

**26<sup>th</sup> September 2018**

**Environment and Enforcement Committee**

**Amendment to the Cemetery Regulations in respect of the placing and management of floral tributes.**

**Report of:** *Stuart Anderson – Deputy operations Manager*

**Wards Affected:** *All Wards*

**This report is:** *Public*

**1. Executive Summary**

- 1.1 In 2014 the Council reviewed the cemetery regulations to govern the Cemeteries in London Road, Woodman Road and Lorne Road.
- 1.2 The 2014 review proved beneficial to both informing residents and the bereaved of their rights as set out in the Exclusive Right of Burial (ERB) holder.
- 1.3 However, since the introduction of the ERB there has been a noted increase in the trend to place pots, containers, plants and ornaments on a burial plot.
- 1.4 Often these items are left on a burial plot even after the plants have perished or ornaments have deteriorated. This can result in numerous empty pots/containers remaining on or around a grave.
- 1.5 This gives an unkept or neglected look to the cemetery, detracting from its appearance for all users.
- 1.6 An amendment to the current Cemetery Regulations is sought in order to take a sympathetic but practical approach to address the issue of excessive or uncared for items being left on a burial plot.

**2. Recommendations**

- 2.1 That members approve the amendment to the current cemetery regulations as set out in section 4.2 of this report.**

### **3. Introduction and Background**

#### **Current Regulations**

- 3.1 Under the memorials section of the current regulations it states the following in relation to the placing of pots, flowers, ornaments and memorabilia:

Ornaments and small pot plants may only be placed in the following areas:

- Within an approved kerb set
- On the concrete plinth to the rear of the headstone (if one is present)
- On the stone base of a headstone

The following items are not permitted on or around grave plots, or adjoining grassed/slabbed areas:

- Ornaments and pot plants exceeding 12"/ 30cm / 1 foot in height
- Any texts or written documents that have not been pre-approved by the Council
- Items with club association i.e. sporting memorabilia
- Solar lights/ lanterns
- Wind chimes
- Flags
- Nationalist memorabilia
- Perishable items including food and drink
- Candles
- Soft toys \*
- Balloons

\*As an exception, on special occasions such as birthdays and anniversaries, these items will be allowed to be placed and left for a period of 2 weeks.

For ashes plots; ornaments and small pot plants are only permitted on the stone plinth to the front of the memorial tablet.

Any ornament, pot plant or any other item that is placed on a plot outside of the above approved areas may be removed without notice in order to preserve the visual appeal of the cemetery.

- 3.2 Whilst this has aided in controlling some of the issues being experienced it has become apparent that further amendments are

required to aid control of the number and length of time pots, flowers and other items remain in situ.

- 3.3 The cemeteries, and in particular the plots themselves are, understandably, a sensitive and emotionally charged subject. Often families will place ornaments, flowers, pot plants and other floral containers on plots. However, these are often never removed or replaced. Therefore, after a period these plants perish, and the ornaments deteriorate to the point that they detract from the look and feel of the site.
- 3.4 Often plots end up with dead plants, empty pots, glass vases, glass memorabilia and jam jars or deteriorated and perished ornaments around or behind it.
- 3.5 This not only has an effect on the visual appeal of the cemetery to all those visiting it, but can also pose an issue for operatives who maintain the cemetery.

#### **4. Proposed Changes**

- 4.1 It is proposed to make changes in order to address the issue that has been outlined and to amend the wording in the regulations to the following:

*An ornament and a small pot plant may be placed in the following areas of a full burial plot;*

- *Within an approved kerb set.*
- *On the stone base of a headstone.*

*The following items are not permitted on or around grave plots, or adjoining grassed/slabbed areas;*

- *Ornaments and pot plants exceeding 12"/ 30cm / 1 foot in height*
- *Any texts or written documents that have not been pre-approved by the Council*
- *Items with club association i.e. sporting memorabilia*
- *Solar lights/ lanterns*
- *Wind chimes*
- *Flags*
- *Nationalist memorabilia*

- *Perishable items including food and drink*
- *Candles*
- *Soft toys \**
- *Balloons\**
- *Glass jars or any glass containers*

*The above list is not exhaustive and other items considered inappropriate may be addressed on a case by case basis.*

*\*As an exception, on special occasions such as birthdays and anniversaries, these items will be allowed to be placed and left for a period of 2 weeks*

*No items shall be permitted to be placed to the rear of a headstone, regardless of the presence of a concrete plinth or base.*

*All empty pots, jars, containers or any other item will be removed, without prior notification and disposed of accordingly. Any dead plants or flowers shall be removed when observed and disposed of.*

*For ashes plots only a single square 6" x 6" flower vase may be placed on the plinth to the front of the headstone as part of an approved memorial application or a single spiked floral container, again placed within the stone area to the front of the headstone. No item will be allowed to be placed on or within the grass to the front of the memorial setting/beam. Other forms of pot plant or container shall not be permitted to be placed on an ashes plot.*

*Benches shall be permitted to have a singular pot or container placed at the base of one side of the bench only. Ornaments will not be permitted on or around a bench.*

*Any ornament, pot plant or any other item that is placed on a plot or bench base outside of the above approved areas may be removed without notice in order to preserve the visual appeal of the cemetery.*

- 4.2 To accommodate the requirements within the 'ashes' areas of the cemeteries there will be a need to alter the plinth at the front of the headstone to allow the placing of flower holders. This can be achieved from existing capital budgets and with minimal disturbance to the plots themselves.
- 4.3 A sympathetic and phased approach will obviously need to be taken by Officers with signage placed on site to advise of the amendment to the regulations in the first instance.
- 4.4 Thereafter efforts will focus on working through a section of cemetery at a time and addressing individual plots with the ERB holder.

## **5. Reasons for Recommendation**

- 5.1 Cemeteries are a sensitive and emotionally emotive area of operations within the Council. As such any actions taken must be carried out first and foremost with the families of all those buried in the cemetery in mind and the feelings of those individuals. For this reason, it is important that the Council act as an intermediary in controlling what is placed on a grave within one of its sites.
- 5.2 To allow for greater control and regularisation of the placing of ornaments, pots, containers and floral tributes on graves
- 5.3 To ensure that the visual appeal of the cemetery is preserved for all those visiting the facility.

## **6. References to Corporate Plan**

- 6.1 To ensure the provision of efficient and effective services to our residents and businesses.
- 6.2 Providing increased customer satisfaction in the quality of Council services.

## **7. Implications**

### **Financial implications**

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There are no direct financial implications included in this report. Maintenance costs of the cemeteries are included in the Council's existing budgets.

### **Legal Implications**

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- 7.1 The power to make by-laws in reference to cemeteries is contained in paragraph 11, Schedule 26 Local Government Act 1972 and is in respect of the management of cemeteries. This power would by implication enable the amendment of any existing regulations. Any regulations would have to be confirmed by the Secretary of State.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

**Health & Safety implications**

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- 7.4 To maintain the safety of members of the public visiting or attending the cemeteries and, employees maintaining the grave plots and green space, these amendments support the Council's duty to maintain a safe environment for all to use.

8. **Appendices**

None.

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