



MALVERN TOWN COUNCIL

FULL COUNCIL MEETING

REPORTS

**For meeting on Wednesday 11 October 2023
at 6.00 pm
in the Council Chamber, Belle Vue Terrace,
Malvern**

MALVERN TOWN COUNCIL

Town Clerk
28-30 Belle Vue Terrace
Malvern
WR14 4PZ
Tel: 01684 566667



5 October 2023

townclerk@malvern-tc.org.uk
www.malverntowncouncil.org

MEETING OPEN TO MEMBERS OF THE PUBLIC

To all Members of Malvern Town Council:

You are hereby summoned to attend a meeting of Malvern Town Council to be held on Wednesday 11 October 2023 in the Council Chamber, Belle Vue Terrace, Malvern commencing at 6.00 pm for the transaction of the business shown on the Agenda below.

A handwritten signature in black ink, appearing to read 'L. J. Blake'.

Linda Blake
Town Clerk

No.	Agenda Item
1.	Apologies for Absence To note apologies for absence.
2.	Declarations of Interest To receive declarations of disclosable pecuniary interests and other disclosable interests.
3.	Minutes of Previous Meeting To receive and confirm as a correct record the minutes of the previous Full Council meeting: ➤ 6 September 2023 – (already issued)
Public Participation <i>The Meeting will be adjourned for public participation when the Chairman will invite members of the public to present their questions, statements or petitions submitted under the Council's Public Participation Procedure.</i>	
4.	Introduction by Michael Johnson, Footpath Warden for Malvern Town, followed by Question-and-Answer Session
5.	Work of the Malvern Hills Trust - Presentation by Beck Baker, Community and Conservation Officer, Malvern Hills Trust, followed by Question-and-Answer Session
6.	Mayor's Announcements ➤ Verbal report
7.	Update on Town Council Operations and Activities ➤ Verbal update by the Town Clerk
8.	Reports by County and District Council Representatives in Attendance ➤ Verbal reports or written submissions as appropriate.

9.	Town Council Ward Reports/Representatives on Outside Bodies ➤ Verbal reports
10.	Members Questions ➤ The Chairman will invite members who have written in with questions to present them to Council.
11.	Notice of Motion - Malvern Link Traders Christmas Event 2023 ➤ Cllr Watkins and Cllr Cherry
12.	Review of Town Council Hardship Fund ➤ Report CL01/23 to follow
13.	Election of a Representative for Bagnères-de-Bigorre Twinning Association ➤ Report CL02/23 to follow
14.	Lighting the Buzzards Sculpture and North Malvern Clock Tower for Pancreatic Cancer ➤ Report CL03/23 to follow
15.	Policy and Resources Committee Recommendations The Chair of Policy and Resources Committee to present any recommendations for approval by Council from the meetings held on 7 September and 4 October 2023 ➤ Report CL04/23 to follow
16.	Operations and Planning Committee Recommendations The Chair of Operations and Planning Committee to present any recommendations for approval by Council from the meeting held on 13 September 2023 ➤ Report CL05/23 to follow
17.	Victoria Park Task and Finish Group ➤ Verbal update from the meeting held on 3 October 2023
18.	Date and Time of Next Meeting Wednesday 8 November 2023 at 6.00 pm

**MINUTES OF FULL COUNCIL MEETING OF
MALVERN TOWN COUNCIL**

**held in the Council Chamber, Belle Vue Terrace, Malvern
on Wednesday 6 September 2023, at 6.00 pm**

Councillors

Present

C Hooper (Chair)
S Austin
M Birkes
A Cherry
I Dawson
C Fletcher
N Houghton
M Jones
C Lee
L Lowton (from 6.06pm)
F Matthews-Jones
R McLaverty-Head
D Mead
K Newbigging
D Watkins

Absent

C Bovey
J Green (apologies)
J Leibrandt (apologies)
J MacLusky (apologies)
S Meager (apologies)

Also in attendance

L Blake – Town Clerk
L Wall – Minute Clerk
Cllr J Raine, MHDC
Cllr F Victory, MHDC
Cllr B Nielsen, MHDC & WCC
Cllr K Hanks, WCC
A Member of the Press
Four members of the public

59. APOLOGIES FOR ABSENCE

Apologies from Councillors Jude Green, Josephine Leibrandt, Julie MacLusky and Simon Meager were **NOTED**.

60. DECLARATIONS OF INTEREST

None.

61. MINUTES OF PREVIOUS MEETING

It was **RESOLVED** that the minutes of the following meeting be approved and adopted as a correct record of the proceedings, and they were signed by the Mayor:

- Full Council meeting 9 August 2023.

PUBLIC PARTICIPATION

A member of the public spoke of problems experienced in Pickersleigh Grove with speeding traffic and drug dealing. She was concerned that there were no signs indicating a school at the end of the road and cars often drove at excessive speeds, putting the safety of schoolchildren, residents and pedestrians at risk. Residents would like to see more signage, traffic calming measures, speed cameras and a reduction of the speed limit. These problems had been ongoing for around three years with little or no response from Worcestershire County Council.

Cllr Lou Lowton joined the meeting at 6.06pm.

District councillor John Raine spoke as a member of the public on behalf of residents in Hornyold Road, who were also experiencing problems with speeding traffic, made worse by cars parked along the length of the road. Cllr Raine hoped the Town Council would lend its support to an application for a reduction in the speed limit for this road.

62. MAYOR'S ANNOUNCEMENTS

The Mayor had visited Windsor Court Care Home to take afternoon tea with the residents and staff.

He had opened the conference of The Society of Teachers of Speech and Drama, held at the Music School of Malvern College.

Finally, the Mayor had attended the Dementia Meeting Centre Fete, where he was impressed by the admirable work carried out by staff and volunteers in helping those living with dementia.

63. **UPDATE ON TOWN COUNCIL OPERATIONS AND ACTIVITIES**

The Town Clerk reported on the following Town Council operations and activities:

Victoria Park pavilion - the Council's planning application for Victoria Park went live on 17 July and the deadline for comments was extended from 9 August until 6 September. Following comments from Worcestershire Highways, a transport statement had been commissioned and submitted to cover queries about access, parking, sustainable transport modes and trip generation.

Sale of Belle Vue Terrace – surveys are currently taking place.

Asset Tour - an asset tour had been planned for Thursday 14 September, aimed primarily at new councillors, but all councillors were welcome. Councillors were asked to contact the office if they wished to attend.

Cemetery Rules and Regulations Task and Finish Group - two meetings had been held with some very useful discussions around a number of important areas. The new draft rules would be presented to Operations and Planning Committee the following week for approval.

Operations Team - the Operations Team had spent the past month mowing and watering. Football pitches had also been prepared and marked out for the start of the football season.

Jamaica Crescent Play Area - tenders were currently being sought for the play area refurbishment at this location.

Music in the Park concerts – these continued to be very popular and the Town Clerk thanked all councillors who had acted as stewards at the weekly concerts.

Land at Adam Lee – a member of the public had attended the previous Full Council meeting to raise concerns about the entranceway and gate placement to the land at Adam Lee. The Town Clerk reported that she and the Operations Manager had discussed the points raised, and once the car park had been completed these concerns would be addressed when the access arrangements were made.

64. **REPORTS BY COUNTY AND DISTRICT COUNCIL REPRESENTATIVES IN ATTENDANCE**

(Written reports had been submitted by Cllr Malcom Victory and Cllr Beverley Nielsen, and circulated to all Town Councillors prior to the meeting.)

Cllr Beverley Nielsen, WCC councillor, Malvern Langland Division and MHDC councillor for Great Malvern ward - Cllr Nielsen asked if there were any questions arising from her report. She then responded to the public participation matter of speeding in the town, saying that she had been inundated with highways requests from members of the public and whilst the highways officers at county council were very good, it was not always easy to get things done. She would be meeting with Cllr Hooper, Cllr Cynthia Palmer and WCC Cabinet Member with Responsibility for Highways & Transport in mid-October when they would walk around the town and

discuss matters. She would like to see more crossing points and traffic calming measures, and a 20mph zones on Worcester Road, which traders were in favour of.

Cllr Karen Hanks, WCC councillor Malvern Link Division - Cllr Hanks reported that following site visits with Malvern Link traders, improved signage would be installed in Malvern Link by January 2024, to include finger post signage directing people from Malvern Link station to the hills and shops, from car parks to shops and restaurants, and from shops to car parks.

The VAS unit Cllr Hanks funded is now in circulation although she had been questioned about its placement in Summerfield Road.

Cllr Hanks had supported a request for double yellow lines on the junction of Landsdown Road and Highfield Road, consistent with the positioning of other double yellow lines in the area.

Expenditure from divisional budget:

- A wooden gazebo to provide shelter for supporters and players during training and matches at Malvern Rugby Club
- A waterproof shed to be used as a second-hand uniform shop at St Matthias school, which will open on Monday evenings.

A response from WCC to the recent boundary review had been itemised on the agenda for the Full Council meeting on 14 September, this was also available to view on the WCC website.

Cllr Fran Victory, MHDC councillor for Malvern Link - Cllr Victory reported that she had been working with Cllr Nielsen to raise the profile of the area, and she had also been contacted by many residents about speeding vehicles. The people responsible for recent fly tipping in Duke of Edinburgh Way had been caught.

Cllr David Mead, MHDC councillor for Barnards Green ward - highlighted traffic issues in Court Road caused by the recent closure of Poolbrook Road for emergency highways works. Signage for diversions had been incorrect which had exacerbated traffic jams, and he felt that this should be addressed in the future.

He had also been working with the nursery at the Sunshine Children's Centre who would need new premises once the proposed free school for children with autism was built. WCC had not been able to help with relocation plans.

65. TOWN COUNCIL WARD REPORTS/REPRESENTATIVES ON OUTSIDE BODIES

Cllr David Watkins, Malvern Link – in his capacity as Deputy Mayor, Cllr Watkins had represented the council at the ARCOS fete. ARCOS had received a large grant from the Town Council but were unable to use it immediately because of the covid pandemic. Works to improve the outdoor play area had now been completed and Cllr Watkins was pleased to see how much had been achieved. He felt ARCOS was a very worthy local charity.

66. MEMBERS QUESTIONS

None.

67. FOUNTAIN IN ROSEBANK GARDENS

Report CL01/23 was received and accepted.

The Town Clerk explained the history of the project to install a fountain in Rosebank Gardens, which had stalled because of various problems, including the covid pandemic and the discovery of an underground chamber.

A robust discussion followed, and members considered the five options listed in the report to bring the project to a conclusion.

It was **RESOLVED** that nothing further was required in the area, and that no further works should take place. Wording on the commemorative plaque would be changed to reflect this.

68. **REVIEW OF QUORUM FOR COMMITTEE MEETINGS**

Report CL02/23 was received and accepted.

It was **RESOLVED** to revert to the previous rule that quorum at any committee meeting should be more than 50%. Quorum would therefore be as follows:

	Membership	Quorum
Operations and Planning Committee	10	6
Policy and Resources Committee	9	5
Audit Committee	5	3

69. **MEMBERSHIP OF POOLBROOK VILLAGE HALL COMMITTEE**

Report CL03/23 was received and accepted.

It was **RESOLVED** to appoint Councillor Iain Dawson to the Poolbrook Village Hall Committee.

70. **LEASE OF DUKES MEADOW PAVILION – MALVERN YOUTH AND JUNIOR FOOTBALL CLUB**

Report CL04/23 was received and accepted.

The Town Clerk explained that the Malvern Youth and Junior Football Club had requested a five-year lease on Dukes Meadow Pavilion, following an initial lease of twelve months, which had recently expired.

Members discussed the length of lease, quarterly rental and who would be responsible for repairs and insurance.

The Town Clerk confirmed that prior to the start of the lease, officers would conduct a survey of the building.

It was **RESOLVED** to grant a five-year, full-repairing lease on Dukes Meadow Sports Pavilion to Malvern Youth and Junior Football Club at a quarterly rental of £50. This to be subject to the provision of a reasonable development plan that can be monitored by the Town Council.

71. **DATE AND TIME OF NEXT MEETING**

It was agreed that the date of the next meeting would be Wednesday 11 October 2023 at 6.00 pm.

The meeting finished at 7.35 pm.

.....
(Chairman)



RESOLUTION MOVED ON NOTICE – Standing Order 9

A Meeting of Malvern Town Council

to be held on Wednesday 11 October 2023 at 6.00pm

in the Council Chamber, Malvern Town Council, Belle Vue Terrace

NOTICE OF MOTION – MALVERN LINK TRADERS CHRISTMAS EVENT 2023

Proposed Resolution

Malvern Town Council should support the Malvern Link Traders Christmas event to be held in Malvern Link on Friday 1 December 2023 by:

- i. Promoting the event on the Malvern Town Council website and social media.
- ii. Flying Christmas flags on every other flagpole on Worcester Road, Malvern Link, this being the main area for the event (flags to be provided by Malvern Link Traders). Malvern Town Council Operations Team will erect the flags in late November and take them down after the Christmas period.

Background

Malvern Link Traders aim to hold an event that engages the local community, with free music and craft activities on a donation only basis. This event hopes to instil pride and facilitate engagement with residents and visitors alike in a fun and enjoyable way. Malvern Town Council flying Christmas flags shows clear support for the event and helps provide a festive atmosphere within the shopping centre of Malvern Link.

Financial Implications

Estimated cost for the Operations Team to erect Christmas flags and then remove them after Christmas is £500.

Proposer – Cllr David Watkins

Seconder – Cllr Anne Cherry

A REPORT OF THE TOWN CLERK TO
A MEETING OF MALVERN TOWN COUNCIL
to be held on Wednesday 11 October 2023 at 6.00 pm
in the Council Chamber, Malvern Town Council, Belle Vue Terrace

REVIEW OF TOWN COUNCIL HARDSHIP FUND

1. Purpose of Report

- 1.1. For decision.

2. Recommendation

- 2.1. Council is asked to review the Town Council's Hardship Fund, decide whether it should continue for a further twelve-month period and make any amendments as necessary.

3. Background

- 3.1. In April 2023, Council adopted a Town Council Hardship Fund as detailed in Appendix A to this report. It was agreed that the maximum award which could be made is £1,000 and that the scheme would be reviewed in six months.
- 3.2. The Malvern Town Council Hardship Fund (MTCHF) is a discretionary source of financial help available to Town Council employees experiencing temporary and significant hardship due to an unforeseen financial event.
- 3.3. Applications are considered by a review panel of the Mayor, Deputy Mayor, and Chairs of committees, with forms anonymised by the Town Clerk.
- 3.4. During the first six months of the scheme one applications has been considered and an amount awarded.

4. Financial Implications

- 4.1. No specific budget has been allocated to the MTCHF and awards to date total approximately £425.

5. Legal Implications

- 5.1. The Town Council is able to make these discretionary payments providing they are not contractual.
- 5.2. Payments must be made through payroll and are taxable and subject to other usual deductions.

End
Linda Blake
Town Clerk

Malvern Town Council Hardship Fund (MTCHF)

What is covered by this Fund?

Recognising the current extraordinary economic conditions, the Town Council has adopted a Malvern Town Council Hardship Fund.

This is a discretionary source of financial help available to everyone at all grades, through which a non-repayable grant can be applied for.

This document provides an overview of the MTCHF, how it works as well as when and how employees can access it.

What is the Malvern Town Council Hardship Fund?

A hardship fund is designed to provide assistance with basic needs when a person is unable to afford them. Basic needs will vary by circumstance, but generally includes food, clothing, safe and stable housing, basic utilities, transportation to and from work, and medical care.

The Malvern Town Council Hardship Fund is responsible for providing a **one-off** payment of **up to** £1000.00 to Malvern Town Council employees experiencing **temporary** hardship.

Who can access the Malvern Town Council Hardship Fund (MTCHF)?

The MTCHF is open to all Malvern Town Council employees.

Employees can access the fund if they meet **both** of the following 2 criteria:

1. Employed by Malvern Town Council for three months prior to making a claim.
2. Are a permanent Malvern Town Council employee regardless of role, grade, salary, full-time or part-time, or personal performance.

Temporary or contract staff of Malvern Town Council are not eligible.

Is the process for applying to the Malvern Town Council Hardship Fund confidential?

Yes, the process for applying to the MTCHF is entirely confidential. All applications are managed in the strictest of confidence and throughout the process the Council will minimise visibility where possible.

Applications should be submitted to the Town Clerk (or Deputy Town Clerk in their long term absence) who will ensure that the application is **anonymised** and that no one else has sight of personal details of the member of staff applying. When an application is submitted for assessment, only those on the Review Panel will have sight of the documents and it will remain anonymous.

All applications and outcomes are held within a confidential folder as part of the MTCHF process for 12 months.

How to apply to the MTCHF and who is involved in the application process?

Claims should be submitted to the Town Clerk (or Deputy Town Clerk in their long term absence) as they are the only individual who will have full visibility of claims submitted.

The Review Panel, comprises:

- Town Clerk
- Mayor
- Deputy Mayor
- Chair of Policy and Resources Committee
- Chair of Operations and Planning Committee

The Review Panel will have access to anonymised claims only, apart from the Town Clerk who will oversee the application process.

Application and Review

In order to apply to the MTCHF, an application form will be available on request from the Town Clerk. Once complete, this form, along with any required supporting information must be submitted to the Town Clerk.

The application will initially be checked by the Town Clerk who will work with the member of staff to ensure that all required information has been provided before it is submitted for review.

Once all documentation has been submitted, the application will be anonymised and shared with the Review Panel for their official review and approval.

The Review Panel will aim to review any claims within two working weeks.

Outcome

Outcomes from the review with feedback (if necessary) are passed onto the member of staff immediately.

Successful claims will then be processed with the next available payroll payments, these being submitted during the first seven days of each month and paid on 15th of each month or when this falls on a weekend, the preceding Friday.

All claims, including forms and documents are held confidentially for twelve months before being destroyed.

How will we ensure that the process is fair and transparent?

Fairness, consistency in approach and transparency are critical in an application to the MTCHF. This is achieved by ensuring submissions are anonymised removing any biases.

Transparency will be achieved by providing an annual report to the Policy and Resources Committee meeting with a high level overview of the outcomes and decisions (no personal or identifiable information is shared), with only a summary of total spend and number of applications approved.

If an application is unsuccessful is there an appeal process?

The decision of any application is at the full discretion of the Review Panel and there is no appeal process. To ensure that claims are considered fairly, and a consistent approach is applied to all applications, all applicants will be encouraged to provide as much information as possible and evidence in terms of statements, invoices etc. with their application.

Does everyone receive an MTCHF payment?

This hardship fund is not intended to be a one off payment to all staff and the member of staff applying for a grant is required to demonstrate a significant hardship due to an **unforeseen financial event**. The MTCHF is not a “top up” fund for additional salary.

Do I have to pay Tax and National Insurance on any payment received?

The payment, if approved is subject to Tax and National Insurance where applicable, no adjustments can be made to the amount being paid in terms of take home pay after deductions of Tax, National Insurance, or any other external payments.

Can I apply more than once if my circumstances change?

Each member of staff can only apply once in a twelve month period.

Why is there a maximum amount of £1000.00 (gross) for the MTCHF

The fund is designed to be a one-off hardship payment and in order for MTC to be able to budget accordingly, there has to be a maximum figure for each application in order to ensure funds are available to all if needed.

What might be the reasons for refusal?

To assess whether an MTCHF will be paid, the Review Panel will look to understand what steps a member of staff has already taken to alleviate the temporary financial hardship.

This could include looking at whether any discretionary outgoings could be suspended whilst the member of staff is experiencing significant financial hardship.

When will this scheme end?

The MTCHF will remain in force for an initial six months after which it will be reviewed, and a decision made on whether to continue for the following year. This scheme does not form part of an employee's contract of employment and can be withdrawn at any time.

**A REPORT OF THE TOWN CLERK TO
A MEETING OF MALVERN TOWN COUNCIL
to be held on Wednesday 11 October 2023 at 6.00 pm
in the Council Chamber, Malvern Town Council, Belle Vue Terrace**

**ELECTION OF A REPRESENTATIVE FOR BAGNÈRES-DE-BIGORRE
TWINNING ASSOCIATION**

1. Purpose of Report

- 1.1. For decision.

2. Recommendation

- 2.1. Council is asked to appoint one member to act as a representative on the Bagnères-de-Bigorre Twinning Association.

3. Background

- 3.1. At Annual Council held in May 2023, members were appointed as representatives on a number of outside bodies for the 2023/24 council year.
- 3.2. Following a request in September 2023 for a councillor to join the Poolbrook Village Hall committee, taken up by Cllr Dawson, a vacancy now exists on the Bagnères-de-Bigorre Twinning Association.
- 3.3. Council is therefore requested to elect a representative for this group which develops and promotes a twinning relationship with Bagnères-de-Bigorre in France.

4. Financial Implications

- 4.1. None pertaining to this report.

5. Legal Implications

- 5.1. None pertaining to this report.

End
Linda Blake
Town Clerk

A REPORT OF THE TOWN CLERK TO
A MEETING OF MALVERN TOWN COUNCIL
to be held on Wednesday 11 October 2023 at 6.00 pm
in the Council Chamber, Malvern Town Council, Belle Vue Terrace

LIGHTING THE BUZZARDS SCULPTURE AND
NORTH MALVERN CLOCK TOWER FOR PANCREATIC CANCER

1. Purpose of Report

- 1.1. For decision.

2. Recommendation

- 2.1. Council is recommended to agree lighting the buzzard sculpture in Rosebank Gardens and the faces of the North Malvern Clock Tower purple, to support “Purple Lights for Pancreatic Cancer” during November’s pancreatic cancer awareness month.

3. Background

- 3.1. Officers at the Town Council have been approached by a member of the public to ask if the Town Council would support the “Purple Lights for Pancreatic Cancer” campaign this November.
- 3.2. On World Pancreatic Cancer Day, which is 16 November, and throughout pancreatic cancer awareness month, landmarks across the UK and the world will light up purple to put a spotlight on pancreatic cancer. Currently, less than 7% of people with pancreatic cancer will survive more than five years.
- 3.3. The Council has participated in a similar project previously, as the buzzards were lit purple during November 2021.
- 3.4. In previous years, landmarks such as the National Theatre complex, Blackpool Tower and Smeaton’s Bridge in Scotland have been lit up. Last year Pershore Abbey was lit up in purple to support this campaign.
- 3.5. The proposal is that the buzzards sculpture in Rosebank Gardens should be lit purple for either the whole or part of November, as part of pancreatic cancer awareness month. In addition, the illuminated clock faces of North Malvern Clock Tower could also be lit in purple.
- 3.6. The easiest way to achieve a purple lighting effect would be to place a purple filter over the existing lights in Rosebank Gardens and to purchase purple bulbs for the clock tower.
- 3.7. More information can be accessed online at www.purplelightsuk.org

4. Financial Implications

- 4.1. It is anticipated that the cost of a purple light filter, bulbs and installation would be in the region of £100.

5. Legal Implications

- 5.1. None pertaining to this report.

End
Linda Blake
Town Clerk

**A REPORT OF THE TOWN CLERK TO
A MEETING OF MALVERN TOWN COUNCIL
to be held on Wednesday 11 October 2023 at 6.00 pm
in the Council Chamber, Malvern Town Council, Belle Vue Terrace**

POLICY AND RESOURCES COMMITTEE RECOMMENDATIONS

1. Purpose of Report

- 1.1. For decision.

2. Recommendation

- 2.1. Full Council is asked to consider the recommendations from the meetings of Policy and Resources Committee held on 7 September and 4 October 2023 and listed below.
- 2.2. Recommendations to be presented by the Chair of the Policy and Resources Committee or, if absent, the Vice-Chair.

Meeting held on 7 September 2023

Minute 21 Quarterly accounts, 1st Quarter to 30 June 2023

- It was **RECOMMENDED** that Full Council approves the quarterly accounts for the first quarter ending 30 June 2023

Meeting held on 4 October 2023

- No recommendations made, all decisions under delegated authority

3. Background

- 3.1. At a meeting of Full Council held on 12 September 2018, it was resolved that committees would approve their own minutes for accuracy with any recommendations from committee meetings being taken separately to be accepted by Full Council before being put into effect.
- 3.2. Full Council is therefore asked to consider the recommendations listed above in 2.2 and to approve, amend or refer back to committee as appropriate.
- 3.3. Councillors are reminded that the relevant reports as considered by committees when making their recommendations can be found within the papers distributed for the meeting and these will not be reissued.
- 3.4. If any councillor has any queries relating to a recommendation, it is suggested that they raise it with either the Town Clerk or Chair of Committee before the Council meeting.

4. Financial Implications

- 4.1. Please see individual committee reports.

5. Legal Implications

- 5.1. Please see individual committee reports for specific details.
- 5.2. Council decisions are supreme and therefore any changes to recommendations can be made with final agreement at Full Council.

End
Linda Blake
Town Clerk

**A REPORT OF THE TOWN CLERK TO
A MEETING OF MALVERN TOWN COUNCIL**

**to be held on Wednesday 11 October 2023 at 6.00 pm
in the Council Chamber, Malvern Town Council, Belle Vue Terrace**

OPERATIONS AND PLANNING COMMITTEE RECOMMENDATIONS

1. Purpose of Report

- 1.1. For decision.

2. Recommendation

- 2.1. Full Council is asked to consider the recommendations from the meeting of Operations and Planning Committee held on 13 September 2023 and listed below.

i. Minute 30

It was **RECOMMENDED** that the draft rules and regulations for Great Malvern Cemetery be approved as attached at Appendix A.

Please note:

1. The draft rules and regulations were drawn up by the Cemetery Rules and Regulations Task and Finish Group, with three further amendments made by Operations and Planning Committee.
2. The map of Great Malvern Cemetery still needs to be updated and the final diagrams of permitted headstones inserted.
3. The rules and regulations as approved by Council will be made available as guidelines for those booking council services within the cemetery.

3. Background

- 3.1. At a meeting of Full Council held on 12 September 2018, it was resolved that committees would approve their own minutes for accuracy with any recommendations from committee meetings being taken separately to be accepted by Full Council before being put into effect.
- 3.2. Full Council is therefore asked to consider the recommendations listed above in 2.2 and to approve, amend or refer back to committee as appropriate.
- 3.3. Councillors are reminded that the relevant reports as considered by committees when making their recommendations can be found within the papers distributed for the meeting and these will not be reissued.
- 3.4. If any councillor has any queries relating to a recommendation, it is suggested that they raise it with either the Town Clerk or Chairman of Committee before the Council meeting.

4. Financial Implications

- 4.1. Please see individual committee reports.

5. Legal Implications

- 5.1. Please see individual committee reports for specific details.

- 5.2. Council decisions are supreme and therefore any changes to recommendations can be made with final agreement at Full Council.

End

Linda Blake
Town Clerk

Great Malvern Cemetery

Madresfield Road
Malvern
WR14 2AS

Rules and Regulations



CONTENTS

Contents

INTRODUCTION	1
MANAGEMENT OF THE CEMETERY	2
INTERMENTS	3
EXCLUSIVE RIGHT OF BURIAL.....	5
HEADSTONES AND OTHER MEMORIALS.....	6
MAINTENANCE AND UPKEEP	9
TRAFFIC CONTROL	10
FEEES AND CHARGES	10
GENERAL.....	11
MAP OF GREAT MALVERN CEMETERY.....	14

CEMETERY RULES AND REGULATIONS

INTRODUCTION

Great Malvern Cemetery is a working cemetery with a long and interesting history, dating from the early 1860's. At over fifteen acres, and with many ancient/ trees, it is a beautifully maintained area that we hope you agree provides a peaceful final resting place for your loved ones.

The following rules and regulations apply to Great Malvern Cemetery, Madresfield Road, Malvern, WR14 2AS, and any other cemetery which may be established by, or come under, the control of Malvern Town Council (hereafter known as 'the Council') after the adoption of these regulations.

All local authority managed cemeteries are subject to standards and conditions known as cemetery rules and regulations. These are designed to inform all cemetery users of the aspects of the management of the cemeteries and the reasonable requirements applicable to them.

Whilst rules and regulations are a necessary requirement for the management of the cemetery, every effort has been made to avoid restricting the rights and choices of the individual. Therefore, these rules and regulations have been prepared with a balance between individual rights/information and the need to regulate for clean, safe and tidy cemetery grounds.

These regulations include the statutory requirements contained within The Local Government Act 1972, the Local Authorities' Cemeteries Order 1977 (LACO) and the Health and Safety at Work Act together with any other relevant legislation that governs this service.

The cemeteries are managed in accordance with the Local Authorities' Cemeteries Order 1977 under which burial authorities are responsible for maintaining statutory burial registers and grave plans, establishing rules and regulations relating to the management of the cemeteries and the memorials permitted with them and setting fees for burials and memorials.

All contractors wishing to work within the Town Council cemetery must provide annually, evidence of Public Liability and Employer's Insurance cover to indemnify the Town Council against any claims arising from any acts or omissions.

No memorial shall be altered or interfered with after it has been erected in the cemetery according to the design submitted to and approved by the Town Council. Nor shall any work of any kind or description be undertaken or carried on within the cemetery without the consent of the Town Council first being obtained.

The Council is empowered to alter or amend the foregoing rules and regulations at any time and to introduce further regulations as it considers necessary.

MANAGEMENT OF THE CEMETERY

1. The cemetery will be open to the public during the following times:

Cemetery - open daily during the following hours:

1 April to 30 September	8.00 am to 6.00 pm
1 October to 31 March	8.00 am to 4.00 pm

Cemetery Office - excluding Good Friday, Christmas Day and Public Holidays:

Monday to Friday	8.30 am to 3.00 pm
------------------	--------------------

2. Any unauthorised entry when the cemetery is closed to the public contravenes the Local Authorities' Cemeteries Order 1977, Section 18(2).
3. All persons entering the cemetery will be subject to these rules and regulations and any other orders and controls applicable, and as updated from time to time.
4. All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of the Local Authorities' Cemeteries Order 1977, Section 18(1) below:
- No person shall:
- a) wilfully create any disturbance in a cemetery;
 - b) commit any nuisance in a cemetery;
 - c) wilfully interfere with any burial taking place in a cemetery;
 - d) wilfully interfere with any grave or vault, any tombstone or other memorial or any flowers or plants on any such matter; or
 - e) play at any game or sport in a cemetery.
5. Visitors to the cemetery shall not unreasonably interrupt the Council's employees at their duties or employ them to execute private work within the cemetery or extend to them any gratuity. No employee of the Council is to demand or receive any gratuity.
6. All enquiries, compliments, requests and complaints from or by members of the public must be made either to the Operations Manager or Supervisor at the Cemetery Lodge in the cemetery or at the offices of Malvern Town Council, 28 – 30 Belle Vue Terrace, Malvern.
7. No animals shall be permitted to enter the cemetery other than dogs on a short lead. Only assistance dogs may enter the cemetery office or cemetery chapel.
8. No person shall operate any sound reproducing equipment or play any musical instrument in the cemetery or chapel without the prior consent of the Council.
9. No person shall sell or offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit orders for the same, within the cemetery.
10. Any person using a motor vehicle in the cemetery shall only do so on a carriageway suited to the purpose, except with the consent of the Council.
11. All visitors to the Cemetery must keep to the footpaths or roads provided for that purpose, except whilst visiting a grave or vault, and should refrain from touching trees, shrubs, plants or flowers.

12. No person shall deposit, throw or otherwise deposit and leave in the cemetery any wastepaper or refuse of any kind, except in the litter bins provided for the purpose.
13. Smoking and vaping are prohibited in the chapel or near any place where an interment is taking place.
14. The operation of the Council's cemetery and any interments therein, will be carried out strictly in accordance with the provisions of The Local Authorities' Cemeteries Order 1977 and such other Regulations as may be made by the Secretary of State for the Home Office, from time to time.
15. No interment shall take place, and no headstone or memorial shall be placed in the cemetery, nor shall any additional inscription be made on a headstone or memorial, without the prior consent of the Council.
16. Scattering of ashes is not permitted anywhere in the cemetery.

INTERMENTS

An interment means burial in the ground, deposit of an urn or casket containing cremated remains into the ground or burial in the ground of cremated remains in the garden of remembrance.

17. Interment times are outlined below:

Monday to Thursday (earliest booking 9.30am, latest booking as shown)	March & April	May, June, July, August	September, October, November	December, January, February
Burial, straight to grave	2.30 pm	3.00 pm	2.30 pm	1.30 pm
Burial, with chapel	2.00 pm	2.30 pm	2.00 pm	1.00 pm
Garden of Remembrance / Cremated Remains Plot, straight to grave	3.00 pm	3.30 pm	3.00 pm	2.00 pm
Garden of Remembrance / Cremated Remains Plot, with chapel	2.30 pm	3.00 pm	2.30 pm	1.30 pm
Friday (earliest booking 9.30am, latest booking as shown)	March & April	May, June, July, August	September, October, November	December, January, February
Burial, straight to grave	1.30 pm	1.30 pm	1.30 pm	12.30 pm
Burial, with chapel	1.00 pm	1.00 pm	1.00 pm	12.00 pm
Garden of Remembrance	2.00 pm	2.00 pm	2.00 pm	1.00 pm

/ Cremated Remains Plot, straight to grave				
Garden of Remembrance / Cremated Remains Plot, with chapel	1.30 pm	1:30 pm	1.30 pm	12.30 pm

Interments will not be permitted at any other time.

18. The time appointed for an interment will be that at which the funeral cortège is to arrive at the entrance gate of the cemetery where the interment is to take place. The Funeral Director or person in charge of the funeral, arriving after the appointed time, must act under the direction of the Council as to when the funeral service may proceed.
19. Prior telephone booking is required for every interment, which must be confirmed in writing using the prescribed form – ‘Notice of interment’. The form and correct payment must be received at the offices of Malvern Town Council at least five clear working days prior to the interment taking place.
20. The Council will accept no responsibility whatsoever for verbal arrangements, where such arrangements have not been so confirmed.
21. The notice of interment must contain full details of the deceased; the proposed interment; the grave to be used, and, in the case of new lawn or cremated remains graves, the signature of the owner of the Exclusive Right of Burial confirming that they have read and agreed to abide by the relevant regulations regarding headstones, memorials and the maintenance and upkeep of the grave.
22. Where the owner of the Exclusive Right of Burial is deceased and no application has previously been made to transfer ownership, the Council must be satisfied that correct ownership is established before accepting a booking.
23. The Council will not accept responsibility for the consequences arising from the loss or delay of any such notice of interment, order or other document sent by post, nor for the accuracy of the details contained in the notice of interment.
24. In cases of emergency, certified by acceptable medical authority, Regulations 19 - 23 may be waived in the interest of public health.
25. The person or persons arranging the interment shall be responsible for the attendance of a Minister of Religion or Celebrant, to officiate at the burial service, and for the payment of any fee to which the Minister is entitled.
26. For booking purposes, it is assumed that services in the cemetery chapel will take approximately half an hour unless notified otherwise. Services for more than an hour must be approved by the Council at the time of booking and an additional fee paid.
27. Any form of service may be used, but details of the ceremony are subject to the approval of the Council. Alternatively, the coffin may be committed without a service.
28. A certificate for burial issued by the Registrar of Births and Deaths or a Coroner’s Order for Burial, or a duplicate copy thereof, must be delivered to the Council, or its designated officer, when the funeral cortège arrives at the Cemetery.

29. Any person procuring an interment without the production of such certificate or order will be required to make a written declaration on the prescribed form in accordance with Section 1(1) of the Births and Deaths Registration Act 1926.
30. In the case of interment of cremated remains, a certificate of cremation for burial purposes, issued by the Cremation Authority will be required.
31. Foetal remains¹ cannot be interred in Great Malvern Cemetery but a memorial plaque may be placed in the delegated area of the Garden of Remembrance.
32. Every body brought into the Cemetery for interment shall be contained in a suitable coffin, of perishable material, and shall be interred in that coffin. No coffin shall be accepted unless it bears adequate particulars of the identity of the deceased person or persons therein.
33. Cremated remains may be interred in a perishable casket/container or poured into the grave. They may also be placed in or on a coffin, at the same time as a body is interred, but will be subject to the usual fee for the interment of ashes, and the relevant paperwork must be produced.
34. The responsibility for providing sufficient bearers to carry the coffin reverently from the hearse into the Chapel, or to the grave, whether mourners are present or not, rests with the Funeral Director.
35. All graves will be prepared by persons employed by the Council.
36. No body shall be buried in a grave in such a manner that any part of the coffin is less than 3'0" below the level of any ground adjoining the grave, provided that the Council may, where they consider the soil to be of a suitable character, permit a coffin to be placed not less than 2'0" below the level of any ground adjoining the grave.
37. No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave, on a previous occasion, by means of a layer of earth not less than 6" in depth.
38. When any grave is re-opened for the purpose of making another burial no person shall disturb any human remains already interred or remove therefrom any soil.
39. After interment, no body or cremated remains may be removed from a grave without the production of the Ecclesiastical Faculty and/or Licence for Exhumation required by law. The original documents will be required for this purpose.
40. In the case of the re-opening of a private grave where written consent of the owner of the burial rights, the Deed of Grant of Exclusive Right of Burial or other reasonable evidence of ownership cannot be produced, the Council will require to be indemnified against any action arising as a result of permitting the interment.
41. If it is deemed necessary in the interest of public health a coffin shall be taken direct to the grave and not to the cemetery chapel.

EXCLUSIVE RIGHT OF BURIAL

Exclusive Right of Burial means the Exclusive Right, granted by Deed, of the registered owner to determine who may be interred in or commemorated on the grave in question; such

¹ For the purposes of this document, the definition of foetal remains is "a human foetus of less than 24 weeks gestation that has at no time since delivery shown any visible sign of life."

Exclusive Right to be for a period of 75 years. The purchase of a grave space is for the Exclusive Right of Burial and not for the purchase of land. The land remains the property of the Council at all times.

42. Grave spaces are only available, for the purchase of Exclusive Right of Burial, at the cemetery and in accordance with these rules and regulations, and the scale of fees and charges applicable to such purchase at that time.
43. All such private graves will be initially excavated to the standard depth decided by the Council, for that particular section of the cemetery, and the interment fee will be charged accordingly.
44. New lawn and C. R. graves will normally be allocated in strict rotation within each section. A grave other than in rotation may be subject to the discretion of the Council. Plans showing the grave spaces are kept at the cemetery office, where they may be seen during normal office hours, upon application from the cemetery staff. Records dating before 1950 are kept by the Worcestershire Archive and Archaeology Service in Worcester.
45. The Council cannot be held responsible if, due to factors outside its control, the full number of interments in a grave cannot be achieved.
46. A grant of Exclusive Right of Burial is for a period of 75 years and confers no other right than that of burial. It does not include the purchase of land which remains the property of the Council at all times. An Exclusive Right of Burial can be placed in the name / names of no more than two individuals.
47. No pre-purchasing of graves is allowed at the cemetery.
48. Any transfer of ownership of Exclusive Right of Burial will be subject to the production of satisfactory evidence of title and the approval of the Council. Such transfer must be registered in the records of the cemetery and the Deed of Grant of Exclusive Right of Burial must be produced for endorsement at the cemetery office and the appropriate transfer fee paid.
49. No new vault will be permitted to be constructed in the cemetery.

HEADSTONES AND OTHER MEMORIALS

50. A headstone or memorial may only be erected on a grave space within the cemetery in accordance with these regulations and upon payment of the appropriate fee. The right to erect a headstone or memorial will be for the un-expired portion of the Grant of Exclusive Right of Burial.
51. Permission to erect, reinstate and add further inscriptions to a memorial can only take place with the grave owner's permission or with the agreement of proven representatives.
52. The erection of a headstone or memorial on a public grave will be subject to the discretion of the Council and in accordance with these regulations and upon payment of the appropriate fee. Where permission is granted to erect a headstone upon a public grave, it will be subject to the right of the representatives of other persons interred in the grave to have those persons commemorated thereon. As there is no right to erect a headstone or memorial on a public grave, such headstone or memorial does not in itself confer any rights and remains at the pleasure of the Council.

53. Application for approval to place a new headstone or memorial in the cemetery, alter or add to any inscription or replace, add to or remove from the cemetery any headstone or memorial must be submitted to the Council.
54. Such notice must be submitted at least two weeks in advance of the proposed date of erection and must include:
- a) The grave number and name of the deceased;
 - b) In the case of a new headstone or memorial a drawing of the headstone/memorial and its specification including the type, colour and finish (i.e. polished, honed etc) of the material to be used and showing all dimensions including those of the foundation slab;
 - c) Any text to be cut upon the headstone/memorial or any text to be altered or added to any existing headstone/memorial and the method of lettering;
 - d) The name, address and signature of the person placing the order for the headstone work to be undertaken who should be the owner of the Exclusive Right of Burial. If such owner is deceased the applicant must state their relationship to the deceased owner. If the owner is alive but is not making the application, the applicant must provide a letter signed by the owner confirming and authorising such an application;
 - e) The name, address and telephone number of the headstone mason.
55. The approval of the Council for any such application will be confirmed by the issue of a headstone permit, valid for a period of three months. No work should be undertaken until the permit has been issued. Any such permit is issued on the understanding that the work undertaken will fully comply with the details of the application form and the requirements of these rules and regulations. Any work that does not so comply will not be permitted to remain in the cemetery.
56. No permit is required for cleaning only, up-righting and re-levelling, repair of existing lettering, or painting of existing inscriptions unless the headstone/memorial is to be removed from the cemetery.
57. It is advised that headstones and memorials on lawn graves are not erected within three months of the date of burial to allow settlement of the ground.
58. Memorials and headstones for CR graves may be erected on the day of the interment of ashes or at any point thereafter.
59. All new headstones and memorials shall comply with the National Association of Memorial Masons (NAMM) *Memorial Specification Guide* to be read in conjunction with *NAMM Recommended Code of Working Practice*.

Diagrams of permitted headstones with dimensions to be inserted here.

60. Each headstone or memorial shall be set on a foundation slab of natural or pre-cast stone or concrete suitably reinforced, in one piece, of the same dimensions as the base of the headstone or memorial and not less than 3" thick in the case of a headstone, or 2" thick in the case of a memorial and situated so that the top surface of the foundation or sub-base is flush with the adjoining ground level.
61. The only exception to this regulation is that in the case of the traditional plots, the sub-base may be of such a width that it bridges the grave and rests on undisturbed ground

but the sub-base must still be sunk into the ground so that its top surface is flush with the adjoining ground level.

60. All joints must be properly cemented and cramped, joggled or dowelled.
61. There must be at least two dowels for each dowelled joint. (join 60 + 61 together)
62. Headstones shall be constructed from a single piece of stone, although they may be inlaid with natural stone, lead or bronze as part of the design or inscription. Such inlay shall not reduce the thickness of the main body of the headstone to less than 2" (or 1" in the case of children's graves). The inlaid material must not be raised above the surface of the headstone proper by more than ½" and must be contained within the overall dimensions of the headstone.
63. The base of any headstone or memorial shall be constructed of a single piece of stone, which may be drilled to accommodate up to two flower containers.
64. A headstone must be fixed so that its rear face is set 2" from the rear face of the base, or 2½" if the height of the headstone is greater than 2' 6".
65. A headstone or memorial must be cut from the best quarried natural stone and must be durable and sound. All memorials must be in keeping with existing memorials, in terms of shape and size, within the surrounding area. No headstone or memorial should be painted. Memorials of wooden crosses are permitted in the cemetery.
66. Oval ceramic photographic plaques, not exceeding 4" in height and 3½" in width (or the metric equivalent) may be affixed to the front of headstones only.
67. A headstone or memorial shall be inscribed with its grave number, on the rear face. (combine with 70?)
68. Trade names may be incised, or incised and inlaid to match the main inscription, in figures not more than ½" high, on either side or rear faces.
69. Only the surname of the deceased shall be permitted on the rear face of the headstone or memorial, in figures not exceeding 1" in height.
70. No hewing or dressing of stone, other than the cutting of an inscription or cleaning of the stone will be permitted in the cemetery.
71. All materials and equipment shall be conveyed in the cemetery in such a manner as to prevent damage to walks, paths, roads, or turfed areas and all soil or waste materials shall be removed in a like manner.
72. Mats, boards or canvas shall be used as directed by the Council to achieve this end.
73. All workmen employed on behalf of the owner of the Exclusive Right of Burial or the personal representative of such person, to erect any headstone or memorial or to perform work on an existing vault, headstone or memorial shall carry out their work strictly under the direction of the Council and shall:
 - a) At the cost of the owner fill up and level the ground, remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of the work;
 - b) Perform the work during the normal opening hours of the cemetery office (at all other times access is forbidden);
 - c) Provide their own tools and equipment and complete the work with due despatch.

74. The Council must be informed of the removal of any headstone or memorial from the cemetery.
75. The removal and re-erection of a headstone or memorial to facilitate the re-opening of a private grave or vault or to level such grave or vault shall be at the expense of the grave owner or the personal representative of such person.
76. Any person removing a headstone or memorial to permit a further interment shall either remove the same from the cemetery, after informing the Council, or place it in the position indicated by the Council.
77. Any headstone or memorial removed from a grave to facilitate an interment shall be replaced as soon as possible after the first anniversary of the last interment, if not before.
78. Any unauthorised headstone or memorial shall be removed at the expense of the grave owner, or the personal representative of such person.
79. Any headstone or memorial erected in the cemetery remains there at the sole risk of, and must be kept in a good state of repair by, the owner of the Exclusive Right of Burial or the personal representative of such person. The Council reserves the right to remove any headstone or memorial, which has become dangerous or unsightly.
80. The Council reserves the right to exclude or remove from the cemetery any headstone or memorial not executed in a workmanlike manner or from sound materials, or which would in the opinion of the Council disfigure the cemetery, or offend public decency.

MAINTENANCE AND UPKEEP

81. After an interment has taken place in a grave and time has elapsed for settlement of the ground, the Council, in accordance with the Local Authorities' Cemeteries Order 1977, shall cause the surface of the grave to be levelled and grassed except for any area covered by a memorial.
82. This timescale shall be a maximum of four years and at 42 months the Council may approach Exclusive Right of Burial owners to prepare for this transition.
83. The surface of every lawn grave when settled shall be at ground level, except for an approved memorial permitted in accordance with the Cemetery Rules and Regulations (see previous section).
84. It is the responsibility of the owner of the Exclusive Right of Burial to keep the grave space free from weeds and in a tidy condition. In the event that the grave space is not being kept in a reasonable state of repair the Council reserves the right to level and grass the area.
85. Small bedding plants, subject to the approval and direction of the Council, may be planted in the 18 inches directly in front of the memorial.
86. The Council reserves the right to prune, cut down, or dig up and remove any shrubs, trees, plants and flowers, at any time when the same are unsuitable or have become unsightly or overgrown.
87. The placing on graves of wire mesh, fences, kerbing and any items detrimental to health and safety regulations shall be prohibited. This will be at the discretion of the Council Officer responsible for the cemetery.
88. A maximum of four solar lights shall be permitted on a grave.

89. All items must be placed within the boundary of the grave and must not exceed a height of 18 inches.
90. The Council reserves the right to remove from any grave, flowers, plants, wreaths or other items which have become unsightly or are in a state of disrepair.
91. After a period of four years, the placing of grave adornments shall be restricted to the 18 inches in front of the memorial and at 42 months the Council may approach Exclusive Right of Burial owners in order to prepare for this transition.
92. Christmas wreaths will be removed by the Council after a period of six weeks in each New Year.
93. Any surplus soil removed from a grave is to be deposited in such part of the cemetery as directed by the Council.
94. Should the owner of the Exclusive Right of Burial of any grave desire that the upkeep, maintenance, turfing or planting be undertaken for payment by any firm or contractor other than the Council, a permit authorising such work must first be obtained by such firm or contractor from the Council.

TRAFFIC CONTROL

95. Admission of vehicles is subject to the following conditions:
 - a) Access is available only during the following hours, including Saturdays, Sundays, Good Friday, Christmas Day and Public Holidays:

1 April to 30 September	8.00 am to 6.00 pm
1 October to 31 March	8.00 am to 4.00 pm
 - b) Access is subject to absolute right of way being given to any funeral cortège in the Cemetery;
 - c) No vehicle is to be left in a position so as to cause any obstruction to other traffic;
 - d) A speed of 5mph is not to be exceeded;
 - e) Vehicles must enter only by the Madresfield Road entrance and leave only by the Madresfield Road entrance, unless otherwise directed;
 - f) No liability is accepted by the Council for loss of or damage to a vehicle or its contents, or injury to its driver or passengers howsoever arising;
 - g) All requirements of the Council shall be complied with;
 - h) Permission for admission of vehicles may be withdrawn at any time.

FEES AND CHARGES

96. The fees and charges prescribed for the use of the cemetery shall be those specified in the scale of fees and charges, as amended from time to time, and available on the Town Council's website.
97. Fees and charges applicable to the cemetery shall be doubled if the deceased was not a resident of Malvern Parish at some point during the five years preceding the date of their death. The exception to this is where the deceased is the grave owner and was resident of the Malvern Parish area at the time the grave was purchased.

98. All fees and charges are payable in advance to the Council, except in the case of funeral directors and stonemasons, dealing continuously with the Council, when payment is rendered monthly.

GENERAL

99. All persons (not being employees of the Council) engaged at work in the Cemetery shall comply with all directions and requirements of the Council.
100. Burial or memorial services may be held in the Cemetery Chapel subject to the consent of the Council and payment of the appropriate fee.
101. A register of all burials and graves from 1950 is kept at the cemetery office. Records pre-1950 are kept by the Worcestershire Archive and Archaeology Service in Worcester, where searches can be made and certified extracts obtained upon payment of the prescribed fee.
102. The type or types of memorial available at any time, in the cemetery, shall be determined by the Council's delegated officer who reserves the right to refuse any application or inscription which they consider unsuitable.
103. The Council is empowered to alter or amend the foregoing rules and regulations at any time and to introduce further regulations as it considers necessary.
104. All persons entering the cemetery do so at their own risk and the Council will not accept any liability for injuries or damage sustained howsoever caused.
105. Any of the foregoing rules and regulations may be waived by the Council in exceptional circumstances and the Council shall be empowered to impose temporary restrictions on any matters not specifically covered by these rules and regulations.

GLOSSARY

In these rules and regulations, unless the context otherwise requires, the following words and expressions shall have these meanings assigned to them:

Additional inscription: means each inscription, inscribed after the first inscription, to ONE other deceased person whether that person be interred in the grave or not. (see also “inscription”)

Burial:

- a) of a body in a grave
- b) of cremated remains (ashes), by distribution beneath a layer of turf (no scattering directly onto the soil)
- c) of cremated remains (ashes), placed in a container in a hole in the ground, inside a coffin or on top of a coffin (either a grave or cremated remains plot)

Casket: a box-like container for cremated remains, must be of perishable materials

Cemetery: means any place provided by the Council for the interment of human remains and any reference to ‘the Cemetery’ shall refer to any or all of the cemeteries to which these Regulations apply.

Chapel: means the consecrated and un-consecrated buildings, situated within the boundaries of the Cemetery, used for the purposes of burial or memorial services.

Child’s grave: a grave for children up to the age of 5 years.

Council: means Malvern Town Council, also known as “The Council”.

Cremated remains: ashes that remain after a dead body has been cremated.

Cremated remains plot: a grave exclusively for the interment of cremated remains.

Diocese: district under the jurisdiction of a bishop.

Eco-coffin: coffin made with concern for the ecology and environment, e.g. from cardboard, willow, bamboo

Exclusive Right of Burial: means the Exclusive Right, granted by Deed, of the registered owner to determine who may be interred in or commemorated on the grave in question; such Exclusive Right to be for a period of 75 years. The purchase of a grave space is for the Exclusive Right of Burial and not for the purchase of land. The land remains the property of the Council at all times.

Exhumation: digging up after burial of a corpse or cremated remains.

Faculty: a permit issued by the Church of England to allow the introduction of memorials, permit exhumations from consecrated ground in cemeteries or churchyards and carry out other developments in a church and churchyard or on consecrated sections of a cemetery

Grave: means a burial place formed in the ground by excavation and without any internal wall of brickwork, stonework or any other lining.

Grave owner: the person named as the owner of the Exclusive Right of Burial

AGENDA ITEM 16

APPENDIX A

Grave space: means that area allowed by the Council for the establishment of a grave.

Headstone: an upright slab carrying an inscription, and often ornamentation, set at the head of a burial grave.

Inscription: means a reference on a memorial to ONE deceased person, whether that person be interred in the grave or not. (See also “additional inscription”)

Interment: burial in the ground, deposit of an urn or casket containing cremated remains into the ground or burial in the ground of cremated remains in the garden of remembrance.

Lawn graves: cemetery area comprising rows of headstones with mown grass in between, intended to simplify ground maintenance. Graves are laid in an avenue of level grass on Plots 10, 11, 11A, LT11, L12, L13, L14, 15, 16, 17, 18. Memorial objects are strictly limited.

Memorial: generic term for any small stone, vase, tablet or other object placed on a grave space, whether inscribed or not, which is not more than 36” high, from ground level.

Garden of Remembrance (for cremated remains): memorial garden where ashes are deposited by interment.

Public grave: see unpurchased grave.

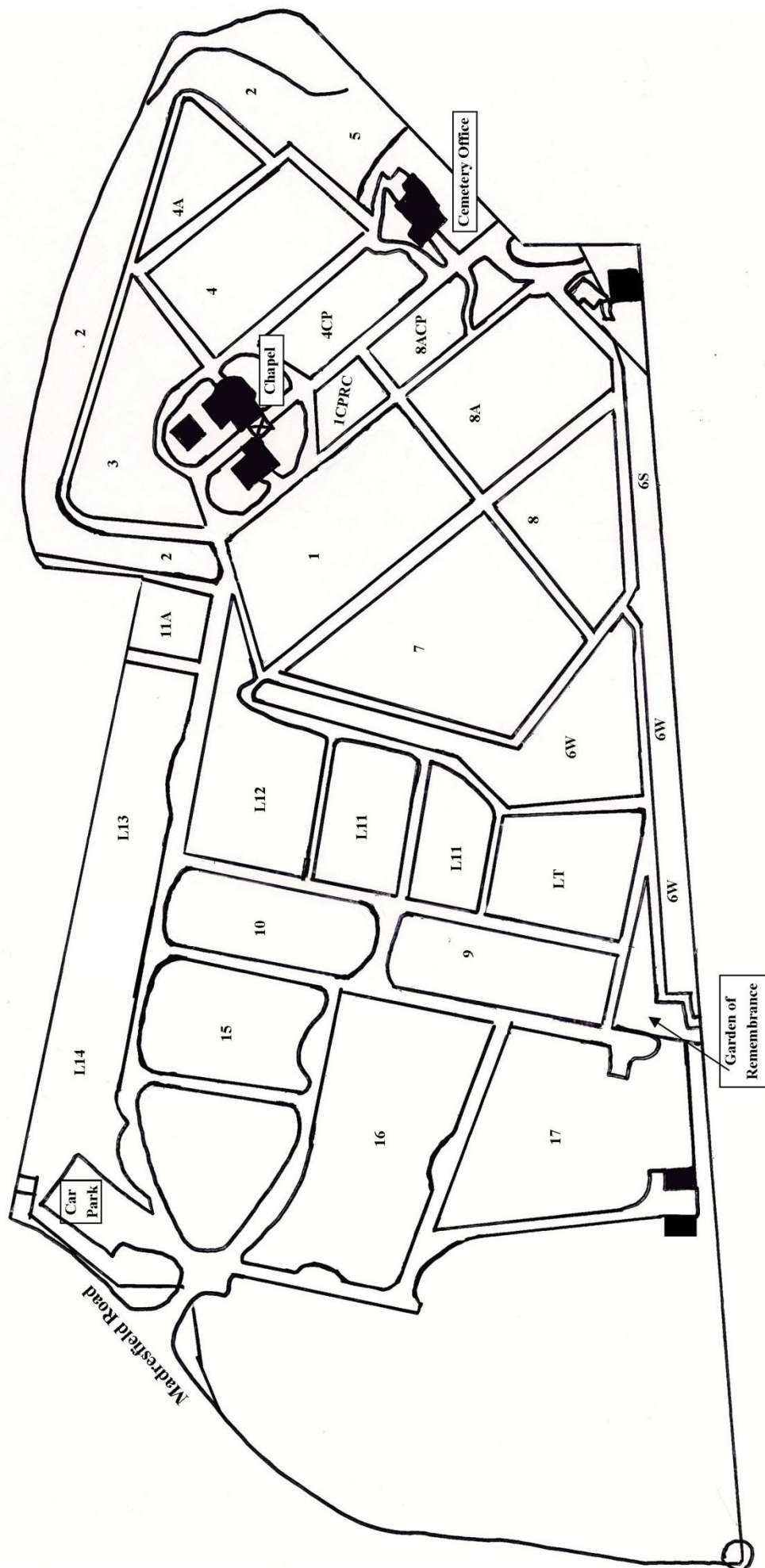
Tablet: as plaque but larger.

Traditional grave: means a grave on 1, 1CPRC, 2, 3, 4, 4A, 4CP, 5, 6S, 6N, 6W, 7, 8, 8A and 8ACP.

Unpurchased grave: previously called “common” or “pauper” grave, where no Right of Burial is granted, may be used for the burial of unrelated people and no right to place a memorial is given. The Council is the holder of the Rights.

Urn: container for cremated remains or a decorative feature on a monument.

Vase: container for cremated remains plots and graves no larger than 12” x 12”.



MAP OF GREAT MALVERN CEMETERY



Malvern Town Council
28-30 Belle Vue Terrace, Malvern
Worcs, WR14 4PZ
Tel: 01684 566667