

Policy for memorials within Colchester

Contents

1. Introduction.....	1
2. Background.....	1
3. General principles.....	2
4. Benches.....	2
5. Trees/Shrubs.....	3
6. Spreading of ashes.....	4
7. Fees and charges.....	4
8. Health and Safety.....	4

1. Introduction.

- 1.1 Colchester City Council receives occasional requests from members of the public who wish to place a memorial bench or item as part of a commemoration for a loved one within a public open space. These are often places with which individuals or families have a particular connection or special relationship. There is no legislative requirement for the provision of public or memorial benches although it is accepted that they provide a useful and valued public amenity.
- 1.2 This policy is intended to provide a guideline to applications for memorials in Colchester City Council owned locations. It is not exhaustive and is subject to change.

2. Background.

- 2.1 Colchester City Council does not have a current policy on commemoration items and historically, requests have been accommodated with decisions often being left to the discretion of the officer who has been allocated the request. The most common requests are for plaques on memorial benches, to which some, customers have purchased new benches, although in most instances they have only purchased plaques to be fitted onto existing benches. This approach, although generally accommodating to the customer, has resulted in inappropriate siting of memorial benches in some areas, maintenance difficulties due to a wide range of bench styles being used, and ineffective recording of memorial bench information.
- 2.2 This policy recognises the need for a consistent approach to the provision of memorial items in public open spaces. As resources available to the Council to provide public services reduce, much more consideration of the level of infrastructure that can be provided and maintained is required. Careful consideration needs to be made of the range and quality of infrastructure is needed to avoid items which are onerous to maintain, have a poor life expectancy or do not meet

Policy for memorials within Colchester

the criteria for conservation areas within the city. In addition, opportunities to provide infrastructure for public benefit in different and new ways need to be maximised.

2.3 Colchester City Council will continue to welcome applications for donations of suitable benches and other items for appropriate locations in the public open spaces the Council manages. The operating principles below will ensure that requests for memorial items are responded to in a consistent, efficient and helpful manner. It will result in appropriate memorial styles being purchased and installed in appropriate locations to ensure they are easy to maintain and not unduly prone to vandalism.

2.4 With a number of existing memorials throughout the City's open spaces, it has become necessary for Colchester City Council to put in place this policy as a guideline for new applicants to understand locations available for memorial items, and the styles/types of memorials permitted.

2.5 The content of this policy will be revised as necessary to meet changing circumstances. The policy will be reviewed on a regular basis by the Council and proposed amendments will be submitted to the Policy panel for approval.

3. General principles.

3.1 Any memorial application will be subject to planning regulations and may be rejected on the grounds that it does not meet those regulations.

3.2 Whilst the Council will do minor repairs and maintenance on memorial items, should those items become too damaged to repair without considerable cost then they will be removed. The council will not be responsible for replacing any items that have been removed for the above reasons.

3.3 Applications to request any type of memorial should be submitted via the usual contact methods such as through the customer service centre. Acknowledgement of that application will be made within 7 days with the relevant officer responding to the application request within 28 days of it being submitted. This response will be either confirming that the application has been successful or rejected and if successful will include details of design options, prices and suitable locations.

3.5 Memorial applications for Colchester crematorium should be made via the Colchester City Council website using the email address provided.

3.6 Colchester City Council reserves the right to refuse any application which it deems unsuitable. The decision of the Council will be final.

4. Benches

4.1 Colchester City Council will reserve the right to choose which design of memorial bench will be installed at each location. These benches will be suitable low maintenance standard designs with the choice of bench being dependent on the location.

4.2 Colchester City Council will reserve the right to choose which design of memorial bench will be installed at each location.

Policy for memorials within Colchester

- 4.3 Purchase of a memorial bench will be for the expected life period of the item only, after which time it will be removed or for a period of 10 years, whichever comes sooner. When a memorial bench is no longer capable of repair, CCC will use reasonable endeavours to contact the applicant in the first instance, if this is not possible, then the Council, in its absolute discretion, may remove and dispose of the item as it sees fit.
- 4.4 Colchester City Council does not accept liability for damage caused to any memorial bench or security of those items. CCC is not responsible for any replacement bench resulting from damage, vandalism, or deterioration with age. In the unlikely event that a memorialised item is stolen, CCC shall not be responsible for providing a replacement.
- 4.5 Colchester City Council reserves the right to refuse any application which it deems unsuitable. The decision of the Council will be final.
- 4.6 On memorial benches, plaques will be limited to 1 per bench.
- 4.7 The Council will accept only 1 plaque per bench policy. The plaque will be a small brass plate that will be fitted at the centre on the back of the bench. The size and design of the plaque will be determined by the Council.
- 4.8 Bench memorials will be leased for a period of 10 years with an option to extend this by a further 5 years after this period. Applications for lease extensions need to be submitted at least 6 months before the end of the initial 10-year lease period.

5. Trees/Shrubs

- 5.1 The public should be aware that in areas such as Castle Park and Highwoods Country Park, there are limited spaces for trees and shrubs to be planted as memorials and there is a need to maintain the area as a conservation area. Should projects such as new woodland areas be commissioned then there will naturally be more space for trees/shrubs to be planted.
- 5.2 The species of tree will be site specific and therefore the choice of species for any location will be at the sole discretion of the allocated Council officer. Customers will be made aware of the choices of tree species once the application has been processed.
- 5.3 Customers should also be aware that trees will only be planted during the Autumn period.
- 5.4 Trees that are newly planted only have a 50% survival rate and should the tree not survive then Colchester City Council holds no responsibility to replace that tree. Customers may decide to have the tree replaced and should they do so will be given full details on cost by the allocated officer.
- 5.5 The cost of tree planting will depend on several factors including location, labour and the size and species of the tree.
- 5.6 Any tree planted without consent on Council owned land will be removed without warning. Any person responsible for planting trees without consent may be charged for their removal.

Policy for memorials within Colchester

6. Spreading of ashes.

- 6.1 Many people now prefer to scatter the ashes of their loved one in a location that meant something to them. Whilst there are no national laws restricting the scattering of ashes of the deceased over land, you do need the permission of the landowners if you're scattering them over private land. This also applies to Council owned land including open spaces. Applications should be submitted via the usual contact methods such as through the customer service centre.
- 6.2 Colchester Crematorium have their own designated area for the scattering of ashes. Details of which can be obtained by emailing the relevant address on the Colchester City Council website.
- 6.3 No applications will be considered for the scattering of ashes in Highwoods Country Park
- 6.4 There are several designated areas within Castle Park reserved for the scattering of ashes. These areas will be given to the customer once an application is submitted. Alternative locations may be considered but the final decision will be made by the officer dealing with the request.

7. Fees and charges

- 7.1 Prices for any memorial item will be provided to the customer on receipt of an application. Costs of any memorial item includes installation costs such as fixing a bench to the ground surface and basic ongoing maintenance if required. The price for adoption of a new bench will also include the price of the plaque.
- 7.3 Prices of statues, flags and other items will vary due to various designs and installation requirement considerations due to size and location.
- 7.4 Colchester Crematorium offer a selection of memorial options such as trees/shrubs, benches, and plaques. The full list of which and their fees and charges can be found via this link [Crematorium fees and charges - Oct 2023](#).
- 7.5 The fees will be reviewed annually and will be published on the Colchester City Council website.

8. Health and Safety.

- 8.1 As stated below in this document here the Government guidance refers to burial grounds. However, Colchester City Council has a responsibility to ensure that any memorial erected by us on our land is well maintained and safe. With public safety being a priority any memorial that is considered dangerous will be removed immediately and without warning.
- 8.2 In recent years the safety of memorials has become a focus of much attention and debate. The most recent guidance from the Ministry of Justice (2009) states that over the last 30 years eight people in the UK have been killed when a memorial has fallen on them. Given the number of memorials and the number of visitors to burial grounds in any one year, the risk of any injury is "extremely low." Action to manage risks in burial grounds, therefore, needs to be sensible, proportionate and undertaken in a sensitive way. Statistics from the Institute of Cemetery and Crematorium Management indicate that there have been many serious injuries caused by unsafe memorials. They also highlight the instances where local authorities have been investigated by the Health & Safety Executive (HSE).

Policy for memorials within Colchester

8.3 In the most serious cases the HSE has threatened prosecution. The Council is bound by the conditions of the Local Authorities Cemeteries Order 1977. It has a legal duty under the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations 1999 and Occupiers Liability Act 1957 to ensure that its burial grounds are safe places to work and visit. Managing memorial safety, therefore, is an essential part of controlling the risks to health and safety.

DRAFT