Gainsborough Town Council

Richmond House, Richmond Park, Morton Terrace
Gainsborough, Lincolnshire, DN21 2RJ
Telephone: 01427 811573
Website: gainsborough-tc.gov.uk
Email: townclerk@gainsborough-tc.gov.uk

Guidance Notes on Practices and Regulations within Gainsborough Town Councils Cemeteries

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Gainsborough Town Councils Cemeteries refer to the Gainsborough General Cemetery (Cox's Hill) and North Warren Cemetery (Ropery Road).

These Guidance Notes on Practices and Regulations within Gainsborough Town Councils Cemeteries outline the regulations for specific grave sections. This guidance should therefore be read by yourself as the purchaser of the grave exclusive rights. You must agree to these as it is important as a prerequisite before any grave rights are purchased.

On all grave sections within Gainsborough Town Councils Cemeteries, there are policies and regulations formally agreed in order to maintain the sites. These regulations also help keep the sites tidy and free from unsolicited items and to conserve the respectful ambience of the grounds. The grave plot that you have selected will fall under specific regulations and it is important that you know what these are and that you agree to abide by them, before purchasing the grave in question.

We understand that at such a distressing time, rules and regulations are very far from your mind, but we believe that this information will be of assistance to you, and so ask that you keep these notes with your grave deed for future reference.

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Exclusive Right of Burial

Purchasing the Rights to a Grave plot: 'Exclusive Right of Burial'

The Exclusive Right of Burial is, when purchased, what gives you authorisation to make all applications affecting that space for a period up to 99 years (dependant on terms of purchase) and once the appropriate fee has been paid and permission granted, the right to erect a memorial on that grave.

The ground itself, however, remains in the ownership of the burial authority (Gainsborough Town Council), which is empowered, by law to set out regulations for the proper management and control of the cemetery.

An Exclusive Right of Burial can be purchased for either 50 or 99 Years for a Full Plot or 25 years for a Cremation Plot. The fees for the current year can be found at: https://gainsborough-tc.gov.uk/council-services/cemeteries/

Further information and advice

Please keep both the Exclusive Right of Burial and the Exclusive Right of Memorial deeds safe as these will need to be presented periodically. During the period of your grave rights being granted any change of address or transfer of rights should be notified to the Council Office as soon as possible. Once the owner of the Exclusive Right of Burial is deceased it is important that an official transfer of these rights is undertaken so that our records show who the owner of the rights belong to otherwise problems can arise when a further burial in the grave is desired. If you require any further information or advice, please contact Gainsborough Town Council on 01427 811573. The Council is committed to carrying out this important service in a sensitive and caring way, meeting the needs of all those who are bereaved, and we welcome your comments on all aspects of our burial service.

Transfer of Exclusive Right of Burial

We understand there may be occasions in which you would like to pass your ownership over to someone else. Any transfer of the Exclusive Right of Burial in any grave shall not be deemed valid unless such transfer has been approved by the Council.

When the current grave owner is still alive and wishes to transfer ownership to another person, an Assignment of Exclusive Right of Burial form must be properly completed and authorised by the Council. These can be obtained by contacting the Council.

Transfer of ownership when the owner is deceased.

It is important to have a living owner responsible for the Grave. As grave owner, there is an automatic right for that owner to be buried in the grave space.

Following the burial of a deceased grave owner, we ask that the applicant for the burial then begin the process of transferring the ownership to the rightful living owner.

For a transfer of ownership to take place when the owner is deceased, we will require one of the following 2 documents in relation to the deceased's estate:

- **Grant of Probate – the original, court sealed document**
- **Letters of Administration – original document**

Alternatively, if there was no legal requirement to obtain either of the above documents then a **Statutory Declaration** would need to be used and signed by the next of kin.

The Town Council provide the **Statutory Declaration** using information given by yourself which would then need to be signed before a Magistrate or Commissioner for Oaths (Solicitor) please contact the office to discuss this.

Burials

Burials can be arranged either through a Funeral Director or directly with the Council.

When using a funeral director, they will go through the application process with you.

When organising a burial directly with the Council, please complete a Notice of Internment form which can be found at: https://gainsborough-tc.gov.uk/council-services/cemeteries/

Notice of Interment
Notice for a Burial must be given a minimum of 3 working days prior to the requested burial date. Please note office hours are 9am to 3pm Monday- Friday.

Hours of Interments
The hours for interments for all denominations are as follows:

Summer (1st April - 30th September)
9am – 3pm

Winter (1st October - 31st March)
10am – 2:30pm

Please note Burials on a 'non-working day' are subject to an additional fee.

Plot Dimensions

Full Grave plots:

Adult/older children
All grave spaces as standard shall be seven feet by two feet six inches (84"x30")

Small Child/Baby
All grave spaces as standard shall be four feet by two feet (48"x24")

Cremation Remains only Plots:
All Cremated Remains grave spaces as standard shall be two feet by two feet (24"x24")

Opening of Adjacent Graves
When a grave plot is being opened, the excavated soil is placed to the side of the grave, it may be necessary when opening a grave between two existing graves for the soil to be placed on one or both adjacent graves. The adjacent graves in question will be covered with boards so that the soil does not lie directly on the graves, this method is common practice in Cemeteries throughout the country. We expect that the excavated soil will be placed on the grave for at most a few days where a weekend is involved, this will unfortunately interfere with access to the graves for that period. After the funeral has taken place, the whole area will then be cleared and left neat and tidy. Where a memorial has been installed in close proximity to the grave to

be excavated this may need to be removed for Health and Safety and/or for excavation access. The Council will contact the Deed Holder/s of the memorial and will fund the removal of the memorial and its re-instatement after the burial has taken place.

Rules and Guidance Notes for Burials

The first few weeks after burial

After the burial has taken place, any floral tributes from the burial will remain on the grave for approximately 14 days after which they will be removed by grounds staff.

The first year

It is normal for graves to subside during the first year especially after periods of heavy rainfall, grounds staff will regularly check the graves and re-instate them where necessary and able. If upon visiting the cemetery you are concerned about the condition of the grave, please contact the Council office for advice.

Older grave sections

Burials can still take place in older sections of the cemetery where kerbs and surrounds have been allowed under previous legislation, however since the Local Authorities Cemeteries Order 1977, new type sections (as described below) have been introduced by most authorities which enables unhindered grounds maintenance by keeping the graves clear of all kerbs and articles, etc. The Council is charged with a duty of management of the cemetery and these regulations allow such responsibilities to be carried out effectively in the interests of all cemetery users.

General Rules & Regulations for Grave Plots

a) A marker or name plate may be placed on a grave space at the time of burial. The marker/name plate will remain until it is replaced with a headstone or other approved memorial.

b) No tree or shrub may be planted on any grave without prior permission being granted by the Council.

c) Raised mounds or turfed banks will not be permitted on any grave, apart from after a burial where the earth is mounded on the grave to allow for initial settlement.

d) The Council has the right to remove from any grave any items that are considered unsightly or that may interfere with the grounds maintenance of that area after serving notice to the registered grave owner. Any items seen to be causing an immediate hazard or danger will be removed immediately without notice.

e) If any unauthorised items are left on or around a grave space, the Council reserve the right to remove such items forthwith. The owner of the grave rights will be advised in writing and the items(s) will then be retained for 28 days. If these items remain uncollected or it proves necessary to remove the items on more than one occasion, the Council reserves the right to retain and dispose of these items at its discretion without further consultation with the owner.

f) The Council has the right to remove and dispose of any floral tributes, flowers, plants etc, that have withered or died or have become unsightly on any grave space. The Council has the right to remove all floral tributes left at a grave once fourteen days have expired after the burial. Christmas wreaths will be removed during February.

g) No body shall be buried, or cremated human remains interred/scattered in any grave without the consent in writing of the owner/applicant of the exclusive right of burial.

h) All burials and interments shall take place in accordance with the statutory requirements laid down in the Local Authorities Cemeteries' Order 1977, and any other subsequent legislation that comes into force.

i) The scattering of Ashes is prohibited within Gainsborough Town Council Cemeteries.

j) New grave sections: Grave sections within the Councils Cemeteries extensions will only allow memorials that have flower holders incorporated within the headstone in order to keep the graves neat and tidy and to remove hazards that may cause harm to the ground's maintenance operatives. No kerbs or surrounds must be placed within the entire area of the grave or any articles such as stone chippings, glass containers, plastic surrounds, kerbs, and plants. Within the new type graves temporary plants may be left at the head of the grave within the earth border after a burial for six months only to allow time for a permanent stone memorial to be fixed. After six months the Council reserves the right to remove these without prior notice or right of appeal.

k) Cremated Remains Burials: All excavations for the interment of cremated remains will only be undertaken by Council staff.

l) All cremated remains shall be interred in urns or caskets of a suitable and approved construction and design.

m) Children & Baby Graves: The regulations for these graves come under the same rules set out in the General Rules and Regulations for Grave plots section within this guidance. The Council recognises that this is a most difficult time for the parents and family and understand their desire to place tokens, toys, etc on to the grave plot as a sign of devotion in memory of their little ones. We do ask however that all items are kept well within the grave space so that no damage occurs whilst the grounds team maintain the area.

Memorials

Applications must be made to Gainsborough Town Council by the living registered grave owner/s before an Exclusive Right of Memorial can be granted.

The application is usually completed by the grave owner directly with the memorial mason, although application forms are available from the Gainsborough Town Council office.

Memorials should not be installed until at least 6 months after the date of the interment to allow for settlement of the soil within the grave plot, this should then ensure the stability and longevity of the memorial (for further information and advice contact the memorial mason).

On receipt of application and appropriate fee an 'Exclusive Right of Memorial' will be issued to the grave owner/s, it is suggested that this is kept with the Exclusive Right of Burial.

It must be pointed out that the Exclusive Right of Memorial is subject to a 30-year lease with a five yearly inspection cycle expected to be made (subject to resources financial and otherwise). This Right could be extended for a further period determined by the Council after the thirty-year period (subject to the memorial being inspected and being found safe).

Fees for Exclusive Right of Memorial can be found here: https://gainsborough-tc.gov.uk/council-services/cemeteries/

Memorial Rules & Safety

Memorial Insurance

Gainsborough Town Council strongly recommends you take out an insurance policy on your memorial. This policy should cover any works required if the memorial becomes unsafe, this will also cover your memorial for any damage caused by vandalism, theft, or accidents. Please note Gainsborough Town Council cannot be held responsible for any accidental damage caused whilst the grounds team perform their duties to maintain the cemetery, however, the team always takes extreme care to minimise risk.

Temporary Memorials

An informal application can be made to the Council regarding the installation of a temporary memorial, this may be a wooden cross that must be sourced by a funeral director or memorial mason company. Temporary memorials deteriorate quickly and so after six months the Council reserves the right to remove any temporary memorials without prior notice or right of appeal. Artificial memorials must not be placed at any time.

Memorial sizes

The standard size of a memorial within the non-cremated remains/ non-children's sections shall be no more than three feet (36") in height measured from the ground, two feet six inches (30") in width, nor four inches (4") in thickness.

Children's Section

No memorial within the children's section shall normally exceed two feet (24") in height measured from the ground, two feet (24") in width, nor four inches (4") in thickness.

Cremated Remains Section

No memorial within the cremated remains section shall normally exceed two feet (24") in height measured from the ground, two feet (24") in width, nor four inches (4") in thickness.

Flat plaques will also be allowed within the Cremated Remains section but should be a maximum of eighteen inches square and no more than two inches thick, (18" square and 2" thick) not exceeding six inches (6") at its highest part.

Exclusive Rights of Memorial will be subjected to the following conditions: The memorial may be inspected once every five years and any subsequent repairs identified from the inspection will be carried out at the owner’s own expense using a BRAMM registered mason. If the required repairs are not undertaken, then the Council will take the appropriate course of action (for further information please refer to the Gainsborough Town Council Memorial Safety Policy which is available on the Council’s website).

As holder of an Exclusive Right of Memorial you will be responsible for the maintenance of the memorial and must ensure it is in a safe condition. You should also ensure you have insurance to cover damage by vandalism etc, this can be obtained from most memorial masons.

Notes: Should a memorial be found to be in a dangerous state it may need to be made safe immediately either by cordoning off or laying down. The Council has a legal duty of care to all members of the public, staff and contractors that visit its Cemeteries under the Local Authorities Cemeteries Order 1977 and the Health and Safety at Work Act 1974. Where possible, the Council will try to make contact with the grave owner before any remedial works take place, although dangerous memorials may require immediate action and in this case the Council will try to make contact with the grave owner after the memorial is made safe (please

refer to the Gainsborough Town Council Memorial Safety Policy which is available on the Council's website).

Cemetery Rules

Damage

Any damage identified within Gainsborough Town Councils Cemeteries should be reported to the Council offices immediately. All damage caused wilfully to any property within the cemeteries will be liable to prosecution.

Motor Vehicles

Motor vehicles are allowed in the General Cemetery however, drivers are requested to adhere to speed limits (5mph) and ensure vehicles are parked in a sensible manner on firm ground and not grassed verges. Council personnel may request owners to move their vehicles if they believe they are causing a hazard or obstructing the highway.

Dogs

Dogs must be always kept on leads whilst in the Cemetery grounds and all dog mess must be picked up and disposed of in an appropriate bin.

Child Safety

All children must be accompanied by an adult whilst they are in the Cemetery grounds.

Conduct

Visitors to Gainsborough's Cemeteries are asked to conduct themselves in such a manner so that a quiet and peaceful environment may be experienced by all.

Terms and Conditions within the Natural Burial area

All visitors are asked to comply with our Terms and Conditions for the natural burial ground, they have been set out to ensure that the ethos of a natural burial is maintained. With these Terms and Conditions in place we will endeavour to create a natural and peaceful environment for the deceased and those who mourn them.

Visitor Access
Visitors should recognise that they need to take care on uneven and possibly muddy or slippery ground; **suitable footwear such as sturdy shoes, walking boots or Wellington boots should be worn.**

Because of the natural topography of the site disabled access is in places limited.

Funerals and Services
A body that has been subject to embalming or treated with formaldehyde may not be interred in the natural burial area other than in exceptional circumstances, and then only with the express permission of the Council.

Persons who have had a notifiable disease at the time of death may not be interred at the site without further measures being taken under the Health Protection Regulations; in such cases, West Lindsey District Council or the Health Protection Agency will advise appropriate action.

Conservation, Wildlife and Maintenance
The Council will carry out minimal maintenance within the natural burial area, this is to allow local flora and fauna to thrive. In order to provide for a more natural environment, the Site will be maintained at the discretion of the Council. Paths will be mowed on a more regular basis allowing visitors access to the natural burial area within the General Cemetery.

Visitors may not plant bulbs, flowers, shrubs, or grasses on the plots. No seed may be scattered on the burial ground unless approved by the Council. Many seeds sold commercially as ‘wild,’ or ‘woodland’ have inappropriate species within the mixture.

No trees may be planted on the site without permission from the Council.

Picking of flowers, shrubs or grasses is prohibited and no naturally germinated seedlings apart from bramble, thistle and nettle may be weeded from the plots.

No gardening of burial plots will be allowed. This includes grass cutting or removal of turf on or around graves or trees. Construction or maintenance of “flower beds” is not permitted.

Flowers and other Memorials
Only fresh flowers may be left at the site and all wrappings must be taken away and disposed of. No containers, oasis floral foam or vases are permitted, except immediately after a funeral or service when floral arrangements are acceptable. The Council will remove floral arrangements when they deem it appropriate in the days following a funeral and only fresh flowers will be left in situ.

Depending on the wishes of the owner(s) of the Exclusive Right of Burial, graves can be marked by a single tablet style memorial to a standard design and of which dimensions must not exceed 18 inches by 12 inches (450mm x 300mm) the tablet style memorial must be laid flush to the ground. Memorials must be installed by a BRAMM/RQMF registered Memorial

Mason to ensure uniformity and this is the only form of grave marking allowed. Owners of memorials that do not comply with the aforementioned specifications will be notified and asked to remove the memorial immediately, failure to do so will result in the Council removing said memorials and disposing of them at the possible cost of the grave owner.

Inappropriate items will be removed by the Council without notice, this will include letters, numbers, and symbols whether religious or not, plastic flowers, containers, wind charms, toys, candles, lanterns etc.

The use of sky lanterns or any other source of airborne litter is strictly prohibited.

Memorial Trees
Trees acquired as living memorials may be planted in the allocated area of the General Cemetery only with prior permission from the Council, responsibility of the tree will be that of the family. In time it is hoped that a small woodland copse will begin to develop naturally. As some trees grow more vigorously than others, the Council encourages families that have planted memorial trees to understand that the woodland as a whole is the lasting memorial of their loved ones.

Below is a list of acceptable tree species that may be planted within the General Cemetery in Gainsborough.

Alder
Birch (Silver or Downy)
Field Maple
Hazel
Rowan
Wild Cherry
Whitebeam
Crab Apple
Holly
Bird Cherry

Tree plaques are allowed but must not exceed 150mm x 100 mm, plaques should be mounted on a hard wood stake which is placed in the ground beneath the tree. All responsibility for the tree plaque is that of the family however, permission for a tree plaque must be given by the Council prior to installation.

Coffins, Urns and Shrouds
All burial or interment vessels including fixtures, fittings and liners must be of biodegradable construction, these include coffins made of wicker, bamboo, softwood, recycled paper (papier-mâché) and recycled board. Shrouds, ideally in natural fibres, are also acceptable.

Coffins made of veneered chipboard or MDF are banned as are coffins made from tropical hardwoods, even those from assumed sustainable sources.

Cremated remains may be poured directly into a specified plot or may also be interred together with the planting of a memorial tree. Cremated remains may not be scattered on the surface at the Site.

Wedding rings and similar objects may be interred with burials or ashes.

Grave Sizes
All grave spaces as standard will be seven feet by two feet six inches (2130mm x 760mm).

Grave depths are single only allowing the interment of one full body burial or three interments of cremated remains.

Statutory Applications
Procedures for all applications for Interment and Memorial will be as stated in the main document.