



## PEASEDOWN ST JOHN PARISH COUNCIL

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### Minutes of the Burial Sub-Committee Meeting held on Tuesday 23<sup>rd</sup> September 2014 at 7.00pm at the Beacon Hall, French Close, Peasedown St John

**Present:**

**Councillors:** John Bailey, Calvin Bird, Andy Larcombe (Vice-Chair), Kathy Thomas (Chair), Dave Walker Cllr. Karen Walker was also present at the meeting, in her capacity as Vice-Chair of Full Council, providing her with full voting rights.

**In attendance:**

Tanya West – Parish Clerk

**Public Session:** One member of the public was present; Peter Provest.

Minute Ref.	Agenda Item	Action
BSC011 - 23/09/2014	<b>Apologies for Absence</b> It was acknowledged that although Cllr. Andrew Fraser is automatically a member of every Committee and Sub-Committee he is not officially summoned to attend those meetings and as such is not required to submit apologies if he is unable to attend. Consequently minute BSC013 - 20/05/2014 which stated: ' <i>Cllr. Andrew Fraser was absent from the meeting, with no apologies received</i> ' was not accurately recorded.	
BSC012 – 23/09/2014	<b>Declarations of Interest</b> No additional interests, to those already disclosed to the Monitoring Officer, were declared. For the sake of openness, Cllr. Kathy Thomas declared that she was in ownership of an Exclusive Right of Burial/Memorial for a plot at the Ashgrove Cemetery.	
BSC013 – 23/09/2014	<b>Minutes</b> i. The minutes of the Burial Sub-Committee meeting held on 10 <sup>th</sup> July 2014 were agreed by the majority of those present at that meeting and were duly signed by the Chair as a true and correct record of the meeting. ii. The actions register was reviewed at the meeting and any items unresolved were carried forward.	Clerk
BSC014 – 23/09/2014	<b>Items for Urgent Report</b> Cllr. Nathan Hartley had circulated to all sub-committee members documents that he had put together for B&NES Bereavement Services outlining funeral customs and contacts in various religious traditions. It was noted the information would be useful for the Parish Office for reference and it was requested for it to be put as a future agenda item so it could be reviewed and incorporated into the draft Policy for Interments and Memorials if felt appropriate. Cllr. Hartley was thanked for his input.	Clerk
BSC015 – 23/09/2014	<b>Cemetery Legislation Briefing</b> The Local Authorities' Cemeteries Order 1977 Statutory Instruments No. 204 had been reviewed by Cllrs. Calvin Bird and Karen Walker and a summary document with questions (attached to these minutes as appendix BSC015i) was produced and presented at the meeting. Answers to the questions raised would be updated by the Clerk at the next meeting. The following cemetery-related legislative documents would be reviewed and	

	<p>reported at the next two meetings:</p> <ol style="list-style-type: none"> <li>i. NALC Legal Topic Note 64 – Tombstones and Memorials.</li> <li>ii. DCA Guide for Burial Ground Managers’.</li> </ol>	AL/JB KT/DW
<b>BSC016 – 23/09/2014</b>	<p><b>Garden of Remembrance</b></p> <ol style="list-style-type: none"> <li>i. A paper on the estimated time and costs had been put together for the scope of works for the Garden of Remembrance, which was reviewed at the meeting. It was agreed for the Caretaker to proceed with the hiring of the turf cutter in order to cut out the pathways and scattering areas. Once completed, the Clerk to obtain quotations for the tarmac paths for consideration at the next Finance &amp; Amenities Committee meeting.</li> <li>ii. Pre-reading provided information on the proposals for the scattering meadow and how the area should be maintained. It was agreed for the scattering area to proceed and the necessary seed to be purchased.</li> <li>iii. A letter from resident, Peter Provest, to the Chair, was read out at the meeting. It requested that his wife’s cremated remains are scattered at the proposed Garden of Remembrance at Ashgrove Cemetery. Also that he purchase a bench seat to be located at the Garden in her memory. This was discussed and the Committee agreed that they would be pleased to take-up Mr Provest on his offer of a memorial seat. The Clerk was requested to add memorial bench seats as a future agenda item in order to discuss options on the range, costings and plaques.</li> </ol>	Clerk  Clerk  Clerk
<b>BSC017 – 23/09/2014</b>	<p><b>Update - Cemetery Maintenance &amp; Improvements</b></p> <p>An update was provided on the previously agreed maintenance works actioned or scheduled since the last meeting, as detailed below. Clerk to continue to follow-up where required.</p> <ul style="list-style-type: none"> <li>➤ Removal of soil spoil heap, level ground, grass and make good. Quotations are being obtained for this work.</li> <li>➤ Create a wooden storage bin (similar to the compost heap) for the storage of woodchip. See BSC018-23/09/2014.</li> <li>➤ Reinstate the tarmac path along the row of Cypress trees. Quotations are being obtained for this work.</li> <li>➤ Repairs to wall and replacement of missing coping stones (wall adjoining Eckweek Lane has sections of cracking from close-growing trees - trees would need to be removed prior to repairs commencing). Hawthorn tree has now been removed in preparation for works to the wall.</li> <li>➤ Clear brambles etc. from area next to wall, leaving a few specimen trees (section alongside Eckweek Lane). Caretaker has commenced work on this.</li> <li>➤ Levelling of the area to the right of consecrated plots, as it is currently difficult to maintain. Still to be actioned.</li> <li>➤ Dropping the kerbs at end of the paths to comply with DDA requirements. See BSC018-23/09/2014.</li> <li>➤ Tidying the boundary with Chapel View – clearing some of the existing trees/scrub leaving some specimen trees or maintaining as a Hawthorn hedge; which would be an added security feature and would give more privacy to mourners. Other possibilities would be an avenue of Lime trees or Norway Maples. Still to be actioned.</li> </ul>	Clerk

8.42pm – It was agreed to adjourn the meeting for a comfort break.

8.48pm – It was agreed to reconvene the meeting.

<b>BSC018 – 23/09/2014</b>	<p><b>Update &amp; Decision – Future Works and Budgets</b></p> <p>The following future improvement works were reviewed and associated decisions made with a view to making recommendations to the Finance &amp; Amenities Committee in readiness for discussions on setting the precept for 2015/16:</p> <ol style="list-style-type: none"> <li>i. <b>Repairs and improvements to the existing footpaths, including dropping of kerb stones in some places to meet DDA compliance</b> – Clerk to obtain</li> </ol>	Clerk
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	<p>quotations for dropped kerbs to existing pathways and to instruct Caretakers to spray the moss with herbicide; one it has died off a full assessment of how damaged the tarmac is can be undertaken.</p> <p>ii. <b>Repairs to the boundary wall</b> – Clerk to obtain quotations for these works.</p> <p>iii. <b>Hedge and tree works</b> – Clerk to liaise with Caretaker for costings for these works.</p> <p>iv. <b>Creation of a ‘bin’ to house woodchip</b> – Clerk to liaise with Caretaker for costings for these works.</p> <p>v. <b>Maintenance of entrance gates</b> – The Clerk to obtain quotations for shot blasting and repainting and for replacement wooden entrance gates.</p> <p>vi. <b>Signage</b> – It was proposed the entrance sign be replaced with a new one to include the Parish Council’s contact details and crest, also amending the grammatical error. The Clerk to put together a proposed draft for circulation to Councillors for their comments before printing.</p> <p>vii. <b>Water butts/storage</b> – Clerk to work with the Chair and make some initial enquiries.</p> <p>viii. <b>Levelling of areas and clearance/improvements works to footpath borders</b> – Clerk to liaise with Caretaker for costings for these works.</p> <p>ix. <b>Improvement works to the Eckweek Lane area outside of the cemetery wall</b> – Clerk to liaise with Caretaker for costings for these works.</p> <p>x. <b>Tidying of Graves</b> – It was noted that several graves are quite unkempt with dead flowers and wreaths remaining on them for weeks. Also some of the kerb-set graves need attention to ensure they do not become a health and safety hazard. It was agreed for Caretaker, Chris, to work up to an extra hour at the weekends to remove and dead flowers, unauthorised items from graves in order to generally tidy the cemetery and to make it easier for mowing/maintenance.</p>	
<b>BSC019 – 23/09/2014</b>	<p><b>Update - Interments &amp; Memorials Records</b></p> <p>i. Since the last meeting on 10<sup>th</sup> July 2014 one interment had taken place at Ashgrove Cemetery; Ruzs (full burial).</p> <p>ii. Quotations for the refurbishment of the cemetery record books and a fire-proof filing cabinet are being obtained and will be reported to a future meeting.</p>	Clerk
<b>BSC020 – 23/09/2014</b>	<p><b>Update &amp; Decision – Policy for Interments &amp; Memorials</b></p> <p>Councillors reviewed the revised draft Policy for Interments and Memorials at Ashgrove Cemetery incorporating the Exclusive Rights for Burial and Exclusive Right to Erect and Maintain a Memorial. Various changes were agreed including the size and types of memorial permitted; it was resolved to refer this policy with these changes to the Policy &amp; Personnel Committee prior to adoption by Full Council.</p>	Clerk
<b>BSC021 – 23/09/2014</b>	<p><b>Date and Time of Next Meeting &amp; Future Agenda Items</b></p> <p>The date of the next meeting of the Burial Sub-Committee is scheduled to be held on Tuesday 9<sup>th</sup> December 2014 at 7pm at the Beacon Hall.</p>	Clerk

Meeting closed at 9.44pm

Signed.....

Date.....

**Peasedown St. John Parish Council - Burial Sub-Committee  
Statutory Instruments 1977 No. 204 [Burial, England and Wales]**

**The following is a review and represents the understanding of the above document, prepared by Councillor Karen Walker and Councillor Calvin Bird.**

Executive Summary -:

- The Burial Authority can do what it wants to do (within the Law) and does not need to gain authority from any other organisation, except where the Burial Authority has done one of the following:
  - 1) Arranged for part of the cemetery to be granted to the Church of England and for it to become consecrated ground, when the Bishop of the appropriate Diocese has some powers over some aspects including inscriptions. The Burial Authority retains the right to permit Church of England subjects only to be buried in the consecrated ground.
  - 2) Arranged for part of the cemetery to be granted to the Commonwealth War Graves Commission (CWGC), when they have some powers over some aspects and particularly are not restricted to the 100 year rule.
  - 3) Arranged through its Appointed Officer, granted a right to an individual for either a grave to be used and / or a memorial to be erected.
- The Burial Authority is not permitted to remove any of these rights, except in the following circumstances:
  - 1) In the interests of Health & Safety.
  - 2) When it has issued an appropriate Notice and allowed the required period of time to elapse and responded appropriately to any in schedule appeal.
- For clarification and better understanding we feel the following questions need to be answered for the benefit of the Members of the Peasedown St. John Parish Council.
  - 1) We understand that only followers of the Church of England can be buried in consecrated ground, but to make them eligible, do they have to have been confirmed, baptised, approved by the appropriate Bishop or his representative or some other designation?
  - 2) As it is the Burial Authority, who makes all the decisions regarding the Cemetery, without consultation, is the Burial Authority the Full Parish Council, The Burial Sub-Committee or some other group of Councillors? Does the Parish Council have to formally approve the Burial Authority Members?
  - 3) Does the Burial Authority need to formally appoint an “Appointed Officer” or is this automatically the Parish Clerk? Should the Burial Authority formally record that the Appointed Officer is an Office (Parish Clerk) or an individual (Tanya West) and do we need to state in the record, to cover for possible absences, that the Appointed Officer is the Parish Clerk or their appointed Deputy?
  - 4) If the owner of a right to burial is deceased or untraceable, what procedure needs to take place if appropriate relatives hold conflicting desires for the future of the grave? Do we need a Court order or other legal document before the Burial Authority can permit an action to take place?
  - 5) Will the Burial Authority accept uncoffined burials?

**The following appeared to us to be the more significant points in the  
Statutory Instruments 1977 No. 204.**

**{B.A. is used in the following, as shorthand for The Burial Authority.}**

- Item 3-(1) [Page 2] B.A. may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery.
- Item 3-(2(b)) [Page 2] No action can be made to a vault, tombstone or memorial, other than action, which is necessary to remove a danger.
- Item 4-(1) [Page 2] B.A. may embellish a cemetery in such a manner as they think fit.
- Item 5-(1a) [Page 3] B.A. may apply to the Bishop of the Diocese for consecration of any part of the cemetery.
- Item 5-(1b) [Page 3] B.A. may set apart for the use of a particular denomination or religious body that has not been consecrated.
- Item 5-(2) [Page 3] B.A. must satisfy themselves that sufficient ground remains unconsecrated and not set apart for the use of particular denominations or religious bodies.
- Item 6 [Page 3] Chapels may be provided, but must be paid for by the appropriate religious body.
- Item 9 [Page 4] B.A. must maintain a Plan with distinctive plot numbers.
- Item 10 [Page 4, 5 & 6] B.A. may grant on such terms and subject to such conditions as they think proper for burial rights (exclusive and multiple) and rights to erect memorials.
- Item 10 (7) [Page 6] Rights must not exceed 100 years, except for CWGC.
- Item 11 [Page 6] B.A. must maintain a Register (Book or Computer – these must be in the same format) of all burials (including uncoffined bodies & cremated remains). The format of the register (Column Headings) must be as prescribed in the Instrument. Special notes must be included, such as “Still born child of ...”, cremated remains and re-internment of disinterred remains including previous place of burial. (When a body is removed from a grave and then reburied, whether in the same cemetery or not.)
- Item 11 (9) [Page 7] B.A. must maintain a record of disinternments with the format of the record as prescribed in the Instrument.
- Item 11 (11) [Page 7] B.A. must make the register of burials and record of disinternments available at all reasonable times for consultation by any person free of charge.
- Item 11 (11A) [Page 7] B.A. may charge fees as they think proper for the making by them of searches and or certified copies of entries in the register of burials or record of disinternments. Where the document is produced from a computer, it shall be deemed a certified copy if accompanied by a certificate signed by a person in a responsible position in relation to the operation of the computer.
- Item 13 [Page 8] A Bishop of the Church of England shall have the right to object to an inscription on a tombstone or memorial that is in consecrated ground.
- Item 14 [Page 8] B.A. may remove any unauthorised memorial (no grant of right has been issued) and recover any costs of so doing.
- Item 15 [Page 8] B.A. may charge such fees as they think proper in connection with; a burial, a grant of burial rights or the erection of a tombstone or memorial and grant of right of additional inscription. B.A. shall keep a table of fees, which shall be available for inspection by the public at all reasonable times.
- Item 20 [Page 10] Special rights and grant of rights are available to the CWGC, including the removal of the 100 years limitation.

- Schedule 1 [Page 11]      **Access to Cemeteries** - B.A. is responsible for roads in the cemetery in a proper state of repair.
- Schedule 2 Part 1 (1) [Page 11]      **Exercise of Rights** - No burial or scattering of ashes may take place without the permission of the officer appointed for that purpose by B.A.
- Schedule 2 Part 1 (2) [Page 11]      No body shall be buried in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave (two feet if B.A. considers soil of suitable character and coffin is made of perishable materials).
- Schedule 2 Part 1 (3) [Page 11]      Coffins must be separated in a grave by means of a layer of earth not less six inches thick.
- Schedule 2 Part 1 (8) [Page 12]      Where B.A. permits uncoffined burials, any reference in this part to a coffin includes a reference to the wrappings of an uncoffined body. (same distance apart)
- Schedule 2 Part 11 (2a) [Page 12]      **Provision as to Grants, Extension** - B.A. must maintain a register of all rights granted by them or any predecessor in a format as prescribed by this Instrument.
- Schedule 2 Part 111 [Page 12 & 13]      **Determination of Certain Rights and Agreements** – We didn't understand this sufficiently to precise it.
- Schedule 3 (12) [Page 15 & 16]      **Removal of Memorials and Levelling etc.** – Where B.A. propose to re-erect a tombstone at another place in the cemetery or elsewhere, the owner of the right may claim and remove the tombstone from the cemetery. Appropriate Notice must be given.
- Schedule 3 (13, 14 & 15) [Page 16]      Before levelling a grave or removing a tombstone or memorial B.A. shall ensure the grave is shown on the Plan and may provide or permit at the expense of the owner of the right or appropriate relative (effectively a blood relative) a suitable marker or replacement tombstone or memorial.
- Schedule 3 (16) [Page 16]      B.A. shall make and keep a record of tombstones and memorials removed from graves including the details of any legible inscriptions on them. (The record may be a photograph.