



# LYTCHETT MINSTER AND UPTON TOWN COUNCIL

## Cemetery Regulations

September 2024



## 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 enforced 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](mailto: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 and/or camping 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 be asked to leave.
- 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 speedlimit 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 in advance of their visit, 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.
- 4.6 Council workers and visitors to the Cemetery have the right to work/visit without being intimidated or harassed by members of the public. Any instances of such behavior towards Council officers carrying out their duties in the cemetery or visitors to the Cemetery will be reported to The Police.

#### **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. Public 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 is the purchase of the right to bury a body or inter ashes (cremated remains) in that grave, not the surrounding land. It does not infer any land ownership.
- 5.5 Purchasing the 'Exclusive Right of Burial' means that the grave may be reopened and no one may be buried there without the permission of the Exclusive Right of Burial Grant Holder. The Grant Holder also have the right to add a memorial to the grave.
- 5.6 The Exclusive Right of Burial cannot be purchased in advance of need, i.e. graves cannot be pre-purchased or reserved.
- 5.7 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.
- 5.8 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.
- 5.9 Memorials will only be permitted on purchased graves. Memorials must confirm to the regulations given in Section 9 below.
- 5.10 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.
- 5.11 All graves will be excavated and prepared for interment by 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.
- 5.12 Please note that the Town Council does not have an in-house grave-digger. Access to these services are via the funeral directors, who will

advise about availability, and deal with any special requests, e.g. Saturday burials.

- 5.13 Grave Diggers must follow the ICCM Code of Safe Working Practice for Cemeteries and must ensure the safety of all staff, contractors and visitors to Upton Cemetery as a result of their work.
- 5.14 Any damage caused by grave-digging machinery must be reported to the council immediately and remedied by the Grave Digger within 14 days.
- 5.15 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. Please note that not all graves sink at the same rate.
- 5.16 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.
- 6.2 Any burials for non-standard sized coffins, i.e. American style coffins have to be discussed in advance with the Town Council, who will establish with the grave-digger whether or not the allocated space can accommodate this request.

## **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. At the time of this submission, the current/planned Exclusive

Right of Burial Owner should return a signed copy of these regulations to the Town Council.

- 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, an application should be submitted to the Council and 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.
- 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**

We are aware that the adornment of a grave space of a much-loved family member very personal; however we have to endeavor via our regulations to ensure that there is a balance between cemetery visitors, for whom memorabilia are a significant part of the grieving process, and the Cemetery Rules and Regulations which have to be mindful of both health and safety provisions and a final resting place.

- 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 permitted 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 Sufficient time for ground settlement must be allowed before fixing a grave memorial. It is recommended to seek advice from a BRAMM accredited memorial mason on this. For cremation plots there is no timescale.
- 9.5 Memorials other than those fixed by a BRAMM accredited memorial mason are not allowed.
- 9.6 Fences/edging 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 (tributes and flowers) 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

- 9.7 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 Exclusive Right of Burial Grantee 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. All appropriate fees must be paid prior to any works being undertaken on site.
- 9.8 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.
- 9.9 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.
- 9.10 The memorial mason should ensure that the plinth (foundation stone) on which the memorial stands should be flush with the ground and larger in size than the memorial, with a suitable ground anchor.
- 9.11 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.
- 9.12 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, or its approved contractor will undertake routine safety checks on all memorials. Memorial safety inspections will be advertised in advance by placing notices in the cemetery and on the Town Council website and Facebook page. The Council will notify the grave owner at the last registered address of any necessary works to make the memorial safe and a notice will be placed on the plot requesting contact is made with the Council. 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, or to draw attention to the grave by the use of hazard tape, a notice or to cordon off if it has been identified as a safety risk after the inspection and prior to a letter being sent to the owner of the cemetery plot. 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.

All actions will be conducted with care, respect and empathy.

- 10.2 Grave spaces must be kept in a neat and tidy condition, and all litter must be removed from the site.
- 10.3 The Council will remove Christmas wreaths/decorations from 1<sup>st</sup> February each year.
- 10.4 The Council reserves the right to remove from any grave space flowers,

plants, floral tributes or wreaths which have deteriorated or become unsightly or where necessary for the purpose of allowing the grave or adjacent graves to be used again. Additionally if such tributes interfere with maintenance of the cemetery, or cause a health and safety risk, then they will also be removed.

- 10.5 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. Please help the Council to provide a safe cemetery, which is an attractive and peaceful place to visit.
- 10.6 No trees may be planted on graves or planted in pots on the grave. No planting of any plant, bush, perennial, seasonal bedding etc is allowed to be planted in the ground on the grave.
- 10.7 Upton Cemetery is in a rural location and is home to rabbits and other animals 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

Due to maintenance issues, wire meshes to protect flowers from rabbits and deer will not be permitted.

## 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 Following the inspection, a discreet notice will be sited to the right-hand side of the headstone of those plots found to be non-compliant with these regulations. This notice will ask for the Title Deed Owner to contact the Town Council, where we will advise of the remedial actions necessary. Contact is required within 28 days; after which time, the Town Council will carry out the remedial actions. It should be noted that no items removed are able to be stored by the Town Council and will be disposed of immediately.



- 12.4 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.

## 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 issue or concern remain unresolved to your satisfaction 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.

Agreed: Sep24

Review date: Sep25