

NORTON-ON-DERWENT TOWN COUNCIL

Draft Minutes of the Meeting of the Town Council held in the Council Chamber, Commercial Street, Norton-on-Derwent on Monday 19th June 2023 at 6.30pm.

PRESENT Councillors; D Keal (Mayor), M Brampton (Deputy Mayor), I Conlan, P Farndale, R King, D Lloyd-Williams, S Shaw, A Spencer, H Spencer, and J Vale.

IN ATTENDANCE S Rainsbury (Clerk), and C Eade (Assistant Clerk)

APOLOGIES Cllr L Burr MBE

29/23. PUBLIC SESSION

No public in attendance.

30/23. COUNTY & DISTRICT MEMBER REPORTS

Councillor Keane Duncan was in attendance and gave members an update in his role as North Yorkshire Councillor for Norton and Executive Member for Highways.

Points discussed included the trial of making Norton Road one-way, the NYC funded town bus and the upgrade to Malton (Norton) railway station.

31/23. DECLARATIONS OF INTEREST

No declarations of interest.

32/23. MINUTES

RESOLVED – That the Minutes of the Town Council Meeting held on Monday, 22nd May 2023 (Minutes 1/23 to 22/23 inclusive) be approved and signed as a correct record.

Proposed by Cllr D Keal, seconded by Cllr J Vale. All other Members approved.

Cllr I Conlan left the meeting at 19.15

33/23. MAYORS REPORT

Invitations

No invitations this month

Other issues related to Norton

Grass cutting

The mayor raised the concern with North Yorkshire Council as, despite the continued dry weather, contractors were still grass cutting according to their schedule. The mayor felt this to be unnecessary and a waste of money, plus it is bad for the grass as it is so dry, it is going brown. The mayor also complained that the contractors were going far too close to the swans and signets on Lakeside with a ride on mower which is likely to disturb them.

Bin on Lakeside

Last week, the bins on Lakeside had been pushed over. North Yorkshire Council sent a community officer to assess the damage, and was asked that it be replaced as it was basically rotten. They have replaced with what can only be described as a temporary bin as it is not secured and is likely to end up in the lake.

Land adjacent to Lakeside

Members were reminded that this was discussed at the last town council meeting. A couple more people have contacted the mayor about the possibility of the council taking on this land and she is putting these individuals in touch with each other so they can discuss the possibilities if the land could be secured for the community. The grant scheme mentioned at the last meeting is unsuitable as it would require the Town Council to match fund to a substantial amount.

The Mayor has again asked the owner of the land to carry out some maintenance work as the site is very overgrown, with the hedge particularly a nuisance to people using the path as it is encroaching so far across it.

Flowerbed between St Nicholas St Car Park and Station taxis

The repair work to this bed still hasn't been carried out – The mayor has raised this with North Yorkshire Council again.

Skate Park

The mayor and deputy mayor attended a meeting of the skate park group – a Skate School is to be held over the summer along with another event to promote the park hopefully at the end of July.

34/23.

REPORT OF THE TOWN CLERK

Norton Cemetery

The cemetery manager's large two wheeled wheelbarrow has been stolen. Also, a young deer has been spotted enjoying the cemetery during hours of darkness.

Riverside Walk Footpath

The clerk and assistant clerk met with a concerned member of the public concerning wild flowers along the riverbank.

The clerk received word that the Labyrinth construction commenced on Monday 19th June and is to be completed by Friday 23rd June.

Skatepark

Reports of anti-social behaviour and vandalism continue to be reported to the police.

Bin Audit

An audit of all the public bins and dog waste bins has been completed, so that the bins can be better positioned throughout the town to serve the residents of Norton better.

Lakeside – Agricultural Buildings

The planning application to restore the existing buildings has been approved by NYC. The mayor asked whether the land could be purchased by the town council, having looked into the governments Community Asset Fund they only offer 50% as a match funding grant and as the asking price for the land is an eye watering £350k, this may be a non-starter.

Grass Verges

There has been a surge in complaints from local residents over grass verges not being cut, all concerns have been addressed and all but one found not to be our responsibility to maintain.

The Chase Playing Field

Youths have damaged the fencing and tried to push it over, this is something which will require money to be spent on its repair.

Norton in Bloom

I think you will agree that the planters and baskets are looking great, the only thing lacking is a bit of natural rain fall to get the flowers blooming. The watering of County Bridge has been somewhat of a stumbling block in terms of Malcolm watering them so have had to contract this out to keep the planters reservoirs full.

37a Commercial Street

An update from North Yorkshire Building Controls is that they are keeping a closer eye on the renovation of this property after health and safety concerns have been raised. They advised that works should have been completed months ago and will be working with the developer to get this completed.

The Old Courthouse – Exterior Refurbishment

Now into its third week, works are slow and concerns have been raised to Yorkshire Housing concerning falling debris.

Multi-Agency Drop-in Sessions (MADS)

The MADS are due to resume again in July which targets members of the community from Eastern Europe who have resettled in Norton.

35/23. FINANCIAL MATTERS

<u>Company / Payee</u>	<u>Description</u>	<u>Amount</u>	
North Yorks Council	Cemetery - Business Rates (May)	217.00	DD
North Yorks Council	Chamber - Business Rates (May)	356.00	DD
British Gas	Chamber - Gas (May)	55.57	DD
British Gas	Chamber - Elec (May)	88.98	DD
British Gas	Passageway - Elec (May)	31.73	DD
British Gas	Cemetery - Elec (May)	43.60	DD
BT	Telephone/Broadband (May)	76.64	DD
BT	Telephone/Broadband (June)	76.64	DD
Aviva Pension	Payroll - Clerk Pension (May)	804.60	DD
Salaries	Payroll (May)	5,455.90	
HMRC	Payroll - Tax & NI (May)	1,803.24	
North Yorks Pension	Payroll - NYPF (May)	619.23	
Harrison Hire	Skatepark - Electricity (May)	47.96	
Spectrum	Chamber - Printing (May)	25.62	
Tyke 2000	Cemetery - Fuel	40.00	
Streetscape	Wet Pour Repair Kits x 2	300.00	
R Yates	Allotment - Tap	7.30	

R Yates	NIB - Plants & Compost	91.05
Malton T C	CCTV - Qtr 2 Monitoring	812.50
Woodland Trust	MOREhedges Grant	261.60
A&M Metcalfe	NIB - Plants	175.80
Ryedale Web Services	Email Subscription	303.48
Harrison Hire	Repair to petrol blower	16.46

Total £11,710.90

RESOLVED – That twenty three accounts be approved for payment.

Proposed by Cllr P Farndale, seconded by Cllr R King. All other members approved.

36/23. UNBANKED CASH DISCREPENCY

Following the Internal Audit of the 2022-23 year it highlighted a discrepancy in unbanked cash to the amount of £121.00 in the previous year (2021-22).

RESOLVED – That the amount of £121.00 be written off.

Proposed by Cllr D Keal, seconded by Cllr D Lloyd-Williams. All other members approved.

37/23. FINANCIAL ACCOUNTS FOR 2022/23

Members reviewed the end of year accounts for 2022/23.

RESOLVED – That the accounts for 2022/23 be approved.

Proposed by Cllr D Keal, seconded by Cllr D Lloyd-Williams, All other members approved.

38/23. ANNUAL RETURN

Members received the Annual Return for 2022/23.

RESOLVED – That the Annual Return for 2022/23 be approved and sent off to the external auditor.

Proposed by Cllr D Keal, seconded by Cllr J Vale, All other members approved.

39/23. ANNUAL RETURN (Accounting Statements)

Members received the accounting statements as part of the Annual Return 2022/23.

RESOLVED – That the accounting statements as part of the Annual Return for 2022/23 be approved.

Proposed by Cllr D Keal, seconded by Cllr D Lloyd-Williams, All other members approved.

40/23. NEW PAYROLL PROVIDER

Members received a report to consider a new payroll service as the existing service was no longer available from July 2023.

RESOLVED – That the town council appoint Account Solutions from 1st July 2023.

Proposed by Cllr D Keal, seconded by Cllr D Lloyd-Williams, All other members approved.

41/23. PLANNING MATTERS

ZE23/00511/HOUSE **Erection of a two storey rear extension following demolition of existing single storey rear extension (revised details of approval 22/01370/HOUSE dated 14.02.2023) - part retrospective.
72 Langton Road Norton Malton North Yorkshire YO17 9AE**

RESOLVED – Recommended Approval

Proposed by Cllr D Lloyd-Williams, Seconded by Cllr J Vale. All other members approved

ZE23/00539/HOUSE **Erection of a two storey side extension.
119 Welham Road Norton Malton North Yorkshire YO17 9DU**

RESOLVED – Recommend Approval providing no objections from neighbouring properties.

Proposed by Cllr D Lloyd-Williams, Seconded by Cllr P Farndale All other members approved.

ZE23/00534/HOUSE **Erection of first floor side extension, erection of a single storey rear extension and detached garden room.
76 Howe Road Norton Malton North Yorkshire YO17 9BL**

RESOLVED – Recommend Approval providing no objections from neighbouring properties.

Proposed by Cllr D Keal, Seconded by Cllr J Vale. Six members abstained. All other members approved.

ZE23/00542/HOUSE **Erection of a two-bedroom self-contained residential annex (retrospective application).
Anise 64 St Nicholas Street Norton Malton North Yorkshire YO17 9AQ**

RESOLVED – Recommend Refusal on the grounds that construction completed two years ago without planning permission and that it is understood that the premises are used for commercial purposes.

Proposed by Cllr S Shaw, Seconded by Cllr D Lloyd-Williams. Two members abstained. All other members approved.

42/23. PAYROLL

RESOLVED – That the town council to appoint Account Solutions from 1st July 2023.

Proposed by Cllr D Keal, seconded by Cllr D Lloyd-Williams, All other members approved.

Proposed by Cllr L Burr MBE, seconded by Cllr S Shaw. All other members agreed.

43/23. ELECTRICAL VEHICLE CHARGING POINTS

Members received a presentation by Cllr J Vale seeking approval of a recommendation for installing EV Charging Points to Commercial Street.

RESOLVED – That members were not in agreement of this proposal but that Cllr Vale could possibly look at other sites for EV charging points in Norton.

44/23. POLICY AMENDMENT

Members received a recommendation by Cllr M Brampton to make amendments to the Complaints Policy.

Complaints Procedure

Adopted by the Council on 8 December 2014, Revised 19th June 2023 (Minute XX/23)

1. Types of complaints and procedures for their resolution.

i) Where a complaint is made about a member of the council the complainant will be given the contact details of the Monitoring Officer for North Yorkshire Council from whom advice over the procedure to be followed would be given.

ii) Where the complaint is about an employee of the council, the matter will be dealt with under the council's Grievance and Disciplinary Procedure and the complainant advised accordingly.

iii) Where a complaint is made about council administration and procedures, either the council will itself deal with the complaint or appoint a committee to deal with it. The committee will be composed of five members including the town mayor and deputy town mayor ex officio. Standing Order 1Y applies re the committee quorum. The committee will have full power to deal with the complaint but will report its findings at the next meeting of the council.

The council, prior to deciding whether it is to deal with the complaint or refer it to a committee, will determine the role of the town clerk, i.e. are they to represent the position of the council or advise the council or, if appointed, the committee, it being understood that they cannot do both. Should the town clerk represent the position of the council and it is decided that advice might be needed, then the town mayor, on behalf of the council, will contact Yorkshire Local Councils Association.

The council will decide how to deal with the complaint at the first council meeting after the complaint is made, or give a reason for delay. The council or the committee will reach its decision within 5 weeks of the initial decision, or give a reason why further time is needed.

iv) Where a complaint is made about a council contractor or, if relevant, the people in their employment or the implementation of a contract, the town clerk, will deal with the complaint and report their decision to the council or, if the town clerk thinks the complaint needs to be dealt with by the council, draft a report and take it to the next meeting of the council.

2. Procedure for dealing with complaints about council administration and procedures.

i) Before the meeting:

- a) The complainant should be asked to put the complaint about the council's procedures or administration in writing to the town clerk.
- b) If the complainant does not wish to put the complaint to the town clerk, they will be advised to put it to the town mayor.
- c) The town clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered, in the first instance by the council who may appoint a committee to deal with it.
- d) The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
- e) Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.

ii) At the meeting:

- a) The council or the committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the meeting in public. If a committee deals with the complaint, the committee will report its decision publicly at the next meeting of the council.
- b) Chairman to introduce everyone.
- c) Chairman to explain procedure.
- d) Complainant (or representative) to outline grounds for complaint.
- e) Members to ask any questions of the complainant.
- f) If relevant, the town clerk to explain the council's position.
- g) Members to ask any question of the town clerk.
- h) The town clerk and complainant to be offered opportunity of last word (in this order).
- i) The town clerk and the complainant to be asked to leave the room while members decide whether or not the grounds for the complaint have been made.
(If a point of clarification is necessary, both parties to be invited back).
- j) The town clerk and complainant return to hear the decision, or to be advised when the decision will be made.

iii) After the meeting:

The decision will be confirmed in writing within seven working days together with details of any action to be taken or, if a committee deals with the complaint, the day following the next meeting of the council.

3. Procedure for dealing with complaints about a council contractor or, if relevant, the people in their employment or the implementation of a contract.

- i) The town clerk to establish the seriousness of the complaint to determine whether to deal with it themselves without reference to the contractor or the contractor needs be involved, or whether the

council should deal with it (e.g. failure to cut a section of grass would not be deemed serious but poor work over a number of weeks would).

ii) Where the issue is deemed to warrant discussion with the contractor the town clerk will ensure that the contractor has the opportunity to respond fully to the complaint and, if it is deemed appropriate, to meet the complainant. Otherwise the town clerk will contact the complainant and bring the matter to a conclusion.

iii) Where the issue requires the council's involvement, the town clerk will draft a report for the council's consideration and the council itself will determine how to proceed.

Reviewed June 2023 (next review June 2026)

RESOLVED – Members agreed the amended policy.

Proposed by Cllr M Brampton, seconded by Cllr D Keal, all other members agreed.

45/23. WEBSITE AMENDMENT

Members received a recommendation by Cllr M Brampton to add wording to the town council website to offer guidance to members of the public on making a complaint.

“The council seeks to carry out its duties efficiently and fairly. But if you have a serious concern you can make a complaint by contacting the clerk. If for any reason that is inappropriate, then contact the council Mayor. The council will deal with the matter according to its complaints procedure [link to <https://www.norton-on-derwent-tc.gov.uk/wp-content/uploads/2022/04/Complaints-Procedure.pdf>]”

RESOLVED – That members approved this proposal.

Proposed by Cllr M Brampton, seconded by Cllr D Keal. All other members agreed.

46/23. STAFFING COMMITTEE MINUTES

Members received the Staffing Committee minutes from a meeting on 2nd June 2023.

Staffing & Policy Committee

Minutes of the Meeting of the Staffing and Policy Committee held in the Council Chamber, 84b Commercial Street, Norton-on-Derwent on Friday 2nd June at 11am.

PRESENT: Cllrs D Keal, A Spencer, M Brampton, H Spencer, and S Shaw

IN ATTENDANCE: C Eade (Assistant Clerk)

APOLOGIES: Cllr R King

(H Spencer left the meeting and returned at 11.20am)

1. Minutes

Cllr Keal felt it inappropriate to hold an informal meeting with the Clerk as she was experiencing exceptionally difficult personal circumstances. Cllr Keal therefore asked Deputy Mayor M Brampton to hold the informal meeting with the Clerk.

2. Informal meeting with the clerk

Cllr Brampton spoke to members about his informal meeting with the Clerk. Members discussed this and the Clerks email detailing his view of the meeting. It was agreed to seek support from NYC to deal with the councils disciplinary against the Clerk.

3. Clerks grievance against the council

All members agreed to refer matter to North Yorkshire Council. The Mayor agreed to ask the Clerk if he was happy with the council commissioning NYC to deal with the council's disciplinary against him and his grievance against the council. If this was agreed with the Clerk, the Mayor to contact NYC to start the process.

4. Advice received from North Yorkshire Council

All members agreed to the fees and full council to be notified at the next meeting.

5. Complaint from member of the public

Members discussed an anonymous letter received at the town council offices making a complaint against an individual councillor. The Mayor explained that the correspondent needed to write to NYC to make a complaint against a councillor and that she would advise him of this if he could be persuaded to give the Clerk or herself his contact details. The Mayor explained that she would also like to respond to the complainant, but would be unable to do so without a name and address.

Meeting ended at 12.25pm

47/23. CEMETERY REGULATIONS WORKING PARTY

Members received the notes and amended draft Cemetery Regulations policy.

Cemetery Regulations Working Party

Notes of the Cemetery Regulations Working Party held in the Council Chamber, 84b Commercial Street, Norton-on-Derwent on Thursday 15th June 2023.

PRESENT: Cllrs D Keal, A Spencer, P Farndale, and J Vale.

IN ATTENDANCE: S Rainsbury (Clerk)

Members worked through the draft policy and made agreed amendments.

NORTON ON DERWENT TOWN COUNCIL

REGULATIONS IN RESPECT OF GRAVES, BURIALS AND MEMORIALS

NORTON CEMETERY

The Norton cemetery is owned and managed by Norton on Derwent Town Council. The council must meet certain legal requirements as a Burial Authority and must act in accordance with the Local Cemeteries Order 1977. These rules set out the obligations of those who own Exclusive Right of Burial or erect a Memorial in the cemetery and should be read carefully. For further information or

explanation of the terms contained in this document please contact the Town Clerk who acts as Burial Officer for the council.

These regulations were created and agreed on 19th June 2023 and supersede any previous regulations that may have been agreed.

1. Exclusive Right of Burial in a grave

i) What is a grant of Exclusive Right of Burial?

The grant of Exclusive Right of Burial is a legal deed which is issued on the payment of the appropriate fee. It contains the name of the person to whom the right to decide who may be buried in a specified grave plot has been given for a stated period of time. In Norton cemetery the grant of exclusive right of burial lasts for ninety nine years from the date of issue.

It is important to retain the deed in a secure place, as it is the only legal document held by the owner confirming their entitlement to the burial right. It is also important to notify the council of any change of address.

Exclusive Right of Burial does not automatically transfer to any other person on the death of the holder. If it is not specified in the Last Will and Testament of the deceased who will take ownership of the Right upon the holders death then in most cases it will transfer to the Executor of the holder's Estate, or the Administrator of the Estate if a Grant of Letters of Administration has been obtained. Further information about this is given in section v) below, and in Appendix 1.

For this reason, it is important to consider carefully who will hold Exclusive Right of Burial for a burial plot, and the council can give further advice about this if necessary. Exclusive Right of Burial can be issued in up to four joint names, with each owner required to give written permission each time that the grave is used.

On expiry of an Exclusive Right of Burial, the grave plot reverts to the town council and the town council will decide whether to sell a new Exclusive Right for this plot or make any other decisions regarding this plot as it sees fit. Any fees charged in relation to the plot will be in accordance with the council's current schedule of fees.

ii) What is, and what is not, meant by the Exclusive Right of Burial?

The right allows the recipient to decide who may be buried within the grave. This means that

- the remains of two people may be buried and up to two containers of cremated remains or
- the remains of one person may be buried and up to three containers of cremated remains or
- up to four containers of cremated remains may be buried in the specified grave plot.

Where it is intended that a grave space is used to accommodate both human and cremated remains, the human remains must be interred first.

For a half sized grave plot, two sets of cremated remains may be buried within the grave.

The right does not confer ownership of the grave plot or the right to carry out any particular activity on it. The land remains in the ownership of the council.

iii) Fees

The council reserves the right to increase fees at its discretion and these are reviewed on an annual basis. Fees for non-parishioners are doubled. Where a long standing resident of Norton has moved away for care, fees charged will be at the Burial Officer's discretion, depending on individual circumstances.

iv) Renewal of grant of Exclusive Right of Burial

- a) A grant of exclusive right of burial can be extended beyond ninety nine years for a further twenty five years only. The fee will be the rate for renewal applicable at the time.

It is the responsibility of the owner of the grant to apply to the council before the expiry of the term of the grant for an extended term; otherwise the grant will end.

v) Use of Exclusive Right of Burial to Permit a Burial to Take Place

No burial shall take place, or any memorial placed related thereto, without prior permission of the council, including the interment of cremated remains. The town council does not permit the scattering of cremated remains in the cemetery.

Only the holder of Exclusive Right of Burial can give permission for a grave space to be used for a burial and will be required to sign a document giving permission for a burial to take place (unless the grant holder is the person to be interred into the grave), in accordance with Article 10(6) of the Local Authorities Cemeteries Order 1977.

If Exclusive Right of Burial is held in joint names, then all living persons named on the deed of grant must sign to give their consent.

When the council receives a request to arrange an interment the family member arranging the burial must identify the holder of Exclusive Right of Burial and obtain their permission. Any person wishing to arrange a burial in a grave plot where the holder of Exclusive Right of Burial is deceased and where the grant has not passed to another living person, or where the Exclusive Right has expired, will be asked to first transfer ownership using a Statutory Declaration form and this must be witnessed by a Magistrate or Commissioner for Oath. The council may permit a burial to take place with the appropriate documents being provided after the burial, but this is at the council's discretion.

vi) Transfer of the Right

At the time of purchase, the grant will be registered with the council in the name or names of the person or persons given to the council. As explained under i) above the grant does not automatically pass to another family member on the holder's death. For a transfer of ownership to be lawful the possessor will need to prove legal entitlement to the grant:

- by way of a formal Letter of Assignment, signed by the former registered owner passing the ownership of the grant to the deed possessor,
- where the original owner of the grave rights has died, and the last Will and Testament specifically mentions the Exclusive Right of Burial and names the person or persons who will inherit this. The council will need to see Grant of Probate.

- where the original owner of the grave rights has died, and the grant has passed to the person or persons named as Executor or Executors on the last Will and Testament. The council will need to be supplied with a copy of Grant of Probate,
- where the deceased left no will, Grant of Letters of Administration was obtained, and the grant has passed to the person named as Administrator. The council will need to see a copy of the Grant of Letters of Administration.

Transfer of the deed of Exclusive Right of Burial is an important legal transaction and must be done correctly if permission is to be granted for future burials to take place, or for a memorial to be erected. This can sometimes become very complicated and the council can advise on the correct process.

vii) Repurchase of the Right

The council will buy back a grant of exclusive right of burial but only at the price for which it was originally bought.

viii) Common graves

Any grave where the Exclusive Right of Burial has not been purchased is known as a common grave. The council's policy on interment in a common grave is that parishioners only are entitled to be buried in them; non-parishioners will have to purchase Exclusive Rights of Burial and pay the appropriate fee.

Burial in a common grave does not confer any entitlement to the installation of a memorial.

Please be aware that the council retains the right, in these cases, to carry out further unrelated burials in that grave.

2. Grave maintenance

i) Grounds maintenance regime

The cemetery, more particularly the newer sections, is laid out in such a way as to enable council contractors to gain easy access to all graves thus allowing more effective maintenance of grave surfaces (and also simplifying the excavation of graves).

The council is responsible for maintaining the cemetery grounds. The specifications are available from the council office and any queries or complaints about the cemetery manager's work should be directed to the council.

ii) Back-filling and settlement

In the period following a burial the grave surface will be subject to sinkage due to soil settlement. The initial settlement can take up to six months and the council may level new graves after the initial settlement has taken place. From time to time the council will level up graves as further settlement takes place.

iii) The grave space

To allow for ease of maintenance the grave surface must be free from obstructions. The council welcomes the planting of early flowering bulbs such as crocus and narcissus in the grave space, but unfortunately cannot allow the planting of trees or shrubs or other plants. Full length gardens, memorials and mounds are not permitted. Nor are grooves, edging or borders of any kind demarcating the boundary of the grave.

Receptacles for holding flowers should be incorporated in the memorial to the deceased. Any other receptacle should be placed as closely as possible to the memorial. The council does not permit any items such as edging, artificial turf, toys, solar lights, memorabilia or ornaments of any kind to be placed on the grave and surrounding area and reserves the right to remove and dispose of these items which may cause offence to other visitors, may interfere with the maintenance of the grave, and may be a safety risk.

Fresh and artificial flowers are allowed on the grave but should be removed before they become unsightly otherwise the council itself will have them removed from the cemetery. The council encourages natural and biodegradable tributes wherever possible for environmental reasons.

The council allows wreaths to be placed on graves at festivals and anniversaries but, as with natural and artificial flowers, should be removed before they become unsightly otherwise the council itself will have them removed from the cemetery. Natural wreaths placed on graves during the Christmas period will be removed and disposed of by the council after 1 March in the following year, unless the family specifically request otherwise.

iv Children's graves

The council allow special circumstances to graves for children in that toys and small cherished items can be placed close to the memorial stone but must not be excessive. Where items are in a poor state of condition, the council will inform the families to have them removed.

3. Memorials

- i) Owners of Exclusive Rights of Burial are entitled to apply for permission to have a memorial erected upon a grave plot. In most cases the person who owns the Exclusive Right will be asked to give their consent to this, however, the council acknowledges that sometimes memorials are erected long after a person was interred, and it may be difficult to obtain such permission. The council may accept evidence of a family connection when giving permission to erect a memorial, and such permission will be given on the understanding that if the original owner of the Exclusive Right comes forward and objects to the erection of any memorial, then the council has no responsibility for any remedial action or costs that may be demanded by the holder of the Exclusive Right.

Permission to erect a Memorial can be given at any time, including when the original Exclusive Right of Burial is purchased. In this case the design, style and inscription of the memorial will still need to be approved at the time that the memorial is erected.

- ii) Application to the council for permission to erect a memorial

There are two aspects to the application:

- the owner of the grant or family member seeks permission from the council to erect a memorial,
- the monumental mason (who has been instructed to provide and install a memorial) sends details to the council of the design, material and its colour and inscription for approval.

The council charges the applicant a fee for permission to erect a memorial. The right to erect a memorial is for thirty years only but it can be extended for a further thirty years subject to the agreement of the council and on the payment of the fee applicable at the time of application.

Those who are given the right to erect a memorial will have to keep the council informed of change of address.

The council advises all applicants to ensure that the monumental mason neither begins work on the memorial nor inscribes it before permission and approval have been given. The council may ask that memorials erected without the proper permission being requested are removed until permission is granted.

iii) Restrictions

- a) Memorials must be no more than 24" wide and the upright part, on which the inscription is usually engraved, must be no more than 19" in height. Irregular shaped headstones are permitted, within these dimensions. All memorials must comply with current safety standards and the council must agree the design and wording of each memorial to prevent offence to cemetery visitors.
- b) Memorials must be erected vertically on the outer edge of the plot in line with other memorials in the same row.
- c) Memorials must be made from good quality stone and should complement the material of other memorials in the section of the cemetery in which it is to be installed.
- d) There are no restrictions on the wording inscribed on a memorial other than it should not give offence to other members of the public.
- e) The council will not allow the installation of
 - kerbs or any memorial which will cover, or part cover the grave, eg, a granite slab,
 - fencing or railings or hedging or a groove to be dug around the grave as a boundary, on the grave plot.

The council will remove memorials which have not been authorised, do not comply with its regulations or are considered to be a danger or offensive to other members of the public.

iv) Fees

The council reserves the right to increase the fees at its discretion and these are reviewed on an annual basis. Fees for non-parishioners are doubled. Where a long-standing resident of Norton has moved away for care, fees charged will be at the Burial Officer's discretion, depending on individual circumstances.

v) Responsibility for memorials

- a) The owner of a memorial is responsible for ensuring that any memorial masonry installed on the grave plot has been properly constructed and has been installed in accordance with the standards laid down by the National Association of Memorial Masons.
- b) It is recommended that all memorials should be insured against theft, loss, or damage.
- c) It is important to remember that when permission is given to erect a memorial it is the responsibility of the person who is given this permission, and not the council that is responsible

for the maintenance of the memorial and its foundation. It is strongly recommended that the stability and condition of the memorial and foundation is checked at least annually and any defect or defects that are identified are made good at his or her own expense. Failure to do so may result in the person who arranged the erection of the memorial being held liable for any injury or death caused to a third party if the injury or death is shown to be due to the condition of the memorial or the manner in which it was installed.

- d) Owners (or their agents) of kerbed graves are required to dismantle them, irrespective of whether they are rafted or not, prior to a new interment taking place; however, kerbed graves without rafts will not have to be dismantled prior to caskets of ashes being buried in them but kerbed rafted graves might have to be. The decision will be at the discretion of the clerk and gravedigger. Owners (or their agents) will be responsible for removing the kerbs to a place where they will not be a hazard to members of the public and removing the raft fragments from the cemetery. The dismantling of a kerbed grave and the removal of the raft fragments from the cemetery is to be completed three days before the interment takes place.
- e) Owners (or their agents) of memorials which take the form of a slab or chest covering part or all of a grave are responsible for their removal from a grave, prior to a new interment taking place. The work is to be completed three days before the interment.
- f) The council has a duty of care towards cemetery visitors. In order to comply with this duty, the council will carry out safety inspections of memorials.

In the event that a memorial is identified as being a potential hazard, the council is duty bound to take action to reduce the risk to visitors. If the memorial is unstable, and liable to fall, the memorial has to be laid down onto the ground to reduce the risk of injury to others. The council will attempt to contact the owner of the grant, at their last known address, to inform them of the reason for taking action. Regular memorial inspections arranged by the owners of the grant themselves will avoid the need for such action.

If a memorial is identified that needs maintenance work carrying out, but the memorial does not present an immediate safety hazard, then the council will write to the holder of the grant at their last known address to inform them of this and ask them to carry out remedial work. If not response to this request is received after three months the council may take such action as deemed necessary and reimbursement of any costs may be sought from the owner of the memorial.

4. Soil boxes

The council reserves the right to place soil boxes on graves next to those which are being opened without notice. The soil box will be removed immediately after the interment and the grave will be left as it was previously.

5. General

Visitors to Norton Cemetery are asked to respect others and are reminded that noisy and discourteous behaviour may cause distress to other visitors. Any children visiting the cemetery must be supervised.

Dogs are to be kept on a lead at all time when in the cemetery.

The council reserves the right to amend these rules at any time without giving prior notice.

APPENDIX 1

Process to be used when permission is requested for a burial to take place and the holder of the Exclusive Right of Burial is deceased (except for when the person to be interred is the holder of the Right).

If there is a will	If the deceased died intestate
<p>Can the family use the will to establish if there is an Executor?</p> <p>If necessary, the family can use Find a Will on Gov.UK website for a small cost to obtain a copy of the will:</p> <p>https://probatesearch.service.gov.uk/#wills</p> <p>Exclusive Right of Burial transfers to the Executor named on the will and he or she needs to sign the permission slip for the burial to take place.</p> <p>A copy of probate or the will should be provided to prove who holds Exclusive Right of Burial.</p> <p>The family then need to decide whether to leave Exclusive Right of Burial in the Executor's name, or transfer this to someone else using a Letter of Assignment.</p> <p>If the Executor cannot sign this permission slip then a family member can claim Exclusive Right of Burial using the Statutory Declaration. This should only be done where the council is</p>	<p>Was Grant of Letters of Administration obtained?</p> <p>If so Exclusive Right of Burial transfers to whoever is named on this document as Administrator and they can sign the permission slip for the interment. The council needs to see Grant of Letters of Administration.</p> <p>If the person named on this Letter of Administration cannot sign, then a Statutory Declaration must be completed.</p> <p>The family then need to decide whether to leave Exclusive Right of Burial in the Administrator's name or transfer this to someone else using a Letter of Assignment.</p> <p>If no Grant of Letters of Administration was obtained the family must complete a Statutory Declaration.</p>

<p>confident that the Executor cannot sign, and a copy of the will should still be provided.</p> <p>If there are joint Executors, then one or more of them can choose to have their name removed from the Exclusive Right of Burial using a Renunciation Form. If this has not been done, then they all must sign the permission slip.</p>	
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RESOLVED – That members agreed the policy.

Proposed by Cllr D Keal, seconded by Cllr D Lloyd-Williams. All other members approved.

48/23. ALLOTMENT COMMITTEE MINUTES

Members received the Allotment Committee minutes from a meeting on 15th June 2023.

Minutes of the Meeting of the Allotment Committee held in the Council Chamber, 84b Commercial Street, Norton-on-Derwent on Thursday 15th June at 11.00am

PRESENT: Cllrs D Keal, S Shaw, and R King

IN ATTENDANCE: S Rainsbury (Clerk)

APOLOGIES: Cllr I Conlan

1. Clerk's Update

The Clerk informed committee members that after a previous town council meeting and that members agreed to allow an allotment holder to keep bees in a discrete space on the edge of the allotment site and that the tenant had decided to put the idea on hold for now.

A disused area of the allotment site has been sown with wild flower seeds in the area and the allotment shop is thriving and is a staple means for allotment holders to pick up affordable seeds, potato sets and accessories.

2. Concerns

An allotment tenant was written to recently due to an unattended fire on an allotment plot, the tenant was reminded not to leave fires unattended and not to burn during summer months.

The clerk had received a number of complaints concerning the poor state of the vehicle tracks within Eastfield Allotments and that he will be ordering some tarmac chippings for repairing the tracks shortly.

Most allotment plots are in a good state of cultivation.

3. Waiting List

The waiting list currently has nine waiting for availability and whilst there is no current availability members discussed that the clerk should enforce the rule on tenants having a maximum of four plots each. Therefore the clerk is to pursue this in the coming months.

4. Toilet Facilities

Following a communication from Next Steps for the town council to address the need for a toilet facility on the Eastfield Allotments, members agreed to arrange a meeting with Next Steps and a representative of Eastfield Allotments for two weeks' time.

Meeting ended at 11.55am

49/23. CHAMBER CHAIRS (Deferred)

Deferred to next town council meeting on 24th July as waiting for further quotations.

50/23. PENSION

Members considered to allow the newly appointed Assistant Clerk to join a workplace pension scheme.

RESOLVED – Members agreed that the Assistant Clerk could appoint an independent financial advisor to recommend pension options and the Town Council to cover costs.

Proposed by Cllr D Keal, seconded by Cllr M Brampton, all other members agreed.

51/23. CORRESPONDENCE

NONE

52/23. REPRESENTATIVES

Cllr S Shaw gave a brief update on the Malton Museum.

Cllr A Spencer gave a brief update on the Milton Rooms.

Cllr J Vale gave a brief update on the Malton & Norton Neighbourhood Plan.

53/23. MEMBERS QUESTIONS

Cllr R King asked if the clerk could look into microphones within the chamber to improve the acoustics and so that attending members of the public can hear members of the council.

Cllr R King made members aware that the clerk is in conversation with Acorn Community Care in arranging a member's visit to their centre on Scarborough Road.

The clerk will update members once confirmed.

Cllr P Farndale asked whether the clerk could look into the times when Norton College and the primary schools end as it seems that they all finish at the same time which is a concern to the traffic on Langton Road.

54/23. DATE FOR THE NEXT MEETING

Members agreed that the next Town Council meeting be held on Monday 24th July 2023, 6.30pm at the Council Chamber, 84b Commercial Street, Norton.

(Meeting closed at 9.15pm)

_____(Chairman)