WETHERBY TOWN COUNCIL

MEMORIAL BENCH AND TREE POLICY

Prepared by:	**Facilities Officer**
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Contents

1. Introduction 3
2. Scope of the policy 3
3. Legal Framework 3
4. Memorial Benches 3
5. Memorial Trees 4
6. Determining Requests 5

1. Introduction

1.1 Wetherby Town Council (The Council) recognises that when loved ones die, their friends and relatives will want to commemorate them with a lasting memorial. Often this will be in the form of a tree or bench which not only honours their memory but provides a beautiful and functional improvement to the local environment.

2. Scope of the policy

2.1 This policy has been produced with the following guiding principles:

- To be respectful and sympathetic to those seeking to install a memorial.
- To be clear and easily understood by residents and users of public land.
- This policy applies to all land under the Town Councils ownership or management, regardless of location including its parks, cemeteries and open spaces.
- Whilst this policy is as comprehensive as possible, it does not cover every situation. Situations that occur outside of this policy's scope will be dealt with on a case-by-case basis at the Facilities Officers discretion.
- The Council reserve the right to refuse any Memorial Bench application which it deems unsuitable. The decision of the Town Council will be final.
- Memorial trees/ benches and their placement are purchased by way of a monetary donation to the Council.
- Memorial trees/ benches will not be ordered until the full donation has been received.

3. Legal Framework

3.1. The planting of trees or installation of benches on land as memorials form a private arrangement between the friends and relatives commissioning the memorial, and the landowner. As such, the Town Council can only approve memorials on Town Council-owned land. The Council may support applications for benches placed on the public highway, but permission is required from the local highways authority, Leeds City Council.

3.2. Generally-speaking, planting trees and installing benches will not be subject to planning permission, restrictive covenants, or other restrictions. However, there may be cases where the Town Council is unable to proceed for such reasons.

3.3. 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.

3.4 When the Council agrees to install a bench or plant a tree, the Council purchases the bench or tree, and the friends and family donate a set amount to the Council equivalent to the cost of the bench or tree. The tree or bench is the property of the Council, and the donor does not retain any right to determine its future management. The Council will nevertheless endeavour to ensure it is properly insured, maintained and cared for.

4. Memorial Benches

4.1. The council will always try to accommodate the wishes of applicants, however only sites which do not already have a sufficient number of benches will be considered.

4.2. An application for a memorial bench should be made via the Council's application form which is available from the Council office in the Town Hall, our website or an emailed request to admin@wetherby.co.uk.

4.3. All inscriptions must be in the standard design selected by the Council and approved by the Council prior to installation. The Council reserve the right to refuse any inscription that is deemed offensive or inappropriate. Upon approval, the Council will place the order with one of the approved suppliers.

4.4. The bench designs approved by the Council will be available on request. There are protocols in place for each site to ensure uniform design of benches.
4.5. The council does not accept responsibility for any damage or loss that may occur if a memorial is damaged, vandalised or stolen.
4.6. The Council reserves the right to remove a memorial bench at any time. If this is within 10 years of installation, the council will contact the applicant (provided contact details are up to date) and attempt to relocate the bench to a suitable location.
4.7. Fresh flowers and wreaths may be placed responsibly on the bench to mark personal significant dates but will be removed by the Council after 1 week or when they are past their prime; whichever comes first.
4.8. Scattering of cremated remains and burial of urns with cremated remains is not permitted at any time.
4.9. Only maintenance work authorised by the Town Council will be permitted.
4.10. Memorial plaques must not be removed, or inscriptions amended without the written approval of the Town Council.
4.11. The Council will undertake regular assessment of all benches and reserves the right to remove any bench that is no longer considered safe and fit for purpose. In this event, the Council will attempt to contact the named person(s) on the enquiry form. The donor will be asked to collect the inscribed plaque within 4 weeks. If contact cannot be made plaques will also be disposed of within 8 weeks.
4.12. The council will keep a record of donors and their contact details in accordance with the General Data Protection Regulations. It is the responsibility of the donor to provide the council with updated details in writing. Failure to do so could lead to plaques or benches being removed without notice to the donor.
4.13. 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.

5. Memorial Trees

5.1. All applications for memorial trees should be made in writing to the to the Council. An application form is available from the Council Office in the Town Hall Office, on our website or can be requested via email.
5.2. The Council will always try to accommodate the wishes of applicants, however as trees are dynamic living organisms, they need specific conditions to thrive and survive, therefore the final planting location will be entirely at the Town Councils discretion.
5.3. Tree species will be selected taking into account the wishes of the applicant, existing trees in the area, the trees final expected size, soil conditions and geography of the area. Wherever possible the Town Council will offer a choice of species suitable for the location and sympathetic to the design of the area.
5.4. Tree species availability and price can vary significantly, therefore the price agreed when the donation is paid will be honoured by the Town Council unless supplier costs increase significantly between receipt and ordering. All trees will be paid for by the donor before the tree is ordered.
5.5. Trees will always be sourced from reputable growers/ suppliers and be of a high standard. Any request to plant a tree that has been grown by the applicant(s) will be considered on a case-by-case basis.
5.6. Trees will generally be planted between November and March, as this is widely recognised as the best time to establish newly planted trees.
5.7. Trees will be planted with a suitably sized stake/ stakes, at the correct depth, and top-dressed with a good layer of mulch. A suitable stem guard will be added if the area is prone to deer or rabbits.
5.8. Whilst every effort will be made to maintain newly planted trees, the council cannot be held accountable for trees that do not establish or die.

5.9. Fresh flowers and wreaths may be placed responsibly on the bench to mark personal significant dates but will be removed by The Council after 1 week or when they are past their prime; whichever comes first.

5.10. In most instances, a discreet memorial plaque can be placed at the base of the tree. The design is site specific, and details will be provided at the initial enquiry stage. All inscriptions must be approved by the Town Council prior to installation. The Town Council reserve the right to refuse any inscription that is deemed offensive or inappropriate. Once the wording request has been approved by The Council, a plaque will be ordered from a Council approved supplier and in accordance with the standard design selected by The Council.

5.11. The Council does not accept responsibility for any damage or loss that may occur if a memorial plaque is damaged, vandalised or stolen. Memorial plaques must not be removed, or inscriptions amended without the written approval of the Town Council. The Council retains the right to re-site a plaque should this become necessary.

5.12. Once a tree has been planted it is expected that it will stand in perpetuity, however, the Council reserves the right to remove the tree for a variety of reasons including safety (in line with the Wetherby Town Council Tree Policy), disease, mortality, changing environment, changes to infrastructure and common law nuisance.

5.13. The scattering of cremated remains and burial of urns with cremated remains is not permitted at any time.

5.14. Memorial Trees will be recorded on a register kept by the Town Council.

5.15. The council will keep a record of donors and their contact details in accordance with the General Data Protection Regulations. It is the responsibility of the donor to provide the Council with updated details in writing. Failure to do so could lead to plaques or trees being removed without notice to the donor.

6. Determining Requests

6.1. Memorial benches and trees will only be considered from people who can demonstrate a close tie to the person being commemorated and a local link to Wetherby. 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 or the memorialisation cause offence to the wider community. The Council reserves the right to refuse a memorial bench or tree for other reasons. The reasons will be supplied to the applicant if requested.

6.2. The arrangements for ordering and installing the bench or tree will be the responsibility of the Council, once the financial donation has been made.

6.3. Commemorative plaques can be affixed to a memorial bench, or placed next to a memorial tree, subject to agreeing a size, wording, and specification with the Council. No plaque may be affixed to a tree itself.

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