



LYTCHETT MINSTER AND UPTON TOWN COUNCIL

Cemetery Regulations

February 2022



1. Introduction

- 1.1 These regulations apply to all burial grounds owned and/or managed by the Lytchett Minster and Upton Town Council. Currently the sites include:

Upton Cemetery, Cemetery Road, Upton BH16 6AB

- 1.2 Anyone seeking to purchase space in the Cemetery is urged to read, understand and retain a copy of these regulations. By purchasing a space in the Cemetery, you are agreeing to abide by the rules and regulations contained herein. By doing so, it can avoid conflict going forward, as people are often upset by letters received asking them to adjust the appearance of their loved ones' grave should they not conform to the regulations. Being clear on the way the Cemetery is operated and regulations in force avoids conflict between grave owners and the council.
- 1.3 'Purchase a space' means purchasing the Grant of Exclusive Right of Burial; ownership of an Exclusive Right of Burial does not imply ownership of the land itself or the right to carry out any particular activity on the grave plot, the ownership of the cemetery land remains with the Town Council. The registered owner of the Grant of Exclusive Right of Burial has the automatic right to be buried in the grave; and may also allow others to be buried in the grave (space permitting).

2. Contact details

- 2.1 All funeral bookings, general enquiries and comments regarding Upton Cemetery should be directed to:

Administration
Lytchett Minster and Upton Town Council
1 Moorland Parade
Moorland Way
Upton
Poole
Dorset
BH16 5JS
Tel: 01202 632070
Email: assistant@lytchettminsterandupton-tc.gov.uk

The telephone lines are open from 09.00 am to 01:00 pm Monday to Friday, with an ansaphone service thereafter. Anyone wishing a face to face appointment with an Officer of the Council should call us on the above number to arrange this.

- 2.2 These Regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other appropriate legislation currently in force.

3. Admission to the Burial Ground

- 3.1 Upton Cemetery is open for visitors every day of the year during the following times:

April to September	09.00 to 20.00
October to March	09.00 to 15.30

All visitors and their vehicles are asked to leave the cemetery in good time. No person is permitted to be in the cemetery outside of the published opening hours without the express permission of the Town Clerk. Overnight parking is not allowed.

- 3.2 Upton Cemetery is a place of peace and quiet reflection. It is also a workplace. Visitors to the site are welcome, but please respect the special nature of the cemetery, the needs of other users, and safety factors. No games, sports, riding of bicycles, horses, skateboards, roller blades or similar are allowed in the cemetery. No consumption of alcohol or drugs may take place within the cemetery, and anybody under the effect of such substances will not be admitted.
- 3.3 Any person creating a nuisance or a disturbance, such as interfering with a funeral, grave, headstone, flowers, trees, etc. will be required to leave the cemetery immediately and may be the subject of subsequent legal action.
- 3.4 Children under the age of 14 are welcome in the cemetery but must be supervised by a responsible adult. It is particularly important that children are not allowed to climb on any monuments/headstones within the cemetery.
- 3.5 No dogs are permitted in the cemetery with the exception of Guide Dogs, Hearing Dogs or other recognised Assistance Dogs, or with the express permission of the Town Clerk.
- 3.6 Vehicles are permitted in Upton Cemetery but must not exceed the speed limit of 5 mph and must obey any instructions given to them by an officer of the Council. A vehicle parking area is provided just inside the cemetery. We discourage the use of the parking on the main driveways as this may impede access by hearses etc., as well as causing nuisance or damage to graves or grassed areas. We do however permit temporary parking of any vehicle displaying a disabled parking badge on driveways. The Council or any of its employees cannot accept responsibility for the loss of or damage to any vehicle or its contents whilst in the Cemetery.
- 3.7 Visitors with disabilities or other special requirements should contact the Town Clerk who will be pleased to assist.

4. General Regulations

- 4.1 No employee of the Council is allowed to take any gratuity, or to undertake paid private work of any kind in connection with Upton Cemetery either in their own time or during their employment.
- 4.2 No person shall canvass or solicit business in the cemetery.
- 4.3 All fees for interments or memorial works must be paid in full to the Council in advance.
- 4.4 The Council will publish a scale of fees and charges annually. Residents of Lytchett Minster and Upton will qualify for reduced fees compared to non-residents. A resident is defined as somebody who, immediately prior to their death, was a resident of Lytchett Minster or Upton, or who lived in Lytchett Minster or Upton for over ten years and moved out of the area less than 24 months before their death.
- 4.5 The Council reserves the right to amend these regulations and to deal with any circumstances or contingency not provided for in the regulations as necessary.

5. Graves

- 5.1 Consecrated graves are available in Upton Cemetery. The selection of grave spaces shall be at the discretion of the Council and there shall be no exceptions.
- 5.2 Every interment shall take place either in a private or public grave. Private graves are graves which remain in the ownership of the Council and to which no specific rights have been granted.
- 5.3 The Exclusive Right of Burial for a grave can be purchased for a period of 50 years. The Exclusive Right of Burial also allows a memorial to be placed on the grave.
- 5.4 The Exclusive Right of Burial cannot be purchased in advance of need, i.e. graves cannot be pre-purchased or reserved.
- 5.5 The Exclusive Right of Burial can only be transferred to another person via the legal process laid out in the Local Authorities Cemeteries Order 1977, i.e. assigned by deed or by a living owner to another person, or bequeathed by Will.
- 5.6 In public graves, the Council undertakes to leave 20 years before allowing the burial of a person unrelated to the original burial. The Council may allow the burial of related people in the grave before the expiration of 20 years. The Council may also allow the Exclusive Right of Burial to be purchased by a family member before the expiration of the 20-year period.

- 5.7 Memorials will only be permitted on purchased graves. Memorials must confirm to the regulations given in Section 9 below.
- 5.8 The types of graves available are Lawn Graves, Cremated Remains Graves and Children's graves. Lawn Graves are laid to lawn and a headstone only is allowed, with a small space at the head of the grave available for planting; Cremated Remains Graves are for the burial of cremated remains only; Children's Graves are reserved for the burial of children under 16.
- 5.9 All graves will be excavated and prepared for interment by the Council, Funeral Directors or each party's appointed contractors only. No other person or company will be allowed to undertake any excavation within the cemetery except with the express permission of the Town Clerk. The depth of each grave will be determined by the Council in accordance with the provisions of the Local Authorities Cemeteries Order 1977.
- 5.10 Following the interment, the Council will level the grave and either re-turf or topsoil and seed it as appropriate to the season. Should the grave sink the Council will reinstate it free of charge.
- 5.11 The Council does not have an area for memorials only. Should a person require a headstone or memorial in memory to a person, who perhaps lived or had close association with the town, then they will need to purchase the relevant plot. The burial records will reflect that no human remains are interred in the grave space, but confirm that it is solely a memorial plot.

6. Coffins

- 6.1 Coffins and urns for burial must be made from suitable biodegradable materials such as wood, wicker, cane, bamboo, wool, cardboard etc. Non-biodegradable materials such as metal, fibreglass etc. will not be permitted.

7 Booking of Interments

- 7.1 A provisional booking for a funeral may be made by telephone to the Council Offices.
- 7.2 The provisional booking should be followed up by the submission of a completed Application For Burial (form supplied by Lytchett Minster and Upton Town Council and available to download via our website) to the Council Offices at least 48 working hours in advance of the intended date and time of the funeral. Receipt of the fully and correctly completed Application For Burial will generate an invoice; this is confirmation of the booking.

- 7.3 The **exact size** of the coffin, casket or container must be given in writing to the Council as soon as possible after the provisional booking, together with any other pertinent information relating to its size and shape (e.g. locking bar handles, casket shape, wicker coffin etc.). The Council will subsequently add a suitable amount to the given size in order to determine the dimensions of grave to be excavated.
- 7.4 As much information relating to the funeral as possible must be given to the Council in advance, especially if it is unusual, e.g. large number of mourners expected, motorbike cavalcade, jazz band, piper etc.
- 7.5 If the grave is purchased and is to be reopened for a further interment, the written permission of the registered grave owner must be given.
- 7.6 It is the responsibility of the person making the funeral arrangements to ensure that any memorial on the grave is removed from it at least 48 working hours prior to the date and time of the funeral.
- 7.7 The Certificate given by the Registrar of Births and Deaths or an order of the Coroner must be delivered to the Council Offices prior to the funeral or to Council Officers in attendance at the Cemetery on the day.
- 7.8 The Council will determine the appropriate fees to be paid for the funeral, which must be paid fully in advance.

8. Interments

- 8.1 Funerals will normally only be permitted Monday to Friday 09.00 – 16.00 April – September and 09.00 – 14.30 October – March (excluding Bank or other Public Holidays). It may be possible to arrange funerals outside of these times subject to additional cost. Please contact the Town Clerk if a time outside of the permitted hours is required. No other Council Officers other than office staff should be approached to take bookings for interments.
- 8.2 The time appointed for an interment must be punctually observed. The Council reserves the right to delay a late arriving funeral in the event that it impacts on another service.
- 8.3 It is the responsibility of the person making the funeral arrangements to organise a Minister or Officiant for the funeral if one is required.
- 8.4 Any floral tributes from the funeral will be placed on top of the grave following backfilling, and will remain in situ for a minimum of 14 days (fresh) and 28 days (artificial) before being cleared by Council staff (unless family have already removed them).

9.1 Memorials

- 9.1 The Council is registered with the British Register of Accredited Memorial Masons. All memorials fixed in Upton Cemetery must comply with British Standard BS 8415 and any relevant industry codes that fully comply with this standard.
- 9.2 Only those memorial masons' businesses that are BRAMM accredited, and those memorial masons that hold a current BRAMM Fixer Licence, will be able to work in Upton Cemetery. Fixers who do not hold a BRAMM Fixer Licence will only be permitted to work under the direct supervision of a mason who holds a BRAMM Fixer Licence.
- 9.3 Memorials will only be permitted on purchased graves. No memorial will be permitted on a public grave.
- 9.4 Memorials other than those fixed by a BRAMM accredited memorial mason are not allowed. Fences cannot be erected around a grave nor the space defined. On lawn sections planting is confined to the head of the grave and no objects must be placed on the length of the grave.

A maximum of four independent spiked flower vases (as per photograph) are permitted at each corner of the memorial base. These must be located tight to the base in order to assist the grounds maintenance activities. The Council will accept no liability or responsibility for any damage or loss to such vases howsoever caused.



Height: 320 mm

Diameter 100 mm

- 9.5 Before any memorial may be erected or works undertaken to an existing memorial, an application must be submitted to the Town Clerk on the appropriate LMUTC Memorial Application form supplied by the Council. The grave owner must sign this form to give their permission for the proposed memorial/works. On approval by the Council permission will be issued to the responsible Memorial Mason.
- 9.6 Memorials must be constructed of materials suitable to the environment and period of grave lease. The Council reserves the right to reject an application for any memorial that it deems unsuitable.

- 9.7 The maximum height of lawn memorials is 3' (914.4mm), the maximum width is 2' (609.6mm), and the maximum depth is 18" (457.2mm). The memorial must be a minimum of 3" (76.2mm) thick. On cremated remains and children's graves the maximum height of a memorial is 1'8" (508mm) and not exceeding 2' (609.6mm) wide x 1' (304.8mm) forward.
- 9.8 The memorial mason should ensure that the plinth on which the memorial stands is below ground.
- 9.9 The memorial mason must inscribe the company name only on the reverse of the stone towards the base in lettering not more than 1" (25.4mm) high. No trademark, phone number or other advertising will be allowed. The memorial mason must also inscribe the grave number towards the bottom right hand side of the reverse of the memorial in letters not exceeding 1" (25.4mm) high.
- 9.10 Memorial masons must remove all arisings from the cemetery at the conclusion of their work, and must leave the area in a tidy condition. It is not possible for memorials to be stored in the cemetery prior to re-fixing following a burial – all such memorials must be removed from the site by the memorial mason appointed to remove the memorials prior to the grave being excavated.

10 Care of Graves and Memorials

- 10.1 All memorials erected are the sole responsibility of the owner and the Council shall not be held responsible for any damage to or caused by the memorial, howsoever incurred.

Memorial applicants will be asked to sign a 'Memorial Permit and Repair Cost Recovery' document prior to their Memorial Application being authorised.

The memorial remains the responsibility of the grave owner during the lease period of the grave. The Council recommends that grave owners take out an insurance policy on their memorial. The Council reserves the right to repair or make safe any memorial which becomes unsafe or falls into disrepair, and to recover any expenses from the registered owner. The Council will undertake routine safety checks on all memorials, and will notify the grave owner at the last registered address of any necessary works to make the memorial safe. The grave owner will be given a period of 3 months from the date of the letter to affect the necessary repairs. The Council reserves the right to temporarily make safe any memorials that pose a threat until such works are completed. If the grave owner does not arrange for the repairs to be made, the Council may repair or remove the memorial at the owner's expense.

- 10.2 Grave spaces must be kept in a neat and tidy condition, and all litter must be removed from the site.

- 10.3 All flower holders or other items left on graves must be made of non-breakable material. Any items left on graves are at the owners' risk and the Council cannot be held responsible for any damage to them howsoever caused. The Council may remove any articles from any grave that are likely to cause risk, damage or offence to other visitors to the cemetery or which interfere with the Council's maintenance of the site.
- 10.4 No trees may be planted on graves. Only suitable planting such as annual bedding will be permitted in the head border of lawn graves. The Council may remove any plants that it considers unsuitable or that infringe on other grave spaces or interfere with the Council's maintenance work.
- 10.5 Upton Cemetery is in a rural location and is home to rabbits who will often eat floral tributes. Below is a list of flowers the rabbits appear to dislike:

BUSY LIZZIE	ASTER
SWEET WILLIAM	DELPHINIUM
FOXGLOVE	CALIFORNIA POPPY
PRIMROSE	BEGONIA
ANTIRRHINUM	LUPIN
ALL LILLIES	IRIS
GERANIUM	PRIMULA
POLYANTHUS	ZINNIA
VIOLET	DAFFODIL
TULIP	MARIGOLD
ANEMONE	HYACINTH
SNOWDROP	STRAV FLOWER
CYCLAMEN	ASTOMERIA
GAZANIA	COLEUS
LAUTERIA	ASTILBE
CALENDULA	LIMONIUM STATICE

- 10.6 Please note that from 1 January 2016 the Town Council will no longer provide wire mesh cages to protect flowers from the rabbits. Individuals may purchase their own wire cages to the dimensions as specified below:

Wire cages for grave plots	-	63 cm (25") wide x 34 cm (13") deep x 36 cm (14") high
Wire cages for cremation plots with headstones	-	63 cm (23") wide x 34 cm (13") deep x 36 cm (14") high
Wire cages for cremation Tablets	-	64 cm (25") x 64 cm (25") x 36 cm (14") high

The wire should be a minimum of 3 mm diameter and the recommended mesh is 25 mm square (as per photograph)



A sample can be viewed in the Town Council Office

Existing wire cages will no longer be replaced by the Town Council.

11. Burial Registers

- 11.1 A register of Burials is held by the Town Clerk. Members of the public can ask for information from the Registers and Council Staff will comply with their request within 14 days and will charge a fee of £10. If copies of any Register entries are required a fee will be applied.

12. Cemetery Inspections

- 12.1 The Cemetery will be inspected by Council Officers/Elected Members at least annually.
- 12.2 The Cemetery will be inspected against the Council's Cemetery Regulations.
- 12.3 Notice of the inspection will be made public and advertised on social media/noticeboards and website in advance so that grave owners can ensure that their grave space adhere to the regulations.
- 12.4 Any member of the public may request to attend the Cemetery Inspection, by speaking to a Council Officer.
- 12.5 After erection of the notice and after the inspection has taken place, should there be non-compliances grave owners will be written to at the last known address to advise what remedial actions need to be taken to be compliant with the regulations, and a period of 28 days given for these issues to be remedied.

12.6 After 28 days the Cemetery will be re-inspected. Any issues still outstanding will be actioned by Council staff members. This will be undertaken in a respectful and responsible manner. Articles taken from the grave will be marked and stored for a further 28 days for collection by the grave owner. After this period, they will be disposed of.

13. Complaints

13.1 We aim to manage the Cemetery to a high standard; however, if you have an issue or a matter of concern, please in the first instance contact one of our Administration Team at the Council Offices. They will note down details of your complaint, and try to address your issues to your satisfaction.

13.2 If this remain unsatisfied you can request a copy of our Complaints Policy, or download it from our website.

13.3 Members of the public are also welcome to attend the Democratic Session of Council meetings to discuss issues regarding the Cemetery with elected members. Times and dates of these meetings are displayed on Town noticeboards and on our website.

