

# Embleton Joint Burial Committee

## Minutes

of the Meeting held in the Ladies Room at the Creighton Hall, Embleton on  
Monday 4<sup>th</sup> December 2017

**Present:** Bryn Owen; Chair (BO), Terry Howells; Vice Chair (TH), Derek Gerrard (DG),  
Elizabeth Pearson (EP), Andrew Chillingsworth (AC), Vickie Fyffe (VF)

**Clerk:** Geoff Newcombe

**In Attendance:** Two members of the public, Mandy (Friends of Spitalford)

**752. Apologies for absence**

Cllr Bob Foster-Smith, NCC Cllr Wendy Pattinson

**753. Declarations of Interest**

None declared

**754. Confirmation of the minutes of the last meetings held 23<sup>rd</sup> October 2017**

The minutes were agreed and signed off as a true record.

Proposer: Cllr Derek Gerrard

Seconder: Cllr Terry Howells

Unanimous

**755. Matters arising**

Cemetery gates are being left open after funerals; clerk to remind funeral directors and grave diggers to close gates on leaving.

**756. Financial**

Bank Balance £6,057.72 @ 27/10/2017

**Received since 24/10/17**

- Interment ashes (Plot A734) - £650.00
- Interment £650 & Plot Purchase £250 (Plot 104y) - £900.00

**Spent since 24/10/17**

- Clerk (pay & expenses) - £159.43
- HMRC (PAYE) – £32.20
- Creighton Hall (23/10/2017) – £13.75
- Sullivan Professional Fees - £720.00
- NCC Council Tax 2 x £186.00 (November & December) - £372.00
- NWL Water Charges – 1 x £14.17 (November) - £14.17

**Cheques Required**

- Clerk pay & expenses - £339.92
- HMRC (PAYE) – £79.60
- Creighton Hall (04/12/2017) – £13.75
- Contract Payment (Sep 2017) - £415.00

**Reports**

- Bank Mandate amendment  
Cllr Vickie Fyffe to confirm with bank
- The annual budget considered and it was proposed that no precept bid was required and the financial matters be accepted.  
Proposer: Cllr Terry Howells  
Seconder: Cllr Derek Gerrard  
Unanimous

**757. Maintenance of Cemetery**

- Bench replacement – Donated bench is now on site. Members expressed their thanks to Mr M Bridgeman.

- Maintenance contract – Draft contract for grass cutting/maintenance was discussed. Minor amendments to billing arrangements being made monthly were agreed. Invitation to tender to be advertised on Parish Council notice boards and websites. Invitation to tender letters to be sent to previous tenderers and those who have expressed an interest. Closing date for submission of tenders to be 16<sup>th</sup> February 2018
- Cemetery wall collapse & Archway clematis removal. Wall collapse could be offered as practical work for a local dry-stone walling course next year; and
- 'Friends of Spittalford Cemetery' (FoS) – press invitation to request FoS to be placed in the Whinstone Times March/April 2018 edition; Mandy (FoS & Cllr Terry Howells to prepare copy). Tasks; bench maintenance, clematis removal, tidying up etc.
- Cemetery Records – new forms for application for interment. Discussed and approved as drafted.
- Refuse collection – NCC acknowledge that EJBC can be exempt from collection charges as a not for profit community organisation. EJBC currently buys commercial refuse sacks for disposal of cemetery waste flowers/wrappings etc. at a cost of approximately £50 yr. If EJBC purchase bin(s) from NCC (which NCC would label) then EJBC could have free collections. NCC has Second hand bins in stock for £20, or new ones for £33. One domestic size wheelie bin would suffice. Proposed that EJBC purchase one second hand wheelie bin for £20 to receive free refuse collection thereafter.

Proposer: Cllr Bryn Owen

Seconder: Cllr Vickie Fyffe

Unanimous

- Cover arrangements for funeral administration. EJBC Could purchase 1 x PAYG SIM card for £10 and a mobile phone for up to £10 to redirect incoming calls and provide one “point of contact number” for Funeral Directors when the clerk is unavailable and cover is required. Proposed that Mobile phone and SIM card be purchased.

Proposer: Cllr Terry Howells

Seconder: Cllr Elizabeth Pearson

Unanimous

- **Long Term Business Plan for Cemetery/House**
- Renovating the cemetery house for affordable housing and the CAN Grant Funding Application – Grant payment of £540 has been received from NCC for the initial housing survey. Currently awaiting application forms from NCC to make application for next stage. It was agreed that a draft tender for stripping out the house; removing wall plaster, floor coverings etc. be prepared in anticipation of preparing a full with fewer unknowns.

**758. Items for Next Agenda**

Review of charges for cemetery services

**759. Date and Time of Next Meeting**

**Schedule for Annual Maintenance and Grass Cutting Works  
Spitalford Cemetery, Embleton**

**Cemetery**

The cemetery is located on the west side of the C54 road, as shown outlined in red on the attached plan ND98015 centred on GR: NU232217.

The works comprise the grass cutting of the whole cemetery area including the entrance, strimming around graves, headstones and trees.

Cutting will commence during April and continue until end of October on a 15 cut basis.

**Cemetery Maintenance and Grass Cutting Schedule**

Contract 1st April to 31st March

<b>Duties</b>	<b>Service level</b>	<b>Rate</b>	<b>£- Price</b>
1. Mow the grass and ensure it is kept to a reasonable length; or	15 cuts per year (every 2 weeks)		
2. Strim around headstones as necessary to ensure grass is kept to a reasonable length. (No damage to be incurred to memorials and no grass trimmings to be left on memorials)	7 strims per year (every 4 weeks during grass cutting season)		
3. Level graves and top up as necessary as and when settlement takes place.	Per plot		
4. Clean roadway to ensure that surface is not slippery for pedestrians.			
5. Remove wreaths of dead flowers from the graves, tidy up and pick litter.	Monthly		
6. Advise the Clerk to the EJBC of any concerns with the operation of the Cemetery.	As required		
7. Provide and apply weed killer to ash scattering area	2 per year		
8. Lop overhanging branches above perimeter walls and roadways within cemetery boundary to permit access by vehicles and equipment. Remove cut branches.	1 per year		

9. Remove any existing or new self-seeded saplings from graves and grassed areas.	1 per year		
10. Clear leaves from cemetery area (October, November & December)	3 per year		
		<b>Total</b>	

## **Contract Terms**

**Administer and Maintain the Cemetery as detailed in the above schedule throughout the period of the contract and provide evidence of a maintenance schedule/undertaken (subject to weather conditions) on request.**

**Provide all plant, labour and materials to carry out the operations detailed within this contract.**

**The Contractor shall hold and provide copies of the required insurance and public liability cover to a minimum of £5 million. Should a policy be renewed during the contract period a copy of the renewed cover certificate should be forwarded to the Clerk within 14 days.**

**Provide an itemised invoice on a monthly basis (to be received by the clerk no later than the last working day of the month). Payment will be made by cheque and will be posted during the week following the Embleton Joint Burial Committee (EJBC) meeting (meeting dates are available on the Embleton Parish Council website):-**

**<https://northumberlandparishes.uk/embleton>**

**The Contractor shall comply with the Health and Safety at Work Act 1974 (as amended) and shall hold the relevant Health & Safety certificates, including those specific to the job – pesticide usage, tree maintenance etc.**

**The Contractor shall hold in place a relevant Health & Safety policy and shall complete a risk assessment for each individual task undertaken; supplying a copy to the EJBC on request.**

**The Contractor shall comply with the Controlled Waste (England and Wales) Regulations 2012 (as amended) and hold a valid Certificate of Registration under the Control of Pollution Act 1989.**

**Provide a minimum of three references on request.**

**The contract will be for a period of four years subject to an annual review, to include a rate of inflation rise each year to be agreed between the Clerk and the contractor.**

**All tenders are to be sent to the Clerk to the Embleton Joint Burial Committee and state if inclusive or exclusive of VAT.**

**Collect and dispose of litter prior to mowing or strimming to prevent shredding of litter.**

**Leave the grass cuttings to lie.**

**The contract period will run from 1<sup>st</sup> April 2018 until 31<sup>st</sup> March 2022.**

**The contract may be terminated by one month's notice by either party if the conditions of the contract are not met by the other party.**

**Should the EJBC become aware that the contract is not being performed to the agreed terms of the contract they reserve the right to employ an alternative service provider to undertake the work and recharge the contractor until the contract is terminated.**

***Tender Summary***

<b>Location</b>	<b>Price</b>
1. Cemetery Grass Cutting	
2. Strim around headstones	
3. Attend all interments	
4. Clean Roadway.	
5. Remove wreaths etc.	
6. Advise the Clerk	
7. Provide and apply weed killer	
8. Lop overhanging branches	
9. Remove self-seeded saplings	
10. Clear leaves	
<b>Grand Total</b>	

## Embleton Joint Burial Committee

### 1. PURCHASE OF EXCLUSIVE RIGHT OF BURIAL

If the purchase of the grave is intended, details of the person/s to be registered as the deed owners/s are:

MR / MRS / MS (Delete as appropriate)

SURNAME: \_\_\_\_\_

GIVEN NAMES: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

POST CODE: \_\_\_\_\_

CONTACT TELEPHONE No: \_\_\_\_\_

RELATIONSHIP TO THE DECEASED: \_\_\_\_\_

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### 2. AUTHORITY TO OPEN A GRAVE FOR INTERMENT

**(To be completed by the Deed Holder)**

**If deed holder is deceased then a statutory declaration may be required.**

MR / MRS / MS (Delete as appropriate)

I, SURNAME: \_\_\_\_\_

GIVEN NAMES: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

POST CODE: \_\_\_\_\_

CONTACT TELEPHONE No: \_\_\_\_\_

Do hereby declare that I am the holder of the Exclusive Right of Burial in the after mentioned grave, and I enclose a copy of my deed certificate/duplicate certificate.

Accordingly I authorise that the **grave numbered:** \_\_\_\_\_ **in Spitalford Cemetery** be opened for the interment of the body/cremated remains of the person named.

I understand that the Council accepts the above declaration in good faith and does not accept any liability for any loss, claim, damages or costs which may occur as a result of any actions undertaken on reliance of this declaration. Any liability shall be borne by me as instructor of the works carried out.

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### **The following must be completed**

I (print applicants name) ..... also hereby acknowledge that I have read and understood Embleton Joint Burial Committee's Cemetery Rules and Regulations, and I agree to abide by them at all times.

Signature: \_\_\_\_\_ Date:  
\_\_\_\_\_

Witness (PRINT NAME): \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Witness Address:  
\_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_



# **Embleton Joint Burial Committee**

## **Statutory Declaration of Authority to Open a Grave for Interment**

A statutory declaration is required by the Committee as evidence of your ownership of burial rights belonging to a deceased person if a grant of probate or letters of administration is not required for their estate and you want those rights to be assigned to you.

A statutory declaration is a legal document which you are strongly advised to have drawn up by a solicitor of your choice. The following information should be included:

- The deceased's full name.
- Date of death.
- Location of their plot, i.e. cemetery, section and plot number, or garden of rest plot number.
- Your relationship to the deceased.
- An undertaking from you that you will indemnify the Council in respect to any claims made against it or any expense it may be put to in connection with your exercise of the burial rights you want to be assigned to you.
- If there are other possible applicants who do not wish to be included in the ownership of the burial rights, you should include written statements from (where appropriate) any siblings, the partner of the deceased and/or any other person with an interest in the plot, consenting to the assignment of the rights to you. Any such documents relied upon will need to be exhibited to the statutory declaration.
- If you are applying for joint ownership of a plot, details of all applicants (up to a maximum of 4) should be included in the statutory declaration.

The statutory declaration should be signed by all applicants in the presence of a magistrate, an authorised court official or a commissioner for oaths.

The requirement for a statutory declaration exists to ensure that burial rights are assigned only to the rightful owner(s) and serves to protect both the owners of those rights and the Council. It is a procedure used by most burial and crematoria authorities in England and is supported by the Institute of Cemetery and Crematorium Management.

STATUTORY DECLARATION

EMBLETON JOINT BURIAL COMMITTEE

*SPITALFORD CEMETERY*

# Section 1 - Detail of Person Making the Declaration

*I (name and address of person making the declaration)*

Do solemnly and sincerely declare that *(name of current owner)* purchased the exclusive right of burial in grave number *(detail of grave number, section and cemetery – grant no. if available)* and that:

**Section 2** – *This area is blank as it requires a detail of what the personal situation of the person making the declaration happens to be.*

# Section 3 - Declaration in the presence of a Magistrate or Commissioner for Oaths

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declaration Act 1835.

Declared at .....

This..... day of ..... 20 .....

Signed .....

Before me .....

Examples for completion of Declaration

This Declaration to be made before a Magistrate or Commissioner for Oaths

**EXAMPLE of Section 2 of a declaration for someone who died intestate:**

**Surviving wife:**

the said *Martin Brown* died intestate, leaving an estate of insufficient value for which it was required by law to apply for Letters of Administration THAT I *Elizabeth Brown* am his lawful surviving wife and lawful next of kin. I am therefore the present rightful owner of the said Right of Burial AND FURTHER I hereby indemnify the Embleton Joint Burial Committee and all its parent Parish Council's, officers and servants from any liability whatsoever in this matter or arising therefrom.....

**Surviving children:**

the said *John Smith* died a widower intestate leaving an estate of insufficient value for which it was required by law to apply for Grant of Letters of Administration THAT *Colin John Smith Brian Alan Smith* and myself the said *Mary Ann Smith* are his only lawful surviving children and next of kin and therefore the present rightful owners of the said Right of Burial AND FURTHER I hereby indemnify the Embleton Joint Burial Committee and all its parent Parish Council's, officers and servants from any liability whatsoever in this matter or arising therefrom.....

**Surviving children, only one to take over the ownership:**

the said *John Smith* died a widower intestate leaving an estate of insufficient value for which it was required by law to apply for Grant of Letters of Administration THAT *Colin John Smith Brian Alan Smith* and myself the said *Mary Ann Smith* are his only lawful surviving children and next of kin and therefore the present rightful owners of the said Right of Burial BUT *Colin John Smith* and *Brian Alan Smith* desire that the exclusive Right of Burial be vested solely in my name as *Mary Ann Smith* and have given their consent in the document attached hereto which I declare to be genuine AND FURTHER I hereby indemnify the Embleton Joint Burial Committee and all its parent Parish Council's, officers and servants from any liability whatsoever in this matter or arising therefrom.....

This one should have forms of renunciation attached to it from those children who do not want the ownership.

There are obviously many more scenarios that could occur.

<b>Joint Burial Board - Year Ending 31st March 2018</b>			
	04/12/2017	Provisional	
			<b>This Year</b>
<b>Precept</b>			£ -
<b>Refunds</b>			£ 626.88
<b>Burial Authority</b>			£ 2,550.00
<b>Purchase Plot</b>			£ 500.00
<b>Ashes/ Headstones</b>			£ 650.00
<b>Additional Inscriptions</b>			£ 150.00
<b>Fix a Plaque</b>			£ 200.00
<b>TOTAL RECEIPTS</b>			<b>£ 4,676.88</b>
			<b>This Year</b>
<b>Salary</b>			£ 1,504.82
<b>Phone</b>			£ -
<b>Grass Cutting</b>			£ 2,573.00
<b>Water Rates/ Council Tax</b>			£ 1,231.20
<b>Room Hire</b>			£ 68.75
<b>Insurance</b>			£ 285.68
<b>Other Payments</b>			£ 695.29
<b>VAT</b>			£ 126.83
<b>TOTAL PAYMENTS</b>			<b>£ 6,485.57</b>
<b>Increase/Decrease in Funds</b>			<b>-£ 1,808.69</b>
<b>Funds at start of the year</b>			£ 7,956.02
<b>Funds at end of the year</b>			<b>£ 6,147.33</b>

Embleton Joint Burial Board Budget Present 2018-19				See Footnotes	
		2017-18	2017-18	2018-19	2018-19
		Actual	Anticipated	Anticipated	Anticipated
<b>INCOME</b>					
	Precept	0.00	0.00	0.00	0.00
	Refunds	134.46	650.00	40.00	40.00
	Refund VAT	185.33	126.83	150.00	150.00
	Burial Authority	2,400.00	3,000.00	3,000.00	3,000.00
	Sale of Land	400.00	750.00	750.00	750.00
	Rent	2,700.00			
	Ashes/Headstones	400.00	800.00	800.00	800.00
	Inscriptions/Gravedigging	1,025.00	E 7,244.79	E 5,426.83	E 5,040.00
	Estimated Bank Opening Balance	8,927.40	7,956.02	5,792.86	
	<b>Income Total</b>		<b>E 16,172.19</b>	<b>E 13,382.86</b>	<b>E 10,832.86</b>
<b>EXPENDITURE</b>					
	Clerk- Salary & Expenses	1,756.86	1,800.00	2,000.00	2,000.00
	Caretaker - Salary & Expenses	2,220.00	0.00	0.00	0.00
	Grasscutting	2,640.00	2,800.00	3,000.00	3,000.00
	Telephone Charges	0.00	0.00	0.00	0.00
	Cutter Repairs/Parts & Petrol/contract adjustment	0.00	0.00	0.00	0.00
	Audit Fee	0.00	0.00	0.00	0.00
	NCC - Council Tax	0.00	0.00	0.00	0.00
	NWL - Water Rates	137.25	140.00	140.00	140.00
	NCC - Business Rates	0.00	0.00	0.00	0.00
	Cealighton Hall - Room Hire	126.25	100.00	100.00	100.00
	D Robertson - Rent	4.00	2.00	0.00	0.00
	Insurance-Landlord	198.97	600.00	600.00	600.00
	Gardening/Cemetry Works	0.00	0.00	0.00	0.00
	NCC Duty of Care	12.00	12.00	12.00	12.00
	Cars turning - hardstanding	0.00	0.00	0.00	0.00
	NCC - Refuse Admin Charge/Bags	0.00	0.00	0.00	0.00
	Plot Refund	0.00	0.00	0.00	0.00
	Headstone survey - repair/lay down etc	0.00	0.00	0.00	0.00
	Tree Survey - Surgery etc	597.50	0.00	500.00	500.00
	Estate Agent fees	0.00	240.00	0.00	0.00
	Survey Fees (CAN)	0.00	720.00	0.00	0.00
	Pest Control	0.00	0.00	0.00	0.00
	House Bathroom Repairs	104.52	0.00	0.00	0.00
	House Plastering	0.00	0.00	0.00	0.00
	House electrician	29.22	0.00	0.00	0.00
	Postage & Stationery	84.40	100.00	100.00	100.00
	Sale Land - refund	0.00	0.00	0.00	0.00
	Legal Fees - ABT	0.00	0.00	0.00	0.00
	Copies	0.00	0.00	0.00	0.00
	House radiators	182.40	0.00	0.00	0.00
	Miscellaneous	39.52	50.00	50.00	50.00
	Contingency	0	1,000.00	1,000.00	1,000.00
	New Equipment Purchased				
	N/A		0.00	0.00	0.00
	VAT recoverable	83.28	126.00	150.00	150.00
	<b>Expenditure Total</b>		<b>E 8,216.17</b>	<b>E 7,690.00</b>	<b>E 7,862.00</b>
	<b>Anticipated Bank Balance at End of Year</b>			<b>E 5,732.86</b>	<b>E 3,180.86</b>
	<b>any money we may receive on funerals or land sales is variable.</b>				

Notes on burial income

04/12/2017 Actual to date: 2 x inscription, 1 x Ashes; 3 x burial (+ 1 x burial from 2011/17), 1 x plaque