



CORPORATE POLICY DEVELOPMENT COMMITTEE AGENDA

Wednesday, 10th April 2024 at 7.15pm

**Council Chamber, Braintree District Council, Causeway House,
Bocking End, Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC

Members of the public will be able to view and listen to this meeting via YouTube.
To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

Members of the Corporate Policy Development Committee are requested to attend this meeting to transact the business set out in the Agenda.

Councillor M Ault
Councillor J Bond
Councillor G Courtauld (Chairman)
Councillor J Edwards
Councillor M Fincken
Councillor J Hayes
Councillor L Jefferis

Councillor S Rajeev (Vice Chairman)
Councillor M Staines
Councillor B Taylor
Councillor P Thorogood
Councillor E Williams
Councillor T Williams

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (NPI).

Any Member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration and Speaking

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make statement to the Committee on matters listed on the agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration [online form](#) by **midday on the second working day** before the day of the meeting.

For example, if the meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

The Chairman of the Committee has discretion to extend the time allocated to registered speakers and to amend the order in which they may speak.

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

Further information on Public Question Time is available on the [Council's website](#).

Health and Safety

Anyone attending a meeting of the Council is asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding, you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point where you should stay until it is safe to return to the building.

Documents

Agendas, Reports and Minutes may be accessed via www.braintree.gov.uk

Data Processing

For further information on how the Council processes data, please see the Council's Privacy Policy.

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

Mobile Phones

Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

Webcast and Audio Recording

Please note that this meeting will be webcast and audio recorded. You may view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-tv/core/portal/home>

The meeting will also be broadcast via the Council's YouTube Channel.

Comments and Suggestions

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended you may send these to governance@braintree.gov.uk

1 Apologies for Absence

2 Declaration of Interests - Scrutiny Committee

1. To declare the existence and nature of any interests relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice (where necessary) before the meeting.

2. To declare the existence and nature of any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Committee or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote on any particular matter.

3 Minutes of the Previous Meeting

To approve as a correct record the minutes of the meeting of the Corporate Policy Development Committee held on 30th November 2023 (copy previously circulated).

4 Public Question Time

Only Registered Speakers will be invited by the Chairman to speak during public question time. Please see the agenda notes for guidance.

5 Cemeteries Service Policy

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6 Update on Draft Work Programme 2024/25

Members to receive an update on the progress of the draft Work Programme of the Committee for 2024/25.

Report Title: Cemeteries Service Policy	
Report to: Corporate Policy Development Committee	
Date: 10 th April 2024	For: Consultation
Key Decision: Yes	Decision Planner Ref No: N/A
Report Presented by: Esme McCambridge, Strategy & Business Support Manager and Paul Partridge, Head of Operations	
Enquiries to: Esme McCambridge, Strategy & Business Support Manager Email: esme.mccambridge@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To consider Braintree District Council's (the Council) draft policy for the management of its four cemeteries (the Draft Policy) in advance of its consideration by the Cabinet Member for Transformation, the Environment and Customer Services.

2. Recommendations

- 2.1 To consider the Draft Policy as set out at Appendix A and make any recommendations as part of its finalisation.

3. Summary of Issues

- 3.1 Historically, the Cemeteries Service has operated with no formal documented policy in place. This has not affected the day to day running of the service which continues to operate smoothly in line with historic custom and practice. However, the vast majority of local authorities have some form of Rules and Regulations in place and so having a formal Cemeteries Services Policy will bring Braintree District Council (the Council) in line with other Burial Authorities.
- 3.2 The introduction of a policy will also provide clarity for staff and stakeholders including the bereaved, stone masons, funeral directors and other visitors to the Council's cemeteries on the services they can expect and the standards that apply and enable the Council to maintain and uphold those standards.
- 3.3 The Draft Policy at Appendix 1 captures long-established practice relating to the Council's Cemeteries Service and will support the future management of the service at the four cemetery sites.

4. Next Steps

- 4.1 Any recommendations made by the Corporate Policy Development Committee will be considered by the relevant officers in the finalisation of the Draft Policy ahead of its consideration by the Cabinet Member for Transformation, the Environment and Customer Services.

5. Financial Implications

- 5.1 There are no financial implications arising from the Draft Policy.

6. Legal Implications

- 6.1 There is no statutory duty on a local authority to provide burial services, but if they do so, the management is governed by the Local Authorities' Cemeteries Order 1977 (LACO). Local authorities are defined as burial authorities and given the power to provide services by virtue of the Local Government Act 1972.
- 6.2 Local authorities have a legal duty to maintain cemeteries for 75 years after closure to new burials. The Council currently maintains three closed churchyards in the District.
- 6.3 Cemeteries Rules and Regulations are a statutory requirement governed by the Local Authority Cemetery Order (LACO)1977 and guidance on their content is issued on a regular basis. They are also influenced by current legislation in respect of the disposal of human remains and environmental legislation, along with guidance issued by the Institute of Cemeteries and Crematorium Management.

7. Equality and Diversity Implications

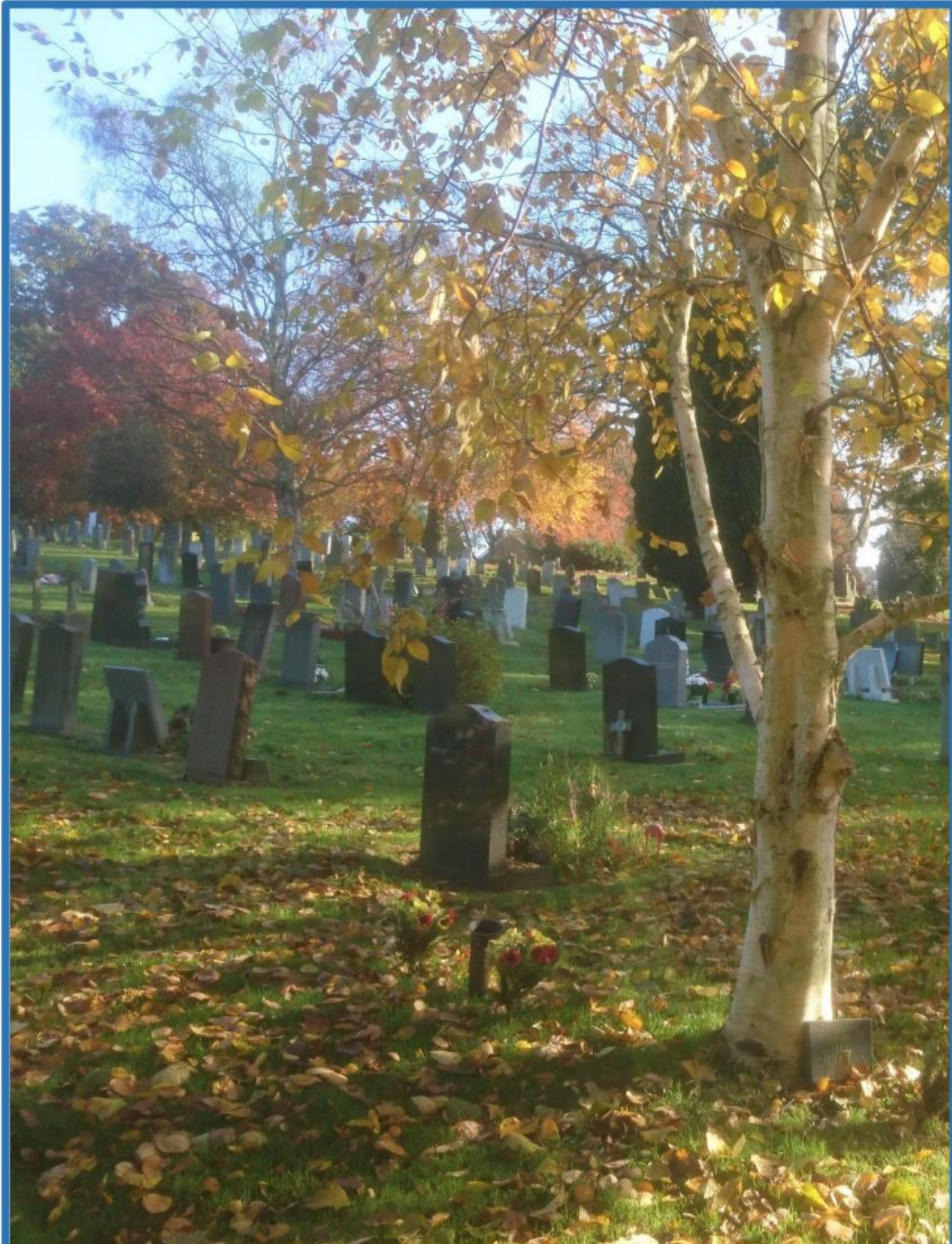
- 7.1 There are no equality and diversity implications.

8. List of Appendices

- 8.1 Appendix 1 - Draft Cemeteries Service Policy.

9. Background Papers

- 9.1 None.



Cemeteries Service Policy

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Foreword

Braintree District Council welcomes and respects all visitors to each cemetery within its management, and the Cemeteries Service in its entirety. This policy is put in place to assist, guide, and respect all matters relating to the Cemeteries Service as a public document and available for all. It has been created with a view to effectively maintain the current high standard whilst respecting the rights and needs of all visitors. We will continue to improve our service and develop for the benefit of the visitors and maintain an environment that the bereaved are able to pay their respects and remember loved ones in a suitable setting.

We work closely with national organisations including the Institute of Cemetery and Crematorium Management (ICCM), British Register of Accredited Memorial Masons (BRAMM) and National Association of Memorial Masons (NAMM) and work within the guidance of the Charter for the Bereaved. With these aids, we can offer up to date advice and guidance on a range of bereavement and cemetery issues.

1. Introduction

This policy document has been written to inform readers of the Braintree District Council (BDC) Cemeteries Service “in-house” rules and to provide a useful guide to members of the public who require the service.

This policy has been written in line with The Local Authorities’ Cemeteries Order 1977 and The Local Government Act 1972.

All graves will be sold subject to the directions set out in this policy document, together with any statutory legislation relating to 1) the provision of the services and 2) the management, regulation and control of BDC owned cemeteries and issued by central government and any other competent authority under which BDC is bound to comply.

The rules apply at all Braintree District Council owned and managed cemeteries. These are:

- Braintree Cemetery – London Road CM7 2AS
- Bocking Cemetery – Church Lane CM7 5SA
- Witham Cemetery – Manor Road CM8 2NX
- Halstead Cemetery – Colchester Road CO9 2EN
- Administration office based at Causeway House, Bocking End, Braintree, Essex. CM7 9HB

If you are unsure on any of the rules and guidance set out in this policy, please contact the Cemeteries Service Team in the first instance who will be delighted to assist you further.

In the unusual event of any service complaints, these will be dealt with in accordance with the Council’s corporate complaints policy. This can be found at www.braintree.gov.uk.

All queries regarding funerals, purchasing of graves, transfer or extension of an Exclusive Right of Burial (ERB), memorials and memorial applications, cemetery maintenance and chapels should be directed to the Cemeteries Service by telephone on 01376 557772 / 01376 557769 or by email to cemeteries@braintree.gov.uk. Our current fees and charges can be found at www.braintree.gov.uk.

We hope you find this document interesting and informative. The Council reserves the right to amend the Rules and Regulations and update this document from time to time due to legislative changes, national guidance, or internal updates to improve the service we provide to our customers.

2. Terms of Reference and Definitions

- “The Council” means Braintree District Council;
- “BDC Cemeteries Service” means the cemeteries team of the Council;
- “Cemetery, Cemeteries or Site” means any cemetery currently owned or managed by the Council;
- “Chapel” means the chapels situated at Bocking, Braintree and Witham cemeteries;
- “Exclusive Right of Burial” (ERB) means an exclusive right of burial granted in accordance with Section 7;
- “Memorial” means an object serving as a remembrance and for the purposes of these rules, include a headstone, cross, kerb, landing, edging, stone chippings, vase, flat memorial tablet, wooden grave markers, temporary grave markers and those memorials permitted under Section 6;
- “Cemeteries Service Manager” means the operational manager for Cemeteries Service and includes his or her deputies, assistants and or their representative;
- “Register of Burials” means a register of all burials in a Cemetery kept and maintained by The Council;
- “Fees and Charges” means the current list of fees and charges for goods and services provided by Braintree District Council Cemeteries Service;
- “Working Day” means between 9.00am and 5.00pm Monday to Friday inclusive but does not include any days which are bank holidays, public holidays or Council statutory days (a copy of the Council’s statutory days can be provided upon request); and
- “Next in Line” grave means the next available numerical grave as documented in the mapping system for the cemetery, this is allocated by the Cemeteries Service Team. A “Selection” grave is an alternative grave that can be selected by the applicant.

3. General Rules and Guidance

All persons shall conduct themselves in a decent, quiet and orderly manner and are advised of these provisions in the Local Authorities Cemeteries Order 1977.

3.1 No person shall:

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

See [Article 18 of the Local Authorities Cemeteries Order 1977](#)

3.2 Any person who commits any offence within Cemetery grounds or the crematorium will incur liability, upon conviction, to applicable penalties under relevant burial, criminal, civil and bye-laws. See [Article 19 of the Local Authorities Cemeteries Order 1977](#)

3.3 No burial shall take place and no monument or memorial shall be placed in the Cemeteries without the prior consent of the Council. See [Article 10 of the Local Authorities Cemeteries Order 1977](#)

3.4 The use of a camera, video or filming of any kind cannot be undertaken in the Council's Cemeteries without the prior consent of the Council and, where applicable, the holder of the deed of Exclusive Right of Burial.

3.5 The cemeteries will be open to the public 365 days a year. However, the Council reserves the right to close or amend the opening days or times without notice. This may be dependent on the weather or other issues that may arise. General opening times are as follows:

	Opening Times	
	Mon-Fri	Weekend & Bank Holidays
Bocking	8am-Sunset (or 8pm, whichever is first)	10am – Sunset (or 8pm, whichever is first)
Braintree	8am-Sunset (or 8pm, whichever is first)	10am-Sunset (or 8pm, whichever is first)
Halstead	8am-Sunset (or 8pm, whichever is first)	10am-Sunset (or 8pm, whichever is first)
Witham	8am-Sunset (or 8pm, whichever is first)	10am-Sunset (or 8pm, whichever is first)

- 3.6 Visitors shall not trade any goods or services within any of the cemeteries except with the prior written permission of the Cemeteries Service Manager.
- 3.7 The facilities available at the cemeteries includes WC with hot running water, chapels, stand pipes for access to water, litter bins, space for parking. If any of these facilities do not meet your satisfaction, please contact the Cemeteries Service Team.
- 3.8 We can accommodate multi faith burials at some of our cemeteries. The following cemeteries have the following faith sections.
- Braintree Cemetery – London Road. No faith, Church of England, Roman Catholic.
 - Bocking Cemetery – Church Lane. No faith, Church of England, Roman Catholic, Muslim & Baha'i.
 - Halstead Cemetery – Colchester Road. No faith, Church of England, Roman Catholic.
 - Witham Cemetery – Manor Road. No faith, Church of England, Roman Catholic.
- 3.9 Animals are not permitted in any cemetery other than assistance dogs and horses that form part of a funeral cortege.
- 3.10 Children under 12 years shall not be in the cemetery alone and must be accompanied by a responsible adult.
- 3.11 Vehicles shall not leave any roadway within the cemeteries except with the permission of the Cemeteries Service Manager. No grassed area in any cemetery shall be driven or parked on.
- 3.12 A speed limit of 5 mph is in place in all areas of the cemeteries. Please refer to the notice board for further information.
- 3.13 In the unlikely event that any damage is caused to cemetery land, walls, or premises, whether an accident or intentional, the person or persons committing such damage may be held liable by the Council.
- 3.14 Music, whether live or recorded, shall not be played in any cemetery unless the person has sought permission from the Cemeteries Service Team.
- 3.15 Braintree District Council is not responsible for the attendance of clergy, celebrants or any other bodies leading a service in the cemeteries. This is the full responsibility of the applicant. This may be a funeral director, or family if there has been no funeral director arranging.
- 3.16 The releasing of balloons and paper lanterns is strictly prohibited as they are a health and safety risk to nature and wildlife.

- 3.17 To help to keep the cemeteries tidy for all visitors, spent wreaths and flowers, or other articles of waste or litter, shall be placed in the appropriate bins.
- 3.18 Wreaths, sprays and cut flowers or other floral tributes may only be placed within the intended grave space. Flowers and flower containers should not be placed or fixed outside of these areas.
- 3.19 Braintree District Council reserves the right to remove spent flowers, or other waste from any grave after a 4-week period.
- 3.20 Visitors shall act in a quiet and orderly manner and respect all other visitors and staff. Visitors on foot shall keep to the road and pathways, except when visiting graves.
- 3.21 We expect all visitors to the cemeteries to behave in a responsible and respectful manner. Anyone behaving in a disruptive and disrespectful manner will be asked to leave the site by Braintree District Council staff.
- 3.22 A Grave Maintenance Scheme is available to all grant holders for their loved one's grave to be maintained. This consists of planting twice a year, along with monthly weeding and general up keep. On completion of an initial booking form, available from the Cemeteries Service office, an invoice will be sent, and the planting and upkeep shall commence from the next scheduled planting phase. Current fees can be found at www.braintree.gov.uk.

4. Burial Rules and Guidance for Bookings and Interments

- 4.1 Initial bookings for a burial (including the burial of cremated remains and booking chapel services) in any cemetery shall be made to the Cemeteries Service's Team. This can either be by telephone, email or in person and confirmed in writing as soon as possible by completion of an Interment Form.
- 4.2 The chapels at Braintree, Bocking and Witham cemeteries can be booked with a burial or interment following the service, although the chapel can also be booked to carry out a standalone service, with no burial or interment. The chapels are cleaned and ready to accept guests at least 60 minutes prior to the booked time. Chapel services are booked for 60 minutes, and current fees can be found at www.braintree.gov.uk.
- 4.3 Burials and Interments can take place between Monday and Friday, except Bank/Public Holidays. During the summer months, burials will take place between 09.30 – 15.30 and 09.30 – 14.30 in the winter months.
- 4.4 All funeral corteges shall arrive at the main entrance gates of the site at the agreed booked time. Please ensure that funerals arrive on time at the cemetery to maintain the efficient operation of the service. When the funeral cortege enters the cemetery, they will be under the supervision of the Cemeteries Service staff. All hearses and accompanying vehicles shall be driven to areas of the site as directed by them.

- 4.5 If expected attendance numbers exceed 55 mourners at any burial, the applicant or their representative shall give prior warning to the Cemeteries Service Team accordingly.
- 4.6 All burials and grave preparation will be carried out in accordance with the recommendations of the ICCM.
- 4.7 Only people trained and appointed by the Cemeteries Service shall excavate graves. This includes full burial graves and cremated remains graves.
- 4.8 You shall not inter cremated remains in any part of the cemetery other than within a grave purchased for that purpose and with the written authorisation from the ERB deed holder(s) and consent of the Cemeteries Service.
- 4.9 Burials and interments shall only take place if all statutory paperwork is received to the BDC Cemeteries Service at least 48 hours prior to the burial or interment. Retrospective documents cannot be accepted, unless agreed at the discretion of the Cemeteries Service Manager. This includes the 'green form' burial certificate or the cremation certificate.
- 4.10 For every burial and interment that takes place, a completed notice of interment form shall be handed to BDC Cemeteries Service on a day no later than 5 working days prior to the burial or interment taking place. Post, email, or hand delivery is acceptable. The form shall be completed with coffin / casket sizes along with a handwritten signature from the ERB deed holder, or applicant if the grave is not purchased. An electronic signature will not suffice.
- 4.11 At least 5 working days' notice is required for any burial to take place, this includes the interment of cremated remains. If a shorter notice period is required for any reason, the decision will be at the Cemeteries Service Manager's discretion.
- 4.12 All fees and charges in respect of a burial or interment will be invoiced accordingly. The invoice will be raised against the person or organisation submitting the application. Current fees and charges can be found at www.braintree.gov.uk.
- 4.13 Each deceased person brought into a cemetery for interment shall be contained in a suitable and sealed coffin or shroud and must bear adequate particulars to identify the deceased. If the deceased is to be buried in a shroud, they must enter the cemetery and arrive at graveside in a temporary coffin with a clearly marked name label sewn into the shroud.
- 4.14 The interment of ashes may be made in a crematorium container, casket or urn and may only be interred loosely if this is to be the final interment into the grave.
- 4.15 The scattering of ashes is not permitted above ground level in any other cemetery except for the designated area in London Road cemetery. This

must be booked through the Cemeteries Service Team. A member of the Team must be present for every scattering that takes place in the designated area and the appropriate fee paid upon receipt of invoice. The scattering will be registered in the scattering register.

- 4.16 Applicant consent is required in the case of an interment into the grave whereby the sole / surviving deed holder is deceased and to be interred into the rightfully owned grave.
- 4.17 A deceased ERB holder is entitled to be interred into a grave in which they hold the deeds to. They are also entitled to have their details engraved on a memorial fixed to the grave without the ERB deeds requiring transferring.
- 4.18 In the case of re-opening a purchased grave, written consent from the ERB holder is required. If the owner of those rights is deceased and it is not them being buried, the Council will require the deeds to be transferred into a living person's name to allow the interment to take place.
- 4.19 Signed consent from the deed holder of the ERB is required prior to any interment taking place. The exception to this is explained in 4.15.
- 4.20 After any interment has taken place, neither bodies nor cremated remains may be disturbed or removed from a burial place without consent from the Diocese and / or the Ministry of Justice by way of exhumation. The Council may place conditions on the arrangements for the exhumation of any remains from a burial place in a cemetery in the interests of Health and Safety.
- 4.21 The Council cannot be held responsible if, due to factors outside our control, the grave cannot hold the full number of interments requested.
- 4.22 All graves shall be dug with the intent to achieve the desired depth whilst keeping to HSE and ICCM guidance. However, the ground conditions may not allow the full desired depth. The applicant will be notified as soon as practicable and alternative options will be explained.
- 4.23 When a grave is being dug, we have the right to place boards over neighbouring graves and hold the soil on these graves for a short period of time. After the open grave is backfilled, all graves will be left as they were found. A visual check will be carried out on adjacent memorials prior to digging to ensure there are no upcoming anniversaries being commemorated on adjacent graves.
- 4.24 Single depth graves will be dug to a minimum depth of 4'6" and double depth graves dug to a minimum depth of 6'. If a grave is to be re-opened, a minimum of 6" soil between coffins is required. There must be between 2ft - 3ft soil from the last coffin lid to ground level once a burial has taken place. This depth is dependent on the quality of the soil which is outside the control of the Braintree District Council Cemeteries Service.

- 4.25 If a grave is re-opened for a second burial and the remaining depth is too shallow, an alternative method may be used to accommodate the second burial, if possible. If Braintree District Council are liable for the historic incident, there will be no fee payable to the client for the alternative method used to allow the burial to take place in the same grave.

5. Public / Common Graves

- 5.1 Where no Exclusive Right of Burial is purchased for an interment, a burial plot may be used at the Council's discretion for the interment of other unrelated persons who also do not wish to possess this right. These graves are known as Public Health or Common graves and the ERB rests with the Council.
- 5.2 As such, any interment in a Common grave will be at single depth only and the re-use of the grave for cremated remains is at the Council's discretion. An interment fee is still payable when a common grave is used and will be invoiced to the Cemeteries Service's client. The placing of fixed memorials is not permitted on such burial plots. The burial and subsequent cremated remains may be unrelated deceased people.
- 5.3 A Public Health grave will be used under the Public Health (Control of Disease) Act 1984 where it is the duty of the Council to bury a deceased person that has died within the Braintree District and has no other means or suitable arrangements being made by any other parties. All Public Health graves are dug to double depth and accommodate 2 burials of unrelated deceased people.
- 5.4 Public Health burials are carried out at Halstead Cemetery at 09:30 Monday to Friday. Family and friends of the deceased may attend. There is no opportunity for personal input and all decisions will be made by Braintree District Council Cemeteries Service Team.
- 5.5 In the case of 5.3, the Council will make all reasonable enquiries to ascertain the whereabouts of an Executor or Next of Kin. We will use a genealogy company to try to locate living relatives to carry out this duty in the first instance. If we are unsuccessful, we will take the case on under the Public Health (Control of Disease) Act 1984.
- 5.6 The case will usually include a property search of the deceased's home address to try to locate a Will, pre-paid funeral plan or finances that may cover the funeral cost. The search will be conducted by a BDC Officer along with a Landlord / Housing Association / Police, whichever is applicable to the case. If these items are not located, the expense will be covered by the government. Evidence of open accounts will be retrieved from the property and BDC Officers will act as Next of Kin, under the terms of 'causing the body to be buried' and close as many accounts as they were able to locate. BDC Officers will register the death and arrange the burial. If a death has already been registered or funeral details discussed with a Funeral Director, BDC will be unable to accept the Public Health Funeral case. In these

circumstances, all responsibilities in arranging a funeral will be held by the person that has registered the death or made arrangements with a Funeral Director.

- 5.7 Braintree District Council will bury the deceased within the above criteria rather than cremate. This option has been taken to ensure areas are covered relating to the deceased and any, potentially unknown to the Council, religious views.

6. Memorials, Memorial Masons and Memorial Inspections

- 6.1 All masonry work shall be carried out by National Association of Memorial Masons (NAMM), British Register of Accredited Memorial Masons (BRAMM) or Register of Qualified Memorial Fixers (RQMF) registered monumental mason or fixer mason. This helps to ensure a high level of workmanship and longevity of the memorial as well as enabling the Council to continue to achieve the high quality of Health and Safety standards. All fixers must comply with the current BS8415 British Standard.
- 6.2 A memorial may only be fixed on a grave where an ERB has been purchased and a permit has been granted to fix. The permit application can only be signed by the grave ERB holder or their legal representative. A wet signature is required for authorisation, an electronic signature will not suffice.
- 6.3 All fixing masons shall provide evidence of their Public Liability Insurance to the value of £5m and their membership registration number, as noted in section 6.1, before any fixings can take place.
- 6.4 The applicable permit fee shall be invoiced to the fixer mason at the current fee as set on 01 April each year. The stone mason is liable for the permit fee. Please visit www.braintree.gov.uk for current fees.
- 6.5 BDC Cemeteries Service reserves the right to amend or refuse any application for a memorial. They also reserve the right to remove any memorial that may be inappropriate or outside of the size regulations.
- 6.6 Any memorials fixed without these permissions in place may be removed from the grave and we will notify the fixers membership organisation.
- 6.7 An application to fix a memorial on a burial plot must be made in writing via the current memorial application form. The form shall be completed correctly before being processed and a permit being granted by the Cemeteries Service.
- 6.8 The Council takes an open view on any terms and expressions which may be chosen for the inscriptions but reserves the right to refuse such terms and expressions where, in the Council's opinion, they may be inappropriate or may offend people visiting the cemetery.

- 6.9 Memorials shall not be fixed on a grave where the last burial has taken place less than 6 months ago. 6 - 12 months allows the ground time to settle, however subsidence could still be likely after this time.
- 6.10 Any temporary memorial that is placed on a grave will be in keeping with the cemetery and be no larger than the agreed memorial regulated sizes.
- 6.11 An appointment shall be made with BDC Cemeteries Service, giving at least 2 full working days' notice to when the stone mason is looking to fix a memorial.
- 6.12 If any memorial is to be removed from a grave to allow a burial to take place, the memorial and all its components shall be removed from site by a NAMM / BRAMM / RQMF qualified stone mason working to the current BS8415, until the memorial is due to be fixed again. It is only at the Cemeteries Service Manager's discretion if a memorial remains on site for this period and this will be under certain Health and Safety conditions.
- 6.13 A 5-year rolling programme for memorial testing is in place across the four cemeteries. Further information is available at www.braintree.gov.uk. Any memorials deemed unsafe by Braintree District Council will be actioned immediately. This includes a stake fixed into the ground behind the memorial and appropriate and padded strapping. This will be for a 3-month period to allow the deed holder time to arrange for the memorial to be re fixed. The re-fixing, and all fees associated with this, is the sole responsibility of the deed holder of the grave, not Braintree District Council, and must be carried out by a NAMM / BRAMM / RQMF registered stone mason.
- 6.14 Memorial options within the Remembrance Scheme are provided for fixed term lease periods as set out in the current Fees and Charges. These can be found at www.braintree.gov.uk.
- 6.15 Safety testing of all memorial benches in all cemeteries will be carried out twice a year. If a bench fails the safety test, immediate action will be taken to make sure the bench is not used. For more information, please refer to the memorial bench stability testing document.
- 6.16 We no longer accept new applications for family-owned benches within the cemeteries. This is to remain consistent across the cemeteries and minimise the risk of Health and Safety issues for visitors and staff.
- 6.17 Replacement memorial benches can be purchased from Braintree District Council Cemeteries Service only. These will be fixed by BDC upon receipt of the correct payment. Fees can be found at www.braintree.gov.uk.
- 6.18 Any memorial bench fixed in any cemetery without the permission of the Cemeteries Service will be removed from site and stored safely until collection can be arranged.

6.19 Braintree District Council own a number of recycled plastic benches within each cemetery. These benches can hold up to seven 7” x 3” memorial plaques along the back rest, in memory of a loved one.

7. Exclusive Right of Burial (ERB)

7.1 An ERB can be granted to one or more persons, however issuing to more than two persons will be at the discretion of the Cemeteries Service Manager.

7.2 The ERB may only be granted to a person or persons over 18 years of age.

7.3 The ERB entitles the grant holder to determine who is buried in the grave and whether a memorial can be erected on the grave (subject to approval and payment of relevant fees). See [Article 10\(1\)\(C\) of the Local Authorities Cemeteries Order 1977](#)

7.4 Full burial plots can accommodate up to 2 full burials and subsequently up to 6 sets of cremated remains. Applicants must make it clear when arranging the first burial that the plot may be used for 2 burials, to allow for the grave to be excavated to a sufficient depth. Cremated remains graves can accommodate up to 4 sets of cremated remains.

7.5 If a grave is purchased at the time of interment, on payment of the appropriate fee and completion of the relevant form including the signature of the proposed owner, the right is granted for a period of fifty years and the Registrar shall provide the purchaser with a grave deed as proof of ownership. See [Article 10\(2\) of the Local Authorities Cemeteries Order 1977](#)

7.6 Upon expiry of the initial 50-year lease period, the deeds can either be extended for a further 50-years or a 10-year period. The extended rights begin when the additional years are purchased.

7.7 Where the Grant of Exclusive Right of Burial is not available, the registered grave owner or executor shall indemnify the Council in writing against any future claim which may be brought against the Council for permitting the use of the grave. See [Article 10\(3\) of the Local Authorities Cemeteries Order 1977](#)

7.8 If the ERB has expired on a grave plot, it must be renewed before any burial, interment or the placement of a memorial can take place. This includes an additional inscription on a memorial or the maintenance of a memorial. As described in 7.5. If the deeds are not renewed, the ownership reverts back to BDC.

- 7.9 Where the owner of a grave is deceased, there is an option for the ownership to be transferred. The family or Executor should contact BDC Cemeteries Service for advice on the relevant method and fee to transfer.
- 7.10 Ownership of the ground does not at any time leave the control of the Braintree District Council Cemeteries Service.

8. Transfer of Exclusive Right of Burial

8.1 A Grant Holder can transfer their rights to another person at any time. The Grant Holder will complete a Form of Assignment, which is available from the BDC Cemeteries Service, notifying them of the transfer. The transfer can only take place once payment of the transfer fee has been received, as set out in the current Fees and Charges which can be found at www.braintree.gov.uk. BDC Cemeteries Service will then provide written confirmation of the transfer to the transferee, by way of an ERB certificate and update the purchased grave register.

8.2 Death of Grant Holder –

(1) If a Grant Holder dies without bequeathing his or her right in their Will, the grave may be transferred to the name of the next of kin by submitting the necessary supporting evidence to the BDC Cemeteries Service. If there is no Probate or Will in place, BDC Cemeteries Service can advise on the appropriate next steps in transferring the deeds.

(2) If the deeds are to be transferred from the deceased owner to a living person, there is a legal process that must be followed. **In the first instance, this would** be the named Executor on the Grant of Probate. If no Probate was granted, it would be the Executor(s) of the deceased's Will. A copy of the Grant of Probate or the deceased persons Will, whichever is relevant, must be produced for the transfer to take place. If there is no Will in place, the applicant should contact the BDC Cemeteries Service for advice and guidance.

(3) The applicant arranging the interment of the Grant Holder should contact BDC Cemeteries Service to discuss the transfer of ERB.

8.3 If the owner is deceased and buried in the grave, the ERB deeds do not legally require transferring into a living person's name. They do not require transferring if the deceased owner is the last burial taking place in the grave and there are no further changes to an existing memorial stone, except the addition of the deceased owner being interred. The deeds will need to be

transferred if either of these options will take place.

8.4 We will hold the contact details of the current deed holder. Should we need to contact anyone with any information relating to the grave, we will revert to these contact details. If the deed holder is deceased, we may not be able to communicate information with you.

9. Grave Selection and Purchase of Rights of Burial

9.1 If you would like to select a grave, please contact the BDC Cemeteries Service office to arrange a suitable date and time to meet the team on site.

9.2 We are unable to reserve graves for payment at a later date. Once a grave has been chosen or allocated, an invoice will be sent for payment. If no payment has been made within 6 months of the invoice date, the invoice will be cancelled and the grave available for public to purchase.

9.3 We can offer a Next in Line grave at a reduced rate to the Selection Fee. This is the next numerical grave available in our record books and cannot be selected by the family. For current fees and charges, please visit www.braintree.gov.uk.

9.4 If multiple people are named on the Grant, a certificate will be sent out to each address of each deed holder. If the deed holders reside at the same address, 1 certificate will be sent out. If you require more than 1 certificate, please contact the BDC Cemeteries Service and this may be sent at their discretion.

9.5 If more than one person is named on the Grant, every person's signature is required each time the grave is to be opened and for the process to apply to erect a memorial on the grave.

9.6 The Grant is purchased for a 50-year lease period. The Grant deeds to the lease are what is being purchased, not the piece of land itself. After the 50-year lease period, the Grant (lease of the deeds) transfers back to The Council.

10. Memorabilia on Graves

10.1 Any personal memorabilia left in the Cemetery shall be kept within a grave space and not fixed or placed around tree bases, bench bases or pathways around the cemeteries.

- 10.2 Any home-made memorials or fencing on graves are the responsibility of the Grant Holder and must be maintained by the Grant Holder.
- 10.3 Any temporary memorials placed on a grave must be within the current size regulations.
- 10.4 The Council has the right to remove any unsuitable or inappropriate memorabilia from any grave and safely store until it can be collected.
- 10.5 All tributes and memorabilia are left in the cemeteries entirely at the risk of the property owner. Any theft, damage or injury is not the responsibility of BDC, and you will be advised to contact the police. Please note it is possible that wildlife in the cemetery can cause damage to trinkets and memorabilia left on graves.
- 10.6 General maintenance of a purchased grave is the responsibility of the Grant Holder. If the grave is overgrown and the Grant Holder cannot be contacted, The Council reserves the right to maintain the overgrowth on the grave space.
- 10.7 The Council reserves the right to remove from any grave space flowers, plants, floral tributes or wreaths which have deteriorated or become unsightly and dispose of them in such manner as they deem fit, without notice to the grave owner. The Council is under no obligation to return said items and may dispose of them as determined. See [Article 10\(2\)\(a\)\(iv\) of the Local Authorities Cemeteries Order 1977](#).
- 10.8 Current Size Regulations as follows, all memorabilia and memorials must be kept within these sizes.

Full Kerb Section

- Headstone max height 4'9" (inc. Base)
- Full kerb surrounds 6'6" length (inc. Base) x 2'6" width
- Double width memorials will have a standard 10" Mid feather. Width 5'10" max

Lawn Section (Braintree A Section Only)

- Headstone max height 3'7" (inc. Base)
- Headstone max width 2'
- Base width 2'6" max x depth 1'6" max
- Small kerb 2'6" x 1'9" max external size from front of base

Baby Graves

- Headstone max height 2'4" (inc. Base)
- Headstone max width 1'6"
- Base max width 1'9" x 11" max depth
- Kerbs 3'1" max length from front of base

New Cremation Section – Upright Headstone

- Headstone max height 2' (inc base)
- Headstone max width 1'6"
- Bases max width 1'9" x 11" deep max
- Small kerb 1'9" x 1'9" max external size from front of base

Old Cremation Section – Flat Tablet (Bocking, Halstead & Witham)

- Tablets 1'3" square