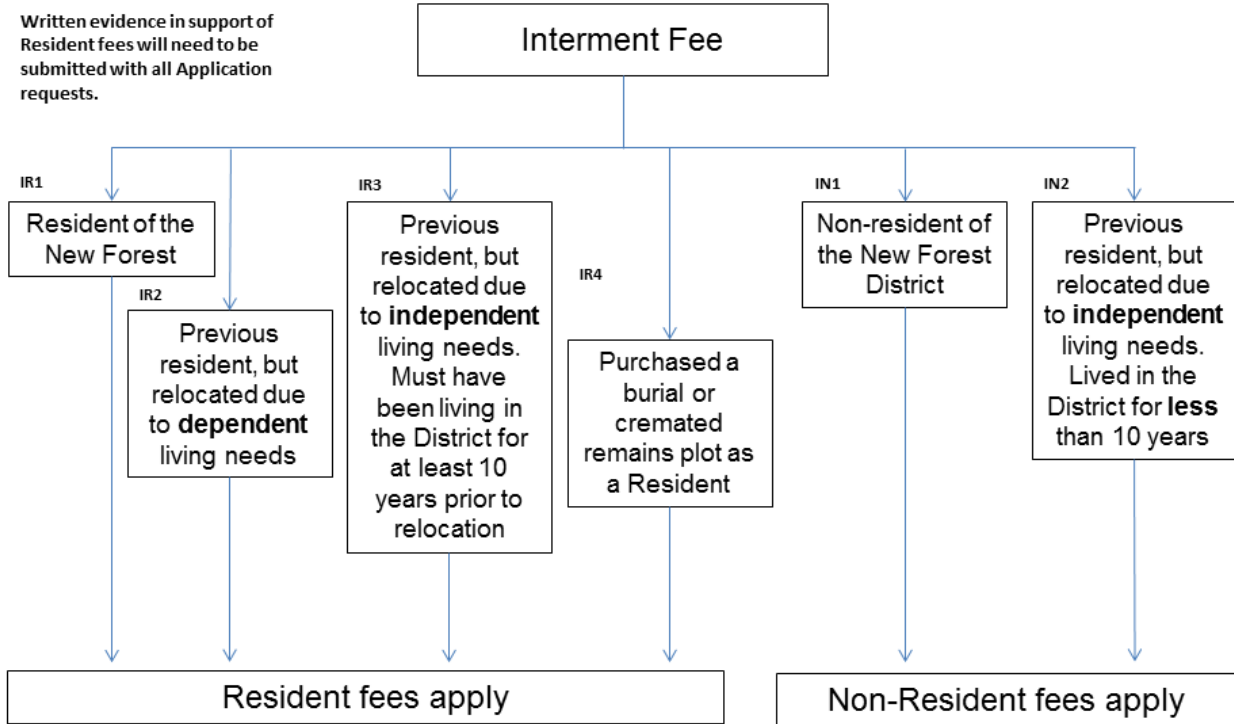
Purchase of Exclusive Right of Burial - Resident and Non-Resident Fees and Charges flow chart



- Dependent living needs – individual who needs care and assistance.
- Independent living needs – individual who is able to care for oneself.

12.2 Appendix 1b

Interment Fee - Resident and Non-Resident Fees and Charges flow chart



Memorial fees are dependant upon residency status and subsequent interment fees incurred.

- Dependent living needs – individual who needs care and assistance.
- Independent living needs – individual who is able to care for oneself.

STONEMASONS
&
FUNERAL DIRECTORS
REGISTRATION SCHEME

Draft – Version 1.7

March 2017

Revision date due 2022

Email cemeteries@nfdc.gov.uk

Cemeteries Office, Town Hall, Avenue Road, Lymington,
Hampshire, SO41 9ZG

Telephone 023 8028 5952 Fax 023 8028 5755

www.newforest.gov.uk

Stonemasons & Funeral Directors Registration Scheme – v1.7 DRAFT (inc. consultee comments)

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2 Definitions & Responsibilities

The Council – New Forest District Council (NFDC)

Member / Scheme Member – is any registered participant including any individual or body who has agreed to be bound by this Registration Scheme. This includes their employees, and any other person contracted or instructed by them to carry out works as defined in this Registration Scheme.

Cemeteries Representative – Is any member of staff appointed by the Council Service Manager to carry out Cemeteries administration or supervision work on behalf of the Council.

Memorial – A memorial is a permanent, fixed, typically inscribed, structure used to memorialise the person(s) interred. Memorials include memorial headstones, kerbsets and integrated flower vases.

Memorial Bench - a bench to memorialise a loved one who has been interred within the chosen Cemetery.

Professional Indemnity Insurance - important cover for businesses that give advice or provide a professional service. It can pay for compensation claims and legal fees that may arise if a client suffers a financial or professional loss due to negligence in your work.

Regulations – current version of the Council’s Cemetery Regulations.

Scheme – Stonemasons & Funeral Directs Registration Scheme.

Service Manager – The Service Manager responsible for Cemeteries.

All obligations and requirements of this Registration Scheme with which Scheme Members are required to adhere by are outlined below.

No aspects or obligations of this Registration Scheme may be assigned, subcontracted or transferred to a third party without the written approval of the Service Manager. In any event such approval will only be given to those individuals / companies / other bodies that are already Scheme Members as defined above.

3 Introduction

The Stonemasons & Funeral Directors Registration Scheme (*referred to as “the Scheme”*), establishes a standard level of workmanship and working practices throughout all of the Cemeteries and graveyards administrated by the council.

The Scheme is needed to establish a standard level of working practice within all Cemeteries administrated by the Council, including “closed cemeteries” maintained by the Council.

Registration with the Scheme ensures common standards are practiced by Funeral Directors and Stonemasons for

- Burials
- The installation, repair and maintenance of memorials, both new and existing
- Insurance cover, health and safety and administrative requirements

Through the provision of the Scheme, it is the Council’s objective to identify and promote best practice within the industry by all registered participants.

3.1 Aims of the Scheme

The Scheme aims to achieve three primary purposes:

- To ensure the highest standards of workmanship, competence and customer care and promote industry best practice
- To ensure the safety of those visiting and working within Cemeteries, meeting all relevant standards
- To promote partnership, good long-term working relationships, innovation and development initiatives between all registered participants and the Council.

It is considered that working together will assist all Scheme Members to comply with the Regulations.

Registration emphasises the Council’s intent that all work carried out for and on behalf of the deceased and his family/representatives is of the highest standard.

4 Scope & Administration of the Scheme

Any Stonemason or Funeral Director who works, intends to work, or liaises with clients wishing to any of the Council's Cemeteries is required to be a registered member of the Scheme.

Stonemasons and Funeral Directors who are not Scheme Members are not permitted to work within any Cemetery under the management of the Council.

All Scheme Members must comply with the current Regulations at all times.

All applicants who wish to be considered for Registration must complete and submit Form A1, available on request from the Council (Section 11 below).

This Scheme is administered on behalf of the Council by the Service Manager, with support from the Cemeteries Representatives.

4.1 Requirements of the Scheme

All Scheme Members are required to adhere to the obligations detailed in the Scheme. These are the minimum acceptable requirements of the Council and may be amended and reviewed by the Council's

5 Eligibility

5.1 Insurance Requirements

Stonemasons and Funeral Directors applying for registration are required to be insured for Public Liability to the value of Five Million Pounds (£5,000,000) for any one incident. It is mandatory for all Scheme Members to provide current copies of insurance certificate(s) both in support of an application for membership and whenever these expire during Membership. Work within the Council's Cemeteries will not be processed unless the required insurance is in place.

Stonemasons need to provide copies of certificates outlining:

- Public liability, employers liability and professional indemnity cover.

Funeral Directors need to provide copies of certificates outlining:

- Public liability and employers liability cover.

Before or at expiry of this certificate it is the Scheme Member's responsibility to provide new current certificate copies promptly to ensure on-going membership and maintain permission to work within the Council's Cemeteries.

5.2 Workmanship, Materials and Construction

Stonemasons, Funeral Directors and persons instructed to undertake work on their behalf shall be suitably qualified, experienced and competent to perform all works necessary when arranging and carrying out a funeral. All memorial works, including erecting, dismantling and repairing memorials must conform with current

industry and statutory Health and Safety requirements and guidelines. The materials used should comply with industry recommendations.

Stonemasons and Funeral Directors are encouraged to attain current membership and qualifications from an accreditation scheme operated by a recognised industry body. Examples include the National Association of Memorial Masons (NAMM) or British Register of Accredited Memorial Masons (BRAMM). Copies of such certificates may accompany your application for Scheme Membership. *In-house* company schemes will be recognised if they are demonstrated to meet the required national standards, details will need to be provided when applying for membership.

5.2.1 Stonemasons

All Scheme Members will guarantee all individual memorials for safety and stability for a period of 10 years. Stonemasons must issue a guarantee (no less than 10 years). All guarantees issued must include an obligation to repair/replace all joints and materials that may fail during the course of the guarantee.

Scheme Members may not process or submit an application without first ensuring that the applicant is the current holder(s) of the EROB (Exclusive Right of Burial or Deed of Grant) for that grave.

Scheme Members are responsible for advising their customers on the best use of the memorial stone, to ensure all future internments (burial and subsequent cremated remains) can be included within the Regulations.

Sacrificial stones must straddle the integral space of the excavated grave to prevent subsidence.

Scheme Members must ensure that all materials used in the construction of memorials comply with industry codes of practice (Section 5.2) and are drawn from legal and sustainable sources.

All Scheme Members working on memorials within the Cemeteries administered by the Council are encouraged to be BRAMM or NAMM registered or submit copies of their qualifications and experience. A letter or certificates detailing qualification and experience of each contractor will accompany registration applications along with trade references.

5.2.2 Funeral Directors

Scheme Members are responsible for ensuring that they have visited the Cemetery in advance of the internment, carried out a Risk Assessment, implementing any findings and planned the route from gate to grave, including use of Chapel where applicable.

Scheme Members must continue to attend the grave-side until the internment is completed and the Council Cemeteries team are ready to back-fill.

5.3 Registration Scheme Compliance

Each Stonemason and Funeral Director joining the Scheme is required to have a copy of and comply with the following:

- Local Authorities Cemeteries Order (1977)
- NAMM Code of Working Practice (Latest Relevant Edition) / BRAMM Blue Book
- Health and Safety at Work Act (1974)
- The Council's Safety Policy and Risk Assessment
- The relevant British Standards, (including BS8415)
- All other relevant statutory requirements.

Each Stonemason and Funeral Director will be supplied with and must comply with the following:

- The Council's Cemetery Regulations
- The Council's Stonemasons and Funeral Directors Registration Scheme

5.4 Previously Expelled Scheme Members

Stonemasons and Funeral Directors that have been banned from performing work in any of the Council's Cemeteries or elsewhere or otherwise disciplined within the last two years may be refused Registration onto the Scheme at the Council's discretion.

Each such case will be considered individually, with membership offered or withheld at the discretion of the Service Manager.

Stonemasons and Funeral Directors must submit details of any such exclusions or other disciplinary actions with their application for registration. Should they fail to disclose details of such exclusions or disciplinary actions, subsequently coming to the attention of the Council, it will result in the immediate expulsion from membership. The Council may consider imposing a further restriction precluding the Stonemason or Funeral Director from applying for re-registration for up to 2 years, after which a formal renewal application must be made.

6 Procedures

All internments and memorial installations in the Council's Cemeteries by registered participants of the Scheme must fully comply with the Regulations and the procedures outlined below.

6.1 Applications to Carry Out Work Within New Forest District Council Cemeteries

Prior to works within the Council's Cemeteries being undertaken, all works to be carried out must be approved by the Cemeteries Office. The Cemeteries Representative can be contacted using the details below:

E-mail: cemeteries@nfdc.gov.uk

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

Fax: 02380 285755

Scheme Members are required to give the Cemeteries Office at least 2 working days' notice in writing prior to undertaking any work within one of the Council's Cemeteries, to avoid clashes with burials or other works being undertaken.

Scheme Members are responsible for ensuring that all applications comply with the Regulations. Scheme Members are required to advise their customers and the customer's families of the Council's requirements set out within the Regulations and to issue them with the most recent copy of this document. This prevents additional distress to the bereaved as a result of applications requiring amendment or rejection.

A valid copy of the EROB **must accompany all applications** for Internments, Memorial Applications or other related requests. Non-production of the EROB will delay their customer's request being progressed.

The Council will hold the Scheme Member submitting an application liable for the content, accuracy and correct completion of all necessary forms and applications.

Scheme Members are reminded of the requirement within the Regulations that the exact maximum external coffin or casket sizes must be measured and specified in inches, and must include the handles, if applicable. **These exact measurements must be declared on the Notice of Interment form when submitted.** No measurement allowances are permitted. Inaccurate details on these forms will result in disciplinary procedures (Section 8).

Scheme Members are responsible for ensuring they explain and issue their customers a copy of the Regulation, emphasising the requirements for the customer's chosen section (Lawn, Woodland, Traditional (kerbed), Cremated Remains or Children/Babies Sections) prior to a Notice of Interment application being made.

Scheme Members are responsible for advising their customers if their internment is outside of the maximum sizes that can be accommodated and if a double-plot is therefore required, prior to any application being made.

Memorial Applications must be checked by the Scheme Member before submission to ensure they comply with maximum sizes. Kerbset applications will only be permitted within traditional/permitted sections only.

Scheme Members identified to be failing to advise and issue customers the NFDC Regulations or those deemed to be submitting speculative Memorial Applications will be subject to Disciplinary Procedures (Section 8).

Scheme Members agree to rectify at their own expense any works that need to be dismantled as a consequence of the Scheme Member erecting a memorial that does not meet the requirements of the Regulations.

6.2 Memorial Installation or Maintenance

No work on in-situ or new memorials shall be carried out unless the appropriate application has been approved in writing by the Cemeteries Representative. There will be no exceptions to this requirement which must be strictly adhered to. Scheme Members are reminded of the requirements set out within Section 6.2. The Scheme Member will be given a Permit for each memorial application granted which must be available to be produced for inspection when requested by a Cemeteries Representative.

Scheme Members do not need to complete a Memorial Application for in-situ memorial cleaning maintenance for memorials they installed. It is the responsibility of the Scheme Member to ensure works are undertaken with consideration to adjacent memorials. It is the scheme member's responsibility to insure that ONLY work instructed by the EROB is carried out regarding cleaning of headstones.

All memorials must comply with BS8415 & the NAMM Recommended Code of Practice.

Scheme Members are not permitted to install any memorials or plaques within Woodland Sections, Memorial Garden areas or on any donated or the Council's memorial benches.

Scheme Members must install the memorial within 12 months of the memorial application being approved; failure will require the submission of a new application and repayment of the fee.

Scheme Members must take pictures of the front and the reverse of the memorial on which they worked and submit these alongside the cut off section of the form to the Cemeteries Office for confirmation of works.

6.2.1 Memorial Inspections

The Council staff may inspect the installation of a memorial either as the work proceeds or after completion. Where work is found to be unacceptable either because it does not conform to the Scheme standards or for any other reason, the Cemeteries Representative will instruct the Scheme Member and EROB holder(s)

that rectification works are required to meet the Council's standards at the expense of the Scheme Member who installed the memorial and not the EROB holder.

The Council undertakes its duty to ensure the provision of safe open spaces and Cemeteries through mandatory memorial "topple" testing. This is undertaken on a cyclic programme, with all memorials tested by trained personnel as outlined in Section 6.3.

6.3 Post Work Inspection

The Council may inspect a memorial following installation or completion of other work. This may occur during routine Cemetery maintenance or in response to an enquiry.

Where work is suspected or identified to not meet the required Scheme standards, the Cemeteries Representative may instruct the Scheme Member to re-erect the memorial to ensure compliance with the Scheme's standards, the Cemetery Regulations and any other relevant standards (such as BRAMM, NAMM etc).

The costs of dismantling and re-erecting in these circumstances is the responsibility of the Stonemason or Funeral Director. The Council reserves the right to charge a fee for re-inspection of the memorial where this arises due to the actions of the Scheme Member.

All memorials are subject to mandatory inspections by the Council at least every 5 years to comply with our duty of care, Health and Safety Executive & Ministry of Justice Guidelines. Scheme Members should take this into consideration when issuing their guarantee. Any repairs, replacement of joints or other parts of the memorial considered necessary from the inspection shall be notified to the registered EROB Holder(s) in writing. All remedial works need to be completed within 28 days of written notification being issued.

6.3.1 Refusal to Co-operate

If the Scheme Member refuses to co-operate following post-work inspections the Cemeteries Representative may, at their discretion, engage a third party (a qualified Stonemason registered under the Scheme) to perform the work. In these circumstances, whether the work complies or fails to comply with the Scheme standards, the costs incurred by the third party will be the responsibility of the Scheme Member originally installing the memorial.

Scheme Members refusing to cooperate will face action under the Disciplinary Procedures (Section 8) of the Scheme.

7 Tendering

The Council may require the submission of tenders for a range of memorial works, including inspection, repair, removal and replacement of memorials. Scheme Members will be eligible to tender for any such works, tenders above EU thresholds will be tendered under EU guidelines.

8 Penalty Procedures

To ensure that the Scheme standards are maintained and Scheme Members are operating in uniformity with these standards, the Cemeteries Representative will operate a procedure which applies to all Scheme Members.

8.1 Stage 1: Breach of the Scheme Standards

Following an investigation by the Cemeteries Representative indicating a confirmed breach of the Scheme standards, a written warning will be issued by the Service Manager. The written warning shall be maintained on the Scheme Member's record for a period of 18 months from the date of issue.

If no further breach(es) occur during that period, the warning will be removed from the record.

8.2 Stage 2: Subsequent Breach of the Scheme Standards or failure to Rectify Stage 1 Breach

Throughout the 18 month period following a Stage 1 Breach (Section 8.1), another breach of the Scheme standards is committed, or the original Stage 1 breach is not rectified to the satisfaction of the Service Manager, this will result in the issue of a Final Written Warning.

A Final Written Warning shall be maintained on the Stonemason's or Funeral Director's record for a period of 36 months. If no further breaches occur during that period the warning will then be removed from the record.

8.3 Gross Misconduct

Certain circumstances shall be considered Gross Misconduct and will not be subject to the above stages of the disciplinary procedure. The Service Manager will decide, at his/her discretion, whether or not an incident constitutes Gross Misconduct. Examples include unsafe working practices or undertaking actions which directly, indirectly, or has the potential to bring the reputation of the Council into disrepute.

8.4 Exclusion from Registration

Scheme Members found guilty of Gross Misconduct or committing a further breach of the Scheme standards within the 36 month term, as described in Stage 2 (Section 8.2) will be removed from the Scheme.

The Scheme Member will be precluded from applying for re-registration and from carrying out any work within the Council's Cemeteries for a period of 2 years from the date of expulsion.

In instances of exclusion for Gross Misconduct the Service Manager, at their discretion, may consider advising other local authorities or industry registration schemes of the circumstances.

8.5 Re-registration following an Exclusion

A Scheme Members committing any breach of the Scheme Standards, or an act of Gross Misconduct, during the 18 month period following his/her re-registration following expulsion, may be excluded from Registration for a further period at the discretion of the Service Manager.

8.6 Penalty Procedure Appeal

A Stonemason or Funeral Director not satisfied with the decision made under this y Procedures is entitled to appeal.

An appeal may only be made in writing and must be submitted within 14 days from the date of the decision letter that notified the Stonemason or Funeral Director.

An appeal must clearly state the reasons for the appeal and only these reasons will be admissible at the appeal hearing. Appeals will be heard by the Executive Head responsible for Cemeteries.

9 Review of Scheme and Modifications

Scheme Members and the Council may jointly review the rules, requirements and performance of the Scheme on a periodic basis.

Following notification of a revision of the Scheme rules, Scheme Members may allow their membership to lapse or submit a new Scheme application. The Council reserves the right to ask all Scheme Members to re-register following a major review of the Scheme.

To promote meaningful and representative Registration Scheme procedures, any registered member may propose amendments to the Scheme. The Cemeteries Representative, in conjunction with the Service Manager, shall conduct an initial appraisal of these suggestions. Feedback to the Scheme Member will be given. Those suggestions providing an improvement to the Scheme will be progressed for inclusion within future revisions.

10 Further Reading

- New Forest District Council; www.newforest.gov.uk
- Managing the safety of Burial Ground Memorials – Ministry of Justice, UK Government.
- British Standard BS8415
- Documents outlined in Section 5.3
- Natural Burial Grounds (2009), Ministry of Justice, UK

Stonemason & Funeral Directors Registration Scheme



email: cemeteries@nfdc.gov.uk

Please sign and post to:

Cemeteries Office, Town Hall, Avenue Road, Lymington SO41 9ZG,

Telephone: 023 8028 5952

11 Form A1 - Scheme Registration Agreement

ALL boxes to be completed in BLOCK CAPITALS. **Part completed forms will be returned.**

I declare that I have read and understood the New Forest District Council's Stonemasons and Funeral Director's Registration Scheme requirements and the Council's current Cemetery Regulations and declare that I will comply with the Council's Cemeteries Regulations and the above named Registration Scheme requirements.

Company Name:	
If Subsidiary, State Parent Company:	
Address:	
Post Code:	Telephone:
Email:	Website:
Date of commencement of business:	
Details of Insurance and Public Liability Cover: (Copy Enclosed, of a valid certificate must be resubmitted). <i>Please tick that copies are enclosed.</i>	
Stonemasons: Public Liability <input type="checkbox"/> Professional Liability <input type="checkbox"/> Employee Liability <input type="checkbox"/> Sample Risk Assessment <input type="checkbox"/>	Funeral Directors: Public Liability <input type="checkbox"/> Employee Liability <input type="checkbox"/> Sample Risk Assessment <input type="checkbox"/>
<i>Association Membership(s): (Optional)</i> BRAMM, Membership Number: Current Certificate Attached <input type="checkbox"/> NAMM, Membership Number: Current Certificate Attached <input type="checkbox"/> Other Association / Company Scheme(s):	
Trade References:	
1)	2)

As an authorized person of the above stated organization, I agree to adhere to all Rules, Bye-Laws, Cemetery Regulations, Health and Safety Requirements, Insurance liabilities, Installation and Maintenance Specifications, Inspection procedures and all other Requirements as laid down by this Scheme. I have not been excluded from the Council's and/or other council schemes within the last 2 years.

Signed by:	
Print Name:	
Position:	Dated:

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ENVIRONMENT OVERVIEW AND SCRUTINY PANEL – 9 MARCH 2017
COMMUNITY OVERVIEW AND SCRUTINY PANEL - 14 MARCH 2017
CORPORATE OVERVIEW AND SCRUTINY PANEL – 16 MARCH 2017

THE HOUSING WHITE PAPER

1.0 INTRODUCTION

1.1 In the forward to this paper the Prime Minister says that “Our broken housing market is one of the greatest barriers to progress in Britain today. We need to build many more houses, of the type people want to live in, in the places they want to live. To do so requires a comprehensive approach that tackles failure at every point in the system”.

1.2 The paper sets out its proposals in four sections:-

- Planning for the right homes in the right places
- Building homes faster
- Diversifying the market
- Helping people now

It is a consultation document and the answers to 38 set questions are required by 2 May 2017.

1.3 This paper looks at the main issues raised which are most relevant from this Council’s perspective. It provides a commentary on those matters and may help formulate a response to the consultation in due course.

2.0 MAIN PROPOSALS

2.1 There is an introductory section to the White Paper which sets out the scale of the problem and says that the Government cannot solve it alone. It says that it is vital to have local leadership and commitment from a wide range of stakeholders including local authorities, private developers, housing associations, lenders and local communities. In particular, the Government expect local authorities to be as ambitious and innovative as possible to get homes built in their area. It talks about bespoke deals for innovative schemes, that all authorities must have up-to-date development plans and deal with planning applications promptly. It expects local authorities to hold up their end of the bargain, but if they do not the Government will intervene.

Commentary

Is this Council being innovative enough in getting new houses built in our area? We have a strategy for building, or acquiring new Council houses in our area but could we

be doing more to promote housing association development or other forms of housing tenure built in our area?

3.0 PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES

- 3.1 A large part of this section is about Councils getting up-to-date Local Plans approved to reflect the Government's requirement that much more housing land is allocated for development. These plans must then be reviewed at least once every 5 years. To help with this process the Government will consult on introducing a standardised national approach to assessing the housing requirements of individual areas and this will be in place by April 2018. This will remove the option of taking different approaches to this issue which results; for example, in our consultation draft Local Plan talking about this Council's "Objectively Assessed Need" being between 11,740 and 13,740 new houses over 20 years.

Commentary

We are currently on track to produce a new Local Plan for submission within the Government's timetable to avoid intervention and we have been fortunate, to date, in not facing appeal pressures to release land for housing outside of the Local Plan process (with one exception). If we allow the timetable to slip, or submit a plan which is substantially below our needs, this situation is likely to change very quickly. This would result in major implications for the workload of the planning department and could result in a lot of poor quality new development missing opportunities to negotiate improved infrastructure.

- 3.2 The White Paper also expects Local Plans to have clear policies for addressing the housing requirements of groups with particular needs such as older and disabled people. It also talks about making land ownership and interests more transparent by improving the Land Registry and changing contractual arrangements used to control land.
- 3.3 Priority should be given to bringing brownfield land forward for housing development, with a presumption in favour of this. There are opportunities, the White Paper says, to go further to meet needs in rural areas and to increase the supply of land to small and medium sized house builders. This is supported by the new Community Housing Fund (CHF).

Commentary

NFDC has been allocated up to nearly £1m from the CHF and separate paper will bring forward ideas for how this funding can be used.

4.0 GREEN BELT

- 4.1 The White Paper says that it continues the Government's commitment to protect the Green Belt but there is an interesting, and perhaps significant, change in the wording. It says, (my emphasis), that national policy will be amended to make clear that authorities **should** amend Green Belt boundaries **only** when they have fully examined all other reasonable options for meeting their identified development requirements including brownfield sites, underused land, optimising densities and exploring whether other authorities can help to meet unmet need in a particular area. It also says that Green Belt released in one place should be compensated by enhancement in other areas and that the detailed boundaries of a Green Belt can be set in neighbourhood plans.

Commentary

The approach we are taking to the Green Belt review in our proposals to move the Local Plan forward is consistent with this new guidance.

- 4.2 The Government has reaffirmed their commitment to Neighbourhood Planning and has said they will bring forward legislative change, more funding and new guidance to support this. They consider that such plans should contain detailed design guidance so that there is a clear basis on which future decisions can be made.
- 4.3 A section of the Paper then refers to using land more efficiently for development. This means avoiding building houses at low densities where there is a shortage of land to meet demand and looking for high density options in urban areas that are well served by public transport such as railway stations. It also talks about ensuring that the density and form of development reflects the character, accessibility and infrastructure capacity of an area.

5.0 BUILDING HOMES FASTER

- 5.1 This section starts by identifying that there is often a substantial time lag between planning permission being granted and houses being built. Two of the main reasons for this are perceived to be unnecessary delays caused by (too many) planning conditions being imposed and a skills shortage in the construction sector. The first issue will be tackled by trying to limit the number of conditions imposed by requiring developer agreement and considering options for reforming the system of developer contributions. Community Infrastructure Levy (CIL) payments are to be reviewed as they are not working as well as expected and Section 106 agreement mechanisms could be changed, particularly to deal with financial viability issues. Skill shortages in the construction industry will be tackled through more training in those areas with recruitment difficulties and developers are expected to play their full part in this.
- 5.2 A shortage of skilled resources in planning departments will be addressed by increasing planning fees by 20% in July 2017 if an authority pledges to invest the extra

money in their planning department. A further 20% increase will be considered for authorities delivering the homes that their communities require.

- 5.3 The Government will target the £2.3bn Housing Infrastructure Fund in the areas of highest housing need. This will target the provision of infrastructure (including transport and utilities) where this money will unlock the provision of new homes. Bids from local authorities or groups of authorities will be welcomed. The first year of this scheme is 2017 and it will run for four years. The paper also talks about requiring local authorities to have policies to ensure that high quality digital infrastructure is provided in new homes and ensuring that utility companies do not delay development by not investing in their infrastructure in a timely way.
- 5.4 Developers will be required to make available more information about the rate at which they are building out the sites which they control and there will be a consultation on whether they might be penalised, for example by the refusal of further planning permissions to them, if they have not implemented previous permissions. There will also be a consultation on whether planning permission should be granted for two and not three years to encourage quicker implementation. Planning authorities will be given simpler powers to require the completion of developments which have started and then stopped and consulted on whether Councils should be encouraged to use their compulsory purchase powers to support the build out of stalled sites.
- 5.5 A new housing delivery test will be introduced for local authorities. The logic of this is that Councils not only have to grant planning permissions for new homes but they will also have to ensure that builders deliver them at the annual rate set out in the Local Plan. This will be enforced by requiring Councils to allocate more land for development if the annual building rate is below the Local Plan target even though they think they have allocated enough land for it to be achieved. The Government say that both Councils and housebuilders need to be held to account to ensure the building of the number of new houses which are needed.

Commentary

The issue of planning conditions needs either developers to improve the information they submit or the system to be simplified to remove some of the requirements. The review of CIL and Section 106 agreements is to be welcomed. CIL is not delivering the infrastructure which is needed.

The extra fee income is to be welcomed because planning departments will need significant additional resources to deliver the new responsibilities which they are being given and to deal with the extra workload that many new residential applications will require. New Forest District Council will face this issue later this year.

This Council needs to understand and develop its role in bidding for new infrastructure funding to ensure that this area gets access to the public resources available to support the building of many new houses.

The housing delivery test responsibilities on local authorities seems to be unreasonable. Yes, we should grant permissions in a timely way and not overburden them with conditions. But, if a developer or landowner chooses not to build, surely it is not fair for the local authority to be penalised for this. There should be a better response to dealing with unreasonable land banking by developers and landowners.

6.0 DIVERSIFYING THE MARKET

- 6.1 This section starts by setting out that the Government believe that the way in which the house building market operates constrains the supply of new homes because there is insufficient competition and innovation.
- 6.2 The new Accelerated Construction programme will help to diversify the market through partnering with small and medium sized firms as development partners and contractors. The Government will partner with local authorities to help them bring forward their own sites more quickly than they could otherwise. They will also promote custom and self-builders through the sites register and continuing exemptions from CIL payments, as well as working with lenders to make funding more readily available.
- 6.3 The Government want to attract more institutional investment in building more homes for rent. They will change the National Policy Planning Framework to make it easier for Build-to-Rent developers to offer affordable private rental homes instead of other types of affordable housing. They will also ensure that family friendly tenancies of three or more years are available.
- 6.4 Housing associations have a vital role to play if we are to build the new homes we need. The Government will encourage them to do more by setting out a rent policy after 2020 (but there will be no change to the annual 1% reduction before then), treat them as being in the private sector with changes to their regulation, urge them to do more building and to improve their efficiency.
- 6.5 Local authorities should be backed and assisted to build more houses. They should use innovative new models such as local housing companies and/or joint venture models in building mixed sites which include new market housing for sale and rent as well as affordable housing. Tailored support packages will be available to Councils who want to build on their own land at pace.

“However, we want to see tenants that local authorities place in new affordable properties offered equivalent terms to those in Council housing, including a right to buy their home.”

- 6.6 The house building industry should be made more productive. In particular it should increase innovation and make greater use of modern methods of construction including homes constructed off-site.

Commentary

The concept of private institutional developers providing affordable housing for rent, as an alternative to other forms of affordable housing, is an interesting one but which needs very careful consideration of the details when they emerge.

The encouragement of local authorities to build more and for them to use innovative new models to do so is something that this Council is already committed to looking at. It will be a disappointment to some that the Government have retained their commitment to new Council developed property having to be sold to tenants at a discount.

7.0 HELPING PEOPLE NOW

- 7.1 This section sets out in its introduction that while the Government's main focus is on fixing the housing market in the long term', there is also clearly a need to intervene to help those who are struggling now. The first part describes the continuation and extension of some existing measures such as saving to raise a deposit and equity loans.
- 7.2 Starter homes remain an important part of the strategy but will not be a mandatory requirement on all new larger development sites. Where they are proposed there will be a 15 year period in which some or all of the discount must be repaid and they will not be available to cash buyers. They should be provided as part of a mixed package of affordable housing and the NPPF will be amended to ensure that all new housing sites are expected to deliver a minimum of 10% affordable home ownership units. It will be clarified that starter homes, with appropriate local connection tests, will be acceptable on rural exception sites.
- 7.3 The paper confirms that the pilots allowing housing association tenants to buy their homes will continue to be rolled out with right to buy discounts. Extra money has been allocated to the affordable housing programme and this has been expanded to include Rent to Buy homes and affordable rent products.
- 7.4 Measures are set out to remove the worst landlords from operating, making tenancies more family friendly and tackling unfair and unreasonable abuses of leasehold. The paper then refers to the Community Housing Fund which is supporting communities taking the lead in building homes particularly in areas affected by second homes. Returning to the planning side, the Government will be introducing a new statutory duty on Councils to ensure that their Local Plans meet the needs of older and disabled people.
- 7.5 The final part of this section is entitled preventing homelessness. Legislation will be introduced placing a duty on local authorities to take steps to prevent eligible people from being made homeless when they are threatened by this possibility

Commentary

We should welcome the dropping of the requirement to insist on 20% of starter homes on all large sites as this allows for a wider range of affordable options to be considered. Nevertheless, I think that they should still be a significant part of the District Council's affordable housing policy moving forward, along with affordable rent and shared ownership options. The Council will need to make important decisions soon about the balance it will be seeking to achieve.

It will be disappointing to some that the Government is still pursuing the sale of housing association properties to tenants if this is still linked with the Council having to sell its higher value assets when they become available.

While there is no detail of how the new duty to prevent eligible people being made homeless this could be a very onerous requirement on our housing needs team. We are struggling to deal with our existing duties to deal with people made homeless and so it is difficult to see how this new duty will operate if no more homes are available.

8.0 THE CONSULTATION PROCESS

8.1 The Annex to the White Paper sets out a total of 38 questions to which the Government invite responses by 2 May 2017. This Council's response will be through a joint portfolio holder decision by the Housing and Communities and the Planning and Transportation Portfolio Holders. There will be matters of interest to Environment, Communities and possibly the Corporate Overview Panels, as well as the Planning Development Control Committee, in this White Paper.

9.0 CRIME AND DISORDER, EQUALITY AND DIVERSITY, ENVIRONMENTAL AND FINANCIAL IMPLICATIONS

9.1 None arising directly from this report.

10. RECOMMENDATIONS

That Review Panels consider the contents of the White Paper and offer comments to the portfolio holders which can help inform their response to the consultation process.

FOR FURTHER INFORMATION PLEASE CONTACT

Chris Elliott,
Executive Head, Economy Housing and Planning
Tel: 023 8028 5588
E-mail: chris.elliott@nfdc.gov.uk

BACKGROUND PAPERS:

Published Documents

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