

LLANGORS COMMUNITY COUNCIL

St. Paulinus Churchyard Management Policy

1. Introduction and Background

1.1 Address: St. Paulinus Churchyard, Llangors, Brecon, Powys. LD3 7TY.
In the Parish of Llyn Safaddan and the Diocese of Swansea and Brecon.

1.1 St. Paulinus Church brief history.

The first reference to a church building is 1211. The present church was constructed in the 15th century; there was a major restoration in 1874 when the barrel roof in the south aisle was retained together with the Tudor doorway, windows and priest's door in the south wall. The church has a "weeping sanctuary", Byfield organ, six bells and mass dial. The church registers date from 1692.

1.3 St. Paulinus Churchyard

Definition: A churchyard refers to the land surrounding a place of worship. At St. Paulinus the churchyard is also a burial ground. Burial grounds are not simply places for the burial of the dead. They provide areas for the living to commemorate those who have died, a focal point to record and appreciate the life, aesthetics and ethos of previous generations, and, by default or design, a lightly used largely unbuilt environment offering an open space refuge for local flora and fauna, as well as for human recreation and enjoyment.

1.4 Ownership

The ownership of the churchyard passed from the Church in Wales to Llangors Parish Council on 27th July 1925. This followed the reform of churches and the establishment of the Welsh Church Act 1914. An Act of Parliament under which the Church of England was separated and disestablished in Wales and Monmouthshire, leading to the creation of the Church in Wales (CIW) and the handover of some churchyards to Parish Councils.

A copy of the deeds and the Land Registry title are held by the Community Clerk.

Llangors Community Council operate the site with consideration of CIW and local government guidance and current legislation.

1.5 Designated Responsible Persons

Llangors Community Council as a corporate body has responsibility for the site. Two members of the Council are appointed annually to oversee all matters and act as Burial Board Clerks. Currently these are Community Councillors Colin Preece and Geoff Beaven.

Both have the delegated authority of Llangors Community Council to agree burials, erection of memorials and associated works in the churchyard and deal with all requests in an efficient, sensitive and timely manner.

Maintenance and safety inspections of the site are carried out by the St. Paulinus Churchyard working party led by Cllr Colin Preece in conjunction with the Community Clerk, both of whom may action emergency works as required.

Any other issues are reported to full council for consideration and actioning.

Contact information for the site is displayed in the tree on the left when entering the main gate to the churchyard.

Contact details are: -

Councillor Colin Preece 01874 658691

Councillor Geoff Beaven 01874 658180

Forms for Funeral Directors, Memorial Masons and relatives are available from the Burial Board Clerks in the first instance.

2. General Management and Maintenance

2.1 Visual inspection of the churchyard by the appointed Councillor is carried out on a monthly basis. This inspection includes gravestone safety, tree safety, grass cutting, asset safety (seats and lamps and gates) footpaths and safe access. Boundaries are inspected for any damage or risk to the public. The bank of the Nant Cwy is monitored for erosion.

A record of inspections is kept and any matters requiring attention dealt with.

2.2 A full risk assessment and inspection of all aspects is carried out annually. Results of which are reported to full Council and any remedial works required are actioned as required.

2.3 The Church Council and members of the public are encouraged to help to keep an eye on things and report any concerns to the designated Community Councillor.

2.4 The Church quinquennial surveyor inspects all boundary walls and significant structures in the churchyard every 5 years and the Community Council is provided with a copy for consideration by the PCC. The last survey was carried out in 2017 and a copy of the report is held by the Clerk.

2.5 Electricity supply to the lights over the church gate and footpath lamps is fed from the Church consumer unit. The quinquennial survey covers the five year electrical inspection of these installations and a copy of the report is to be provided to the Community Council by the Church Council following inspection.

2.6 Some litter and debris clearance is carried out by volunteers who are encouraged to wear appropriate safety clothing e.g., safety boots, gloves, etc. as required.

2.7 Members of the public tending graves are encouraged to remove all debris from graves and take off site. Green waste can be left at a designated site at the back of the churchyard.

2.8 Any machinery or equipment used on the site should only be done by a trained user. Preferably two people should be present when work is undertaken.

2.9 Responsible outside sourced contractors undertaking maintenance are required to carry public liability insurance and provide an appropriate health and safety risk assessment approved by the Community Council prior to entry. Contractors need to provide their own machinery and equipment.

2.10 A grass cutting and hedge trimming contract with an external contractor is in place. Currently fortnightly grass cuts take place between 1st April and 31st October and trimming of boundary hedges once annually in October.

With safety and disability access in mind, the aim wherever possible is to keep grass to a height where kerbs and graves are clearly visible.

2.11 Trees are an important feature of the churchyard providing landscape and environmental benefits. They are also a potential liability and need to be managed with care. Appropriate nature conservation is considered when works to remove trees, hedges and scrub are undertaken.

Any work to trees is undertaken by suitably qualified contractors holding public and professional indemnity insurance. Instructions for work is given in writing. A risk assessment must be submitted by the contractor and approved by the Community Council prior to work being carried out which considers the hazards resulting from the work, and appropriate safety measures that will be

implemented especially in relation to protection of the public and its location proximity to listed buildings. Inspection of trees by a qualified Arboriculturist will be carried out every five years.

No trees in the churchyard are the subject of a tree preservation order (as confirmed by BBNPA). However, there are 3 veteran yew trees on the site which are listed on the Yew Tree Society website; <https://www.ancient-yew.org/userfiles/file/Llangors%202019.pdf> Consultation with the Brecon Beacons National Park Authority planning department will take place in advance of any planned works to these trees.

2.12 Any proceeds from the sale of timber from tree felling shall be banked by the Community Council and used towards the costs incurred.

2.13 Churchyards are often havens for wildlife supporting habitats and species that were once more widespread and many are also home to bats. The Community Council aims to care for the churchyard in a way which is attractive to local people, visitors and wildlife. Consideration is given to wildlife, flora and fauna as a result of the Community Council Section 6 biodiversity and ecosystem resilience duty, within the Environment (Wales) Act 2016.

2.14 Visitors to the churchyard are encouraged. The Community Council has a duty of care to all persons entering the churchyard (including trespassers). This duty is to take such care as is reasonable in all circumstances to see that the visitor does not suffer injury on the premises. Consideration is given to the Disability Discrimination Act and a flat tarmac surface is provided from the entrance gate to the church door. Where possible pathways are kept clear, however by the very nature of churchyards there are limitations as to what can be done for less abled visitors. The Public Liability insurance of the Community Council covers the churchyard.

2.15 Llangors Community Council is an employer and controls premises, the Community Council therefore needs to comply with the Health and Safety at Work Act 1974 and Management of Health and Safety at Work Regulations 1999. The Council's legal duty within these regulations is to ensure, so far as is reasonably practicable, the Health and Safety of Employee(s), Community Councillors, Contractors and Visitors, also to ensure Risk Assessments and appropriate inspections are carried out and documented and any risks found are addressed.

2.16 Access in poor weather is at users' own risk. In winter, no gritting or snow clearing is undertaken by the Community Council.

2.17 The grazing of animals is not permitted in the churchyard.

2.18 Dogs are only permitted in the churchyard if under close control of the owner and on a lead. Any dog mess should be collected and disposed of off-site in the appropriate manner.

2.19 A plan of graves and who is buried where, is held and maintained by the Community Council.

2.20 Donations from members of the public to assist with the ongoing costs of maintenance of the site are encouraged.

3. Tributes

3.1 Floral tributes are a traditional way for people to honour their deceased loved ones.

3.2 Occasionally people decorate graves with items of comfort (windmills, lanterns, artificial flowers and teddy bears are common). It is a very sensitive matter to ask people to remove items that give them comfort and if they are to remain, they must be proportionate in size, as in keeping as possible with the surroundings and an awareness to neighbouring graves and visitors should be sensitively considered.

3.3 Fresh floral tributes are preferable and encouraged to avoid a proliferation of clutter and debris around the churchyard following stormy weather.

4. Fees

4.1 Fees for burials, erection of monuments and additional inscriptions need to be paid to Llangors Community Council and goes towards the maintenance of the site. These fees are reviewed annually and run in line with the CIW fees. A copy of the table of fees is available from all contacts listed.

4.2 In 2017 the Community Council agreed a Welsh Government Memorandum of Understanding and does not charge any fees in relation to the standard burial or cremation of a child under the age of 18.

Reimbursement of the relevant fee not charged may be claimed by the Community Council in the form of grant funding from Welsh Government, via Powys County Council. Further information is held by the Clerk.

5. Gravestones and Tombs - ownership and ongoing care

5.1 Gravestones and tombs are the property of the families that erected them. They have primary responsibility for their care.

However, memorials are located on Community Council land and it has a duty to manage the risks they present as part of the duty to keep the churchyard in good order.

5.2 Local knowledge is used to consider whether some areas of the churchyard which are most heavily visited are checked for safety more often than others. These are areas where risk of injury is greatest simply because more people are in the vicinity more often.

5.3 Each gravestone is visually inspected and a hand test taken to check signs of damage and instability. Any risks deemed significant are recorded.

5.4 When immediately dangerous stones are identified, they are laid flat as soon as possible or supported by driving a wooden stake behind the headstone and strapping the stone to the stake. This is undertaken with care to ensure it is secure. A headstone laid flat is the safest approach.

5.5 For stones that require repair but do not pose an immediate risk, reasonable steps are taken to identify family members to carry out repairs to make the stones safe within a timescale appropriate to the degree of risk involved.

5.6 Stones requiring repair will be clearly marked with appropriate signage without delay.

5.7 Stones that pose a potential concern are recorded for ongoing, regular monitoring.

5.8 For headstones needing attention, the family will be advised in writing and informed of the action required by them at their cost. A timescale will be set and will be the minimum necessary to make the stones safe in the interests of all parties. If no action is taken, a follow up letter will be sent informing the family that the work is to be carried out and the cost will be charged to them for immediate payment.

5.9 Where the family cannot be traced, the stone should be labelled with the work proposed. An advert placed locally that work is intended, and that interested parties should visit the churchyard in a set timeframe to inspect proposals, will take place.

5.10 Some headstones and tombs at St. Paulinus are listed. See appendix A. Listed building consent may be required if maintenance works are required to these. Works to any scheduled ancient monuments (e.g., preaching crosses and inscribed stones) may require scheduled monument consent from Cadw.

5.11 Inspections records will be kept and reported at the next Community Council meeting and recorded in the Minutes.

6. Erection and Maintenance of Memorial Headstones and Tombs

6.1 The erection of a memorial is not a right but is granted by permission from Llangors Community Council.

No memorial, whether on a grave or not, may be placed in the churchyard without the consent of the Community Council. Consent given will be for 75 years and includes a requirement for the memorial to be maintained. The consent granted constitutes a legal right which passes to the heirs of the person to whom it was originally granted. All consents must be recorded in the statutory register.

6.2 All applications for installations of memorial stones, second inscriptions, or repairs to memorials, must be made on the correct form. All applications must be received by the Burial Board Clerk accompanied by the correct fee paid directly into the bank account or by cheque, in advance of erection.

6.3 Only professional memorial masons are permitted to erect new and re-erected stones/tablets in the churchyard. Any work undertaken to memorials is required to be undertaken in accordance with the British Standard 8415. A memorial mason should be a member of the National Association of Memorial Masons and therefore bound to comply with its Code of Working Practice which meets the British Standard.

6.4 Memorial stones will be set at the head of the grave, must not exceed 4ft (1219mm) high, 24" (600mm) wide, 4" (100mm) in thickness. Types and colours allowed for memorials are black, dark grey and grey granite or of indigenous materials e.g., sandstone, are permitted but not white marble. Kerb stones are not permitted.

6.5 Memorial headstones shall be doweled and grouted to the plinths. Dowels are to be adequately sized stainless steel threaded or unthreaded rods fixed with cement. Grouting is to be of epoxy resin, cement or arboseal. Alternative headstone fixing methods to approved NAMM standards are acceptable and need to be submitted with applications.

6.6 On completion of any works, all surplus and waste materials must be removed from the Churchyard by the person carrying out such works.

6.7 Permission for memorials will normally only be granted where exclusive right of burial has been purchased by the applicant or their agent.

6.8 No inscription can be allowed for persons not buried in the grave concerned unless a note is included that they are not buried there.

6.9 The Council can refuse grant of right to erect a memorial.

7. Burials and Cremated Remains (Ashes)

7.1 The Community Council is a burial authority by virtue of the Local government Act 1972 s.214.

7.2 Grave spaces remain in the ownership of the council. A right of burial (including an exclusive right of burial) gives only a right to inter a body and no control over the surface of the grave.

7.3 All applications for new burial plots, the opening of existing graves, burial of ashes etc., must be made by Undertaker/Funeral Director completing the correct form, submitted to the Burial Board Clerk with the appropriate fee in advance of burials taking place and any existing headstones being removed.

7.4 Burial of parishioners (i.e., persons normally residing in the Powys County Council community ward of Llangors), persons dying in the ward, ex-parishioners and non-parishioners for whom family graves and vaults are required to be opened and whose close relatives have been buried in the churchyard and persons on the electoral role at date of death are entitled, as of right, to be buried in the Parish burial ground. In this case St. Paulinus churchyard.

7.5 Except so far as rights are preserved under the Welsh Church (Burial Grounds) Act 1945, no discrimination shall be made between a member of the Church in Wales and of any other persons or denomination.

7.6 Wherever possible requests for specific plots next to existing family members etc., will be considered and an explanation given if the request cannot be fulfilled.

7.7 It is a legal requirement that a register of burials is kept. This register is kept by the burial board clerk. The location of new graves are recorded as there can be cases where previous burials cannot be traced because headstones have not been erected or have been removed.

7.8 The Undertaker/Funeral Director needs to liaise with the burial board clerk about the provision and access of a grave and they will ensure, that prior to graves being dug, they are marked appropriately for the grave digger. The Undertaker/Funeral Director will liaise and be responsible for the work of the grave digger.

7.9 Funeral Directors and grave diggers may use a mechanical mini digger of 1.5 tonne maximum capacity. Such use will be at the discretion of the Community Council. Whenever a digger is used measures must be put in place by the grave digger to prevent damage occurring to the surrounding ground of the new grave, or any adjacent and nearby graves. The grave shall be dug in accordance with best practice and with full regard to the Health and Safety regulations covering excavations.

7.10 No burial or interment of cremated remains will take place within 12ft (3658mm) of the fabric of the churchyard or within 6ft (1829mm) of the churchyard boundary unless and existing marked grave.

7.11 The top of the coffin in a grave shall be not less than 3ft (814mm) below ordinary ground level.

7.12 Cremated remains must be buried and are not permitted to be scattered in the churchyard.

7.13 Funeral Directors and grave diggers will be held responsible for any damage caused by machinery or operatives and must provide evidence of adequate insurance cover for any such incidents.

7.14 Dug graves awaiting burial should always be covered with appropriate boarding by the grave digger.

7.15 Following a burial, it is the responsibility of the grave digger to ensure that the surface of the grave is levelled appropriately. This is to enable grounds maintenance to take place and to reduce potential trip hazards.

7.16 On completion of any works, all surplus and waste materials must be removed from the Churchyard by the person carrying out such works.

7.17 Following burials, Funeral Directors will be responsible for providing grave markers. These will be in the form of a cross. These will be installed immediately after a burial has taken place to identify the grave. The cross, will be of an overall height of 30 inches, with a cross piece 14 inches wide, made in dark coloured hardwood, e.g., sapele wood 3 inches by 1 inch, and must bear a plaque with the name of the deceased.

8. Green Burials

8.1 The term Green or Natural Burials refers to an approach to burials that are deemed 'environmentally friendly'. There are three elements to the approach; the burial site (hay meadows and woodlands), the type of shroud or coffin (cardboard, reed, willow, paper or other material that is from a sustainable source and the form of service.

8.2 Due to the limited space at St. Paulinus churchyard, it is not possible for the Community Council to consider or adopt a green burial approach.

9. Future Burial Space

9.1 Space for burials in the churchyard is now very limited. Residents have been made aware of this on two occasions via the local newsletter. There is no adjoining land to the current site enabling any natural extension of it. No landowner has come forward to express their assistance with the matter. A report summarising the position was compiled on the matter and discussed by the Community Council in December 2020. This report is available from the Clerk.

9.2 There is potential for very old graves, of no historic significance and no longer visited etc. to be reused. This however comes with a significant cost to locate and employ a professional body to survey the site and ensure legal commitments are met and preparatory ground works carried out.

9.3 The Church in Wales discourage parishes from assuming responsibility for new or extended burial grounds unless the Representative Body is satisfied that adequate financial support is provided for the acquisition and maintenance of the proposed burial grounds or extensions.

9.4 The decision over whether the future burial space is to be provided can only be considered if suitable land is made available to the Community Council. Should land come forward an assessment

of costs and liabilities and the degree of public demand and financial support in the long term for the area, will be considered at that time.

9.5 When the time arrives that there is no space left for full burials, the Community Council may consider the possibility to set aside an area for the interment of cremated remains only. This being an area within limited space for the interment of ashes deposited without a container or in a quickly perishable container. A single memorial will be erected by the Community Council onto which names can be added if required. This approach ensures a service to the community, albeit limited.

9.6 Should the churchyard become closed for burials the Community Council will still be responsible for the site and its future maintenance.

10. Disturbance of Human Remains and any works to be undertaken in the churchyard

10.1 A licence from the Ministry of Justice (Coroners Division) is required to authorise the disturbance or removal of *any* human remains including cremated remains, whether this be full skeletal remains or isolated bones.

10.2 The permission of the heirs-at-law to the deceased (family members) will need to be obtained in most cases before a licence will be granted. Reasonable attempts should be made to identify the people concerned and adverts in the local press are likely to be necessary.

10.3 Special statutory procedures apply where building work is proposed in a churchyard, for example, extending a church under the Disused Burial Grounds Acts. The Ministry of Justice should be consulted and the Property Services Department of CIW can advise on this matter.

10.4 Prior to carrying out any work within a churchyard, the archaeological advisor for the Diocesan Advisory Committee should be consulted regarding an assessment made whether remains are likely to be present.

10.5 It is possible that an archaeological watching brief may be required to record any findings. Sometimes, the archaeological contractor will obtain the Ministry of Justice licence and it is sensible to have early discussions with the contractor regarding the monitoring procedure. An estimate of the likely cost should be obtained, as this will have to be paid by the Community Council or the Church Council dependant on what works may be required.

10.6 If extensive removal of remains is likely, a more extensive brief will be required and the Community Council will need to consider re-burial arrangements.

10.7 In cases where remains are discovered unexpectedly, any work should be stopped immediately. A Ministry of Justice licence will have to be obtained before any further work can commence. The Police may become involved if the location of remains is unexpected and suspicious.

11. What happens should the Church close?

11.1 Should the Church Council in consultation with the Bishop, conclude that they cannot continue with the liability St. Paulinus church represents, following a process, it can be declared redundant.

11.2 Should the church be made redundant, responsibility for the church will pass to the Representative Body of the Church in Wales. This will not apply to the burial ground surrounding what will then be the former church. Responsibility for the management and upkeep of the burial ground will remain with the Community Council

11.3 The Representative Body may try to find new owners for the redundant church by sale or lease.

12. Other

12.1 Utility companies have poles and overhead cables in the churchyard and therefore have statutory access rights for maintenance. Applications for permissions to carry out works other than routine inspections will be duly considered by the Community Council on application, along with appropriate risk assessments submitted by the statutory body. Granted permissions will be issued in writing by the Community Council designated Councillors or Clerk.

12.2 Works to the Church by the Church Council. Currently the Church Council intends to install toilet facilities at the Church which does mean works needing to be done in the churchyard and a legal easement agreed in advance. This will follow further discussion between the Church Council and the Community Council at the time that progress needs to be made. Details of this are available from the Community Council Clerk and Cllr Colin Preece.

12.3 The Community Council aim to work with the Church Council at St. Paulinus Church at all times and would welcome an appointed member to liaise directly with the Community Council, in the interests of both parties.

12.4 The Community Council is required to hold contact details in regard to the long term maintenance of memorial stones. These details will be held in line with the General Data Protection Regulations of the Council.

12.5 Complaints about the churchyard should in the first instance be raised verbally with the designated members, Cllr Colin Preece, Cllr Geoff Beaven or the Community Clerk. Should the matter remain unresolved the public complaints procedure of Llangors Community Council shall be followed.

The Burial Board Clerks, Clerk to the Council and all members of the Community Council are responsible for ensuring compliance with this policy which is to be reviewed annually.

Approved at the meeting of Llangors Community Council on

Signed by Chairperson.....

APPENDIX A

Grade II Listed Buildings in St. Paulinus Churchyard. Listed as Commemorative.

Group of 2 Chest tombs



<https://britishlistedbuildings.co.uk/300020294-group-of-2-chest-tombs-in-the-churchyard-to-sw-of-church-of-st-paulinus-llangors#.YvYJTXbMK3C>

Group of 3 Headstones



<https://britishlistedbuildings.co.uk/300020298-group-of-3-headstones-in-the-churchyard-to-se-of-the-church-of-st-paulinus-llangors#.YvYJp3bMK3C>

Table Tomb of Jane Watkeys



<https://britishlistedbuildings.co.uk/300020296-table-tomb-to-jane-watkeys-in-the-churchyard-to-e-of-the-church-of-st-paulinus-llangors#.YubtTy2ZOt8>

Lewis Monument



<https://britishlistedbuildings.co.uk/300020338-lewis-monument-in-churchyard-to-se-of-the-church-of-st-paulinus-llangors#.YubslY2ZOt8>