WESTON-SUPER-MARE TOWN COUNCIL

# Milton Road Cemetery Regulations



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This policy applies to Weston-super-Mare Town Council

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## Introduction and brief history of Milton Road Cemetery:

Weston-super-Mare Town Council manages and administers Milton Road Cemetery, Lower Bristol Road, Weston Super Mare, BS23 2TN

In 1862, after the closure of St. John's Churchyard, the Town Commissioners selected a site on the southern side of Bristol Road for a new cemetery. Designed by Charles E. Davis, the cemetery featured two mortuary chapels—one for the Church of England and the other for non-conformists and an arboretum. The Diocese of Bath and Wells required the chapels to be separated by at least 6 inches, with the bell tower positioned centrally. Both chapels were built in the English Gothic style from local "pink limestone" (or Bed 21), with Bath Stone used for the more durable parts.

The cemetery's arboretum, planted by Mr. Maule of Bristol, included native and exotic trees, some of which remain today, such as an Atlas cedar, stone pine, Lucombe oak, and monkey puzzle tree. The site, however, was unknowingly located on an ancient Bronze Age burial ground, with Cornish funerary urns frequently unearthed.

In 1917, the cemetery expanded to Milton Road, incorporating the Gate Lodge of Ashcombe House, a mansion built by the Capel family. During World War II, Ashcombe House was repurposed as a hospital by the Red Cross. The Gate Lodge, constructed from the same pink limestone, was built by Frederick Lambert, the Eighth Earl of Cavan. The mortuary chapel facing the entrance remains today, while the non-conformist chapel was demolished in 1980. Behind the chapel is a memorial to Belgian refugees who fled to Weston during World War I, commemorating their suffering and the 100 who had stayed.

The grassland supports rare plants, including the Autumn Ladies Tresses orchid, and wildlife such as badgers, deer, and butterflies. Near the cemetery’s southern entrance are Commonwealth war graves and those of civilians killed during World War II. The Gate Lodge and gate were originally part of Ashcombe House before the driveway was constructed.

## Definitions

“Cemetery” refers to Milton Road Cemetery.

“Council” means Weston-super-Mare Town Council.

“Grave” means a burial place formed in the ground by excavation without any internal wall, brickwork or stonework or any other artificial lining.

“Ashes plot” means a grave reserved solely the interment of ashes.

A “memorial” is any object placed upon the ground above a grave. It may be an engraved stone, a plant, cut flowers in a vase or any other object. The term also refers to benches, trees and other items donated to the Cemetery in memoriam.

“Resident” means a person residing within the Parish of Weston-super-Mare during the twelve months immediately preceding the ‘resident’s’ death.

“Un-purchased, public or common grave” means a grave in which no exclusive right of burial has been or will be granted by Weston-super-Mare Town Council and in which unrelated persons may be interred.

## 1. Cemeteries Regulations

The rules and regulations for the control and proper management of Weston-super-Mare Town Council Milton Road Cemetery are made under the provisions of the Local Authorities Cemeteries Order 1977 or any future versions of the order, and replace all previous rules and regulations.

If you need help in interpreting the rules and regulations, please contact Weston-super-Mare Town Council - contact details are within this document and may change accordingly.

The Council reserves the right to alter, add to or amend the Regulations from time to time as necessary.

## 2. General

Milton Road Cemetery will normally be open to the public daily between 0800 hours and sunset.

No person other than a person authorised by Weston-super-Mare Town Council shall enter or remain in the cemetery at any time when it is closed.

All persons entering Milton Road Cemetery shall be subject to the orders and controls of Weston-super-Mare Town Council or any person authorised by the Council.

The council reserves the right to close or limit access to the cemetery or part thereof if and when necessary.

The Council will deal with all matters relating to the management and security of Milton Road Cemetery.

## 3. Management of Bereavement Services

The burial authority is Weston-super-Mare Town Council, 32 Waterloo Street, Weston Super Mare, BS23 1LN

Telephone contact for general enquiries can be made through calling 01934 632567 or by email at tricia.mackrell@wsm-tc.gov.uk

Staff in Cemetery Services are working Monday - Friday (9.00am - 16.30pm) excluding Bank Holidays and on all days when the council offices are closed. The staff have an extensive knowledge of cemetery processes having undertaken training by the Institute of Cemetery and Crematorium Management (ICCM).

None of the following actions can take place without specific prior permission of Weston-super-Mare Town Council:

(a) Burials or exhumations.

(b) Interment of ashes.

(c) Erection or fixing of a memorial.

(d) Inscription on a memorial.

(e) Renovation of a memorial.

(f) Removal and /or replacement of a memorial.

(g) Scattering of Ashes.

Weston-super-Mare Town Council manages all matters relating to notice of burials, allocation of grave space, interment fees, Exclusive Rights of Burial, exhumations, cemeteries' registers, permissions and permits for memorials and inscriptions. Application forms and forms of notice in connection with burials, interments and memorials may be obtained from Weston-super-Mare Town Council Offices.

## 4. Booking an interment

Booking a burial or interment of ashes can be made by contacting the Cemetery Office at Weston-super-Mare Town Council Offices. All bookings will be treated as 'provisional' until receipt of the formal notice of interment form, required certificates and the payment.

Weston-super-Mare Town Council will not accept any responsibility for any delay or misunderstanding, through the late submission of any documents that are required prior to any burial, interment or scattering of ashes taking place.

Prior notice should be given for extraordinary or large funeral gatherings. For example, the use of a horse drawn hearse, a military funeral, or a large extended family group.

## 5. Notice of Interment

We accept notice of interment (including all burials, interment of ashes or scattering of ashes) as 'confirmed' upon receipt of all forms and certificates required to fulfil statutory requirements, and those required by Weston-super-Mare Town Council, being received at the Weston-super-Mare Town Council office no later than five full working days before the proposed date of the funeral. This period of time excludes Saturdays, Sundays, Bank Holidays and when the Council offices are closed over the Christmas and New Year period.

The period of notice may only be reduced in exceptional circumstances at Weston-super-Mare Town Council's discretion and not without prior confirmed arrangement.

## 6. Selection of Graves and Ashes Plots

New graves will only be available for immediate use, and will be in designated lawn areas**.** For grave options for the interment of ashes, please contact the Cemetery Office at Weston-super-Mare Town Council offices.

## 7. Interments

a) Interments are available between the following times (excluding bank or public holidays):

**Winter** hours - Burials Monday to Friday 09:00 to 14:00

- Interment of ashes Monday to Friday 09:00 to 14:00

**Summer** hours - Burials Monday to Friday 09:00 to 15:00

- Interment of ashes Monday to Friday 09:00 to 14:30

b) When the Council offices are closed or over the Christmas/New Year period. bookings for interments may not be confirmed until the Council offices re-open.

c) Ashes may not be scattered in Milton Road Cemetery scattered ashes area without the prior consent of Weston-super-Mare Town Council and the appropriate interment notice has been received and the fee having been paid. The scattering of ashes over graves is not permitted.

d) No smoking shall take place within or close proximity to any place where an interment is taking place.

## 8. Officiating at a Funeral

The person booking a burial or interment of ashes who wishes for a person to officiate at any burial or interment of ashes must make the necessary arrangements for that person to attend. Weston-super-Mare Town Council takes no responsibility for making such arrangements or collecting any fees for such attendance.

## 9. Excavation of Grave Plots

All work in connection with the excavation and back fill of a grave or a burial shall be carried out by the Council or by a contractor employed by the Town Council.

The Council will arrange for qualified council technicians to excavate ashes plots for the interment of ashes and to back fill upon completion.

## 10. Removal of a Body or Cremated Remains (Exhumation)

(a) No body or cremated remains (ashes) may be removed from a grave or ashes plot without the prior production of an ecclesiastical faculty and/or a Home Office exhumation licence (Burial Act 1857 section 25 as amended by Criminal Law Act 1977 section 31). Both documents may be required.

Only original documents will be accepted for this purpose. A minimum of 14 clear working days' notice must be given for any exhumation once authorised.

(b) For land that is consecrated, burial is regarded as permanent. Applications for a faculty to authorise exhumation are granted only in special circumstances and are not automatically approved.

(c) All costs relating to exhumation will be the responsibility of the person making the request and charges will be in addition to standard interment fees, including costs of additional work, locating graves and preparing documents.

(d) Exhumations are generally rare and complex and advance contact with Weston-super-Mare Town Council is recommended prior to considering any application.

## 11. Exclusive Right of Burial

(a) The Exclusive Right of Burial in an earthen grave or ashes plot may be purchased and is subject to approval by Weston-Super-Mare Town Council who may give or withhold such approval.

(b) The period for Exclusive Rights of Burial is eighty (80) years commencing from the date of purchase. The council will issue a formal Deed of Grant of Exclusive Right of Burial for each grave or plot and, together with these regulations and the terms issued this forms the legal contract between the council and purchaser.

(c) The Exclusive Right of Burial entitles the registered holder(s) to:

1. Be buried in the grave or plot (subject to space being available.)
2. Authorise burial in the grave or plot (subject to space being available.)
3. Apply for permission to erect a memorial.
4. Apply for an additional inscription on the memorial.

An Exclusive Right of Burial can be issued in the names of up to two people.

No burial may take place within a grave and no memorial may be erected upon a grave without the written consent of the registered owner of the Exclusive Right of Burial of that grave.

Each registered owner of the Exclusive Right of Burial may be buried in the grave without the consent of the other registered owner (subject to space being available.)

The consent of both registered owners will be required to enable a memorial to be erected on the grave or to permit the burial in the grave of another person.

Ownership of the Exclusive Right of Burial does not give an individual or families the right to place any items on the grave or plot that are not permitted.

Possession of the Deed of Grant of Exclusive Right of Burial, in itself, does not prove ownership of the exclusive rights. The ownership of the Exclusive Right of Burial belongs to the purchaser as registered with the council at the time of the purchase of the right or following the registered transfer of ownership.

The ownership of the Exclusive Right of Burial may be transferred either during the owner's lifetime or after death, for more details please contact the Cemetery Office.

It is the responsibility of the owner of the Exclusive Right of Burial to inform the council of any change of address or their intention to transfer ownership of the right.

**The Exclusive Right of burial deed is an important document to be kept safely**

## 12. Memorials

(a) No memorial will be allowed on any grave for which the exclusive right of burial has not been purchased. Only the registered owners of the Exclusive Right of Burial for the grave can apply for a permit for a memorial to be fitted.

(b) Details of each proposed memorial must be submitted to the council using the council's Memorial Application Form. The memorial may only be erected/installed following written approval from the Council issued in the form of a permit and the relevant fee having been paid.

(c) The Council reserve the right to remove any unauthorised memorial to a safe location. Unauthorised memorabilia / keep sakes including, but not limited to, items of pottery, tin, plastic, glass, balloons, windmills, wire mesh, wood or plastic fences, artificial grass are not permitted. The Council will not be responsible for any damage that may be caused to unauthorised items during removal. The Council reserves the right to charge the owner for the removal of any unauthorised items.

(d) Memorials should be correctly installed and fitted by an approved stonemason to the nationally accredited standards i.e. BRAMM, (British Register of Accredited Memorial Masons) or NAMM (National Association of Memorial Masons.) Should memorial work be below the standard required or not to authorised dimensions, the memorial may be removed. Weston-super-Mare Town Council will not accept any responsibility for costs of removal.

(e) Any memorial removed from a grave to facilitate an interment within that grave can be replaced as soon as practicable. Ashes memorials can be placed straight away following an interment.

(f) Weston-super-Mare Town Council reserves the right to move any memorial temporarily in order to allow another burial to take place.

(g) After the completion of the work all bricks, stones and other materials, spare soil and rubbish shall be removed, and the grave with the adjoining ground left in neat and proper condition. Masons, tradesmen, and others will be held responsible for all damage done to the cemetery, or anything therein by themselves or their workmen.

(h) Providing an exclusive right has been purchased for a grave a temporary wooden cross measuring no more than 60cm may be erected on a new grave for the first twelve months following a burial.

(I) Sculptures are only permitted if they form an integral part of the headstone and are carved from the same piece of stone.

(j) Tree, shrubs and other plants are not permitted unless planted by the council or with its written approval and may be removed by council staff.

(k) Only approved monumental masons are permitted to carry out work in the cemetery.

(l) A memorial may only be erected on a grave space within the cemetery with Weston-super-Mare Town Council's permission and upon payment of the appropriate fee. The

right to erect a memorial rests with the registered holder/s of the Exclusive Rights of Burial for the grave.

(m) A memorial application can be accepted by the Council before or after the burial or interment has been booked or already taken place.

(n) All permit application forms relating to erecting, repair of memorials, or inscriptions thereon must be made in writing to the Council. Permit application forms are available from Weston-Super-Mare Town Council cemetery office.

(o) The approval of Weston-super-Mare Town Council for any application will be confirmed in writing. No work will be permitted without an approved permit being issued.

(p) Any person who undertakes any memorial work for which a prior written authorised permit has not been obtained will be required to remove the memorial and pay all costs involved.

(q) All memorials shall, at all times, be kept in good repair by the owners, and in the event of the memorial falling into disrepair and the necessary repairs not carried out within 6 months after notice from Weston-super-Mare Town Council, the memorial may be removed. The Council reserves the right to charge the owner for any work deemed necessary to make a memorial safe.

(r) We will consider each memorial application on its own merits. Should we refuse an application we will give a written explanation. Should you wish to appeal this decision please do so in writing.

(s) No Memorial of any description may be placed on unpurchased graves.

## 13. Memorial Design, Construction and Installation

(a) All work involving the design, construction, installation of memorials and inscriptions on them must conform to British Standard BS8415 and be carried out by approved contractors. The Council reserves the right to refuse access to any person(s) undertaking unapproved or unsatisfactory installation and construction.

(b) All new memorials and where practicable re-fixed memorials are to be fixed in the cemetery in accordance with NAMM or BRAMM Code of Working.

(c) Sub bases must be of reinforced concrete conforming to BS8415, flush with ground and fixed to the memorial using NAMM/BRAMM approved fixings. Maximum size of memorial:

(1) Height 42 inches

(2) Width 34 inches

(3) Thickness 3 inches

(d) On areas where kerb sets are permissible a maximum size of 83 inches in length and 35” width is permissible.

(e) Memorials in designated lawn areas of the cemetery will be a maximum size of:

(1) Height 27 inches

(2) Width 21 inches

(3) Thickness 3 inches

(f) All new memorials must have the corresponding grave plot number inscribed clearly on the reverse side of the memorial

(g) All memorials shall be constructed of granite, slate or other similar natural hard stone. Memorials are not permitted to be of wood, metals or any non-stone material.

## 14. Chapel

The Cemetery chapel is available for a funeral service at Milton Road Cemetery a fee for use of the chapel will apply. At least five clear working days' notice should be given if the use of the chapel is required.

## 15. Conduct Within A Cemetery

In accordance with the Local Authorities Cemeteries Order 1977 it is an offence to:

(a) Wilfully create any disturbance in a cemetery.

(b) Commit any nuisance in a cemetery.

(c) Wilfully interfere with any burial taking place in a cemetery.

(d) Wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants or any such matter.

(e) Play any game or sport in the cemetery.

In addition to the offences above, the following activities are prohibited within the cemetery:

(a) The use of threatening, offensive or abusive language towards any visitor, contractor or member of staff.

(b) Any person using a motor vehicle in a cemetery shall do so on a carriageway suited to the purpose and will be limited a speed restriction of no more than 10 mph.

(c) Skateboarding, roller skates or similar pursuits are not permitted in the cemetery.

(d) No person shall drop, throw or otherwise deposit and leave in the cemetery any wastepaper or refuse of any kind except in the litter bins provided.

(e) No person shall operate any sound reproducing equipment or play any musical instrument in the cemeteries without prior written consent of the Council.

(f) Undertaking commercial filming or photography or any other commercial activity without prior authorisation from the council.

(g) Cycling is not permitted in the grounds except on the main carriageway.

(i) Alcoholic drinks shall not be consumed in the cemetery.

## 16. Soliciting of Services within Cemeteries

Any person soliciting orders within the cemeteries for any services or sale of any goods will be required to leave the cemetery and will not be readmitted without the permission of the Council.

## 17. Dogs

Dogs must, at all times be on a lead and under proper control. Any fouling must be cleaned up and removed from the cemetery.

## 18. Floral Tributes, Planting and Ornamentation

a) No persons other than duly authorised officers of the Council shall interfere with or alter the grass area around the grave, which will be maintained by the Council at no cost to the owner of the grave rights.

b) Flowers, shrubs, trees of any kind, wreaths, flower containers or items of similar nature shall not be taken out of the cemetery without the permission of a duly authorised Council officer or the written permission of the owner of the article concerned.

c) No trees, shrubs or any other plants shall be planted on any grave or ashes plot whether exclusive right of burial has been purchased or not.

d) The Grounds Staff may remove, or cause to be removed, any balloons, glass or ceramic vases, plastic ornaments, wind chimes or similar items which are not permitted on any grave or ashes plot.

e) Integrated flower holders should be placed on the plinth of the memorial or in the recess designed for the purpose on ashes tablets – not on the grass or soil adjoining the memorial or tablet. Glass, ceramic and plastic vases are not permitted.

## 19. Maintenance and Upkeep

With the exception of the Memorial Garden all graves and ashes plots are laid to grass. Permanent plantings, shrubs, saplings or trees may not be planted on graves. Weston-super-Mare Town Council has sole discretion about the distribution and variety selected.

a) Whilst every care is taken Weston-super-Mare Town Council will not accept any responsibility for any damage caused through the maintenance and upkeep of the cemetery.

## 20. Safety of Memorials

Under the provisions of the Health and Safety at Work Etc. Act 1974 and associated legislation and in accordance with the Local Authorities' Cemeteries Order 1977, the Council is obliged to assure safety within the Cemetery and to have a documented memorial inspection programme in place. Stability of memorials are conducted every three years and any memorial found to be unsafe will be laid down to be rectified and repaired by the owner at their own expense.

## 21. Cemetery Fees

All charges relating to cemetery services are in accordance with the Council's published scale of fees for Milton Road Cemetery and are available on the council's website or from the cemetery office at Weston-super-Mare Town Council offices. Facilities are available to make payments by BACS bank payment, cheque, by card over the telephone or in person at Weston-Super-Mare Town Council offices.

## 22. Miscellaneous

a) Funeral directors shall give special notice to Weston-super-Mare Town Council whenever they have a funeral which is likely to be attended by an unusually large number of mourners.

b) Issues arising for which no provision is made in these Regulations shall be referred to Weston-super-Mare Town Council, to which the Council has delegated its powers on its behalf, whose decision shall be final.

c) Weston-super-Mare Town Council reserves the right to revise these regulations at any time.

## 23. Revocation

All other regulations for Milton Road Cemetery are made by this Council are hereby revoked. Weston- super- Mare Town Council.