



North Hykeham Town Council Cemetery Policy

Terms used in this policy:

- “The Council” means North Hykeham Town Council
- “Council Offices” means Civic Offices, Fen Lane, North Hykeham, LN6 8UZ
- “The Cemetery” means North Hykeham Cemetery, Mill Lane, North Hykeham, LN6 9PB

1. Interments

- a) The person to be interred must have been a resident of the town of North Hykeham immediately before the death. In the case of a stillborn child, at least one parent must be a resident of North Hykeham at the time of the interment.
- b) If the person to be interred was a resident of North Hykeham but had to move into a residential care home for support, they will be permitted to be interred into the Cemetery.
- c) The majority of plots are double depth and can accommodate two burials. The Council will permit two burials in a double plot or a double depth plot can accommodate a burial and Interment of Ashes; in this instance the first interment into a double depth plot must be a burial. Thereafter, the grave will accommodate up to eight sets of ashes.
- d) No interments shall take place on Good Friday, Christmas Day or a Public Holiday, except in the cases of emergency certified by the Coroner or registered Medical Practitioner.
- e) At least five working days’ notice is required for any interment, exclusive of weekends and bank holidays. All notices of interment must be received at the Council Offices, on the form supplied by the Council, at least three working days prior to the time the burial is due to take place.
- f) No interment can take place without a Certificate for Disposal or a Coroners Order for Burial – failure to provide this will result in a delay of the burial until the certificate can be produced. Any additional expense incurred by the Council as a result of incorrect or missing information/paperwork will be charged to the person making the application. A certificate of cremation must be produced before the interment of any ashes in the Cemetery.
- g) A burial can take place with or without a religious service. It is the responsibility of the funeral director or bereaved family to arrange for a Minister or other persons authorised to officiate at the burial.
- h) The allocation of grave spaces is managed by the Council; burials will only be allowed in designated areas previously laid out for burials.
- i) All coffins/caskets will be made of perishable materials, no metal type coffins/caskets will be allowed.
- j) The number of burials that can be accommodated in a grave space is dependent on a number of factors including the ground conditions at the time the grave is excavated. We will, however, do our best to accommodate your request if we can do so safely and in accordance with legislation.
- k) The scattering of cremated remains either in the grave, on the memorial or in the area in front is not permitted.

2. Purchasing of Graves

When a grave is “purchased” this refers to the purchase of the Exclusive Right of Burial of the grave space and not the purchase of the land itself. This means that you do not own the land but have the Exclusive Right to say who can be buried in the grave. Up to two people can be jointly given an Exclusive Right per grave space.

In accordance with the Local Authorities Cemeteries Order 1997, all burial rights are issued for a fixed period. North Hykeham Town Council only issues Exclusive Rights at the time of a burial or interment of ashes, and the Exclusive Right is for a period of 50 years from the date of issue. The Exclusive Right may be passed down through the family, and the owner of the Exclusive Right has the option to renew it at the end of this period. At the end of 50 years, should the owner of the Exclusive Right not apply for renewal then the plot reverts back to the Town Council together with all rights concerning the grave. When an Exclusive Right is issued it contains details of the grave number and its location. The number of burials that can be accommodated in the grave space is not specified as this is dependent on the ground conditions at the time the grave is excavated.

Only the owner of the Exclusive Right of Burial can authorise the re-opening of the grave space by signing the interment form. If the owner is to be interred in the grave space, then the authority must be signed by the Next of Kin, the person who will prove the will, or such person as may be approved by the Council. If the registered owner is not available (e.g., abroad), and cannot be contacted, the grave cannot be reopened. If the owner is deceased it will be necessary to make arrangements to officially transfer the ownership prior to the requested opening of the grave and this can be done by contacting the Council.

3. Transfer of Exclusive Right of Burial

The transfer of a Grant of Exclusive Right of Burial is a legal process and whilst there are set procedures to follow, each transfer must be looked at individually.

In the following circumstances a transfer of the ownership of the Exclusive Right of Burial will be required:

- a) An application is made for a burial in the grave but the registered owner is already deceased.
- b) An application is made for a memorial to be erected on the grave but the registered owner is deceased.
- c) The registered owner has died, and a new owner would like to be registered.

If you wish to transfer the rights of burial to a grave, the Council staff can assist with this procedure and provide advice on the documentation required, and the fees payable, to enable this to happen.

4. Exhumations

Exhumations are generally rare and can occur for a number of reasons, including moving the deceased to a family plot or for repatriation overseas to be buried along with other family members. It is an offence to carry out an exhumation, including that of cremated remains, without first obtaining the necessary lawful permissions. The Council can provide help and advice on the licences and permissions required to carry out an exhumation from a grave.

We will ensure that exhumations are undertaken with decency and respect; sensitive to the needs of other cemetery users. If the conditions of the licence cannot be met, or there are public health or decency concerns, the exhumation will not proceed.

5. Memorials

To place a memorial on a grave the owner of the Exclusive Rights of Burial must obtain a permit issued by the Council. In most cases the stonemason supplying the memorial will provide you with the necessary application form and submit the application for a permit on your behalf.

If a grave is to be re-opened for further burials it is the responsibility of the owner of the burial rights to arrange for the memorial to be removed so that the grave can be excavated. Your appointed Funeral Director will usually organise this on your behalf.

Only stonemasons who have registered with the Council and provided proof of their Public Liability Insurance are permitted to work within the cemetery. The Memorial Mason will receive a permit notice allowing for the erection of, or alteration to, any memorial, or the cutting of an inscription. This permit must be signed by the owner of the Exclusive Rights of Burial. It is a condition of the memorial permit that all memorials installed within the Cemetery must first have the grave number and section letter clearly and conspicuously inscribed up on it before installation, whether they are new or re-fixed. Memorial Masons that do not abide by this condition will be refused installation.

Only approved memorials will be permitted to be erected. No memorial or inscription will be admitted into the Cemetery without the consent of the Council given in writing on the official permit. All memorials will be of the prescribed dimensions and erected or fixed subject to the payment of the prescribed fees and charged and in accordance with the Rules and Regulations in force.

The stonemason will provide all tools and materials required for the erection of a memorial. After work on the erection of a memorial has commenced it must be continued during working hours until completed. All equipment and materials must be removed during weekends and public holidays. Memorials must not be fixed in unsuitable weather or whilst the ground is in an unfit state, the opinion of the Council in these respects being conclusive. Hewing and dressing of stoneware will not be permitted in the Cemetery, except for inscriptions on an existing memorial.

All memorials are the sole responsibility of the owner of the Exclusive Right of Burial, who is responsible for ensuring that the memorial is kept in a good, safe condition. The Council cannot accept any liability for repairing damaged or fallen memorials, or be responsible for any damage, theft or vandalism or any other circumstances beyond the control of the Council. The Council strongly recommends all grave owners obtain an appropriate insurance to protect the memorial from unforeseen circumstances. The Council must be informed of any change of contact details, including change of address, of the owner of the Exclusive Right of Burial.

No memorial shall be removed from the Cemetery without the permission of the grave owner and without the consent of the Council. The Council will remove, at the expense of the grave owner, any memorial that has been installed without the necessary authorisation.

6. Size and construction of Memorials

Memorials for Burials (burial plots only)

- a) The maximum height of a headstone (headstone, book, tablet or cross) is not to exceed 3' in height, inclusive of base, and width not to exceed 2' 6" which will include any flower vase if required. The depth should not exceed 12".
- b) If an additional plinth is erected, the maximum size is 12" from front to back, with the Memorial base maximum 10" from front to back. The Memorial Mason's name and the Grave No. must be engraved on the side.

- c) A headstone cannot be erected until a minimum of 3 months after interment.
- d) No kerbs, fences or other grave ornaments will be permitted.
- e) Under no circumstances may relatives' plant on the grave surface, and all memorials must be placed on the concrete plinth provided by the Town Council, in order to facilitate grass cutting.

Memorials for Cremated Remains

- a) This is the only memorial permitted to be placed in the Garden of Remembrance
- b) Memorial plaques must be no more than 14" high inclusive of any base, 2' in width and 1' in depth. These must be fitted on a concrete plinth provided by the Town Council.
- c) Memorials will be inclusive of a vase if required.
- d) Memorials for Cremated Remains can be fitted immediately after the interment of ashes.

Any memorial erected that does not conform to Town Council specifications will be removed.

7. Cemetery Fees

All Cemetery fees will be reviewed annually by the Council's F&P Committee, ratified by the Finance and Policy Committee Town, and published as Appendix A to this policy.

8. Appeals

An appeal against a decision of the Council must be submitted in writing within 5 days of that decision being issued; this forms the period of Right to Appeal. An Appeals Panel will be convened and will determine the outcome, not later than 3 days after the period of the Right to Appeal. No further appeals to this decision will be accepted by the Council.

An Appeal Panel will be formed by 5 Councillors; the Chair or Vice Chair of the Council, two members of the E & O committee and 2 Members of the Community Committee. The Clerk to the Council will also be in attendance.

9. Care of Graves and Memorials

- a) Once a burial has taken place, the soil will be backfilled and on completion the soil will be mounded and any floral tributes placed on top of the soil. A marker detailing the name of the deceased and the grave number will be placed at the head of the grave.
- b) Please be aware that at some point in the future, other graves within the area may need to be excavated. Unfortunately, it is not possible to remove all of the soil from the area and we will need to carefully cover the area adjacent to the grave and place the soil there. Where possible, graves with no memorials are chosen, however, you may find you are prevented from visiting your grave for a short period. After the funeral, the grave is backfilled with the soil, and the area is cleaned and left in a tidy condition.
- c) Following burial, flowers can be left on a grave for a maximum of two weeks as long as the flowers are still fresh. If they are not removed after two weeks Council Staff have been authorised to remove them. Sympathy cards will be kept for collection from the Council Offices for 2 months after the burial. Any unclaimed items will be disposed of after that time.
- d) In the weeks following a burial the soil will compress and the mound will reduce. Once the soil has settled, we will ensure that the grave is levelled before grass seed is applied.
- e) Shrubs or trees are not permitted to be planted on any grave space, and the council reserves the right to remove them at any time.
- f) Relatives are responsible for removing dead flowers and wreaths and disposing of them accordingly. Taps and facilities to dispose of litter are provided at various locations throughout the cemetery grounds for

convenience. All wreaths laid for the festive season must be removed from graves no later than the 6th of January; Council Staff have been authorised to remove any such items after this date.

- g) Any objects left on the grassed area of a grave will be removed by Council Staff, in order to maintain the Cemetery as a lawned cemetery. Any non-perishable items will be stored by the Council for a period of not more than 6 months, and relatives may contact the Council to claim any such items. After 6 months, unclaimed items will be disposed of.
- h) Cemetery Maintenance is carried out throughout the cemetery. Grass cutting is usually undertaken between March and October; however, spells of heavy rain can delay grass cutting and increase growth rates, often at the times, such as early summer, when the growth is at its fastest.
- i) The Council will periodically inspect the safety of memorials. All headstones are to be kept in good repair by the owners and a memorial classified as unsafe will be reported to the grave owner in order for them to arrange immediate repair. If not repaired by due notice, a memorial may be removed by the Town Council. The Council reserves the right to:
 - Lay flat or make safe any memorial headstone that has been identified as unsafe
 - Remove any unauthorised memorial from a grave
 - Remove any memorial which they deem objectionable or of unauthorised type or size.
- j) The Town Council, as the Burial Authority, has a duty of care and is responsible for the safety of the Cemetery and can take action, if necessary, to achieve this.

10. Behaviour in the Cemetery

All visitors to the cemetery must behave in a respectful manner and must not interfere with any burial taking place. Children under 12 years must be accompanied by a responsible adult at all times.

Any person, who damages, defaces or destroys any property or causes any nuisance within the cemeteries will be liable to prosecution. No demonstration of any kind shall be allowed within the cemeteries or any religious service other than the service at the time of interment, without prior consent of the Council.

Dogs must be kept on a lead at all times whilst in the Cemetery and should not be allowed to foul the Cemetery grounds. Owners are required to be considerate of the bereaved and the other cemetery users and clean up after their dog.

Parking is allowed in the cemetery car park 7 days a week, provided this does not impede on any funerals. A speed restriction of 5mph is in place, and all vehicles must be parked correctly within the car park. Only Authorised Vehicles are permitted beyond the boundaries of the Cemetery car park.

Bicycles, skate boards or similar must not be ridden in the Cemetery.

APPENDIX A:

NORTH HYKEHAM TOWN COUNCIL
NORTH HYKEHAM TOWN CEMETERY
Section 34 of the Burial Act 1852
Local Government Act 1972
Article 15 of the Local Authorities Cemeteries Order 1977

Fees, payments and sums fixed and agreed by the North Hykeham Town Council at a meeting of the F&P Committee held on 23rd June 2022, to come into effect from **1st July 2022**. The fees, payments and sums set out below apply where the person to be interred must have been a resident of the town of North Hykeham. In the case of a stillborn child, at least one parent must be a resident of North Hykeham at the time of interment. If the person to be interred was a resident of North Hykeham but had to move into a residential care home for support, they will be permitted to be interred into the Cemetery. The majority of plots are double depth and can accommodate two burials or one burial followed by up to eight sets of ashes if required.

PART 1 - EXCLUSIVE RIGHT OF BURIAL

For the exclusive right of burial, not exceeding 50 years.

	<u>Fees</u>
i. Double plot size 8' x 4' (for single or double depth interments)	£1,250
ii Single plot size 8' x 4' where double depth is not available	£850
iii Double Cremated Remains plot 2' x 1' (maximum 2 caskets)	£450
iv Children's plots 6' x 3' (stillborn to age 12 years)	No Fee
v. Children's Plot 8'x 4' (age 12 years – 18 years)	No Fee
vi Interment of ashes by Council Staff	£100
vii. Transfer of Exclusive Right of Burial deed	£25

The Exclusive Right of Burial is for 50 years from the date of purchase and may be passed down through the family. At the end of 50 years, should the owner not apply for renewal then the plot reverts back to the Town Council together with all rights concerning the grave. The deed holder must obtain the permission of the Town Council if he/she wishes to erect a memorial.

PART 2 – MEMORIALS FOR BURIALS (burial plots only)

	<u>Fees</u>
i. To erect a Monument	£200
ii. Each additional inscription	£100
a) The maximum height of a headstone (headstone, book, tablet or cross) is not to exceed 3' in height, inclusive of base, and width not to exceed 2' 6" which will include any flower vase if required. The depth should not exceed 12".	
b) If an additional plinth is erected, the maximum size is 12" from front to back, with the Memorial base maximum 10" from front to back. The Memorial Mason's name and the Grave No. must be engraved on the side.	
c) A headstone cannot be erected until a minimum of 3 months after interment.	
d) No kerbs, fences or other grave ornaments will be permitted.	
e) Under no circumstances may relatives' plant on the grave surface, and all memorials must be placed on the concrete plinth provided by the Town Council, in order to facilitate grass cutting.	

PART 3 – MEMORIALS FOR CREMATED REMAINS

	<u>Fees</u>
i. To erect a Monument	£200
ii. Each additional inscription	£100
a) This is the only memorial permitted to be placed in the Garden of Remembrance.	
b) Memorial plaques must be no more than 14" high inclusive of any base, 2' in width and 1' in depth. These must be fitted on a concrete plinth provided by the Town Council.	
c) Memorials will be inclusive of a vase if required.	
d) Memorials for Cremated Remains can be fitted immediately after the interment of ashes.	