Memorial Bench and Tree Policy

1. Introduction

1.1 Crewkerne Town Council (referred to hereafter as "the Council") understands and respects the wishes of its residents to remember loved ones through memorial benches and trees. This policy provides guidance for potential applicants to understand locations that are available for memorial benches and trees, as well as our arrangements for application and for future maintenance.

1.2 This policy is intended to provide a guideline for applications for memorial benches and trees, only in locations owned by the Council or Townsend Cemetery which is jointly owned by the Council and West Crewkerne Parish Council. We cannot provide guidance on land owned by Somerset Council or by other landowners.

1.3 The content of this policy is not exhaustive and is subject to change. It will be revised as necessary to meet changing circumstances and proposed amendments will be considered by the Policy and Resources Committee and/or Full Council. Any changes to the policy will also be adopted by the Joint Burial Committee in respect of Townsend Cemetery only.

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

1.5 The policy covers any memorial bench, tree or other lasting item (excluding memorials around graves) placed on Council-owned or managed property and is relevant to anyone who has commissioned or is thinking of commissioning a memorial tree or bench.

1.6 The Council does not accept applications for memorials for pets.

2. Legal framework

2.1 The planting of trees or installation of benches on land as memorials, is a private arrangement between the friends and relatives commissioning the memorial, and the landowner. As such, the Council can only approve memorials on Town Council-owned land.

2.2 Generally speaking, installing trees and benches will not be subject to planning permission, restrictive covenants, or other restrictions. However, there may be cases where the Council is unable to install benches for such reasons. Under the Crime and Disorder Act 1998, the Council must consider the effect of its decisions on crime and disorder. It may deem a location unsuitable if it may attract antisocial behaviour.

2.3 When the Council approves the installation of a bench or tree, it must be purchased through the application process outlined below. Once installed, ownership transfers to the Council, and the donor does not retain any rights over its future management. However, the Council will endeavour to ensure it is properly maintained and cared for. Applicants must provide the Council with up-to-date contact details, which will be processed in accordance with the Council's Privacy Policy and applicable data protection legislation

3. Application process

3.1 Applications for a memorial bench or tree must be made by using the official request form available on the Council website and must be signed by the applicant. On the receipt of the application, you will be contacted within 10 working days with a list of pre-approved benches or tree species. Applications will then be reviewed, and applicants will be notified of the decision within one month of submission.

3.2 Memorial benches and trees will only be considered from people who can demonstrate a close tie with the person being commemorated. The Council reserves the right to refuse a memorial bench or tree should it have any grounds to believe it would be contrary to the wishes of the commemorated person's next of kin.

4. Location and Placement

4.1 The Council will endeavour to accommodate any reasonable requests for the planting of memorial trees or installation of memorial benches on Council-owned property only. Requests may not be able to be fulfilled if the location is unsuitable due to the risk of vandalism, antisocial behaviour, over-population of trees or benches, or any other material factors.

4.2 If a site is at capacity for benches or trees, applicants can request to join a waiting list.

4.2 The location of any memorial trees will be determined by the Council to ensure ecological balance. The exact location of a bench will be agreed between the donor and Council staff.

5. Bench and Tree Specifications

5.1 Only durable, low maintenance benches from an approved supplier will be considered. Specific styles and colours are pre-approved by the Town Council to ensure uniformity. A list of these bench types is available upon application. The Council will not accept benches provided directly by applicants.

5.2 The Council will provide an appropriate species list on application to ensure that the tree is native and environmentally suitable for the planting location.

6. Memorial Plaques and Inscriptions

6.1 Commemorative plaques can be affixed to a memorial bench, or placed next to a memorial tree, subject to agreeing a wording with the Council. The Council will approve the wording before it is finalised.

6.2 Plaques fitted to benches must be a maximum size of 200mm wide x 70mm high or shall fit in the centre of the upper most lath of the back of the bench, or whichever is greater. Memorial plaques may not be fitted directly to trees. Plaques a maximum size of 150mm x 100mm high may be placed adjacent to the tree by way of a ground spike. All plaques will be fitted by Council grounds staff.

6.3 Plaques may be subjected to vandalism. Any replacement costs will need to be met by the donor.

6.4 Commemorative plaques may be affixed to existing benches, where there is no other visible sign of it being a memorial bench, subject to the conditions in 6.1.

7. Costs

7.1 The costs associated with purchasing, installing and maintaining benches and trees are outlined in the application form. The donor is responsible for the initial costs and any potential replacement. If the bench is deemed to have failed one of the Council's visual inspections the donor will be offered the chance to fund a replacement. If we are unable to contact the original donor then the bench will be removed and the space offered to the first person on the waiting list for that area.

7.2 As benches and trees are ordered from external suppliers, we do not provide prices in this policy. The Council will obtain a price at the time of application.

7.3 An administration fee and installation fee will be payable on receipt of a successful application.

8. Installing/planting

8.1 The arrangements for ordering and installing the bench or tree will be made directly by the Council once a specification has been agreed with the donor and once the payment has been received.

8.2 The Council will oversee the installation of benches and the planting of trees to ensure proper placement and adherence to safety standards.

8.3 Tree planting will usually only be permitted between late autumn and early spring, in line with the tree planting season.

8.4 Trees should be no smaller than 5ft in height to ensure that the tree is well established and more resilient.

8.4 All trees will be planted with stakes, protected by tree guards, and surrounded by mulch for optimal growth.

8.5 Trees will normally be planted by a member of the Grounds Team, or by a Council appointed, qualified contractor. However, donors are welcome to be present at the tree planting and carry out a small ceremony if they wish. Please note that these will be limited to weekday working hours due to staff availability.

8.6 The Council is unable to agree to the interment or scattering of ashes at public open spaces within the parish, other than in Townsend Cemetery on payment of the appropriate fee. Please contact the Town Council offices directly to arrange for an interment or scattering of ashes.

8.7 No scattering of pet ashes at any site will be permitted,.

9. Maintenance and Vandalism

9.1 Once installed, the memorial bench, plaque or tree will not be insured by the Council but will be maintained in accordance with the Councils routine maintenance programme for such furniture. The Council will only source high quality/durable benches and will endeavour to maintain a bench until it fails a visual inspection, and to care for the tree indefinitely.

9.2 Donors should also be aware that benches or young trees in public areas may be subject to vandalism. The Council will not accept responsibility or liability in respect of any damage to or loss of a commemorative or memorial tree, unless this is reasonably shown to be due to negligence of the Council.

9.3 Trees and benches are regularly inspected by a member of Council staff/ independent Council-appointed contractors, however if you notice any problems with your tree please contact the Town Council office.

9.4 The Council shall endeavour to maintain and care for a memorial tree and bench for as long as possible. However, it reserves the right to re-site or remove any tree or bench that it deems to be unsafe, unrepairable, or other reasons.

9.5 No additional mementoes (e.g., vases, statues, flowers, wreaths, balloons or other ornamentation etc), shall be permitted on or around the memorial tree or bench, except with the permission of the Council. If such are found the Council reserves the right to remove and dispose of any such items without reference to the family or donor concerned.

9.6 The donor shall not be permitted to undertake any maintenance of the memorial tree or bench without the permission of the Council. Donors are however welcome to undertake their own cleaning of benches. Dedication of a memorial tree does not give the donor any right to determine or influence its future management, however the Council's tree management strategy will ensure that there is proper maintenance and appropriate care of all trees.

9.7 Where an existing bench is in poor condition, the Council and donor may agree to install a memorial bench in its place, the full cost of which shall be met by the donor as detailed in 7.1.

9.8 The Council may remove a bench or tree if it becomes damaged, poses a safety risk, or is affected by redevelopment. In such cases, the Council will notify the donor and discuss options for replacement.

9.9 The Council accepts no liability for replacing a bench or tree at the end of its useful life. When a bench or tree has been disposed of, the commemoration will automatically cease. If the Council installs a new bench or tree at the same location, it reserves the right to agree a commemoration with a new donor.

10. Memorial Register and Contact Details of Donors

10.1 Applications for memorial benches and trees shall be kept by the Council on a Memorial Register. The Register is a confidential document for use only by the Town Council for the purpose of contacting the donor should the need arise. Consent for such use will be assumed upon submitting the application, in accordance with the rules for Data Protection.

10.2 Donors may request that their details are not held on the Memorial Register (or removed from the Register) on the understanding that in the absence of such contact details, the Council will not be able to consult them on matters relating to the memorial and it will therefore take such action as it sees appropriate.

10.3 It will be the responsibility of the memorial owner to ensure that the Council is kept informed of any changes to contact details. If the Council is unable to contact a memorial owner on a matter concerning the donated bench or tree, the Council reserves the right to take such action as it feels appropriate.

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This policy will be reviewed every four years, or sooner if required by changes in legislation or council practice.

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