



Hamble Parish Council, Memorial Hall, High Street, Hamble, Southampton SO31 4JE
023 8045 3422, clerk@hamblepc.org.uk

The next meeting of the ASSET MANAGEMENT COMMITTEE
will be held at **8.30am on Tuesday 8th January 2019**
at **The Mercury Library & Community Hub, High Street, Hamble SO31 4JE**

This meeting is open to members of the public.

AGENDA

1. Welcome

- a. Apologies for absence
- b. Declarations of interest and approved dispensations;
- c. To approve minutes of previous Asset Management Committee Meeting; (report)
- d. To accept the minutes of the Dinghy Park Working Group; and (report)
- e. Accept Terms of Reference for Asset Management Committee. (verbal)

2. Public Session

3. Grounds Team Update (report)

4. St. Andrew's Cemetery (report)

- a. To review and agree to consult on updated regulations
- b. Information from the Ministry of Justice

5. Parking Charge Change (verbal)

Recommend to Council to increase parking charge at Foreshore Car Park from £6 to £10 for the period of 5-10 hours.

6. Mudland Moorings Working Group Report (report)

7. Clerk's Report (report)

- a. Dinghy Park: Request from Hamble River Sailing Club to relocate their spaces within the Dingy Park
- b. Termination of Public Toilet Cleaning Contract
- c. Southern Water: Surveys
- d. Door Entry Arrangements
- e. Secure Document Scanning

~~8. Grounds Team Update (duplicated)~~

9. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 in respect of the following items of business on the grounds that it is likely to involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

The Schedule 12A categories have been amended and are now subject to the public interest test, in accordance with the Freedom of Information Act 2000. This came into effect on 1st March 2006.

It is considered that the following items are exempt from disclosure and that the public interest in not disclosing the information outweighs the public interest in disclosing the information.

10. Cemetery Management (verbal)

11. Leases (confidential report)

12. Roy Underdown Pavilion (confidential report)

Dated: 2nd January 2019

Signed: *Amanda Jobling* - Clerk to Hamble Parish Council

HAMBLE PARISH COUNCIL

MEETING ASSET MANAGEMENT COMMITTEE MINUTES
VENUE The Mercury, Hamble
DATE Tuesday 04.12 2018
TIME 8.30am

PRESENT Councillors: Schofield (Chair), Dajka, Cohen and Cross
Deputy Clerk
Clerk arrived at 8.40am
Apologies:
Members of the public: 0

1.

- a. **Apologies for absence**
Councillors Underdown and Thompson
- b. **Declarations of Interest in items on the agenda and dispensations**
None
- c. **Minutes of Asset Management Committee 04.09.2018**

Proposed: Cllr Schofield

Seconded: Cllr Cohen

RESOLVED: that the minutes of the meetings were approved and signed by the Chair.

2. Public Participation

None

3. Donkey Derby Field 2019

The supporting paper was attached setting out the requests for use of the Donkey Derby Field 2019. Members were asked to prioritise requests based on 9 days for community events and a further 10 for other activities. Given the level of demand it was agreed that there would need to be cooperation between organisations to ensure that all activities could be assisted.

Proposed: Cllr Schofield Seconded: Cllr Cohen

Recommendation to Council: Agree the allocation set out in the table (appendix 1) for the use of the Donkey Derby Field in 2019.

4. St Andrewes Cemetery

The Committee considered the papers prepared by the Deputy Clerk which covered the draft cemetery Regulations, Draft memorial Regulations, Burial Policy, Guidance for families, implementation of burial rights and the proposed fees and charges related to the cemetery from 2019. Changes were requested which were to be considered by a task and finish group following the meeting.

Proposed: Cllr Dajka

Seconded: Cllr Cross

Recommendation to Council: Agree the policies related to the Cemetery including the fees for 2019

5. Budget

The Clerk took the Committee through the current earmarked reserves that related to the committee.

Proposed : Cllr Dajka

Seconded: Cross

Recommend to Council the following ear marked reserves for the 2019/20 budget:

Footways in the Cemetery	Community pay back + materials and groundstaff	£4000
Reserve fund for burial capping	This is a fund to cover potential future liabilities arising from insufficiently dug graves creating the need for capping.	£3000
Renewals fund	Reoccurring contribution needed each year to ensure that replacement renewals funded over several years	£15000pa
Vision for the Foreshore	Reduce the earmark reserve for RUP/Mount Pleasant to enable some design consultancy for the Foreshore.	£4000
Replacement Play area at Mount Pleasant	Bring forward as a stand-alone project	£50000 2019/2020 £50000 2020/2021 £30,000 from grants etc
Total		£72000 2019/20 £65000 2020/21

Exempt Business

Proposed: Cllr Cohen

Seconded: Cllr Schofield

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 in respect of the following items of business on the grounds that they are likely to involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

The Schedule 12A categories have been amended and are now subject to the public interest test, in accordance with the Freedom of Information Act 2000. This came into effect on 1 March 2006.

It is considered that the following items are exempt from disclosure and that the public interest in not disclosing the information outweighs the public interest in disclosing the information.

6. Approved minutes of 6th November 2019

Proposed: Dakja

Seconded: Cohen

Approve and sign the minutes of the previous meeting

Appendix 1: Donkey Derby Field and Foreshore Facilities Allocations 2019

Organisation	Event	No Days	Com Days	Other	FS	FS CP	DDF	DP	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
AQ & Art Fairs	Brocant and Marine Memorabilia Market	2	2		X	X	X	X						1			28			
Britannia	Round the Island Race	3		3			X							28-30						
Hamble River Raid + HRSC Open Day	Hamble River Raid	1	1		X	X	X						18							
Hampshire Farmers Markets	Hampshire Farmers Market	1	1			X	X						?							
HRSC	SUP For Cancer	1	1				X	X							7					
HRSC	Open Day	1	1				X	X					18							
HRSC	Centenary Regatta	3		3			X	X**						7-9						
HRSC	Founders Day	1		1			X									6				
HRSC	Hamble Warming Pan & JRN Warming Pan	3		3			X	X			9, 10, 23									
HRSC	Womens Open Keel Boat Champs	2		2			X							2-3						
Marketing Collective	Hamble Valley Festival of Food 2019	1	1		X	X	X	X									7			
RSYC Ladies Committee	Christmas Fayre	1	1				X												2	
		20	8	12																

Need to agree with the River Raid who will hold the Field

Low demand weekend so see if either RUP or other clubs can assist

HRSC	HYS Hamble Winter Series	4		4			X											6, 13, 20, 28		
RSYC	June Sailing Regatta	3		3		X*	X							14-16						
RSYC	Splash Week	2		2			X									25 & 31				
RSYC	Hamble Classics Sailing	3		3			X										20-22			
RSYC	J Cup	5		5	X		X								17-21					
		17	0	17																

Low demand weekend so see if either RUP or other clubs can assist

agree subject to assisting HRSC

*as an alternative option

**8th June Only

FS= Foreshore, FS CP= Foreshore Car Park, DDF= Donkey Derby Field, DP= Dinghy Park

Signed: _____ Date: _____ Page 3 of 3

Minutes of Dinghy Park Working Group Meeting

23rd November 2018

PRESENT:

Councillors: Cohen (Chair), Cross and Underdown

Reps from Dinghy Park users: Mr. T Foster and Mr. N O'Donnell

Deputy Clerk

01 **Apologies**

None.

02. **Minutes of last meetings**

Minutes of the meetings on 26th September 2018 were approved and it was agreed these could be signed by the Chair.

Mr O'Donnell arrived at the meeting

02. **Zoning and Allocation**

Cllr Underdown and Mr. Foster have looked at the dinghies currently occupying spaces which are either too small or large for the boat. This information has been used to create a list of 32 suggested moves. Mr. Foster has also used the information to compile some interesting statistics regarding the mix of dinghies. It was agreed that the information will be used to allocate boats to the most appropriate spaces at the beginning of the next allocation exercise in February 2019.

Mr Foster has also created a scale diagram of the Dinghy Park detailing each space, the size boat the spaces can accommodate and suggested some layout changes.

The Chair thanked Mr. Foster for the great deal of time he had spent on this as a volunteer.

03. **Contraventions**

The Deputy Clerk explained the percussion fitting has been removed from the water tap over weekends. It seems likely this has been done to overcome the water management system and allow water to run uninterrupted. The cost of the water supply is factored in to the dinghy park fee and irresponsible water usage is likely have a cost implication for all users.

An issue has arisen recently where numerous attempts had been made to contact the owner to arrange for the boat to be collected before the disposal process was instigated. The owner then removed the boat from the sin bin without permission or payment of the contravention fine. After considering the facts Council resolved that no further dinghy park applications will be accepted from the owner or in respect of that specific dinghy for 5 years.

04. **December Clean up**

A clean up of the dinghy park area is planned for early December. The Head Groundsman will contact HRSC nearer the time to arrange for the Opi rack to be emptied so the area underneath can be thoroughly cleaned.

Mr O'Donnell has recently photographed some areas that need cleaning or weeding and will email the photos to the Deputy Clerk.

05. **Dinghy Park Users**

A meeting will be arranged for early February to feedback the actions taken following last year's meeting and the 2019 allocation process. The date will be agreed with the Clerk.

06. **Vision for the Foreshore**

The Chair confirmed the Council are keen to take this forward however the possibility of a Neighbourhood Plan is being explored at the moment and there is some overlap. Once this has been clarified the Vision project will proceed. Mr. O'Donnell offered to work with the council and any group set up to oversee the Foreshore Vision.

Draft Terms and Conditions

A copy of the draft Terms and conditions for 2019 were circulated and members asked to feedback suggestions for amendments to the Deputy Clerk as soon as possible.

It was suggested that a further Dinghy Park users meeting should be held to feedback the actions taken following the meeting last year and changes to the allocation process.

NEXT MEETING

Date to be confirmed.

Signature of Chair.....

Date.....

Head of Grounds and Assets Report

Bartletts field update: Work is due to start on site on the 7th January with the installation due to take 3-4 weeks depending on weather conditions. We will then have a new, engaging facility for younger children to enjoy for many years.

Annual allotment meeting; Holding the meeting either at the start or end of the March AMC meeting will coincide with the start of the season for preparing the allotments for the growing year ahead.

Foreshore pay and display machine; The new P+D machine is in storage awaiting installation and the completion of the account for the final configuration of the two machines for installation to begin later in January.

Groundstaff yearly work schedule; Below is a brief guide to the routine planned work to be carried out by the groundstaff for the year ahead. Every day litter picking, bin emptying, general cleaning/tidying, checks of parish facilities, emptying P+D machine/ banking is not noted each month. Unplanned and one-off work fits in as required.

January: Removal of Christmas tree/lights, Tree/hedge pruning, grass cutting (as required) path edging, interior decoration, football preparation

February; Tree/hedge pruning, grass cutting (as required), path edging, interior decoration, football preparation

March; Tree/hedge pruning, path edging, football preparation, grass cutting (as required)

April; Grass cutting, football preparation, exterior painting

May; Grass cutting, exterior painting, football pitch renovations, exterior painting

June: Grass cutting, Hedge trimming (as required), exterior painting

July; Grass cutting, exterior painting, Hedge trimming (as required)

August; Grass cutting, football preparation, Hedge trimming (as required)

September; Grass cutting, football preparation, Hedge trimming (as required)

October Tree/hedge pruning, grass cutting, football preparation, leaf clearing

November Tree/hedge pruning, grass cutting (as required), path edging, interior decoration, football preparation, erection of Christmas tree/lights, leaf clearing

December Tree/hedge pruning, grass cutting (as required), path edging, interior decoration, football preparation, leaf clearing

Decisions; To hold the annual allotment holders meeting at either the start or end of the March AMC meeting

2nd January 2019

Decisions:

1. Approve draft Cemetery Regulations – appendix 1
2. Approve draft Memorial Regulations including dimension changes. – appendix 2
3. Approve draft Burial Policy – appendix 3
4. Agree to additional oversight stipulations to ensure legal obligations and Parish Council's procedures are adhered to.
5. Note the information from the Ministry of Justice confirming the front cemetery area has not been formally closed – appendix 4
6. Note the land registry boundary information regarding the War Memorial6 – appendix 5

INTRODUCTION

Amendments to the Cemetery and Memorial Regulations are proposed to reflect:

- Resolutions agreed by the Asset Management Committee on 6th November 2018
- Changes suggested by the Burial Ground Working Group on 22nd June 2018
- Recent issues
- Appeal cases heard by the Review Panel
- To ensure compliance with legislation.

The draft wording is attached for consideration and approval.

A new Fee Table was approved by the Council at its meeting on 10th December 2018 and came into effect on 1st January 2019.

CONTENT

Grave digging

Much more overseeing is necessary when graves are prepared than has been previously understood. Grave depth and legal compliance and the provision of shoring must be checked by Officers. Also, the adequacy of arrangements to secure graves overnight using a metal cover. Two recent burials have each involved around 4 hours of Officer time purely on these aspects.

During December there has been a serious breach of procedure, tantamount to an unauthorised burial, where a funeral director did not ensure the grave digger followed the correct procedures and also failed to make payment in advance as required.

The funeral director accepts he failed to ensure the correct procedure was adhered to. As a result, we advised that, in future, he must always attend site with his contracted grave digger and take responsibility for coordinating with us to ensure the procedures are correctly followed.

However, the same grave digger has previously been contracted by other local funeral directors and we ask the AMC to agree the stipulation that the same extra overseeing will apply whenever this particular grave digger is working at the Parish Council's cemetery. Further details will be discussed during Exempt Business.

Cemetery Management training presented by the ICCM will be held at the RUP on 19th February 2019 for all the Grounds Team, the Administration Assistant and the Clerk - it is strongly recommended that members of the AMC attend. This will cost £800 plus vat.

Clerks and Officers from other local parishes can be invited to attend the training to mitigate some of the cost.

Memorials

Following a consultation involving local stonemasons who have supplied memorials to the cemetery over the last 12 months, the Burial Ground Working Group agreed to reconsider the headstone dimensions to reflect the standard manufactured size of:

	High	Wide	Deep
Headstone	27	21	3
Base	3	24	12
Maximum	30 inches 78 cm*	25 inches 63.5cm	12 inches 31 cm*
Bookstyle			
Base		27 inches 69 cm*	15 inches 39 cm*

*Rounded up slightly

The tablet dimensions are to remain unchanged.

Front cemetery status

Various queries have been raised with the Clerk regarding whether the front cemetery area was 'closed' some time ago and responsibility for this area assumed by the Parish Council. Extensive searches of previous Minutes found no reference to support this and a request was submitted to the Ministry of Justice. The response is attached (appendix 4) and confirms the front cemetery area has not been officially 'closed' and must therefore must be assumed to be 'open'. It is also believed that at least one (possibly two) interment has taken place in the front cemetery during the last three years.

The Committee is asked to note the information and that the front cemetery area has not been formally 'closed' and the Parish Council has not taken over responsibility for the maintenance and upkeep of this area.

War Memorial

During a recent meeting, a Councillor advised that he believed the area around the War Memorial in the front of St Andrew's cemetery belonged to the Parish Council and it is therefore responsible for the maintenance of this area. No evidence has been found to support this understanding and the attached map detailing the land registry boundary (appendix 5) shows this area belongs to St Andrews Church.

The Committee is asked to note that the Parish Council does not own the land around the War Memorial.

Appendices

1. Draft Cemetery Regulations
2. Draft Memorial Regulations
3. Draft Burial Policy
4. Information from the Ministry of Justice
5. Map detailing land registry boundaries
6. Advice note – Exclusive Right of Burial

Hamble le Rice Parish Council
REGULATIONS IN RESPECT OF BURIALS AND INTERMENT OF ASHES AT
ST ANDREW'S CEMETERY, HAMBLE LE RICE

The Parish Council's Policy is to provide a space for quiet contemplation, whilst supporting biodiversity as the cemetery provides an important green corridor for wildlife. The cemetery will be managed on a naturalistic basis, with grass mown infrequently in some areas.

It is intended that St Andrew's Cemetery is laid to grass as far as possible and should be kept free of anything that impedes the cutting of the grass. This means that kerbs, railings, bird baths and stone chippings are not permitted on or around grave or cremation plots.

The right to burial in the cemetery is restricted to parishioners listed on the electoral register at the time of death. Non-parishioners may not be interred in St Andrew's Cemetery.

The Parish Council has a statutory duty to ensure risks within the Council's cemetery are properly managed and these regulations are in place to ensure the safety of all those working at and visiting the cemetery.

These regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other relevant laws or statutes currently in force.

Where an application to re-open a grave or install a memorial is submitted for an existing plot without a current valid Exclusive Right of Burial in place this must to be purchased or renewed at the current rate before any further interment, memorial installation or additional inscription can be approved.

1 Applications Applications for burials and interment of ashes must be received at the Parish Office at least seven clear working days in advance of the day of interment, except for medical or religious reasons. The pre-purchase of a grave or cremation plot is not permitted. Graves and ashes plots will be allocated in sequence by the Parish Council.

Existing memorials must not be removed without prior agreement and written permission of the Parish Council.

Where an existing burial plot is to be re-opened the undertaker must make arrangements for the depth of the existing burial to be checked at least five working days before the proposed date of the re-opening to ensure there is sufficient legal depth for a second burial. There must be no less than 6 inches of soil separating the first and second interment and no less than 3 feet of soil between the top of a casket/coffin and the normal ground level. The Parish Council does not accept any responsibility for historic insufficient grave depth.

2. Certificate of Disposal A legal certificate or the Registry of Death, or in the case of an inquest, the Coroner's order, must be delivered to the Clerk at least five working days before the interment takes place.

3. Fees and Charges for Interments The fees and charges payable to the Parish Council contribute towards the upkeep and maintenance of the cemetery and for regular inspections. The current Table of Fees and Charges is available on the Hamble Parish Council website: hambleparishcouncil.gov.uk.

All fees must be paid by bank transfer and received by the Clerk at least five clear working days in advance of the day of interment.

4 Exclusive Right of Burial No headstone shall be erected on a grave, nor tablet placed on an ashes plot, unless an Exclusive Right of Burial is current. Until satisfactory proof of ownership is provided the grave cannot be opened or interfered with, and no memorial, tablet or other article may be installed or work carried out on the existing memorial, including additional inscriptions. The Exclusive Right shall last for a period of 20 years and may be extended for up to a further period of 20 years with the agreement of the Parish Council and upon payment of the prevailing fee at that time. Further information on Rights and legal processes applicable to Exclusive Right of Burial is available on hambleparishcouncil.gov.uk

Hamble le Rice Parish Council

Where an application to re-open a grave or install a memorial is submitted for an existing plot without a valid Exclusive Right of Burial this must be purchased at the current fee before any further interment, memorial installation or additional inscription can be approved.

Due to the very limited space remaining at the cemetery the Council reserves the right to permit further burials in a grave where the Exclusive Right of Burial has not been purchased or has expired. This will be carried out with the agreement of the persons arranging the interment and the body to be buried will not be connected in any way with the previous interment.

Production of Grant or Deed required before re-opening No grave in which the Exclusive Right of Burial has been purchased can be re-opened without the production of the Grant and the written consent of the owner or their personal representative.

5. Digging of Graves & Cremation Plots The Parish Council does not arrange for graves to be dug. Grave diggers must not carry out any works until a date and time has been agreed with the parish council and proof of public liability and, if applicable employer's liability, insurance provided to the parish council in advance.

Grave diggers must always use shoring and make the grave safe overnight using a metal cover securely staked into the ground. Grave depths must be checked, and the overnight safety arrangements approved by the Parish Council before the grave digger leaves site.

Surplus spoil is to be removed from the Cemetery by the grave digger and no spoil must be deposited on an adjacent grave or plot any time. Graves and plots must be re-turfed at the conclusion of the interment. Mounds must be levelled after 12 months.

6a Interment in Graves For all graves:

- The minimum depth for all plots is double depth (7 feet).
- There must be at least 3 feet of earth between the surface of the surrounding ground and the top of the last coffin
- No coffin shall be buried in a grave in which an interment has already taken place unless the coffin containing the body is effectually separated from any coffin already placed and remaining in the grave by a layer of earth not less than 6 inches in thickness
- No human remains interred therein shall be disturbed
- No soil which is offensive will be removed
- Coffins shall be made of suitable biodegradable materials (excluding fittings) and no metal or other non-biodegradable coffins will be allowed.

6b Interment of Ashes In all cremation plots:

- There shall be at least two feet of earth between the surface of the ground and the ashes or top of the container.
- It is preferred that ashes are interred free of any casket or urns, should a container be used it must be made of suitable biodegradable materials and no metal or other non-biodegradable caskets will be allowed.
- The specific position of ashes within the plot must be as approved by the Parish Office.

7. Burial of Bodies All bodies should be respectfully covered with the name of the deceased indelibly fixed. In the case of still-born children, the names of the parents may also be indelibly fixed to the covering or coffin.

Death from Infectious diseases In all cases of death from infectious diseases the body shall be taken direct from the hearse to the grave

8. Memorials Only BRAMM registered stone masons who have provided a copy of adequate public liability insurance can carry out works in the cemetery. All memorials are subject to the Parish Council's Memorial Regulations. The Memorial Regulations and Table of Fees are available on hambleparishcouncil.gov.uk. Memorials must be made from natural materials.

Existing memorials must not be removed without prior written permission from the Parish Office.

Hamble le Rice Parish Council

Memorials will be inspected after installation and any memorial that does not comply with the regulations, the approved application or has been misrepresented must be removed immediately by the Stonemason at their own cost and may result in further sanctions by the Parish Council.

Some older existing graves and ashes plots may have larger and different style memorials this is due to historical practice or regulations and does not set a precedent for new memorial applications.

Exclusive Right of Burial must be purchased for a burial or ashes plot before a memorial can be installed or replaced. This also applies to existing plots where Exclusive Right of Burial may not have been purchased at the time of the original burial or ashes interment.

Written permission of the holder of the Exclusive Right of Burial must be obtained before any memorial application can be approved by the Parish Council.

9. State of Repair Exclusive Right of Burial holders have a duty to ensure the grave and memorial are kept in good repair and safe. Notice of an issue will be sent in writing to the registered owner at the address held in our records. If the necessary remedial action is not taken the Council reserves the right to take over the maintenance of the grave or plot and have it, and any memorial on it, put in good and safe order at the expense of the grave or cremation plot owner. If payment for works is not forthcoming appropriate action will be taken.

10. Grave/Cremation Plot Enclosures Memorials must be placed in the position determined by the Parish Council. No form of grave/cremation plot enclosure is allowed. This includes railings, chains, wooden edging of any description, earth edging and glass wreath cases. The Council reserves the right to remove any unauthorised items and hold them for collection by the owner within 14 days of notification and to then dispose of them.

11. Trees, Shrubs, and Artificial Flowers The planting of trees, shrubs and bushes is not permitted in the cemetery without the permission of the Parish Council as these undermine memorials and make them unsafe.

Wreaths and cut flowers may be laid directly on graves/cremation plots. Artificial flowers are not permitted, excepting Remembrance Day poppies and Christmas Wreaths. The staff responsible for the maintenance of the cemetery may remove those that appear withered and may also remove objects not complying with these regulations.

Please remove dead flowers when tending a grave or ashes plot. Litter and compost bins are provided.

If any tree, plant or shrub is planted in any part of the Cemetery, without the prior permission of the Parish Council, it will be removed.

12 Personal Effects The cemetery is an area for quiet reflection for many people and objects such as balloons, plastic novelties or personal effects may cause upset or offence. Such items are discouraged and, after a period of three months from the date of burial, will be removed. Similarly, candles and any breakable objects particularly glass items, are not permitted due to safety risks to visitors and wildlife. Such items will be removed by the Parish Council and held for collection for 14 days before being disposed of.

If you have any queries or need further information please don't hesitate to contact the Parish Office on 023 80453422 or asstclerk@hamblepc.org.uk.

Application forms and copies of all cemetery and memorial regulations are available on hambleparishcouncil.gov.uk

The Council reserves the right to amend these regulations and to deal with any circumstances or contingency not provided for in the regulations as necessary.

REGULATIONS FOR MEMORIALS AND TABLETS AT ST ANDREW'S CEMETERY, HAMBLE LE RICE.

The Parish Council's Policy is to provide a space for quiet contemplation, whilst supporting biodiversity as the cemetery provides an important green corridor for wildlife. The cemetery will be managed on a naturalistic basis, with grass mown infrequently in some areas.

It is intended that St Andrew's Cemetery be a cemetery laid to grass as far as possible and should be kept free of anything that impedes the cutting of grass. This means that kerbs, railings, bird baths and stone, chippings are not permitted on or around grave or cremation plots.

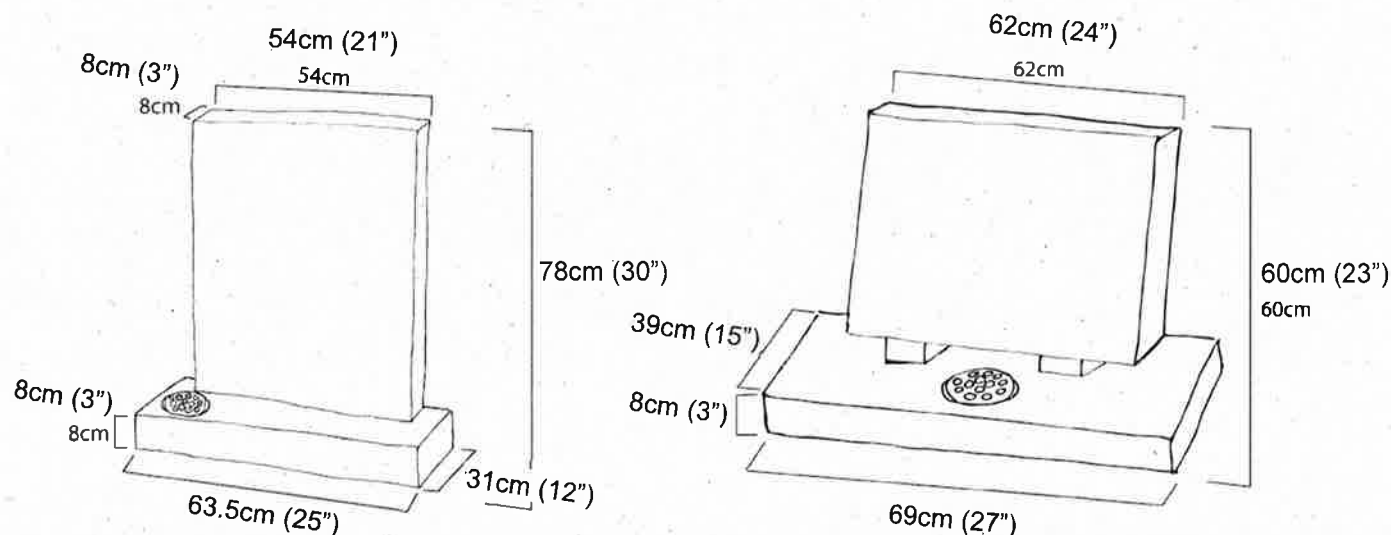
The Parish Council has a statutory duty to ensure risks within the Council's cemetery are properly managed and these regulations are in place to ensure the safety of all those working at and visiting the cemetery.

These regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other appropriate laws or statutes currently in force

All memorials shall be fixed according to BS8415 and the relevant Codes of Practice or Guidance.

All memorial masons undertaking work at St Andrew's Cemetery shall be suitably qualified, registered with BRAMM and provide proof of public liability, and if applicable, employers liability insurance.

1. Application forms including a detailed sketch of each proposed memorial giving full details and dimensions in millimetres and inches, together with the grave owner's consent must be submitted to the parish office for approval. Forms are available on hambleparishcouncil.gov.uk
2. Memorials and tablets may not be erected or removed from the cemetery without the written consent of the Clerk and the written permission of the owner of the Grant of Exclusive Right of Burial. At least two working days notice must be given.
3. Exclusive Right of Burial must be purchased for a burial or ashes plot before a memorial can be installed or replaced. This applies to existing plots where Exclusive Right of Burial may not have been purchased at the time of the original burial or ashes interment.
4. Only tablets are permitted on cremation plots. The Maximum outside measurements for memorial tablets is 18 inches X 15 inches (46cm X 38cm). Memorial tablets must be laid directly into the ground and not exceed current ground level by more than 2 inches (5cm)
5. All memorials are to be of natural stone and must not be coloured. No Bath, Caen, or other soft stone shall be allowed in the construction of any memorial. The Parish Council reserves the right to reject applications for memorials with stones of uneven thickness.
6. The maximum outside measurements, above ground level, for memorial headstones erected within the Cemetery are shown below:



7. All memorials are to be laid firm, level and square directly in to the ground and must not be mounted on a slab or another tablet. No rails, wooden edging, chains of any description or glass wreath cases are allowed.
8. The memorial mason must mark the reverse of the memorial in the lower right corner with the plot number in letters no higher than 1.5cm. The mason's name may be inscribed on the reverse in unpainted and unleaded letters no larger than 1.5cm in height.
9. All monumental work shall be finished prior to the placement of any memorial, excepting the execution of a second inscription for which permission must be obtained. Inscriptions shall be gilded or leaded only.
10. No advertising boards, tablets or cards can be placed on or around a memorial. No form of advertisement may be displayed in any part of the cemetery.
11. Memorials will be inspected after installation. If the measurements or method of fixing do not comply with those authorised or relevant standards the Stonemason must remove immediately and it rectify at their own expense. Failure to remove non-compliant memorials or misrepresentation will mean a mason is refused access to St Andrew's Cemetery.
12. Carrying out, or attempting to carry out, unauthorised memorial installation or alterations will be treated very seriously by the Parish Council and will be reported to the police, relevant authorities and trade bodies.
13. Trees, shrubs and bushes must not be planted on grave or ashes plots as these undermine memorials and make them unsafe. Unauthorised trees planted anywhere in the cemetery will be removed.

Some older existing graves and ashes plots may have larger and different style memorials due to historical practice or regulations. This does not set a precedent for new memorial applications

Application forms, Burial Regulations and Table of Fees are available at
www.hambleparishcouncil.gov.uk

Hamble le Rice Parish Council Cemetery and Burial Policy

The cemetery is a valued asset and the Council's management objectives are to provide a space for quiet contemplation, whilst supporting biodiversity as it occupies a key position providing a green corridor for wildlife. The cemetery will be managed on as naturalistic a basis as possible, with grass mown infrequently. It is intended that St Andrew's Cemetery be a cemetery laid to grass as far as possible

Space at the cemetery is very limited and in order to ensure in future parishioners can be buried in the cemetery the Council has passed a resolution requiring all graves to be dug to at least double depth (seven feet) The Council reserves the right, which shall be exercised only with the utmost sensitivity and discretion, to permit further burials in the available space remaining in a grave where the Exclusive Right of Burial has not been purchased or has expired. This will be carried out with the agreement of the persons arranging an interment and the body to be buried will not be connected in any way with the previous interment.

The right to burial in the cemetery is restricted to parishioners listed on the electoral register at the time of death. Former parishioners who had to leave Hamble le Rice to move directly to a registered care facility due to physical or mental incapacity may be eligible. Corroboration of information to support such applications will be required.

Non-parishioners may not be interred in St Andrews Cemetery, unless being interred in an existing grave with the permission of the holder of the Grant of Exclusive Right of Burial.

The Council can at its discretion in exceptional circumstances consider applications from former parishioners. Factors the Council can consider respect of exceptional applications from former parishioners are:

- Substantial, voluntary community service prior to leaving the village (at least 10 years)
- Remaining within a certain distance from Hamble (moved within Hound or Bursledon parishes) and remaining very active in the Hamble village community, despite being non-resident
- Immediate family members currently living in Hamble parish
- Re-opening existing burial/ashes plot

Applicants would need to satisfy more than one of the criteria. However, these factors will not be considered in isolation and there may be other exceptional circumstances attributable to specific individuals. Each application will be considered on its individual merits. Corroboration of information to support exceptional applications will be required.

If an application is approved for a former parishioner a multiplier of fee rates will apply to reflect that those being interred will not have contributed to the parish

council precept which contributes to the upkeep of cemetery. This applies to all fees including burial fees, memorial fees and Grant of Exclusive Right of Burial.

The Parish Council has a statutory duty to ensure risks within the council's cemetery are properly managed and the Cemetery Regulations and Memorial Regulations are in place to ensure the safety of all those working and visiting the cemetery. Failure to adhere to the council's regulations may result in sanctions and the council reserves the right to exclude any person from the cemetery.

The Burial and Memorial regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other appropriate laws or statutes currently in force.

The fees and charges payable to the Parish Council contribute towards the upkeep and maintenance of the cemetery and regular safety inspections. In the longer term some funds will be set aside to contribute towards the cost of identifying and securing a new burial site.

Where an application to re-open a grave or install a memorial is submitted for an existing plot without a current valid Exclusive Right of Burial in place this must be purchased at the prevailing fee rate before any further interment, memorial installation or additional inscription can be approved.

In the event of any query or dispute regarding ownership of a plot it is the family's responsibility to establish ownership and provide the necessary supporting documentary evidence.

If the application for a re-opening relates to a former or non-parishioner the fee will be three times that applicable to parishioners on the current electoral roll to contribute to the upkeep and maintenance of the cemetery. Further information regarding the rights, responsibilities and legal processes applicable to Exclusive Right of Burial is available on hambleparishcouncil.gov.uk.

The Council will actively seek to identify and secure a suitable area of land to provide an additional burial facility.

Copies of the current:

- Burial Regulations
- Memorial Regulations
- Table of Fees

can be found on the parish council's website at hambleparishcouncil.gov.uk

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At the Court at Osborne-House, Isle of Wight, the 31st day of July, 1859,

PRESENT,

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS by an Act, passed in the session of Parliament held in the sixteenth and seventeenth years of Her Majesty's reign, intitled "An Act to amend the laws concerning the burial of the dead in England, beyond the limits of the metropolis, and to amend the Act concerning the burial of the dead in the metropolis;" it is enacted, that in case it appears to Her Majesty in Council, upon the representation of one of Her Majesty's Principal Secretaries of State, that, for the protection of the public health, the opening of any new burial-ground in any city or town, or within any other limits, save with the previous approval of one of such Secretaries of State, should be prohibited, or that burials in any city or town, or within any other limits, or in any burial-ground or places of burial, should be wholly discontinued, or should be discontinued subject to any exception or qualification; it shall be lawful for Her Majesty, by and with the advice of Her Privy Council, to order that no new burial-ground shall be opened in any city or town, or within such limits, without such previous approval, or (as the case may require), that after a time mentioned in the Order, burials in such city or town, or within such limits, or in such burial-ground or places of burial, shall be discontinued wholly, or subject to any exceptions or qualifications mentioned in such Order, and so from time to time, as circumstances may require; provided always, that notice of such representation, and of the time when it shall please Her Majesty to order that the same be taken into consideration by the Privy Council, shall be published in the London Gazette, and shall be affixed on the doors of the churches or chapels of, or on some other conspicuous places within, the parishes affected by such representation, one month before such representation is so considered; provided also, that no such representation shall be made in relation to the burial-ground of any parish until ten days' previous notice of the intention to make such representation, shall have been given to the Incumbent and Vestry Clerk or Churchwardens of such parish;

And whereas the Right Honourable Spencer Horatio Walpole, one of Her Majesty's Principal Secretaries of State, after giving to the Incumbents and the Churchwardens of the parishes hereinafter mentioned, ten days' previous notice of his intention to make such representation, has made a representation, stating that, for the protection of the public health, no new burial-ground should be opened in the undermentioned parishes without the previous approval of one of Her Majesty's

Principal Secretaries of State, and that burials should be discontinued therein, with the following modifications;

And whereas Her Majesty was pleased, by Her Order in Council of the seventh of May last, to give notice of such representation, and to order that the same be taken into consideration by a Committee of the Lords of Her Majesty's Most Honourable Privy Council, on the twenty-first of June last; and such Order has been published in the London Gazette, and copies thereof have been affixed, as required by the said Act:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, is pleased to order, and it is hereby ordered, that no new burial-ground shall be opened in any of the undermentioned parishes without the previous approval of one of Her Majesty's Principal Secretaries of State; and that burials in the said parishes shall be discontinued, with the following modifications, from and after the twelfth of August next, as follows; viz.:

✓
ALVINGTON, GLOUCESTERSHIRE.—Wholly in the *Parish Church* of Alvington, and within three yards of the walls thereof.

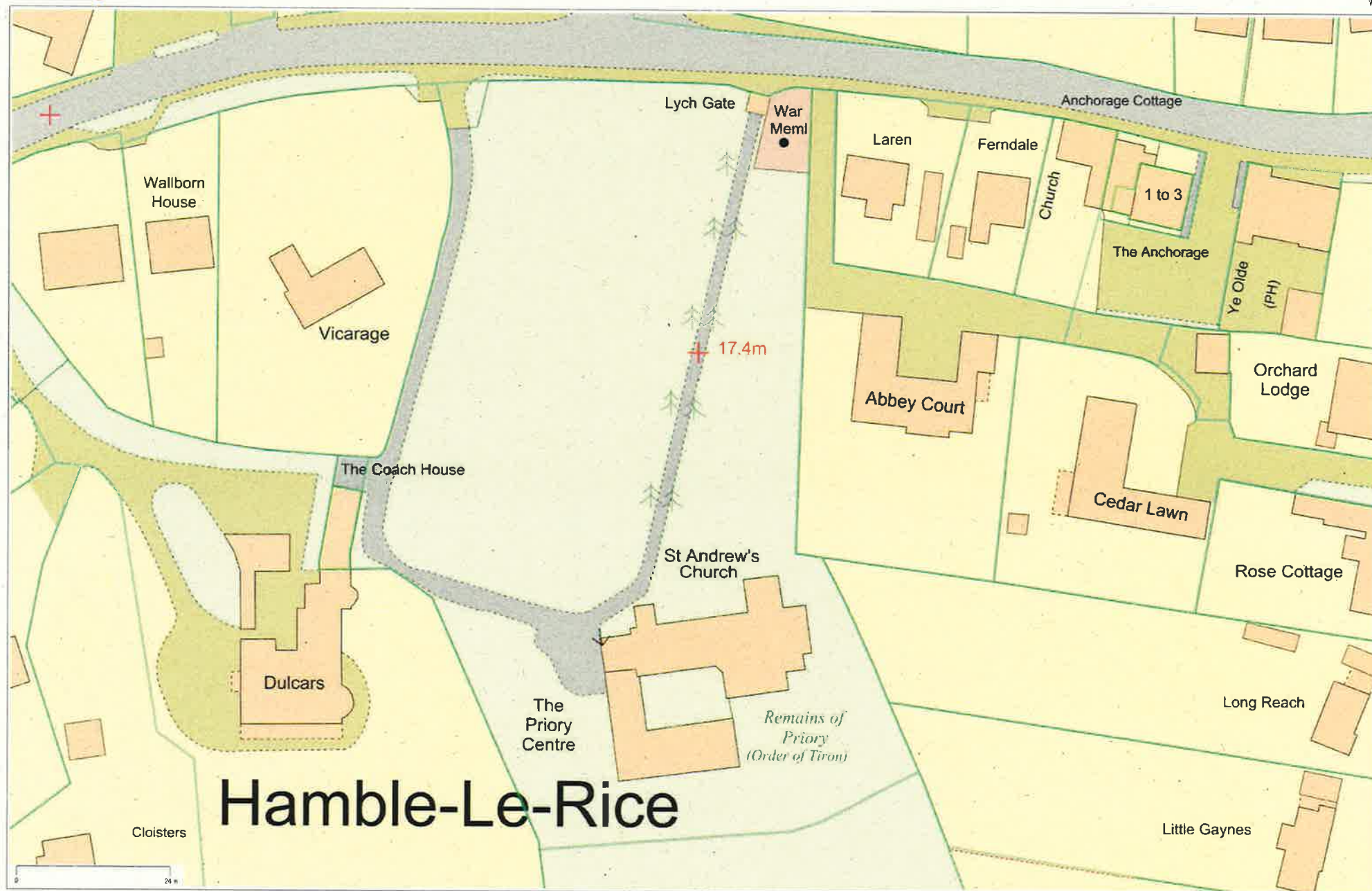
✓
WHALLEY, LANCASHIRE.—Wholly in the *Wesleyan Association Burial-ground, Rawtenstall*; in the *churchyard*, and in the *Wesleyan and Unitarian Burial-grounds, Rawtenstall*, and also in the *churchyard* and in the *Wesleyan, the Wesleyan Association and Unitarian Burial-grounds of New Church, in Rossendale*, except so far as is compatible with the official regulations for new Burial-grounds, omitting No. 3.

✓
HAMBLE, HANTS.—Beneath the *Parish Church* of Hamble.

✓
ROSS.—Beneath the *Parish Church* of Ross; and also in the *additional parish churchyard*, except so far as is compatible with the Regulations for new burial-grounds; and in the *Baptist Burial-ground*, except in vaults and walled graves, in which each coffin shall be embedded in charcoal, and separately entombed in an airtight manner, and except in graves never previously buried in.

✓
FOREST OF DEAN, GLOUCESTERSHIRE.—Beneath the churches of *Christ Church Berry Hill, St. Paul's Park End*, and in the *Burial-grounds of Christ Church*, within five yards of the parsonage and the school-room; and in the *Burial-ground of St. Paul's*, except so far as is compatible with the following regulations; viz.: that the ground be drained, so that no water accumulate in any grave, that no coffin be buried within a foot of any other coffin, or less than four feet below the surface of the ground, unless deposited in a vault or walled grave, and separately entombed in an airtight manner.

Wm L Balth



Grave ownership and Deed Transferral

Ownership of a grave - what does this mean?

When buying a grave, it is important to understand that what you are actually buying is the Exclusive Rights of Burial in a grave for a specified period of time. At Hamble le Rice this is 75 years. You are not buying the grave freehold: it is more like purchasing a lease. Hamble le Rice Parish Council retains ownership of the land at all times.

As the owner of the Exclusive Rights, you have the right to:

- be buried in the grave or plot if space is available (includes cremated remains);
- authorise further burials in the grave where space is available or for the interment of cremated remains;
- place an inscribed memorial on the grave or give permission for an additional inscription to be added.

An owner is responsible for:

- ensuring the memorial is in a safe condition and pay for any repairs required.

What does the law say?

Burial Law (Local Authorities Cemeteries Order 1977) states that **no** burial may take place in a grave and **no** memorial may be placed on a grave without the written permission of the grave owner (during the period of the Exclusive Rights). The only exception to this is when the owner of the right is being buried.

Hamble le Rice Parish Council's Statutory Burial Registers contain the details of the registered grave owners. It is important that grave owners keep safe their **Deed of Grant or Certificate of Exclusive Rights** as this is a legal document containing the grave details. The Council issues this document when the grave is first purchased and it should be produced for each burial. *Possession of the Deed does not in itself signify ownership of the grave.*

Establishing ownership

Establishing ownership is the families' responsibility and it is necessary to transfer the rights to a living person as soon as possible following the death of the owner. **They are not automatically transferred to them on the death of the owner.**

A situation often arises where registered owner(s) are deceased and other family members want to arrange a further burial to take place in the grave, or for an additional inscription to be placed on the memorial. In order for the burial or memorial request to proceed, the exclusive right of burial needs to be transferred to the person(s) entitled to the rights. A transfer of ownership is also needed if an existing memorial needs replacing, renovating or cleaning.

The procedure for establishing grave ownership when the original owner has died depends upon whether there is a will. If the deceased grave owner has made a valid Will and left an estate of sufficient value to require the Grant of Probate to Executors, ownership of the grave can be transferred to the Executor on production of a sealed copy of the Grant of Probate.

If the estate is not of sufficient value, ownership may be transferred to the Executor named in the Will on production of a sealed copy of that Will. It is then the Executor's responsibility to identify the correct person who should take ownership of the grave, if it is not required by the Executor.

In the case of no Will or Letters of Administration and the husband or wife of the deceased owner is also deceased then ALL children have equal rights to claim ownership.

Family disputes

Where a family dispute results in a stalemate and relevant consents are withheld, the ownership cannot be transferred and no further burials will be allowed and the grave will remain untouched for the remainder of the period of the grant. The various next of kin can only resolve this by reaching an agreement between themselves.

Transfer of grave ownership

The grave owner can assign the Exclusive Rights of Burial, during their lifetime, to another individual on completion of an Assignment of Right of Burial form.

Deceased owner left a valid will

If the deceased grave owner has made a valid will and left an estate of sufficient value to require the Grant of Probate, ownership of the grave can be transferred by the executor. The executor must produce a sealed copy of the Grant of Probate and complete an Assignment of Right of Burial form if it is to be transferred on to another person(s).

If the estate is not of sufficient value to obtain a Grant of Probate, ownership may be transferred by the executor named in the will by Statutory Declaration and the production of the will. It is the executor's responsibility to identify the correct person for the transfer of ownership. The executor will then complete an Assignment of Right of Burial Form.

Grant of letters of administration have been obtained

If there is no will, or the will is not valid, and the estate is of sufficient value as to require a Grant of Letters of Administration, ownership of the grave can be transferred to the personal representative of the deceased.

The applicant must produce a sealed copy of the Grant of Letters of Administration Form. It is then the administrator's responsibility to identify the correct person for transfer of ownership and make the transfer by completing an Assignment of Right of Burial Form.

Deceased owner dies intestate

If there are no Executors or Letters of Administration have not been granted, the rules of intestacy apply as laid down in the Administration of Estate Act 1925. The applicant for transfer of ownership should complete a Statutory Declaration.

Statutory Declarations are legal documents and must be signed in the presence of a Magistrate or Commissioner for Oaths.

The Statutory Declaration should clearly set out the facts regarding the original purchase of the Exclusive Rights of Burial, the death of the registered owner, intestate or otherwise and the relationship of the applicant to the registered owner.

The original Deed of Grant and a certified copy of the owner's death certificate should accompany the Declaration. Where the Deed has been lost, suitable wording should be incorporated within the declaration to the effect.

It is essential that the written agreement of all the next of kin of the deceased owner to the transfer of ownership should also be obtained on a Form of Renunciation and attached to the Statutory Declaration.

Renunciation - what does this mean? Renunciation is when a registered owner or someone entitled to the Burial Rights does not wish to retain their 'rights'. A renunciation form needs to be completed.

Assigning Burial Rights from an Executor (appointed by Probate) of a Will to a Family Member

This will arise where the burial rights have vested in the executor of the deceased owner's will and the executor wishes to assign the rights to a family member.

You will need to provide evidence that the rights have been assigned to you by the executor.

Statutory Declaration

There will be situations where there is no acceptable evidence of assignment or where no grant of probate or grant of letters of administration is available. The council is legally obliged to conduct the fullest possible inquiries in order to establish that burial rights have been correctly assigned.

A Statutory Declaration is a legal document drawn up by a solicitor of your choice, setting out the reasons why you are saying you are the rightful owner. It must comply with the Statutory Declaration Act 1835 and must be witnessed by a Commissioner for Oaths (normally a practicing solicitor) or a Magistrate (who may charge for this service). A form of Indemnity is not acceptable.

You will have to provide the original copy of the statutory declaration.

Forms of transferring deeds ownership

Form of Assignment

Used by a living owner to transfer or change the ownership of the exclusive Rights of Burial i.e. to transfer to new owner or add an additional owner.

Grant of Probate

Granted to the executor(s) of a Will once a document has been proven in Court. To be legally acceptable we can only accept sight of a "SEALED" Grant; i.e. it must bear the embossed seal of the court.

Letters of Administration

When a deceased person dies intestate then the next of kin can apply to the Courts to be made Administrator of the estate. An Administrator receives the same powers to administer the estate of the deceased as an executor.

Form of Assent of Executor or Administrator

The form used to transfer ownership from an executor or administrator after ownership has been transferred into their name by production of Probate or Letters of Administration.

Statutory Declaration

The form used to transfer ownership from a deceased owner when no official documents have been issued. Declarations can be either based on a Will that did not go to probate, claiming ownership by the executor or by the Next of Kin if the deceased left no will.

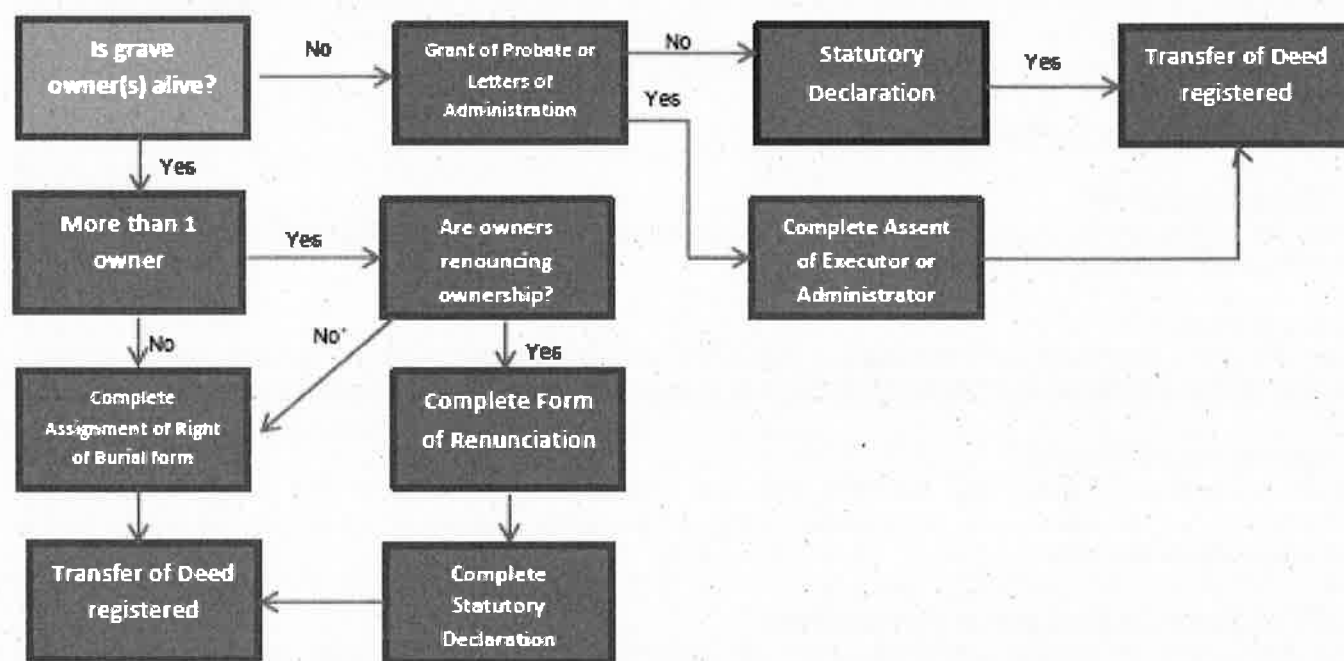
Form of Renunciation

Used together with a Statutory Declaration when grave is being claimed by more than one person i.e. the deceased may have three children and next-of-kin, and one or more of those children wishes to give up their Rights to the ownership.

Certificates

All certificates supplied with transfer applications must be originals or certified copies

Transferring grave deed ownership



* All owners to complete

Hamble Parish Council

Mudland Mooring Task and Finish Group

Cllrs Hand, Thompson and Underdown met on Friday 12th October, Thursday 25th October and 13th November.

Cllr Underdown declared he rented a mooring from the Hamble-Warsash Ferry but not on the Council's mudland.

The group initially worked through its terms of reference.

Cllr Underdown went through the history of the moorings on its mudland and current arrangements with the Pink Ferry. See 'HPC Mooring History' attached. There are 18 moorings in the Council's control, 14 of which are allocated to the Pink Ferry that were traditionally their own before the Council took over receiving rent for moorings on its mudland. Previously it has been seen that these moorings help subsidise the ferry operation through the winter months when there are very few passengers but at present there is very little to no subsidy being given, just the discount of raising the annual rental fee by inflation similar to the parishioners' moorings. The remaining 4 are for the beneficial use of parishioners.

The current location of the moorings for parishioner's use is further inshore than their original location hence of limited use. One mooring is much closer to the dinghy slipway than previously so can hinder access to it. The Parish Council had required the moorings to be fore and aft, not swinging moorings as they have been laid by the Pink Ferry. As they are on sinkers that are on the surface of the mud it is believed they would be insecure in winter gales. Therefore, they are very difficult to rent as they are of very limited use.

The charges the Council makes for its moorings is for renting the mudland site (not the mooring equipment) and it has to charge for harbour dues which have to be passed to the Harbour Authority. This applies to the 14 Pink Ferry and 4 moorings rented to parishioners. Although parishioners only pay for mudland site rental they have taken over the mooring equipment that had been previously there and were responsible for its maintenance. The 4 moorings allocated to parishioners previously had usable mooring equipment/chains.

The Council made the decision when it took over the moorings from HCC that it would put up the rent only by inflation. The Council now charges the same as the dinghy park fee £144 for site rental and £122.84 Harbour Dues while those on Crown slightly deeper moorings are charged £176.66 site rental and £137.18 Harbour Dues.

The option of doing nothing is not a viable proposition as the Council will still be paying Harbour Dues on 4 moorings that are not being used, unless they are removed. There are 650 people on the Hamble Authority's waiting list so they are a valuable asset and a means of parishioners having a mooring in their own village. (It must be noted that the Council's moorings are only suitable for certain types of boats that can sit on the mud and many on the Harbour Authority's waiting list would not be suitable for HPC's moorings.)

To maximise the use of HPC's moorings is best achieved by getting the Pink Ferry to implement its proposal of how to solve the problem. (Diagrams attached.) This to include moving the inshore mooring to its original position so it does not interfere with the access to the dinghy slipway.

The option to block contract with a third party for a fixed fee or in-house operation of the moorings the group envisages a number of problems. In-house management is the current situation and at times it does not have the necessary expertise but with the support of Councillors or others with the knowledge moorings it can be achieved. The option on taking back all the moorings and managing the moorings

itself, the task and finish group believe the Council has a wide range of important parish priorities to undertake which places a great work load on its staff and should not be in the business of operating a mooring business that has risks and no guarantee of financial gain.

Handing the moorings to an outside block contractor would cause significant difficulties especially conflict with the Pink Ferry who would claim the 14 moorings that they rent from the Council have always been traditionally its moorings and should not be controlled by another mooring contractor. If the moorings are block contracted to the Pink Ferry the valuable benefits would be taken away from parishioners. With an arrangement such as this there would be no advantages to parishioners, instead of paying £267 parishioners for HPC's moorings they could be paying £1,000+ the price the Pink Ferry charges its customers.

Clerks report

Recommendations

Note the changes to the Donkey Derby Field allocations for Hamble River Sailing Club (HRSC)

To agree the potential change of location of the HRSC spaces and the process for offsetting the cost of the spaces.

To accept the termination of the current public facilities cleaning contract from the 31 January 2019 and approve the approach to finding a replacement company.

To approve the proposal to replace key operated locks on public buildings subject to a detailed cost breakdown.

To note progress with the scanning of our legal documentation

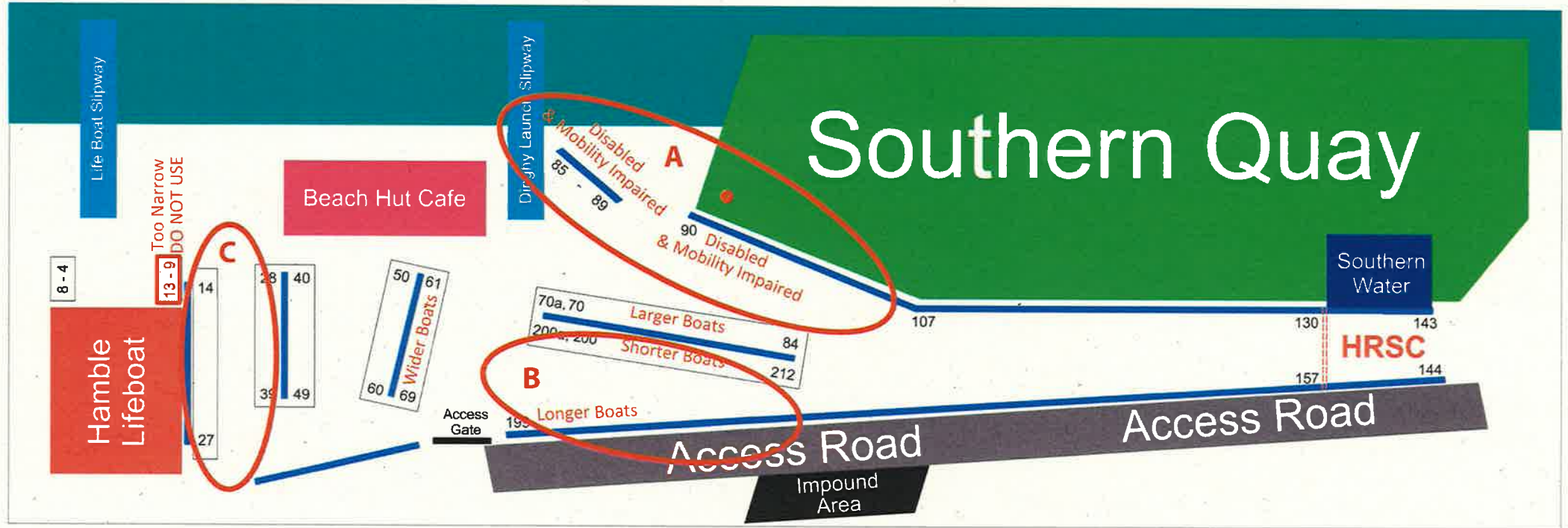
Note the survey due to be carried out on our land by Southern Water.

1. HRSC has recently come back and asked that a couple of the dates allocated to them be swapped around to prioritise the early spring events. As the days remain the same this has been agreed. The dates were as follows: swap the 7/8/9th June for the 09th, 10th & 23rd March.
2. As part of wider discussions on the allocation of space in the Dinghy Park, they have also requested that their area within the Park be reconsidered. The current location means that staff are having to cover both the racks and the slipway which from a safeguarding perspective makes staffing more difficult to achieve. Moving the racks closer to the slipway would avoid the problem and would also fit as part of the wider relocation of dinghy park spaces. A number of locations have been identified (see the attached plan) and Tony Foster who is a member of the DPWG who has been assisting with the possible reallocation of spaces has been asked to comment. This will be reported verbally at the meeting.
3. HRSC have also agreed in principle to apply for the charges to be waived for their oppies and support boat. In return the additional spaces that they use for their members will be relinquished or paid at full rate.
4. The Beach Hut have notified that they will cease to provide cleaning services for the public conveniences at the Foreshore from the end of January. They have been unable to secure insurance cover for the function as it is not their core business. HPC have investigated whether we can provide cover for them but this is not possible either as we do not have controls in place to ensure safe operating arrangements.
5. In the light of this, the cleaning contractor that has been appointed by EBC to clean the Mercury has been approached to price for the job. They had sought a number of quotes so the Council should be confident that the appointment will represent value for money. The grounds team will provide short term cover if the contract cannot be concluded by the end of the month.
6. As part of the office revamp, the lock and key arrangements are being reviewed. Periodically, the Council have to purchase keys and the public use of them for our buildings does create some risk with the potential that keys could be copied. In the light of this it is recommended that we approach a specialist company to provide advice on the installation of key pads for the office, mess room, RUP and Mount Pleasant. With key pads we will remove the need for hirers to collect and return keys and will be able to reset number pads after each hire. It also reduces the risk of keys being lost with the attendant risks that this presents. If the arrangement works, then it

might be worth considering these locks at the Dinghy Park and the Donkey Derby Field.

7. The Admin Assistant has been investigating the cost of specialist document scanning for our legal documents. Normal scanning companies are not able to scan the complex mix of documents and as a result the costs are higher. The minimum cost so far is £435.00 although it is hoped that a verbal update maybe available at the meeting.
8. Southern Water have notified us of their intention to undertake a strategic survey of pipelines which includes council owned land.

Hamble Dinghy Park Plan



— = Allocated Dinghy Parking