

Report to Council – Unauthorised Memorial Item Grave 479 Love Lane Cemetery

Purpose of Report

To update Council regarding an unauthorised memorial item placed on grave 479 at Love Lane Cemetery and to seek approval for its removal by an independent memorial mason.

Background

In April 2025 the Town Clerk received repeated requests from the owner of Grave 479 for permission to place a granite flower holder in the shape of a transit van item on a grave within Love Lane Cemetery. The vase was to enable the deceased's young child to have a container he could reach to place flowers on his father grave on important dates like birthdays etc. From the outset the Clerk was very clear that this would be in breach of regulations and would only be permitted if the other vase was removed.

However it was verbally agreed that the item could appear for short periods of time max 10 days in the same way some wreaths appear during times of family significance e.g. anniversary of the death and birth of Shane Warner and over Christmas, Easter and Fathers Day. No permission would be given to permanently locate it on the grave unless the other vase was removed. The stonemason who would be making the van was also made aware of this

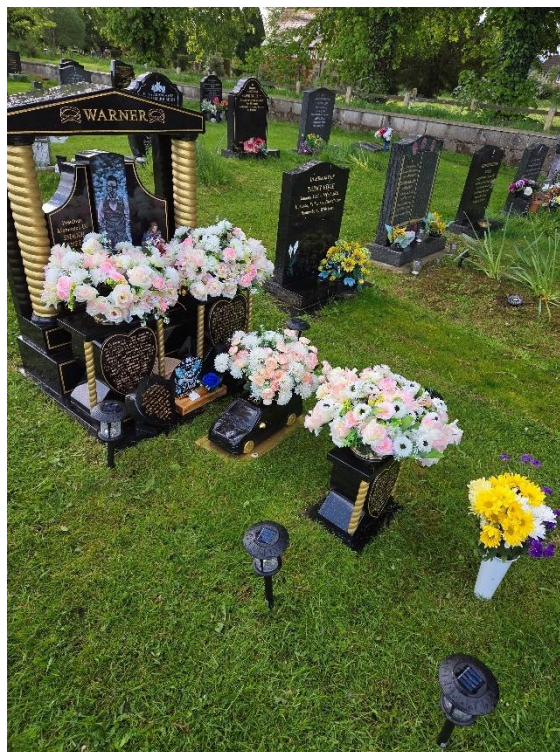
At the beginning the van was removed as per the agreement in recent months the van has remained on the grave. This was initially thought to be due to the occurrence of several significant dates for the family, including Christmas, Valentine's Day and anniversaries of the deceased death and burial.

Timeline

- On 27.4.26 following a morning inspection of the cemetery it was noticed that there had been several out of regulation items placed on grave 476. The grave owner actually telephoned the Town Clerk on 27.4.26 to confirm this and stated that they had not been placed on the grave by the owner and requested that the Town Council write to the grave owner to request the removal of the items. The Town Clerk agreed to do this but stated that the van would also need to be removed. The Facilities Officer emailed the grave owner a letter informing them that they needed to remove all items in breach of the regulations from the grave and they were given 14 days to remove the excess items.
- On 28.4.26 the grave owner telephoned the office and stated that they would not remove any of the excess the items from the grave. However the green urn was subsequently removed.
- 13.5.26 Further email sent from Facilities Officer stating other items would need to be removed by 18.5.26.
- 14.5.26 Town Clerk had telephone conversation with grave owner when they repeatedly and stated that although one of the excess items had been removed the van would not be removed from the grave until all other graves in the cemetery were within regulations.
- Following an assessment of the risk involved to staff over the removal of the van the grave owner was informed on 18.5.26 that this matter would be referred to the next full council meeting for consideration.



Grave on 27.4.26



Grave on 18.5.26

Those dates have now passed and the van remains in place as a permanent fixture, contrary to both the original agreement and the Cemetery Rules and Regulations.

Relevant Cemetery Regulations

The owner of the Exclusive Right of Burial signed an agreement confirming that they would comply with the cemetery regulations when the grave was purchased.

The current Love Lane Cemetery Rules and Regulations state:

As well as a headstone **only one small moveable ornamental vase not exceeding 8 inches (20cm) high, 8 inches (20cm) deep, 8 inches (20cm) wide on a base no larger than 10 inches (25.4cm) square will be permitted on the grave as long as it remains within 10 inches of the base of the headstone.** Any other form of decoration **MUST** be contained on the headstone and footprint of the base. Any form of Decoration beyond that area is **NOT** permitted. The Town Council reserves the right to remove any items in breach of this.

Town Council staff are always mindful that enforcement of the regulations is a very sensitive issue and do not seek to enforce regulations for minor issues. This is particularly the case in the first year following the death of the person interred as it is recognised that this can be a very difficult period for the family and friends of the deceased.

The excess items on grave 479 are therefore unauthorised and in breach of the adopted cemetery regulations.

Legal Implications

The Institute of Crematorium and Cemetery management were asked about this issue and the following advice received

“Under the Local Authorities’ Cemeteries Order, Article 3 – *General Powers of Management* states:

“Subject to the provisions of this Order, a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery.”

This allows you to establish your own rules and regulations, and you are within your rights to remove any memorial that is in breach of them. In practice, however, this is not always straightforward. Authorities should have a clear process in place for dealing with such situations, including effective communication and giving families plenty of notice. Even then, some families will inevitably be resistant because of the personal and emotional connection they have to the memorial.”

Consistency of Enforcement

It is acknowledged that the family may argue that other graves contain items which also fall outside the cemetery regulations.

Officers recognise that historic enforcement has not always been consistent. However, a wider programme of enforcement and compliance work is planned over the coming months to address unauthorised items throughout the cemetery in a fair and consistent manner.

This case is considered sufficiently significant to warrant immediate action due to:

- the scale and permanence of the item and the breach of the specific temporary agreement;
- the precedent created if no action is taken; and operational and maintenance implications within a lawn cemetery.

Financial Implications

There will be a cost associated with instructing a memorial mason to remove the item

The Council may seek to recover removal costs from the grave owner in accordance with the Cemetery Regulations and the powers available under the Local Authorities’ Cemeteries Order 1977.

Recommendation

Council is recommended to:

- 1. Note the breach of the Cemetery Rules and Regulations and the failure to comply with the temporary 10-day agreement.**
- 2. Approve the removal of the unauthorised items from grave 479 and authorise officers to appoint an independent memorial mason to undertake this removal on behalf of the Council.**
- 3. Authorise officers to continue a wider programme of cemetery regulation enforcement to ensure consistency across the cemetery.**