

Report on Cemetery fees and regulations

The land for Carlton Parish Cemetery was acquired in 1968 at a cost of £239.30 (including legal fees), plus works and set up costs of £257.99, and financed by a loan of £500 from the Public Works Loan Board. Part of the land was consecrated. The precept in 1968 was £61.00, so the total cost relative to the precept was equivalent to £46k today, excluding interest payments on the loan. Between 1968 and 2015 there have been 54 burials, plus 5 burials of cremated remains in graves containing burials. Cremation burial plots were created in 2004, and since then there have been 5 burials of cremated remains in them. There have been about 2 burials a year for the last 10 years.

As currently set out there are 14 unoccupied single grave spaces, 19 single grave spaces subject to grants of exclusive rights, 5 plots for unmarked burials of stillborn babies, and 16 vacant cremation burial plots. There is space to set out a further 32 single graves and 40 cremation burial plots within the fenced area. The adjacent cemetery field has space for more than 240 single graves if the existing layout is continued. The unused part of the Cemetery Field is let on a peppercorn rent. A safety inspection of all memorials is carried out each year.

Double depth graves were allowed until 1990, when groundwater caused serious difficulties before a funeral. It was then decided that only single depth graves would be allowed in future, and field drains were laid by volunteers along the northern and eastern sides of the land. Since then there have been no problems with groundwater.

Public footpath S69 runs along the eastern side of the churchyard and cemetery. A tarmac path was laid from the church door to the cemetery by Hinckley & Bosworth Borough Council in 1994. This was extended by the Parish Council in 2006 when an additional area of land was brought into use for burials. A park bench seat was kindly installed in 1990 by Hinckley & Bosworth Borough Council.

The cemetery and closed churchyard are mowed regularly by a contractor, with additional grounds maintenance and tree works carried out by the Tree Warden and volunteers. Contractors are engaged for specialist jobs, such as the recent felling of a large diseased tree. The maintenance costs in 2015-16 were £1,048.00.

It has always been the intention of the Parish Council to provide a peaceful and well maintained public open space in the centre of the village, and a straightforward, simple and sympathetic service for parishioners who have suffered a bereavement. Residents of the parish will have paid for the cemetery through their council tax, and the fees for parishioners are intentionally set at a low level to reflect this.

The management of the Cemetery is governed by the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977. The management of the closed churchyard, and of graves in consecrated ground is governed by the Faculty Jurisdiction Rules 2015. The Regulations and Table of Fees were last updated on January 10th 2007: these documents can be found on the Parish Council's website.

Proposals for changes are discussed below: draft Regulations and Table of Fees incorporating the suggested changes are at the end of this report.

Regulations

Regulation C. Clarification is needed to make it clear that cremated remains may be scattered or buried. It is an offence to disturb human remains, and this term includes cremated remains buried in a casket or in close association. This becomes important if it may be necessary to inter a body in a single grave after the burial of cremated remains. In such a case the cremated remains must either be buried close together below the eventual level of the coffin where they will not be disturbed, or scattered beneath the turf over the area of the grave. In the latter case the topsoil and scattered remains can be set aside and replaced after the burial of the coffin.

Add words ***scattered or*** so that this regulation reads: ***Cremated remains may be scattered or buried in a casket provided that the casket is made of biodegradable materials.***

Table of Fees

Schedule A. This schedule has worked well in practice, and offers a simple and objective way of establishing whether a person has the right to be buried at the subsidised rate. It is common for elderly or sick parishioners to move out of the Parish to live near relatives or in a home or hospital before they die, having expressed a wish to be buried in Carlton. Many burial authorities stipulate that a candidate for burial must have been resident in the parish within five, or even two years of the date of death. I believe that this is too exclusive, and recommend that the wording of this section is not altered. However, consideration might be given to changing the wording of the final phrase to ***..... ; and to any person whose name has appeared on a Register of Electors for the Parish of Carlton in a period of twenty years before the date of death.***

Schedule A (1) It needs to be made clear that cremated remains may be scattered in or on a grave, as well as buried together or in a casket.

Change wording to: ***For the interment of the body or cremated remains, or for the scattering of cremated remains in an earthen grave***

Increase fee to £75.00.

Schedule A (2). The grant of an exclusive right of burial means that the grantee has the sole right to determine whether a body or cremated human remains may be buried or scattered in or over any grave. A grave subject to this right is a *private grave*. The Parish Council currently grants this right for a period of 100 years (the maximum allowed). These rights may be transferred and form part of the estate of a deceased person, so this means that the owner of the rights will be able to authorise additional burials for a period of 100 years. In theory this right should be assigned by the executor of an estate, and the Parish Council notified of the transfer, but this rarely happens.

In practice this will usually mean that the relatives of the person buried in a grave will ask for the cremated remains of other members of the deceased's family to be scattered or buried above the coffin in the same grave. This is attractive to many families, and means that a number of remains can be accommodated in a single grave space. The right may only be held by one person, so it is essential that the Burial Authority ensures that any person requesting a burial or the burial or scattering of ashes in a private grave does have the right to do so.

It may be necessary to require an affidavit signed by all the beneficiaries of an estate to confirm that the person making the request is in fact the owner of the right. This becomes very important if there should be a family disagreement about who should be buried in a particular grave. It is an offence to allow the burial of any remains in a private grave without the consent in writing of the owner of the right, and if this happens it is likely to lead to an exhumation order and a claim for damages. Such disputes are not common, but become more likely with successive generations. One way of reducing the risk of problems might be to reduce the time for which a grant of exclusive rights is made, but this needs to be balanced against the benefit of encouraging multiple burials in one grave space.

I recommend that this issue be considered, but on balance it is suggested (a) that the period for which grants of exclusive rights are made remain at one hundred years; but (b) that careful checks are made and written consent required when a request is made for a burial or the burial or scattering of ashes in a private grave.

Schedule A (2) Increase fee to £150.00.

Schedule A (3) Increase fee to £30.00.

Schedule A (4). It is not uncommon to find that ashes have been scattered in the churchyard or on the churchyard bank by persons unknown, and there is no point in trying to regulate this activity or levy a charge. However, it is desirable to clarify where ashes may be scattered in the Cemetery: the churchyard boundary is at the top of the bank. The revisions to Schedule A (1) and Schedule B (1) allow the scattering of ashes within the defined area of a family grave, and the recording of the name of the deceased on a headstone or other memorial.

Change wording to: ***For the scattering of cremated remains on the churchyard bank - no fee.***

Schedule B (1) Change wording to: ***For the interment of the body or cremated remains, or for the scattering of cremated remains in an earthen grave***
Increase fee to £300.00.

Schedule B (2) Increase fee to £600.00.

Schedule B (3) Increase fee to £150.00.

Schedule A and B note (iv). This note allows for the erection of a memorial in a grave space in the Cemetery when cremated remains have been scattered in the countryside or elsewhere.

Change wording to: ***when cremated remains have been scattered or disposed of elsewhere, the appropriate burial fee shall be payable for the right to erect or place on a grave a headstone or vase or memorial of approved design.***

C J Peat
Parish Clerk
3rd March 2016

CARLTON PARISH COUNCIL

CARLTON CEMETERY

Regulations

- A. Grave spaces are allocated at the absolute discretion of Carlton Parish Council.
- B. Single graves only are permitted, except for cremated remains (adjacent grave spaces may be reserved).
- C. Cremated remains may be scattered or buried in a casket provided that the casket is made of biodegradable materials.
- D. No more than two caskets may be buried in a cremation burial plot.
- E. Cremated remains may not be scattered on any grave or grave space unless the ashes are of a person with a right to burial in that grave space.
- F. A single memorial may be erected on a grave space, and may only be of the following kinds:
- On a full-size earthen grave
 - (i) a monolith-type headstone with at least 30% set in the ground and installed so as not to project more than 1000mm above ground level. A single vase may be installed in addition to a headstone.
 - (ii) a memorial tablet set on the ground and not more than 500mm in longest dimension and installed so as not to project more than 250mm above ground level.
 - (iii) a vase or similar object not more than 500mm high;
 - (iv) a flat stone not larger than 1000mm wide by 2000mm long laid with its upper surface at ground level.
 - On a cremation burial plot
 - (v) a flat stone tablet not more than 450mm square laid with its upper surface at ground level.
- Plinth-type memorials are not permitted, except in the case of a double grave space where a new memorial is required to match an existing headstone.
- G. All memorials must be erected to at least the standards recommended by the current Code of Working Practice of the National Association of Memorial Masons.
- H. Footstones, border stones, kerb stones or edgings of any description will not be permitted.
- I. Planting may not be carried out anywhere within Saint Andrews Churchyard or Carlton Parish Cemetery nor on any grave without express written permission from Carlton Parish Council. Donations towards general planting and improvement works may be made to the Parish Amenities Fund.
- J. The design of any proposed memorial must be approved in writing by Carlton Parish Council before any work is carried out.
- K. The text of any proposed inscription must be approved in writing by Carlton Parish Council before any work is carried out. Where a grave is in consecrated ground the Bishop also has the right to object to any inscription.
- L. Carlton Parish Council will level graves once the ground has settled so as to allow the area to be mowed.

The regulations set out above were resolved by Carlton Parish Council on the 13th day of April 2016 and replace those resolved on the 10th day of January 2007

CARLTON PARISH COUNCIL

CARLTON CEMETERY

Table of Fees

The fees set out below do not include the cost of digging the grave

Schedule A

The fees set out in this schedule apply to the burial of men and women who were resident in the Parish of Carlton immediately before their death; to children not old enough to be registered electors whose parents (or one of them) were so resident immediately before the death of the child; to all persons who were granted rights of burial while so resident; and to any person whose name has appeared on a register of electors for the Parish of Carlton.

1. For the interment of the body or cremated remains, or for the scattering of cremated remains in an earthen grave - seventy five pounds only.
2. For the exclusive right of burial in an earthen grave for a period of one hundred years including the Deed of Grant and all expenses thereof - one hundred and fifty pounds only.
3. For the interment of cremated remains in an earthen cremation burial plot - thirty pounds only.
4. For the scattering of cremated remains on the churchyard bank - no fee.
5. For the interment of a stillborn child in an unmarked earthen grave - no fee.

Schedule B

The fees set out in this schedule apply to the burial of any person not qualified under Schedule A whose relatives are buried in Carlton Cemetery or Carlton Parish Churchyard; and to any person with some close connection or long relationship with the Parish of Carlton. Permission will not normally be given for the burial of any person who was not a parishioner or who did not have some close connection with the Parish of Carlton.

1. For the interment of the body or cremated remains, or for the scattering of cremated remains in an earthen grave - three hundred pounds only.
2. For the exclusive right of burial in an earthen grave for a period of one hundred years including the Deed of Grant and all expenses thereof - six hundred pounds only.
3. For the interment of cremated remains in an earthen cremation burial plot - one hundred and fifty pounds only.

In both Schedule A and Schedule B above

- (i) grants of exclusive right of burial are only made for full-size graves and may extend to two adjacent graves;
- (ii) the right to erect or place on a grave a headstone or vase or memorial of approved design is included in the burial fee;
- (iii) the right to add an additional approved inscription to an existing stone or memorial is included in the burial fee;
- (iv) when cremated remains have been scattered or disposed of elsewhere, the appropriate burial fee shall be payable for the right to erect or place on a grave a headstone or vase or memorial of approved design.

The table of fees set out above was resolved by Carlton Parish Council on the 13th day of April 2016 and replaces that resolved on the 10th day of January 2007.