

CEMETERY RULES AND REGULATIONS UPDATE

08/10/2026

Policy and Resources Committee

PART I

Cemetery Rules and Regulations update (ADE)

1 Summary

- 1.1** The Rules and Regulations governing the Council's cemeteries within the Three Rivers District were last reviewed in 2021. Since then, a number of operational issues have arisen, prompting officers to undertake a review to ensure that the regulations remain relevant, clear and fit for purpose.
- 1.2** The review recommends a number of minor amendments to improve wording and clarity, together with several substantive changes that require Committee approval. These amendments are intended to provide greater clarity for grave owners, funeral directors and visitors, whilst ensuring that the regulations reflect current working practices and support the effective management of the Council's cemeteries.
- 1.3** Whilst reviewing the Rules and Regulations, officers also undertook site inspections and identified several cemetery management matters requiring attention. These include tree management, memorial benches, activities within the woodland burial area and the Council's ongoing responsibilities in relation to memorial safety.

2 Recommendation

- 2.1** That:
- 2.2** The Committee approves the revised Cemetery Rules and Regulations attached at Appendix A.
- 2.3** The Committee authorises officers to implement the revised Cemetery Rules and Regulations and publish them on the Council's website.
- 2.4** The Committee approves the removal or cutting back of trees identified as causing damage to memorials or requiring significant maintenance, with works being carried out sensitively and, wherever practicable, following communication with affected families.
- 2.5** The Committee approves the removal of redundant and unsafe benches and confirms that in circumstances where the Council wishes to replace a bench in an existing location, replacement memorial benches will be permitted only by

the Council and installed only by the Council in accordance with the Council's current policy. The Council will make every effort to contact the family of the memorialised prior to bench removal.

Report prepared by:

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Jennie Probert, Environmental Services Manager

3 Details

- 3.1 The Cemetery Rules and Regulations provide the framework for the effective and respectful management of the Council's cemeteries.
- 3.2 Following a review of the existing Rules and Regulations, officers have identified a number of areas requiring amendment to reflect changes in operational practice, improve clarity and address issues that have arisen since the previous review in 2021.
- 3.3 The proposed changes include:
 - 3.3.1 Amendment of the latest permitted time for an interment from 3.30pm to 1.00pm. This reflects existing operational practice.
 - 3.3.2 References to dogs have been removed from paragraph 3.2.1, and paragraph 6 has been updated to clarify that dogs are welcome in the cemetery, with owners' responsibilities outlined.
 - 3.3.3 Removal of paragraph 6.1.5 relating to the pre-purchase of graves, as the Council does not permit the pre-purchase of graves.
 - 3.3.4 Removal of paragraph 6.2.6 and replacement with a new provision 6.2.8 confirming that below ground burial vaults may be permitted, only with the prior approval of the Council, namely the Associate Director of Environment. The Council will not provide or install burial vaults. Families wishing to install a burial vault will be referred to specialist contractors, with all contractual and financial arrangements made directly between the family and the contractor. Addition of a new paragraph 6.2.7 outing the new construction of any above ground vaults, or mausoleums will not be permitted.
 - 3.3.5 Amendment of paragraph 6.3.1(b), relating to deed transfers, to explain the Council's current process more clearly and provide families with greater clarity on the steps followed and the information required.
 - 3.3.6 Addition of a new paragraph 6.3.3 clarifying that Exclusive Rights of Burial leases may be extended by a further 50 years on expiry of the initial 100-year term, in accordance with a previous Policy and Resources Committee decision.
 - 3.3.7 Addition of a new paragraph 6.9.2 confirming that amplified noise is not permitted within the cemetery.

- 3.3.8 Addition of a new paragraph 6.10 prohibiting the release of balloons, Chinese lanterns, living creatures and similar items within the cemetery, in order to protect the environment and local wildlife, reduce litter and maintain the respectful nature of the cemetery.
- 3.3.9 Revision of the paragraph 7.2 (memorials), including the introduction of a table setting out permitted memorial types and size restrictions to improve clarity. The revised regulations also introduce a provision enabling the Council to refuse or require the removal of any memorial, inscription, ornament, photograph or other item considered offensive, discriminatory, defamatory, threatening or otherwise inappropriate within a public cemetery. This may include items that could reasonably be considered distressing or upsetting to other cemetery visitors, such as graphic photographs or images of the deceased. And that the decision will be made by the Associate Director of Environment, with no right of appeal.
- 3.3.10 Removal of paragraph 9, as the BW Foundation has removed this policy.
- 3.3.11 Additional amendments have been made to paragraph 10 in relation to memorial restrictions and the management of the woodland burial area. The revised wording clarifies that strimming, cultivation and edging are not permitted. These amendments provide clearer guidance on permitted activities within the woodland burial area and help protect its intended character, appearance and environmental value.
- 3.3.12 Addition of a new paragraph 6.5 relating to items left on graves and plinth areas, to provide clearer guidance to families on the types of tributes and decorative items that may be placed within the allocated grave space and to support the safe, respectful and consistent maintenance of the cemeteries.
- 3.3.13 In addition to the substantive amendments outlined above, a number of minor amendments have been made throughout the document to improve clarity, update officer titles and contact details and ensure consistency of wording.

3.4 Tree Management

- 3.4.1 A review of the Council's cemeteries has identified a number of mature trees that now require management. In some locations, tree roots and growth are causing, or have the potential to cause, damage to adjacent memorials and grave spaces.

- 3.4.2 Officers have identified a number of trees that require removal or cutting back due to their size, maintenance requirements and the damage being caused, or potentially caused, to memorials and grave spaces. It is intended that these trees will be removed in order to prevent further damage, reduce future maintenance liabilities and ensure that the cemeteries remain safe and accessible.
- 3.4.3 A similar issue has been identified within the area leased to the BW Foundation. The Foundation has contacted affected families regarding the proposed works. Some trees have already been removed by families, others are scheduled for removal by families and, where families have agreed, the Council will undertake the removal.
- 3.4.4 Any tree works will be carried out sensitively and, wherever practicable, affected families will be consulted in advance of the works.

4 Memorial Benches

- 4.1 The Council's approach to families placing memorial benches within its cemeteries has evolved over time. In line with the current Cemeteries and Memorials Policy, families are not permitted to place new memorial benches within Council cemeteries. A review of the existing memorial benches has identified a number of legacy issues, including benches that are beyond economic repair, have reached the end of their operational life, or no longer meet the Council's current standards for maintenance and management
- 4.2 Although it is already agreed, as part of the current Rules and Regulations that the Council can remove these benches officers wanted to highlight to Members, as part of this report, that the intention is to go ahead and carry out the removal.
- 4.3 The removal of these benches will reduce future maintenance liabilities, improve the appearance and accessibility of the cemeteries, and ensure a consistent and sustainable approach to the management of memorial benches across all Council cemeteries.
- 4.4 Officers will attempt to contact the owners of any benches affected by writing to them or by placing a notice on the bench for a set period of time before removal.
- 4.5 The Council will be looking into further provision of benches around the cemetery to ensure there is suitable access to a bench.

5 Options and Reasons for Recommendations

- 5.1 It is recommended that the revised Cemetery Rules and Regulations attached at Appendix A are approved.

5.2 The revised Regulations reflect current cemetery management practices, improve clarity and address a number of operational issues identified since the previous review in 2021.

5.3 It is recommended that the associated cemetery management matters relating to tree management, memorial benches and woodland burial management are approved to support the effective and safe management of the Council's cemeteries.

6 Policy Implications

6.1 The recommendations in this report relate to changes proposed to the Council's agreed policy. The relevant policy is entitled Cemetery Rules and Regulations.

7 Financial Implications

7.1 Nonspecific to this report. Individual works may require a budget, which will be addressed during the usual budget monitoring process.

8 Legal Implications

8.1 The Council has responsibilities as a burial authority and occupier of public land to ensure its cemeteries are managed safely and appropriately.

8.2 The proposed revisions provide greater clarity regarding acceptable activities and support the Council in exercising its management responsibilities consistently and fairly.

8.3 The inclusion of clearer provisions relating to items left on graves and plinth areas will assist the Council in managing cemetery grounds safely, consistently and proportionately, including where items need to be removed for safety, maintenance or access reasons.

9 Equal Opportunities Implications

9.1 An EQIA has been undertaken (Appendix B) to ensure that the revised Cemetery Rules and Regulations are relevant to the Council's equality duties, particularly in relation to religion or belief, disability, age and those who may require additional support when accessing cemetery services. However, the proposed amendments are intended to improve clarity, consistency, safety and accessibility, and no significant adverse equality impacts have been identified.

9.2 The Council recognises that bereavement can be particularly difficult for people who may already experience disadvantage or require additional support. The revised regulations will therefore need to be communicated and applied sensitively, with officers taking a proportionate approach where families may need reasonable support to understand or comply with cemetery requirements.

9.3 Religion or belief is of particular relevance to cemetery services because burial practices, memorial choices and customs around visiting graves may form an important part of religious observance or cultural practice. The revised regulations provide clearer rules for cemetery use while allowing requests to be considered consistently, fairly and sensitively within the Council's operational, safety and environmental responsibilities.

- 9.4 Actions identified to address any detrimental impact or unmet need include publishing the revised regulations in clear and accessible language, ensuring officers apply the regulations consistently and proportionately, considering reasonable adjustments where appropriate, and communicating sensitively with affected families before tree works, bench removals or memorial-related action wherever practicable.

10 Staffing Implications/Customer Service Centre Implications

- 10.1 There are no specific staffing implications arising directly from the recommendations contained within this report.

11 Environmental Implications

- 11.1 The removal of trees may have a short-term environmental impact. However, the proposed works are necessary to prevent damage to memorials, maintain safety and reduce future maintenance liabilities.
- 11.2 The Council undertakes annual tree planting within the woodland burial area each November as part of the ongoing management of the site. This supports the long-term sustainability and character of the woodland area.
- 11.3 Officers will continue to consider opportunities for additional replacement planting and biodiversity enhancement where appropriate and practicable.
- 11.4 The proposed prohibition of balloon releases, Chinese lanterns and the release of living creatures will reduce littering and minimise adverse environmental impacts within cemetery grounds.
- 11.6 The recommendations will improve safety within the cemeteries by reducing risks associated with unsafe memorials, deteriorating benches and trees causing damage to graves and monuments.

12 Community Safety Implications

- 12.1 The recommendations will improve safety within the cemeteries by reducing risks associated with unsafe memorials, deteriorating benches and trees causing damage to graves and monuments.
- 12.2 The revised Cemetery Rules and Regulations provide greater clarity regarding acceptable activities within cemetery grounds and support the effective management of Council cemeteries.
- 12.3 The Council's ongoing programme of memorial inspections and remedial works helps ensure that risks to visitors, staff and contractors are appropriately managed.

13 Communications and Website Implications

- 13.1 The revised Cemetery Rules and Regulations will be published on the Council's website following approval.
- 13.2 Where practicable, grave owners and affected families will be contacted directly regarding proposed tree works and the removal of benches.

- 13.3 Temporary signage will be installed within the cemetery before, during and shortly after any tree or bench removal works. The signage will explain the nature of the works being undertaken and the reasons for them.

14 Risk and Health & Safety Implications

- 14.1 The subject of this report is covered by the Waste and Environment service plan(s). Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat terminate, transfer)	Risk Rating (combination of likelihood and impact)
Failure to update cemetery regulations	Inconsistent decision making and disputes with cemetery users	Adoption of revised regulations and publication on website	Treat	4
Tree roots continue to damage memorials	Increased maintenance costs and safety concerns	Tree management programme and consultation with affected families	Treat	6
Public concern regarding tree removal	Complaints and reputational risk	Communication plan, signage and direct contact with affected grave owners	Treat	4
Deteriorating benches cause injury	Risk of accident and liability	Removal of unsafe benches	Treat	3

- 14.2 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
Impact Low ----- ► Unacceptable				

Impact Score

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 **(Remote (≤5%))**

14.3 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

Data Quality

Data sources:

- Cemetery Rules and Regulations (2021)
- Cemetery records and operational procedures
- Site inspections undertaken by officers

Data checked by:

Jennie Probert Environmental Services Manager

1	Poor	
2	Sufficient	X
3	High	

APPENDICES

Appendix A – Proposed new Rules and Regulations

Appendix B – Equality Impact Assessment

