

# **Orkney Islands Council**

## **Burial Grounds**

### **Management Plan**

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## 1) Introduction

- a) This document is intended to be read in conjunction with the Burial Grounds Code of Practice and Burial Grounds Customer Charter to clarify and inform all parties using any of the burial grounds currently being managed by the Council.
- b) This maintenance standard includes details on lair requirements, which can also be found in the Burial Grounds Code of Practice. There then follows specific guidance on maintenance standards and procedures which includes memorial maintenance and safety.

## 2) Lair Requirements

- a) Each burial ground is divided into sections and further sub-divided into lairs which can accommodate one or more burials. Details of these sections are recorded in a burial ground plan. In the newer burial grounds, lairs identified by plinths on the ground, measure nine feet by four feet (2750mm by 1200mm). In older burial grounds dimensions of lairs will generally vary.
- b) Graves will be excavated in accordance with health and safety requirements. Where private contractors are engaged to excavate graves, they will be required to submit appropriate risk assessments to the Burial Grounds Officer and ensure that the lair is excavated in accordance with Orkney Islands Council procedures. In some circumstances technical requirements may restrict access and an alternative may be considered. In the rare situation this arises, the owner of the right of burial should discuss with the burial clerk for an alternative at no additional cost.
- c) Burial of a deceased person must include the use of a suitable coffin.
- d) No coffin shall be laid nearer to the surface than three feet (900mm). When two interments are intended in the same grave, the first coffin shall be at a depth of six feet (1800mm). A second burial can then be made at a depth of four feet six inches (1400mm). No coffin shall be removed from any grave with a view to making room for an additional interment.
- e) The grave must be identified and marked out in accordance with the location specified on the certificate.
- f) Owners of the right of burial have the exclusive right of burial in a specified lair.
- g) The first burial in a lair confers the right of a subsequent burial in the lair, subject to ground conditions and conditions relating to the minimum depth of burial. The right of consequent burial is not subject to further charges other than those relating to the re-excavation of the grave. The details of such charges are published on the council's website and reviewed periodically.
- h) All tributes left on a lair shall be removed after a one-month period, to maintain the appearance of the burial ground. For ease of maintenance and grass cutting, adornments should be placed at the concrete plinth/headstone base. Requests for any variation from the normal grass/turf finish such as

fences, rails, kerbs, stone chips, trees, shrubs etc. should be raised to the Burial Grounds Officer in the first instance, noting that these additions pose substantial operational risks and that maintenance will remain the full responsibility of the burial rights owner. In addition, they may be asked to absolve the Council of any liability regarding accidental damage.

- i) Trees, shrubs or flowers planted prior to the introduction of this Code of Practice will not be allowed to encroach on neighbouring ground and the Council reserve the right to cut back all such plants or to remove them permanently.

### **3) Burial Grounds Maintenance Standard**

- a) The Council is responsible for maintaining burial grounds in a fit and proper condition. This responsibility may, by agreement, be discharged in whole or in part to other groups such as a local Community Council. This would be accommodated within agreed revenue and/or capital budgets. War graves are managed through the Commonwealth War Graves Commission.
- b) The standards of maintenance required in a burial ground are dependent upon the frequency of visitors and the general use of the burial ground.
- c) The minimum standards which apply to historic or low-use burial grounds are for grass paths to be cut and the grass on graves to be cut twice a year.
- d) The higher standard required in other burial grounds involves more frequent grass cutting, weeding of paths, and the trimming of established trees and shrubs. Grass should not be allowed to grow longer than four inches (100mm) over graves and no longer than three inches (75mm) on paths.
- e) Trees, shrubs or flowers planted prior to the introduction of this management plan will not be allowed to encroach on neighbouring lairs and the Council reserve the right to cut back all such plants or to remove them permanently.
- f) Levelling of graves will be carried out periodically when reported through the inspection process. Where resources permit this work may be addressed at time of inspection or planned when resources become available. The Council aims to address such issues in the financial year the report is raised or within the inspection cycle (i.e. rolling 5-year inspection programme). This may be accelerated if deemed a public safety. All works of a non-urgent nature are planned against a fixed annual budget.
- g) Personnel attending a burial for the purpose of re-filling the grave shall wear suitable clean attire and while waiting to complete the burial, staff and their equipment shall remain as unobtrusive as practicable in terms of their physical presence and that of tools, equipment and/or vehicles from the proximity of the graveside
- h) Maintenance work to all walls, fences and gates will be programmed and implemented as resources permit. Boundary walls or fences will be kept intact and in good order to prevent entry to the burial ground by livestock or vermin. Gates will be painted or treated as required, hinges and catches will be oiled

to ensure ease of use and wire mesh will be provided to prevent access by rabbits where necessary.

- i) With mutual agreement between the Council and any Community Council, the Community Council may, on behalf of the Council, undertake the tendering process, award contracts and supervise burial grounds maintenance works such as grass cutting. The agreed scope of works will be invoiced and paid from the fixed annual budget, noting that such tender would need to be accommodated within the agreed revenue budget with any shortfall being met by the community council, or the specification changed to meet available funding.
- j) Where other routine maintenance is requested and is not within the scope of works agreed for the Community Council to fund and undertake, this will be reported to the Burial Grounds Officer and scheduled for action within the financial year subject to its priority and availability of funding.
- k) The Council will use contractors for specific works on the basis that those contractors are trained and qualified to undertake the work and have appropriate equipment, risk assessments and safe ways of working documentation in place.
- l) Substantial items of plant and equipment may be required at burial ground sites for ongoing maintenance such as repairs, drainage, and excavation of lairs. Works will be undertaken carefully and sympathetically by the Council and contractors, particularly in relation to protecting adjacent lairs.
- m) In the event that damage arises through the actions of the Council of an unintentional nature the lair owner can contact the Burial Grounds Officer and all attempts will be made to remedy the damage at no cost to the lair owner.

#### **4) Burial Grounds Inspection Procedure**

- a) Each of the Orkney Islands Council managed burial grounds are formally inspected in accordance with the requirements laid out in the Burial Grounds Inspection Programme. This is a rolling programme over a 5-year period. This inspection considers public safety risks associated with any unstable memorial as detailed in the memorial procedure within this document.
- b) The burial grounds are visited for inspections as driven by any risks identified at previous inspections (and every 5 years as a minimum if no risks identified at all) and every memorial is tested in accordance with published guidance. Inspections also include vegetation, walls, fencing, access gates, drainage systems, vehicle access, parking and lighting where applicable.
- c) The record system will note all inspections and subsequent actions for each location. These records will include full details including photographs of before and after works have been completed by the qualified team attending.

## 5) Memorial Procedure

- a) The erection of a memorial shall only be permitted on purchased lairs, and lair owners must request permission from the Council. No artefacts, painting or other erection work of any kind will be permitted.
- b) Memorials should be constructed in accordance with BS 8415:2018. Those undertaking the work should be suitably trained, qualified and certified to the COSVR 194 SQA Unit HA1J-04 Fix and Secure Memorial Masonry Award or equivalent. In addition, they should have appropriate public liability insurance and obtained a permit for erecting memorials from the Council.
- c) Any memorial should have the section and plot number of the lair cut plainly on the left side of the memorial at the expense of the person erecting the memorial. No other method of marking e.g. painting is allowed.
- d) All memorials must be erected on the concrete plinth, where such is provided.
- e) The owner of the right of burial for a lair is the owner of any memorial on that lair and must maintain their memorial in a safe and proper condition, in good order and repair, of which the Council will be sole judge. The owner is responsible for the upkeep and maintenance of the memorial. They are therefore also liable for any incident or damage arising from failure to maintain, or any damage sustained to the memorial e.g. through vandalism or acts of nature.
- f) The Council will attempt to identify and notify the owner if the memorial on the lair is considered unsafe and requiring attention. The owner has 21 days in which to respond to the notification, and three months in which to arrange appropriate works. If the Council does not receive any communication from the owner after 21 days, or the required works have not been completed within three months of the notification, the Council will be entitled at the owner's expense to carry out either the repair of the memorial, removal of memorial, or laying down of memorial and recover such costs from the owner. Additional efforts to ensure that owners are aware of any potential issues will include publishing a list of unsafe memorials on the Council website and working with the relevant Community Councils to attempt to trace the owners. Local funeral directors may also be approached for their help.
- g) Memorials will be categorised as no risk found, or risk may be noted as low, medium or high in terms of public safety. In this case the interventions are;
  - i) High Risk                      Cordon off, make safe if appropriate, attempt to identify and notify family
  - ii) Low-Medium Risk              Mark, attempt to identify and notify family
- h) If the Council considers in their judgement that a memorial is in a dangerous condition, the Council will be entitled to, without notice, take any action deemed necessary to make it safe. The owner of the memorial will be liable for any costs incurred by the Council. If the Council, after due and diligent enquiry, cannot ascertain the contact address of the owner, the Council can, without prejudice to its right to recover any costs associated with safety works undertaken, repair, remove or lay flat the memorial.

- i) Any works undertaken by the Council must be appropriately recorded including before and after photographs.
- j) Kerbs, copes, railing, fences, gravel, corner stones or any other such ornamental additions to the lair will only be permitted at the discretion of the Burial Authority and on application to the Burial Grounds Officer. Any unauthorised memorials, artefacts, vases or planting are liable to be removed by the Council and the costs recovered from the lair owner.
- k) The owner shall not remove a memorial or part thereof from the cemetery without notification to the Council, and the appointment of an authorised and trained specialist who has the required permit from the Council. This protects all parties from challenge of theft or risk of injury.