



Cemetery Regulations

Last updated 12 January 2015

Introductions

These regulations were written June 2014 and came into effect **this date** and are intended to provide information regarding the cemeteries in Brentwood, and their users, including purchasing a plot, burials, and memorials.

These regulations set out the responsibilities of the Council and those of the Exclusive Right of Burial (ERB) holder of the grave plot.

These regulations are made in relation to The Local Authorities' Cemeteries Order 1977 and The Local Government Act 1972.

The Council adheres to the guidance of the Institute of Cemetery and Crematorium Management (ICCM).

Certain terms used in these regulations are explained in the definitions section at the end.

Wherever these regulations require an opinion or approval to be given it shall be that of the Service Co-ordinator for Cemeteries, or their delegated replacement. Any person aggrieved by such a determination may challenge it through the Council's complaints procedure but shall comply with the decision in the interim. Copies of the Council's complaints procedure are available from the Town Hall or can be found on the Council website.

Wherever these regulations prohibit or limit actions which may be taken by the public the Council reserves the right to take any action necessary to ensure compliance and to recharge the cost of that action to the person causing the contravention of the regulations.

Office Administration

All queries regarding funerals, purchasing of graves, transfer or extension of Exclusive Right of Burial (ERB), memorials and memorial applications, cemetery maintenance and the chapel should be directed to the Cemeteries Department by phone, on 01277 312500, or by email to depotadmin@brentwood.gov.uk.

Opening Times

The cemeteries are open to the public everyday throughout the year.

For vehicle access they are open everyday between 7am and 4.30pm in the winter and between 7.30am and 7pm in the summer (or 30 minutes before dusk – whichever is earlier)

The office hours are 8.30am until 5pm Mondays through Thursdays and from 8.30am until 4.30pm on Fridays.

The Council reserves the right to close the cemeteries on any day should circumstances so warrant and where possible notice will be provided in advance. This decision will be made in conjunction with the relevant committee chair.

Cemetery

Good order - Brentwood Council prides itself on the manner in which it presents its cemeteries, and to maintain this we operate a few simple policies we would ask you to observe and abide by.

All vehicles must use designated parking areas, and access to other areas of the site is not allowed. The owner of any vehicle is liable for any damage it causes whilst on the premises.

Please help keep the cemeteries free from litter, either taking it with you or using the facilities provided.

Smoking is prohibited in the vicinity of a grave or cremated remains whilst an interment is taking place.

Except for disability assisting dogs, no dogs are allowed on site.

The playing of games or sports in any part of the cemetery is forbidden, as is the consumption of alcohol or drugs.

Children under the age of 16 are not permitted to enter the grounds unless accompanied by a responsible adult.

Please remember that the cemetery is a public open space and everyone is welcome, however, some visitors may require some peace and solitude, therefore you are asked to respect the wishes of other people in the cemetery.

Exclusive Right of Burial (ERB)

The Exclusive Right of Burial (ERB) is a legal grant issued when a grave plot is purchased and entitles the holder to authorise a burial in the grave, the placement of a memorial, the additional inscription of a memorial, and maintenance of the memorial, as well as any plantings in the grave by the Council.

ERB can be granted to one or more persons, however issuing to more than two persons will be at the discretion of the Cemeteries Department. The decision of the Head of Service or their appointed representative shall be final.

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

The removal of any monument and/ or grave planting prior to a grave being opened is the responsibility of the applicant, and is at their own expense.

The current lease period for ERB is 100 years and any extension is for 50 years from the date the last grant ended, the Council reserves the right to amend these periods if it so wishes.

Where the ERB has run out on a grave plot, this must be renewed before any burial, grave plantings, or the placement of a memorial can take place. This includes an additional inscription on a memorial or the maintenance of a memorial.

Where the ERB has run out, or the owner wishes to surrender their Rights, or is deceased, the ownership is automatically transferred back to the Council.

Where the owner of a grave has been buried and ownership is to be transferred, the family or executor should contact the Cemeteries Department for advice on the relevant method and costs of transfer.

Should an owner wish to assign their ERB to another individual they should contact the office to prepare an assignment form.

Funerals

Applications for burials must be booked through the cemeteries administration office.

Funerals can be booked through a funeral director or privately by the family themselves; however, it is advised that full burials are booked through a funeral director.

Burials, full burials or ashes services, must be booked a minimum of 5 working days prior to the requested day to allow sufficient time for the ground to be prepared. Lesser periods of notice may be accepted at the absolute discretion of the Council.

Burials may take place between 9am and 2pm on Mondays through Thursdays and between 9am and 1.30pm on Fridays. Burials can not take place on weekends or public holidays without prior permission from the Council.

The Council will allocate the location of each new grave space, but in exceptional circumstances, the applicant's wishes for a particular location will be respected whenever possible.

All notices of burial must be given on the interment form provided by the Council and must be accompanied by the relevant documents authorising a burial to take place.

Completed interment forms must be signed by the current or potential ERB holder and must be submitted to the Council three working days before the funeral is to take place. A copy of the form can be submitted in advance. The original signed copy of the interment form and the accompanying relevant documents to authorise burial must be submitted at least three working days prior to the day of the funeral to the Council's appointed representative.

Burials

All burials shall be carried out in accordance with the recommendations of the ICCM.

Only persons appointed by the Council shall excavate graves.

No body shall be buried in such a manner that any part of the coffin or container shall be less than 90 cm (3 feet) below the surrounding ground level.

Where a grave is reopened for a further burial a layer of soil 15 cm (6 inches) deep shall be left undisturbed above the existing coffin.

Where a memorial is on a grave that is to be dug and it interferes with the digging of a grave, the memorial will need to be removed. This will usually be carried out by the funeral director but is ultimately the responsibility of the holder of the ERB.

All bodies received for burial shall be enclosed in an appropriate container marked with the name of the deceased. Burial may only take place in a coffin, casket, or shroud of a type approved by the Council.

The burial of cremated remains is not permitted in any part of the cemetery other than within a grave purchased for that purpose and with the written authority of the person holding the ERB and the consent of the Council.

All cremated remains must be interred in a plot in a casket, urn or other appropriate container as deemed by the Council.

Graves shall be backfilled level with surrounding ground immediately after burial, by persons appointed by the Council for that purpose in accordance with the Council's procedures and current Health and Safety at Work Regulations. The backfilling of a grave by a family member of the deceased is not permitted.

No body, or cremated remains, may be disturbed or removed without producing to the Council the appropriate licence required by law and issued by the Ministry of Justice.

The Council reserves the right to make different charges for burial to residents and non-residents of the Borough. A person is considered a resident if they currently reside in or have spent at least 75% of their life in the Borough.

Memorials

Memorials can be placed on both full burial and ashes plots in our cemeteries. All memorials must be approved by the Council before they are installed, which should be via a recognised stonemason who is NAMM or BRAMM registered.

Memorial applications need to be signed by the ERB holder. Where the ERB holder is deceased, the deeds must be transferred in order for a memorial to be placed on a grave, or maintenance works to be carried out.

In situations where the ERB holder has passed away and is interred in the grave, an additional inscription for the ERB holder will be permitted, providing the grant has not expired.

Headstones in London Road Cemetery, and in older sections of Woodman Road Cemetery, may be placed on a plot approximately 12 months after any burial takes place. This allows for the ground to settle and stabilise before the headstone is installed. In newer sections of Woodman Road Cemetery i.e. M, T, R, S, V and W, where there is a beam in place, the memorial can be installed within a matter of weeks after the burial has taken place. A memorial could consist of either a headstone or headstone and kerb set for full burial plots, or a vertical stone tablet for ashes plots.

All new interments, be they full burials or cremated remains, shall be indicated with a marker provided by the Council until such time as an approved memorial is installed.

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 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.

In addition to this, the Council will also remove any ornaments or memorabilia placed on a grave that is deemed inappropriate, may cause offence to others, or that it is felt may bring unwanted attention to the grave.

Headstones in the newer sections of Woodman Road Cemetery (i.e. M, T, R, S, and V) can be a maximum height of 2' 6" (30") and a maximum width of 2' 6" (30"). Additional sunken kerbing can also be installed with a maximum size of 4' (48") wide by 2' (24") deep.

In older sections of Woodman Road Cemetery and in London Road Cemetery a headstone can be a maximum height of 2' 6" (30") and a maximum width of 4' (48") where headstones of this size already exist.

Full kerb sets and landings are no longer permitted in either Woodman Road Cemetery or London Road Cemetery. Where a situation arises whereby the ERB for a plot with a full landing has expired and has not been renewed within 12 months of the expiry date and it is either in a state of disrepair or clearly not being maintained or visited, then the Council reserves the right to remove the landing or kerb sets to aid in the continued safe maintenance of the cemetery. The only exception to this shall be if there is no headstone present and details of the deceased are carved in the stone of the landing or kerb set. Prior to removal a notice shall be affixed to the memorial giving 6 months notice of the Council's intention.

In the cremated remains/ ashes sections in both Woodman Road and London Road Cemetery an ashes tablet (upright) can be installed with a maximum height of 1.67' (20") and a maximum width of 0.83' (10").

Any memorial placed without the Council's permission may be removed if it is deemed inappropriate or exceeds permitted sizes.

Stonemasons and Funeral Directors who are wishing to install or carry out maintenance on a memorial, having been granted permission by the Council, should contact the Cemeteries Department to arrange a suitable day to carry out the works.

Common Graves

Burials within un-purchased graves are not permitted.

Under Section 46 of the Public Health (Control of Disease) Act 1984 the Council has a duty to bury any person who has died or 'found to be dead' in the Brentwood area in any case 'where it appears to the local authority that no suitable arrangements for the disposal of the body have been or are being made'.

This means that the Council are responsible for making sure that anyone who dies in (or is found deceased in) Brentwood is properly buried or cremated if suitable arrangements have not been made.

If the Council arranges a funeral, then it can recover the costs from the estate of the person who has died (the deceased), if an estate is in existence.

Upon completion of the burial/ interment the Council will also make arrangements for a suitable memorial stone to be placed on the grave.

A common grave remains in the ownership of the Council.

Fees and Charges

Fees and charges are set and reviewed by the Council on an annual basis.

The cemetery has been provided to cater principally for the residents of Brentwood, but is also available for use by non residents as well. A two-tier fee structure reflects this.

Current fees and charges are available on the Council website www.brentwood.gov.uk or on request from the Cemeteries Department.

Miscellaneous

- Maps of the cemetery layout and sections are shown on signs in each of the cemeteries. Maps, including section maps showing the position of individual graves, are available on the website www.brentwood.gov.uk or from the Cemeteries Department.
- Registers of burial are kept by the Cemeteries Department, and the Council will endeavour to assist people trying to locate lost relatives who have been buried in one of our cemeteries.

- All vehicles entering the cemetery grounds must use designated parking areas, and access to other areas of the site is not allowed. The owner of any vehicle is liable for any damage it causes whilst on the premises. A 10mph speed limit should be adhered to at all times within the cemetery grounds.
- Smoking is prohibited in the vicinity of a grave or cremated remains whilst an interment is taking place.
- No animals are allowed in the cemetery grounds except disability assisting dogs and horse drawn hearses.
- The consumption of alcohol or drugs in any part of the cemetery is forbidden.
- No goods of any kind may be offered for sale in the cemetery grounds or adjacent land owned by or under the control of the Council.
- The approval of the Council must be obtained before photographing or filming in the Cemetery.
- All persons admitted into the cemetery must comply with the directions of Council staff.
- Children under the age of 16 years must be kept under the direct supervision of a responsible adult at all times.
- No band or music will be allowed within the cemetery except by the consent of the Council.
- No employee of the Council may demand or receive any gratuity without the permission of the service supervisor.
- Please help keep the cemeteries free from litter, either taking it with you or using the facilities provided.
- No person shall solicit any orders or distribute any circular, bill or article, of the like nature within the cemetery.
- Under the Local Authorities' Cemeteries Order 1977, it is an offence to: wilfully create a disturbance, commit a nuisance, wilfully interfere with any burial taking place, wilfully interfere with any grave, memorial or flowers or plants, or play any games or sport.

Definitions

In these regulations:

'The Council' means Brentwood Borough Council, or its appointed successor, which owns and runs the cemeteries.

'Cemeteries Department' means the officers and supervisors appointed by the Council with overall responsibility to manage the cemetery to whom all powers and duties

contained in these regulations are delegated. It includes his or her appointed representatives and successors.

'The Cemetery' means the place provided for the interment of human remains at Woodman Road and London Road, Brentwood.

'Working Days' means days on which the office is open.

'ICCM' means The Institute of Cemetery and Cremation Management. This promotes best practice and advises burial authorities throughout the UK.

'The applicant' is the person who applied for the funeral and signed the appropriate forms.

'Exclusive Right of Burial (ERB)' means a legal grant issued by the Council when a grave is purchased. You are not actually purchasing the land on which the grave is situated but are acquiring the exclusive right of burial therein for a limited time period determined by the Council.

'ERB holder' is the person or persons registered with the Council as the owner of an exclusive right of burial.

'Grave' means a burial place formed in the ground by excavation and without any internal brickwork, stone, or any lining. Up to 3 burials and 6 sets of ashes can be buried in a full burial plot.

'Grave space' means the area allowed for the establishment of a grave and in such position determined by the Council.

'Un-purchased grave' means a grave in respect of which the Council has not granted an exclusive right of burial.

'Cremated remains/ ashes section' means an area of grave plots in the cemeteries specifically for caskets containing the ashes of cremated remains. Up to 3 sets of ashes can be buried in an ashes plot.

'Cremated remains' means the ashes remains of a person who has been cremated.

'Scattering of ashes' means the dispersal of the ashes remains within a defined area by scattering from an urn in a manner determined by the Council.

'Monument' means a headstone, tablet, cross or kerb set placed on a grave space.

'Resident' means any person who normally resides within the Borough of Brentwood. It includes any person who has spent a total of at least 75% of their life living in the Borough. A child or stillborn child is deemed to be a resident if delivery occurred within the Borough Council administrative area or either parent is a resident. Body parts will be deemed to be those belonging to a resident if that person prior to their death, or loss of limb, normally resided within the Borough or the surgery for their removal occurred within the Borough.