

REPORT TO THE MEETING OF THE EXECUTIVE 12 JUNE 2013

PORTFOLIO: ENVIRONMENT, LEISURE, ARTS AND CULTURE

REPORT FROM: HEAD OF ENVIRONMENTAL SERVICES

**SUBJECT: POLICY ON MEMORIALS IN PARKS AND OPEN SPACES
(Referral from Review Committee)**

1 DECISION BEING RECOMMENDED

- 1.1 To adopt the Policy for Memorials in Parks and Open Spaces, as detailed in Appendix 3.
- 1.2 That a memorial feature shall be constructed within the Pet Memorial Area of Cherry Orchard Country Park in consultation with the Portfolio Holder.

2 REASONS FOR RECOMMENDATION

- 2.1 On 8 March 2013 a Portfolio Holder report was published which proposed a Policy on Memorials in Parks and Open Spaces. This was subsequently called-in and has not been implemented.
- 2.2 On 16 April this matter was considered by the Review Committee. The Portfolio Holder for the Environment and the Head of Environmental Services were in attendance to answer questions.
- 2.3 An extract of the relevant minutes of the Review Committee are attached at Appendix 1. The Review Committee raised a number of issues, but were primarily concerned about the arrangements for the burial of pet's ashes and the use of stone tablets.
- 2.4 The relevant sections of the originally proposed policy referred to by the Review Committee are shown at Appendix 2. Having given further detailed consideration to this matter an updated policy is now presented at Appendix 3 for approval.

3 SALIENT INFORMATION

- 3.1 The main changes proposed are that the Council will not permit the scattering of pet's ashes or the marking of any animal grave by use of a tablet, kerbstone or other structure. As an alternative, a centrally located memorial feature will be constructed upon which memorial plaques can be affixed. The design of this feature will be subject to further consideration and consultation to ensure that it is in keeping with Cherry Orchard Country Park.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There is an alternative option not to have a Memorial Policy and to determine each application on its individual merits.

5 RISK IMPLICATIONS

- 5.1 No consultation has been undertaken regarding the proposals for a memorial feature within the pet memorial area. It is proposed to consult with the Friends Group before the design is finalised and to ensure that the feature is in keeping with the Country Park. This area is also remote and may, as a consequence, be subject to vandalism, such as graffiti. This will necessitate the careful selection of the construction materials.

6 RESOURCE IMPLICATIONS

- 6.1 There are no direct resource implications relating to this policy as the fees, charges and projected income relating to this service area were agreed as part of the budget process. A budget of £25,000 was agreed for the construction of the pet memorial area and this should be sufficient to fund the proposed memorial feature.

7 LEGAL IMPLICATIONS

- 7.1 None.

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: _____

Head of Environmental Services

Background Papers:-

Portfolio Holder report dated 6 March 2013

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Extract from the Minutes of the Review Committee – 16 April 2013

66 POLICY FOR MEMORIALS IN PARKS AND OPEN SPACES

The Committee considered the report of the Head of Legal, Estates and Member Services on the call-in of an Executive decision in relation to the policy for memorials in parks and open spaces.

In answer to Member questions, the following responses were provided:-

- The proposed fees relating to the pet memorial area would cover the labour costs of interment of ashes; this would not include the cost of a memorial tablet or tree. The tablet would be put into hard core to stabilise it. Rochford District Council woodlands and open spaces staff would undertake this work, so there will be no additional cost in this area. The potential cost implication in respect of the pet memorial area would include low level maintenance of the area.
- It was anticipated that the majority of the income would be generated from memorial benches and trees and associated maintenance plans. As well as providing an income, the planting of trees and erecting benches would enhance the look of the park. The policy would be applied to all open spaces and parks.
- Marketing, including production of leaflets, would be used to promote all the options around memorials in parks and open spaces. In respect of pet memorials, veterinary practices and pet shops would be targeted.
- The District's Parish and Town Councils had been asked for their views; responses received had indicated that there is not a particularly strong need for a pet memorial area but also no particular objections. Comments received have been taken into account when devising arrangements for the pet memorial area. The area design would be rustic rather than formal. Although the memorial tablets would blend into the ground to a large degree, a record would be kept of where each memorial has been placed. Benches could be placed in the pet memorial area.
- To avoid confusion the word 'generally' could be removed from paragraph 3.3 of the policy.
- Regular inspections of open spaces would identify any potential health and safety issues in the pet memorial area.

It was agreed that the Policy relating to the Pet Memorial Area needed further clarification around the location of the memorial tablets and the process for the burial of ashes and therefore should be referred to the Executive for further debate before it is agreed.

Resolved

That the decision relating to the Policy for Memorials in Parks and Open Spaces be referred to the Executive for further discussion. (HES)

Extract from the originally proposed policy:-

**ROCHFORD DISTRICT COUNCIL POLICY FOR MEMORIALS IN
PARKS AND OPEN SPACES – February 2012**

3 GENERAL ARRANGEMENTS

- 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.

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.

PROPOSED POLICY

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

1. INTRODUCTION

- 1.1 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 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 does not permit the burial of pets or the scattering of pet ashes in any of its public open spaces.

- 3.4 The Council will permit the internment of pet ashes and for these ashes to be placed under a tree or bench, but these will be restricted to the Pet Memorial Area.
- 3.5 Any memorial bench, tree or plaque should be paid for by the applicant prior to installation, and the location agreed in writing.
- 3.6 Benches and trees remain the property of the Council. The Council accepts no replacement liability for a bench, tree or plaque which is considered by the Council to have reached the end of its useful life.
- 3.7 The Council accepts no liability for damage or theft of any memorial bench, tree or plaque from vandals or third parties.
- 3.8 Memorial plaques are to be a maximum size of 175mm wide x 75mm high. Plaques shall be made of cast bronze with black lettering.
- 3.9 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.
- 3.10 It is the responsibility of an applicant to ensure that the Council is kept informed about their contact details. Should a bench, tree or personalized plaque be removed, the personalized plaque will be returned to the applicant’s last known address.
- 3.11 No memorial tribute or mementoes such as vases, statues, solar lights, obelisks, flowers, wreaths, balloons or other ornamentation should be placed around a bench, tree or other location. If this were to occur, the Council reserves the right to remove and dispose of any such the item.

4 MEMORIAL BENCHES

- 4.1 Three types of bench are available, 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.

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, subject to approval by the Council.
- 5.6 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.
- 5.7 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 will allow owners to bury pet's ashes in the pet memorial area only. Ashes must be accompanied by a certificate of cremation from a licensed crematorium.

- 6.2 The burial location will be determined by a map showing the availability of plots. The ashes must be placed with a bio-degradable container.
- 6.3 A metal plaque will be fixed to the memorial feature to record the interment of ashes. The fee paid shall cover a period of ten years, but this arrangement may be terminated should the owner not pay the required fee. In such circumstance the Council reserves the right to remove and dispose of the memorial plaque.
- 6.4 Alternatively a plaque may be placed on a memorial bench or on a stake adjacent to a memorial tree which has also been purchased.
- 6.5 Memorial benches, trees and plaques are restricted to one for each pet. The Council will limit the number of memorials and 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 Requests to scatter pet ashes will not be considered. Tablets, kerbstones or other structures are not permitted and will be removed.