



BRACKLEY TOWN COUNCIL

Burial Ground Management

BLANK

1. Introduction

- 1.1 Brackley Town Council owns and manages Halse Road Cemetery, Halse Road, Brackley NN13 6EH. The Cemetery was opened in 1963 and has provided a burial place for the residents of Brackley. The Council is responsible for the management and maintenance of the Cemetery. We are committed to improving the Cemetery and ensuring that it is a well-maintained and suitable resting place for loved ones.
- 1.2 General Enquiries - In the first instance, all enquiries should be made to Brackley Town Council offices at 20 High Street, Brackley, NN13 7DS. Telephone number 01280 702441 Detailed plans and registers are kept in the council offices and information may be sought during office opening hours, which are Monday to Friday 09.00 - 16.00.
- 1.3 Service Standards - The Council would value any comments you may have which could assist us to improve our service in the future.
- 1.4 Currency of Information - All information within this document is correct at the time of printing. Changing legislation and circumstances may, however, cause future revisions to be made and these will be binding on all Deed holders.

2. Objectives of the Policy

2.1 This policy aims to ensure the following:

- The Cemetery, memorials and any activities within the Cemetery are safe for all users of the site, including visitors, contractors and professionals in the funeral business.
- The environment is pleasant and peaceful in order to show sensitivity and respect for those interred within and to support family and friends to reflect and remember their loved one
- The processes followed to deal with any issues that may arise are fair, transparent and are sensitively and appropriately communicated.
- To manage the limited supply of current burial plots in Brackley and to ensure the continued availability of burial space within the Council's boundaries.
- That issues that arise are addressed in a sensitive and appropriate manner

3. Relevant Legislation

3.1 The legislation that apply to Burial Grounds is extensive and not possible to list in its entirety here. However, some of the key legislation is noted below.

As a burial authority, Brackley Town Council acts under the powers and duties granted in the Local Authorities Cemeteries Order 1977. The Burial Act 1857 makes it illegal to disturb a grave other than to carry out an authorised exhumation.

3.2 Health and Safety law applies in the Town Council's responsibility to provide safe working conditions for workers and contractors (Health and Safety at Work Act 1974) and the duty to protect visitors from harm (Occupier Liability Act 1957 / 1984)

3.3 The Town Council also has a duty to be inclusive to those with protected characteristics as outlined in the Equalities Act 2015, and applies in the Cemetery in terms of being accessible and accommodating different cultural needs.

4. Fees

4.1 The fees for the Cemetery are set by Brackley Town Council's Finance & Policy Committee. The fees are subject to change in each financial year which will be announced no later than 01 April in the preceding financial year. The fees charged contribute to the fees incurred in running the Cemetery, including staff time, maintenance work and safety inspections.

5. Eligibility

5.1 As with all burial sites across the country, land is in short-supply and maintenance of a Burial Ground is costly. It is therefore important that space within the Brackley Cemetery is used effectively for the benefit of the residents in the town.

5.3 The Town Council does recognise that a person may have a significant connection to Brackley that falls outside of these circumstances and in such cases, these will be considered individually by the Town Clerk and if necessary, the Direct Responsibilities Committee.

6. The Burial Process

6.1 Exclusive Right of Burial

An Exclusive Right of Burial (known as the Deed) **MUST** be purchased for a period of 75 years, at the time of submitting a notice for an interment. Burial spaces may be purchased either by residents or non-residents of Brackley, but please note that non-residents of Brackley will be subject to higher charges. After the 75 year period the Exclusive Right of Burial may be renewed by the then owner of the right, for which a renewal fee will be payable and the new grant will be subject to the burial regulations then in place. The council will buy back any unused deeds at purchase price only.

For the purposes of this document, "Resident of Brackley" is defined as a person living in the civil parish of Brackley at the time of death, or a person who has lived in the civil parish of Brackley within the last five years.

There may be other circumstances in which a person might be deemed a resident of Brackley, but these are exceptional and each such application in this respect will be considered on its merits by the Town Council.

The selection of grave spaces shall be determined by the Council which will, where possible, take into consideration the purchasers' wishes.

6.2 Interments

Prior telephone booking is required for every interment and this **MUST** be confirmed in writing on the Notice of Interment.

Notice of Interment **MUST** be given using the Council's printed form and must be completed in full. Responsibility for any errors or omissions rests with the person submitting the Notice. The Notice of Interment must be received by the Council **at least three clear working days** before the date of interment, unless for religious reasons and agreed with the Brackley Town Council office. All charges and fees connected with the interment shall accompany the Notice of Interment. We can accept BACS and card payments.

Failure to complete the Notice of Interment correctly or within the time specified may lead to a delay in interment and an increase in fees payable.

Please note, for burial interments it may be necessary to temporarily store soil on adjoining graves. Boards will be laid on to the grass to protect the adjoining graves.

Cremated remains may be interred in the ashes section of the Cemetery. They may also be placed as a reopening in all types of grave providing there is sufficient space.

Completed paperwork must be received at least 3 days in advance of an interment. The paperwork must consist of:

- A fully completed and signed notice of interment
- The payment/evidence of payment of any fees due
- One of the appropriate certifications authorizing interment:

The 'Green Form' containing Part B and Part C of the 'Registrar's Certificate for Burial or Cremation'

The cremation certificate

Confirmation of delivery of a non-viable foetus

Certificate of stillbirth

Certificate from Coroner authorising either a burial or cremation (this must be the correct certificate for the type of interment considered)

Certificate of non-liability to register

6.3 Allocation of Graves

The placement of the grave is allocated by the Town Clerk or delegated officer, and is recorded on the notice of interment either at the time of booking (for reopenings/interments in reserved plots) or three working days before the interment (for new plots). Allocation of new graves will usually be the next in row from the previous. If an individual, family or friend has a particular preference regarding grave location, this will be taken in to consideration but the Town Council cannot guarantee to meet that request.

6.4 Reservation of Grave Spaces

Brackley Town Council does not offer an option to purchase plots or reserve graves for future use. However, the Town Council will, of course, honour plot reservations made when such a scheme had previously operated. It should be noted that the reservation fee paid does not form part of the payment of the interment fee or any other fees related to the interment or memorial of a person in the Cemetery.

6.6 Existing Plot

Where the interment involves re-opening an existing plot, it will be necessary for the person giving notice to produce the Exclusive Right of Burial. Where the name on the Deed differs from the name of the person giving notice, proof of ownership will be required. Contact Brackley Town Council office for advice and help regarding this subject.

The removal of any headstone, vase or tablet from a purchased plot to permit the interment shall be carried out to the order of and at the risk and expense of the person requesting the burial. This **MUST** be carried out in good and sufficient time for the grave to be opened.

The memorial and its foundations should be removed from the cemetery in its entirety during this time.

Headstones, vases or tablets removed to permit grave re-opening shall be replaced by a competent stone mason, and at the risk and expense of the Deed owner 9 months after the interment has taken place.

6.7 Plot care immediately following burial

Back-filling of plot will not normally begin until funeral cortège are making their way out of the cemetery. Plots are then left slightly mounded to allow for settlement, and flowers delivered at the time of the burial will be carefully placed on the plot upon completion of back-filling. No memorials may be placed upon the plot within 9 months unless prior written agreement is received from the Council (this does not include the interment of ashes).

7. Responsibilities of the Deed Owner

- 7.1 Deed Owners are responsible to ensure that no unauthorised changes are made to the grave and identified repair issues are carried out. It should be noted that this includes the financial cost of making good any repairs required or safety concerns.
- 7.2 Deed Owners must update the Town Council with any changes to their address or contact details in order to receive up to date information.
- 7.3 The written consent of the Deed Owner(s) is required in order for the Town Council to authorise any further interment (except where the deceased is the previous deed owner) and to authorise any memorial changes.
- 7.4 Brackley Town Council understand that there may be occasions where a change in deed owner may be required. This can be achieved by both the current deed owner and the intended deed owner providing a signed letter to agreeing the transfer of grave management rights and responsibilities. This transfer of

responsibilities should not be assumed completed until written confirmation from the Town Council is received.

8. **Lost Exclusive Right of Burial**

Where an Exclusive Right of Burial (Deed) has been mislaid, it will be necessary for the person giving notice of the interment to provide proof of their identity and, if that person is not the Deed owner, to provide a letter of authorisation from the Deed owner.

Where the Deed owner is the deceased, authority for the interment is presumed by Section 10(6) of the Local Authorities Cemeteries Order 1977. Contact The Council office for advice and help regarding this subject.

9. **Hours of Interment**

Monday to Friday: 09:00 to 15:30
Weekends/Bank Holidays: by special arrangement only

Immediate burials are allowed only on the grounds of religion or public health

10. **Religious Arrangements or Arrangements with the Minister**

One section in Halse Road Cemetery is un-consecrated. Those persons having charge of the funeral and requiring their site to be blessed or consecrated are responsible for making the necessary arrangements.

11. **Funeral Cortèges**

Whilst in the cemetery, all funeral cortèges shall be subject to the direction of the Funeral Director. Musicians accompanying a funeral are welcome; however, to ensure disruption is not caused to other visitors, prior consent of the Council will need to be obtained.

12. **Scattering of Ashes**

Loose scattering of ashes is **not permitted** anywhere in the cemetery.

13. **Plots**

13.1 **Burial Plots**

The standard burial plot is 750mm (30") wide and can be dug to either a single (4'6") or double (6') depth. A standard burial plot can also accommodate up to 4 ashes caskets.

The standard cremation plot is 450mm (18") x 450mm (18") and can be dug to either a single or double depth.

Cremation plots are currently marked out using 450mm (18") x 450mm (18") slabs.

14. Grave Digging

- 14.1 The Town Council does not employ or instruct grave diggers, thus the grave digger for an interment must be appointed or instructed by the funeral director, the person arranging the interment, or another individual acting on behalf of the family. Ashes plots can be dug by Brackley Town Council's Estates Team.
- 14.2 However, in the interest of the safety of the Cemetery, only grave diggers that are authorised by Brackley Town Council to do so may dig or inter in the Burial Ground.
- 14.3 Authorisation will only be granted upon receipt of public liability insurance documents.
- 14.4 Grave diggers must provide any additional documentation required by the council upon request. This may include, but is not limited to, risk assessments, method statements, and evidence of competency in any machinery used.
- 14.5 It is the Grave digger's responsibility to ensure that they are aware of the grave they are digging and to enquire with the Town Council should they have any queries on the grave.
- 14.6 Grave diggers must ensure that they have the appropriate safety gear. This includes appropriate footwear and clothing and all other PPE deemed necessary by the grave digger's risk assessment.
- 14.7 No grave may be dug at the Cemetery without the permission of Brackley Town Council.
- 14.8 The grave must not be dug any earlier than 48 hours prior to the interment without the prior permission of the Town Council. The dug grave must be supervised or adequately boarded at all times, as to prevent the risk of slip trips and falls.
- 14.9 The requirements relating to the depth of grave required must be adhered to at all times. Any difficulties should be reported to the Town Council and the appropriate funeral director immediately.
- 14.10 The actual grave depth dug must be reported to the Town Council officer in attendance at the Cemetery.
- 14.11 Part 1 of Schedule 2 of the Local Authorities Cemetery Order 1977 provides the following minimum measurements to be adhered to at the time of interment:
- The coffin placed in a reopened grave must be separated from any coffin previously interred by a layer of earth measuring at least 6 inches (15cm) thick.
 - No part of any coffin interred may be less than 3 feet (91cm) below the ground level of the grave and any area immediately adjoining the grave.
 - Given the type of soil at Brackley Town Burial Ground, it is not suitable to reduce the minimum burial depths to less than 3ft below ground levels, as outlined in Schedule 2 of the Local Authorities Cemetery Order 1977.
- 14.12 Taking in to consideration the above points, and the assumed coffin depth of 1'3" 38 cm (which may well increase), the following minimum depth for graving digging is given below. It is strongly recommended

that the grave is dug deeper than the minimum depth as far as reasonably possible in order to ensure that contingency against future unknown factors is built in.

Dug for 1	4'6" 1.37m
Dug for 2	6'0" 1.83m
Ashes depths	Single 12"
	Double 24"

14.13 When conducting a reopening, it is possible that a shallow grave may be encountered and there is limited opportunity to resolve the issue. In this instance it is essential that the officers of the Town Council are immediately informed. The Town Council officers will help look for possible alternatives. This may include laying slabs or posts.

15. Memorials

15.1 Permission to install memorials

Only qualified Memorial masons are permitted to carry out the installation and/or removal of headstones within the cemetery.

15.2 Memorial Safety

Though uncommon, there have been a number of serious injuries (including fatalities) to members of the public in UK cemeteries caused by falling memorials. In addition to only permitting memorial masons to work in the Cemetery where their competency is assessed, Brackley Town Council also arranges safety testing of all memorials within all its managed Cemetery at least once every five years.

The memorial safety testing is carried out by a fully trained (ICCM) member of staff. As part of the memorial safety testing, we carry out a visual inspection of each memorial, followed by the 'hand test', where a force is applied to the top of the headstone to identify any potential movement, and whether any action is required to improve the safety of the memorial.

As a result of the memorial testing, a memorial may be considered either safe (where no further action is required for five years or unless a specific need is identified prior to the next inspection), or unsafe.

Safety issues may also be identified outside formal safety assessments, either by Cemetery Users or Contractors providing a service at the Cemetery. All safety concerns regarding memorials at the Cemetery must be directed at the Town Council, who dependent on risk, will identify the next steps to take.

The action taken when a memorial is deemed unsafe, depends on the risk it presents to other Cemetery users. Where there is an immediate risk to the safety of the Cemetery users, there is no choice but to lay the memorial down flat. However, it is noted that this can be incredibly upsetting to the loved ones of those remembered in the memorial, and this will only be done when absolutely necessary. Other actions could include posts and stakes, straps or webbing. Where a memorial has been laid flat or other action has been taken, the Town Council will write to the deed owner on the most up to date contact information held, as well as leave a letter on the grave. This will explain why the action has been taken and what work

must be undertaken to make the memorial safe.

Where the assessor identifies that there is an issue with the memorial that needs addressing, but it does not present an immediate risk of falling, the Town Council will write to the deed owner at the address most recently provided, requesting that the repair be carried out and specifying a date by which this work must be completed. Where there is doubt as to whether the address continues to be occupied by the deed owner, the Town Council may elect to instead leave the letter on the memorial in question.

Should the required work not be carried out within the time frame requested, the Town Council will consider what is the most appropriate next step to take, depending on the risk presented and any other known details of the case.

15.3 Burial Plots

All headstones must have maximum dimensions which should not exceed 900mm (36") in height (including the plinth) and 750mm (30") in breadth, with a base not exceeding 1200mm (48") x 450mm (18").

The plinth for the headstone may be placed, to accommodate no more than two flower holders, in front of the headstone if desired.

As long as these parameters are complied with, the design of the headstone can be tailored to personal requirements (please see paragraph 15.5 Memorial Approval). Planting outside of this area is **NOT** permitted.

15.4 Cremation Plots

Plots for ashes can have a maximum dimension of 450mm (18") x 450mm (18"), with a maximum height of 100mm (4"). Memorials must be laid flat (tablet or desk style only). Planting outside of this area is **NOT** permitted.

15.5 Memorial Approval

No memorial shall be erected anywhere within the cemetery except over a plot for which the Exclusive Right of Burial has been granted.

An application for permission to erect a memorial **MUST** be made and contain a dimensioned drawing or illustration of the proposed memorial and a copy of the proposed inscription. This form should be submitted to the Council and be accompanied by the appropriate fee. No memorial shall be permitted unless written permission has first been obtained from the Council.

The plot number and the memorial mason's mark **MUST** be engraved on the reverse of the memorial, prior to it being erected. A copy of every additional inscription **MUST** be submitted to the Council for written consent before the work is commenced.

In giving approval for a memorial the Council will consider the safety and suitability of the design and whether it could cause offence.

15.6 Plot Aftercare and Memorials

Newly dug burial plots will be top-filled and seeded once the ground has settled (subject to weather and ground conditions). Memorials **MUST NOT** be placed on a burial plot for the first 9-12 months following an interment (this does not include the interment of ashes).

15.7 Memorial Masons

Memorial masons are able to give help and advice on the size and type of headstone. Once a suitable memorial has been chosen, the memorial mason will require the plot number and Deed number before details can be submitted to the Council for approval.

The memorial mason **MUST** contact the Council to arrange an appropriate time, giving one weeks' notice for the memorial to be installed.

15.8 Additional Inscriptions

Additional inscriptions to memorials may be arranged by contacting a memorial mason, who will submit the application to The Council for approval. The memorial mason will require the plot number and the Deed number before they can submit the application.

15.9 Kerbing/edging

Kerbing/edging is **NOT** allowed to be erected around any plots within the cemetery, this includes wooden edging, plastic edging, metal or concrete edging. The Council reserve the right to remove any structures created around plots without notice.

15.10 Maintenance of Memorials

The Deed owner is responsible for ensuring that the memorial is kept in a good state of repair and shall also be responsible for arranging the safe removal of the memorial to give access for re-opening of the plot should the need arise.

If the Council has to repair or make safe any memorial, for whatever reason including but not limited to lack of maintenance, inadequate installation or vandalism, it reserves the right to recover any costs incurred from the Deed owner.

15.11 Removal of Memorials

It may be necessary for The Council to give permission to temporarily remove a memorial to allow excavations of an adjacent plot. The Council will endeavour to contact the Deed owner before such work commences but, if this proves impossible, the work will be authorised without advice to the Deed owner.

The costs in such circumstances will be borne by The Council.

16. Tributes – Floral and other

16.1 Planting of plots (burial and cremation)

Planting on or around plots is **NOT** permitted. The planting of trees and large shrubs is forbidden, and planting at the rear of headstones or to any side of cremation plots is not permitted due to its impact on neighbouring plots.

16.2 Vases and other Plant Containers

Vases and plant containers may be placed on the plinth but no more than 2. Due to health and safety considerations, such containers **MUST NOT** be of breakable materials. In this context, “breakable materials” are construed as glass, china, ceramic, terracotta etc. When assessing the potential breakability of items, The Council will always take a more cautious approach.

Any containers etc construed as being “breakable” **WILL** be removed by the Estates Team and held at the Town Council offices. The Deed owner will be notified of its removal, and if the item has not been collected after a period of three months, it will (as appropriate) either be donated to a charity or destroyed. In implementing this policy, The Council will not be held responsible for any loss or damage to items removed.

Other items that could cause problems for site maintenance such as stones, gravel or shells (which could get caught in or projected by mowing machinery) are **NOT** permitted and will be removed.

16.3 Tributes – Floral

Floral tributes left at the time of the funeral will be removed by the Estates Team after 21 days. The Council cannot be held responsible for the safety and upkeep of funeral floral tributes and items left at the plot.

Visitors are requested to remove any wreaths or flowers placed on a plot as soon as they become wilted, otherwise they will be removed by the Estates Team.

Following special occasions, floral tributes will be removed as follows:

Christmas—8 weeks after Christmas
Mothers’ day—2 weeks after Mothers’ Day
Easter—4 weeks after Easter
Fathers’ Day—2 weeks after Fathers’ Day

16.4 Tributes – Other

Items which may be considered as offensive or disruptive (wind chimes/lights for example) will be removed by the Estates team.

The Deed owner will be notified of its removal, and if the item has not been collected from The Council

office, after a period of three months, it will (as appropriate) either be donated to a charity or destroyed. In implementing this policy, the Council will not be held responsible for any loss or damage to items removed.

17. Exhumations

- 17.1 An exhumation or disinterment refers to the removal of human remains from the ground. An exhumation may be required or requested for a number of reasons including moving the remains to a different location, for scientific or forensic examination.
- 17.2 It is unlawful for an exhumation to take place without obtaining the necessary permissions. In the instance of the Brackley Town Council owned cemetery, lawful permission may only be obtained via a license applied for through the Ministry of Justice.
- 17.3 To apply for an exhumation, the applicant will need to fill out and sign the Part A of the 'Application for a license for the removal of buried human remains (including cremated remains) in England and Wales.' This form is available from <https://www.gov.uk>. Once completed the form must be signed by the Deed Owner (if they are not the applicant), and submitted to Brackley Town Council.
- 17.4 Brackley Town Council will complete Part B of the application and submit to the Ministry of Justice. This process may incur a charge.
- 17.5 Once a license is received, the arrangements for the exhumation to take place in accordance with the license may commence.
- 17.6 It should be noted that the applicant will be responsible for all costs associated with the exhumation and any reinterment, unless otherwise agreed in writing.
- 17.7 The process to be followed includes the below:
- The Town Council informs the local Environmental Health team. The Environmental Health team may choose not to attend where the exhumation is of cremated remains, but they must be present for the exhumation of a buried person.
 - A date and time is arranged for all those due to be in attendance, which includes a grave digger. The exhumation must take place early in the morning to allow for maximum privacy.
 - A risk assessment and method statement is required from the grave digger prior to the exhumation taking place
 - An officer of the Town Council must be present for the exhumation to ensure that the conditions of the licenses are followed and that
 - The correct grave is opened
 - The plot is appropriately screened for privacy
 - The work is carried out in a sensitive and respectful manner
 - Adequate health and safety measures are in place and adhered to
 - The name plate(s) on the casket (s) match that on the license.
 - All requests and measures stipulated by the Environmental Health Officer and are carried out.
 - All conditions of the exhumation license are met

- 17.8 Following an exhumation, the Town Council's Burial Register and Burial Plot Plans will be updated to reflect the disinterment, and any reinterment will be recorded in the usual way.

18. Glossary of Terms

“The Council” means Brackley Town Council

“The Cemetery” means Halse Road Cemetery, Brackley

“The Deed owner” means the person who legally owns the plot, (ie the name of the person that appears on the Exclusive Right of Burial)

“Memorial” means any headstone placed on or laid over or upon any grave space

“The Clerk” means the Town Clerk of the Council or any person for the time being authorised by the Council to act on their behalf

“Parishioner” means those living within the parish of Brackley only

“Estates Team” means employees or agents of Brackley Town Council

19. Application Forms and other Relevant Documents

Exclusive Right of Burial

Notice of Interment

Memorial Request Form

If none of the above applies, please contact Brackley Town Council, 20 High Street Brackley NN13 7DS
Telephone 01280 702441 or email town.clerk@brackleynorthants-tc.gov.uk