

## **POLICY FOR MEMORIALS IN PARKS AND OPEN SPACES**

- 1.1 Pursuant to Overview and Scrutiny Procedure Rule 15(C) (2), the Chairman of the Review Committee has requested that the decision made by the Portfolio Holder for Environment on the 6 March 2013 be called in for scrutiny:-
- ‘That the Policy for Memorials in Parks and Open Spaces is approved’
- 1.2 To assist Members, copies of the original report of the Head of Environmental Services and the decision by the Portfolio Holder for Environment are appended.

Albert Bugeja

Head of Legal, Estates and Member Services

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### **Background Papers:-**

None.

For further information please contact Paul Gowers (Overview and Scrutiny Officer) on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.

**EXECUTIVE DECISION BY PORTFOLIO HOLDER FOR ENVIRONMENT**

**SUBJECT: POLICY FOR MEMORIALS IN PARKS AND OPEN SPACES**

**1 DECISION MADE**

1.1 That the Policy for Memorial in Parks and Open Spaces, as detailed in the appendix, is approved.

**2 NAME OF PORTFOLIO HOLDER**

2.1 Councillor M J Steptoe.

**3 DECLARATIONS OF INTEREST**

3.1 None.

The reasons for the decision and alternative options considered are as set out in the Lead Officer's report (see below). The decision does not depart from Council policy and appropriate consideration has been given to any budgetary and legal implications.

Portfolio Holder Signature: Cllr M J Steptoe

Date of Decision: 6 March 2013

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**REPORT TO PORTFOLIO HOLDER FOR ENVIRONMENT**

**REPORT FROM HEAD OF ENVIRONMENTAL SERVICES**

**SUBJECT: POLICY FOR MEMORIALS IN PARKS AND OPEN SPACES**

**1 DECISION BEING RECOMMENDED**

1.1 To adopt the Policy for Memorials in Parks and Open Spaces, as detailed in the appendix.

**2 REASONS FOR RECOMMENDATION**

2.1 There is a need to adopt a clear and consistent policy for dealing with requests for memorials, including benches and trees that are intended to be placed within our parks and open spaces. There needs to be a sympathetic

approach to the management of these arrangements that take into account the sometimes contrasting needs of users.

### **3 SALIENT INFORMATION**

- 3.1 Currently there are no written policies in place relating to memorials in our parks and open spaces. Appropriate sections of this policy will also apply to the pet memorial area which is currently being developed. Separate arrangements are in place in respect of our cemeteries.
- 3.2 The fees and charges agreed as part of the budget process include five year maintenance arrangements for informal benches, together with costs for trees and all other related services. An information booklet is to be produced in order to promote these services.

### **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 To not have a written policy for this service area.

### **5 RESOURCE IMPLICATIONS**

- 5.1 There are no resource implications, the fees and charges and projected income relating to this service area were agreed as part of the budget process.

### **6 LEGAL IMPLICATIONS**

- 6.1 The placing or burial of cremated human remains constitutes internment and is required to comply with specific regulations and be properly recorded.

I confirm that the above recommendation does not depart from Council policy and that appropriate consideration has been given to any budgetary and legal implications.

SMT Lead Officer Signature: Mr Richard Evans

Date: 4 March 2013

#### **Background Papers:**

None.

For further information please contact Richard Evans (Head of Environmental Services) on:-

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# **ROCHFORD DISTRICT COUNCIL POLICY FOR MEMORIALS IN PARKS AND OPEN SPACES**

## **1 INTRODUCTION**

- 1.1 The Council supports the principle of allowing memorials in parks and open spaces but is also mindful that these facilities have many uses and are enjoyed by a wide range of people.
- 1.2 This policy will be regularly reviewed and proposed amendments shall be submitted to Members for approval. Fees and charges are detailed separately and will be reviewed on an annual basis.
- 1.3 This policy will be made available to the general public on request.

## **2 OBJECTIVES OF THE POLICY**

- 2.1 The Council is seeking to ensure it is adopting a clear, measurable and sympathetic approach to the management of its facilities which will take account of the sometimes contrasting needs of users.
- 2.2 This policy will also ensure that memorials have a common appearance, style and size and will not cause offence to others.
- 2.3 The Council, through this policy, will endeavour to offer the highest standard of service in undertaking its management and regulatory responsibilities. This policy will establish responsibility for maintenance, repair and replacement.
- 2.4 Any complaints relating to the implementation of the policy will be dealt with through the Council's Complaints Procedure.

## **3 GENERAL ARRANGEMENTS**

- 3.1 Applications for installation of memorials, benches, trees and the scattering of pet ashes in Council owned parks or open spaces shall be submitted in writing or email.
- 3.2 The Council does not permit the placing or burial of cremated human remains, or the scattering of human ashes in any of its public open spaces.
- 3.3 The Council will permit the placing or burial of pet ashes under a tree, bench or other memorial, but these will generally be restricted to the Pet Memorial Area.
- 3.4 Any memorial, bench or tree should be paid for by the applicant prior to installation.
- 3.5 Benches and trees remain the property of the Council. The Council accepts no replacement liability for a bench, plaque or tree which is considered by the Council to have reached the end of its useful life.
- 3.6 The Council accepts no liability for damage or theft of any memorial, bench, plaque or tree from vandals or third parties.

- 3.7 It is the responsibility of an applicant to ensure that the Council is kept informed about their contact details. Should a bench, personalized plaque, tree or other memorial be removed, the personalized plaque will be returned to the applicant's last known address.
- 3.8 No memorial tribute or mementoes such as vases, statues, flowers, wreaths, balloons or other ornamentation should be placed around a bench or tree, if this were to occur, the Council reserves the right to remove and dispose of the articles.

#### **4 MEMORIAL BENCHES**

- 4.1 Three types of bench will be offered; two are made from English Oak, sustainably grown in our Woodland Estate. These can either be backed or non-backed in design. Formal benches are also available for the Council's formal parks. Prices (including materials and installation) may vary depending upon the cost of timber at the time of ordering.
- 4.2 Please note benches have an expected minimum life and will be maintained by the Council for a period of 5 years as deemed necessary. After this time the bench may need to be removed. Applicants will be given the option to replace the bench with a new one at extra cost, if required, or to relinquish the site.
- 4.3 The exterior of the bench will not be treated due to the hard-wearing nature of the timber used. However, the submerged legs of the bench will be treated with a wood preservative on installation to reduce the likelihood of decay.
- 4.4 Memorial benches will be positioned to maximise the benefit for all users of the space concerned and in consideration of its future development. The Council will limit the number of memorial benches in particular areas. The location in which the bench can be placed is determined by the map showing availability of plots. While the Council will try to locate a bench at the location requested, this cannot be guaranteed. The Council reserves the right to refuse applications on this basis.
- 4.5 Memorial plaques fitted to benches to be a maximum size of 175mm wide x 75mm high. Plaques shall be made of cast bronze with black lettering.
- 4.6 Please note that there should be no more than four lines of inscription on the plaques and the wording is subject to the approval of the Council.

#### **5 MEMORIAL TREES**

- 5.1 The Council encourages the planting of semi-mature native species, such as:- Oak, Cherry, Hornbeam, Lime, Field Maple, Pear, Crab Apple.
- 5.2 A guard and stake will be used to protect the tree from rabbits and deer and this will be removed once the tree has out-grown the risk.
- 5.3 Trees which fail within the first year of planting will be replaced at the Council's expense, any further replacements will be at the expense of the applicant.
- 5.4 Memorial trees will be positioned to maximise the benefit and development of the open space. The Council will limit the number of memorial trees in particular areas. The location in which the tree can be placed is determined by the map showing the availability of plots. Whilst the Council tries to locate a tree at a requested location,

this cannot be guaranteed. The Council reserves the right to refuse applications on this basis.

- 5.5 A plaque may be attached to a purpose designed post to identify the tree and may be inscribed, subject to approval by the Council.
- 5.6 Memorial plaques are to be a maximum size of 175mm wide x 75mm high. Plaques shall be made of cast bronze with black lettering.
- 5.7 The inscription on the plaque is to be restricted to "In the Memory of" the name of the person, recognition of public office (if appropriate) and the dates of birth and death. Please note that there should be no more than four lines of inscription on the plaques and the wording is subject to the approval of the Council.
- 5.8 Should a tree become unsightly or unsafe, the Council will notify the applicant of its intention to remove the tree, or to undertake works to make it safe.
- 5.9 The Council accepts no replacement liability for the plaque or the tree. Any replacements of tree or plaques will be the responsibility of the original applicant.

## **6 PET MEMORIAL AREA**

- 6.1 The Council can arrange to bury pet's ashes in the pet memorial area only. These ashes must be accompanied by a certificate of cremation from a licensed crematorium.
- 6.2 Memorials are restricted to one for each pet.
- 6.3 Kerbstones or other borders are not permitted and any unauthorised structure will be removed.
- 6.4 A tablet of no more than 305mm x 305mm is permitted to record interment of ashes; the tablet shall be flat to the ground with no recess.
- 6.5 The Council will limit the number of memorials and the location of the memorials is determined by the map showing the availability of plots. While the Council will try to locate a memorial at a requested location, this cannot be guaranteed. The Council reserves the right to refuse applications on this basis.
- 6.6 Should a memorial become unsightly, unsafe or cause an obstacle the Council will notify the applicant of its intention to remove the memorial to enable them to assess the possibility of repair. The applicant should ensure that the Council is in possession of current contact details.
- 6.7 Requests to scatter pet ashes are dealt with on an individual basis and any request should be put in writing.