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**Fakenham Town Council**

## **RULES AND REGULATIONS MADE BY FAKENHAM TOWN COUNCIL FOR THE MANAGEMENT OF FAKENHAM CEMETERIES.**

**(Local Government Act 1972 & Local Authorities' Cemeteries Order 1977)**

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### **ADMINISTRATION**

The "Burial authority" referred to in this document is Fakenham Town Council. These rules and regulations will be applied and enforced by designated officers working for the burial authority.

The 'cemeteries' referred to in this document are the Creake Road cemetery on Creake road, Fakenham and the Queens Road cemetery on Queens Road, Fakenham.

The cemetery office will be open on Mondays to Fridays between 10.00am to 14.00pm inclusive. On Saturdays, Sundays and Bank Holidays the office will be closed. The Register of Burials and other Cemeteries Records are kept at the Town Council Offices where, during normal office hours, enquiries and searches may be made on payment of the appropriate fee.

All correspondence should be addressed to: Fakenham Town Council, Fakenham Connect, Oak Street, Fakenham, Norfolk, NR21 9DY Tel no 01328 853653.

These regulations are made under the Local Government Act 1972 & Local Authorities' Cemeteries Order 1977 as amended by Local Authorities' Cemeteries (Amendment) Order 1986 and the burial authority will review and amend these regulations as necessary.

Regulations have always existed in cemeteries and are a necessary requirement for the effective management of a burial facility and to ensure that the cemeteries are maintained for quiet contemplation.

These rules and regulations should be read in their entirety. Section headings are not exclusive and all regulations apply equally to all cemetery users.

As well as the following rules and regulations, the Local Authority Cemeteries Order 1977 applies. In particular, Clause 3(1) of this order states that:

'Subject to the provisions of this order, a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery.'

The scattering of cremated remains in the cemeteries is forbidden.

### **GENERAL CONDUCT FROM VISITORS TO THE CEMETERIES**

1. All persons are expected to conduct themselves in an orderly manner and should keep to all roads and footpaths when not attending graves. Where vehicular access is possible all vehicles being driven within the cemetery are limited to a maximum speed of 5mph. (Vehicles are prohibited from entering Queen's Road Cemetery other than in connection with funerals and the erection and maintenance of memorials and general maintenance, grass cutting etc. unless special permission is obtained from the Town Clerk.)
2. Children under the age of 11 should be accompanied by a responsible person.
3. Visitors should always remove their dead flowers and other litter or place in the litter bins provided.
4. Dogs are not permitted onto the cemetery grounds except assistance dogs supporting registered disabled persons.
5. No person shall offer goods for sale or solicit orders for the sale of any goods within the cemeteries.
6. Visitors or other persons shall not interfere with any workmen employed by the burial authority and shall not employ them to execute any private work whatsoever within the cemeteries.

### **OFFENCES IN THE CEMETERIES**

7. No person shall:

- (a) Wilfully create a disturbance in the cemeteries;
- (b) Commit any nuisance in the cemeteries;
- (c) Wilfully interfere with any burial taking place in the cemeteries;
- (d) Wilfully interfere with any grave, walled grave or vault, tombstone or other memorial or building, or any flowers or plants on any such manner;
- (e) Play any games or sport in the cemeteries.
- (f) Visitors to the cemeteries are expected to treat the cemetery with respect at all times.

8. No person, not being an officer of the burial authority, or another person so authorised by or on behalf of the burial authority, shall enter or remain in the cemeteries at any hour when it is closed to the public.

## **PENALTIES**

9. Every person who contravenes paragraphs 7 and 8 shall be liable on summary conviction to a fine not exceeding £1,000 and, in the case of a continuing offence, to a fine not exceeding £10 for each day during which the offence continues after conviction therefore, in accordance with articles 18 and 19 of the Local Authorities Cemeteries order 1977.

## **CONDITIONS REGULATING BURIALS**

10. Burials normally take place Monday to Friday between the hours of 9.15am – 3.15pm. The time arranged for the burial service is the time when the cortege should be at the graveside.

11. Saturday burials will only occur with prior approval of the burial authority, subject to staff availability. No burials will be permitted on Sundays or public holidays.

12. The burial authority may, from time to time, need to make certain burial times unavailable because of operational issues.

13. In some cases, for cultural, religious or public health reasons, there may be a request for a burial to take place at short notice. In such circumstances the burial authority will make reasonable efforts to arrange the burial within the specified period, however, as these situations are exceptional, no guarantee can be provided. The scheduling of any funeral is always at the discretion of the burial authority.

14. The burial certificate or order must be received by the Fakenham Town Council office a minimum of 2 full working days prior to the funeral taking place. Failure to provide this document may result in delays or the cancellation of the funeral.

15. The location of each new burial plot will be allocated by the burial authority. Where a new burial plot is required (i.e. the burial will not be in an existing, purchased plot) all reasonably practicable efforts will be made to accommodate the last wishes of the deceased and the preferences of bereaved families. The final decision on the allocation and use of any new burial plot rests with the burial authority.

16. Those families requiring interments to be in a designated faith section should make their wishes clear to their funeral director. Such requests will be accommodated subject to sufficient space being available in the appropriate section. No third party has the right to preclude a burial within any burial section.

17. Persons who are authorised by the burial authority will ensure the back filling of any graves as necessary. However, in the event of relatives and friends wishing to do so, this will be permitted at the discretion of the funeral director and with a minimum of 48 hours prior notice to the burial authority. The funeral director will be responsible for all arrangements, including risk assessments, relating to any additional activities at graveside.

18. Funeral directors must arrange, where necessary, for memorials to be removed from the grave to allow graves to be reopened. The memorial shall subsequently be dealt with in accordance with the directions of the burial authority. Responsibility for any memorial removed in error will remain with the funeral director at whose expense the memorial will be reinstated to the satisfaction of the grave owner.

19. Reinstatement of headstone memorials following an interment is not permitted for a period of six months. After this time the instruction of the grave owner to the funeral director or monumental mason may be carried out.

20. Floral tributes that are placed on the grave after a funeral should be removed when the tributes are seen to be decaying. If these are not removed by the owner, the burial authority may arrange for them to be disposed of.

21. In certain circumstances, it may be necessary for the soil that is excavated from a grave being prepared for an interment to be laid onto an adjacent grave. The burial authority will ensure that this is for the shortest time possible and any adjacent grave affected will be protected by boards on the grave and in front of any headstone. This will only occur if the soil cannot reasonably be placed elsewhere and after the funeral any affected grave will be fully reinstated.

22. All bodies must be prepared for interment before being brought to the cemetery.

23. No coffin/container will be accepted at a cemetery unless the name of the deceased therein is clearly shown.

24. After the coffin/container and body have been committed into the grave they shall not be removed or otherwise disturbed except for lawful exhumation by licence and or faculty or by the order of the coroner.

## **CONDITIONS REGULATING FUNERAL DIRECTORS**

25. All funeral directors are required to provide to the burial authority annually and also on receipt of any specific request from the burial authority, the following documentation –

1) Full risk assessments and method statement showing how work will be undertaken and what measures will be taken to minimise the risk of personal injury or damage to property. These must cover all aspects of work the funeral director is likely to undertake, including any activities within the cemetery that are associated with the funeral service (including any activities associated with funeral services based on religious beliefs) and all issues relating to vehicle access and movements within the cemeteries.

3) A copy of their health and safety policy and codes of practice.

4) A copy of their Public and Employee Liability insurance with at least £5 million cover. Copies also to be provided to the burial authority upon policy renewal.

## **CONDITIONS REGULATING GRAVES**

26. No mounds, trees, shrubs, or other vegetation of any kind should be planted on or around graves or anywhere in the cemetery. The burial authority may prune, cut down or remove any vegetation

which, in the opinion of the burial authority, has become unsightly, overgrown or is interfering with graves.

27. To maintain the cemetery and for Health and Safety reasons, tributes are permitted to be placed on the plinth or the headstone or memorial only. Memorabilia of a temporary nature may be placed on the grave space for grieving purposes but shall be removed within 12-18 months of interment in conformance with these rules and regulations.

28. Fencing, enclosures, kerb surrounds or border stones are not permitted on any grave space. Any additional will be removed by the burial authority. However, in order to protect floral tributes from deer or rabbits a small fence may be erected on the condition its fits snugly around the plinth of the headstone/memorial and does not interfere with maintenance.

29. If there is no headstone or memorial on a grave, tributes must be restricted to an area at the head of the grave in line with other memorials and not exceed an area covering 2'6 x 1'. Wooden Crosses are permitted through applications via monumental masons.

30. Visitors are welcome to place wreaths on graves to mark Remembrance and Christmas. These will be removed when in the opinion of the burial authority they become unsightly.

31. In the interests of health & safety any breakable items are not permitted, this includes but is not limited to glass shades containing artificial flowers, jam jars, milk bottles or similar jars or bottles or receptacles. The burial authority reserves the right to remove any items which have been placed on the grave if, in the opinion of the burial authority, they present a health & safety risk (particularly if damaged).

32. The burial authority is not responsible for any items placed in the cemeteries by grave owners or cemetery visitors and may remove any such items placed in the cemeteries at any time and without prior notice. Items if undamaged will kept for a maximum of 3 months to enable collection.

33. The burial authority may take over the maintenance of any grave where, in the opinion of the burial authority, the grave has not been suitably maintained. The burial authority will make reasonable efforts to contact the grave owner prior to carrying out works of this kind (subject to paragraph 40).

34. The Council reserves to itself the right of passage over all graves and, where such a course is necessary, temporarily to cover or remove, without notice, the memorial on any grave in order to permit the re-opening of another grave in the vicinity, or for any other purpose.

### **CONDITIONS REGULATING EXCLUSIVE RIGHTS OF BURIAL**

35. The exclusive right of burial (ERB) may be purchased prior to an interment, erection of a new memorial or the repair/reinstatement/replacement of a memorial. This right of burial is for a period of 50 years from the date of purchase. The purchaser is not buying the grave freehold and does not own any land. The person who has purchased the right of burial can determine who may be interred in the grave. Notwithstanding this, the burial authority will determine the total amount of burials and/or cremated remains that may be interred in each grave.

36. The ERB may, at the discretion of the Burial authority, be renewed for a further period of time on expiry.

37. The Deed of Grant issued in relation to the purchase of an exclusive burial right is an important document and should be kept in a safe place. This grant must be presented to the bereavement office by the funeral director before the grave can be opened.

38. The ERB can be transferred to another person by assignment for which a fee is payable to the Burial authority. Equally it can also be bequeathed in a will. The burial authority encourages grave owners to ensure that other family members are aware of the existence of the Deed of Grant. If the ERB is not re-assigned or bequeathed, then upon death of the owner ownership will pass to the person(s) legally entitled.

39. Any change of address must be notified to the burial authority in order that up-to-date records are maintained and so that the burial authority is able to contact grave owners as and when required. No responsibility can be accepted for information which does not reach a grave owner if the burial authority has not been informed about a change of address.

40. Graves for which the exclusive right of burial applies can only be opened with the written consent of the person to whom the Deed of Grant is issued, unless the interment is to be that of the deed holder, before which the exclusive Right of Burial must be updated with the new deed holder details.

41. An interment fee is payable each time a grave is reopened.

42. In the event that the owner of an exclusive right of burial wishes to return this right to the burial authority details of the process will be provided on request. No refund will be made if any burials have been made in the plot. In the event that the plot is empty a refund will be payable at the purchase price. Full details will be provided on application to the burial authority.

43. The burial authority would normally expect the Deed of Grant to be purchased by the next-of-kin or other close family member. The burial authority will refuse to allow the purchase of a Deed of Grant to a third-party if, in the opinion of the Burial authority –

- i) Such a purchase would present a third party with the opportunity to decide who could, and who could not, be buried within the cemetery.
- ii) Such a purchase would provide an opportunity for the third party to profit from the use of the grave.
- iii) Such a purchase would create a lack of clarity for future management issues, particularly the ownership of, and liability for, any memorial erected on the grave.

## **CONDITIONS REGULATING HEADSTONES, MEMORIALS AND MONUMENTAL MASONS**

Paragraphs 44 – 64 (inclusive) apply to all new memorials and any remedial works to existing memorials where such works are required due to an existing memorial failing a safety inspection (paragraph 68).

Paragraphs 45 – 64 (inclusive) also apply to any memorial which is removed from the cemetery for any purpose and then returned and re-erected within the cemetery. The removal of any memorial for any purpose must always be approved by the burial authority.

44. Memorials are not permitted on un-purchased graves or anywhere in the cemetery excepting with the written permission of the burial authority and in relation to an interment within the cemetery.

45. No memorial shall be erected upon any grave, unless the exclusive right of burial has been purchased and an application for permission to erect a memorial has been made by monumental mason, signed by the owner and approved by the burial authority.

46. Applications for permission to erect a memorial must be via a monumental mason. The written application should be submitted to the burial authority accompanied by the appropriate fee.

47. The full design and installation specification must be provided by the monumental mason to the burial authority in advance of any works commencing on site.

a) Headstone – not exceeding 4' in height.

b) Cremation memorial (flat stone) – not exceeding 1'6" x 1'6".

All headstones must be mounted on approved bases only and with foundations which comply with statutory safety regulations in force at that time.

48. The burial authority will not be responsible for any accidents or damage to any memorial caused by vandalism, storm, wind, lightning, subsidence, earthquake, general grounds maintenance or any cause that is beyond the Council's control. Owners of memorials are advised to take out appropriate insurance cover against theft or damage.

49. All memorials when completed shall remain the sole risk of the owner at all times.

50. Each memorial must be kept in good repair by the owner. The burial authority may remove any memorial deemed unsafe without authorisation and recover any costs so incurred from the owner of the exclusive right. If the owner of the exclusive right cannot be contacted then the memorial will be laid down.

51. The burial authority reserves the right to refuse to allow the placing of an inscription upon any memorial if, in the opinion of the burial authority, it is deemed to be libellous, inaccurate or likely to cause offence to any person or body of persons.

52. Any memorial that is erected without the written approval of the burial authority is unauthorised and may be removed and stored until such time as a proper application is made and approved. A fee will be charged in respect of the removal and storage in addition to the appropriate erection fee. The burial authority will take reasonable steps to ensure the safe removal and storage of any unauthorised memorial but will not be held responsible for any damage that may occur as part of this process.

53. All monumental masons carrying out work in the cemeteries shall have at least one person on site that has been registered, or is in the process of being registered with the National Association of Monumental Masons (NAMM).

54. All memorials must be designed and erected in full compliance with BS8415.

55. In order to ensure that all new memorials achieve the performance standard requirements of BS8415, monumental masons should follow the BRAMM (British Register of Accredited Memorial Masons) guidelines (Blue Book) with regard to ground conditions, foundation design, joints and assembly. The burial authority may insist on corrective or remedial works if, in the opinion of the burial authority, a memorial has not been designed and/or erected in accordance with the BRAMM guidelines. Corrective or remedial works must be completed to the burial authority's satisfaction within 28 days.

56. All new memorials will be inspected following the fixing by the monumental mason to ensure that they have been securely installed and do not present a health and safety risk. If, in the opinion of the burial authority, the memorial fails this inspection, then corrective or remedial works must be completed to the burial authority's satisfaction within 28 days.

57. Whenever a new memorial fails an inspection or fails to meet the criteria detailed in these rules and regulations, the burial authority will, in accordance with the circumstances of each individual memorial, take appropriate action to remove any health and safety risks. The burial authority reserves the right to charge an administrative fee to the monumental mason or the person to whose order the memorial works were carried out, to cover any costs incurred in this process, including remedial action(s), inspections (including any subsequent re-inspections) and all correspondence.

58. The burial authority requires all monumental masons working in the cemeteries to be fully conversant with the BRAMM guidelines. Any relevant revision to these guidelines may, at the Burial authority's discretion, be applied to the design and erection of all memorials subsequent to the date of the revision. The burial authority will make reasonable efforts to inform monumental masons of such changes, but notwithstanding this it is the responsibility of monumental masons to remain fully conversant with the BRAMM guidelines.

59. The burial authority may refuse memorial applications from monumental masons who have repeatedly been responsible for memorials which have failed inspections or where, in the opinion of the burial authority, there is clear evidence of repeated poor workmanship.

60. All rubbish and surplus materials of any kind arising from an erection, removal, repair, alteration or cleaning of any memorial must be removed from the cemetery by the monumental mason or person who has carried out the work. Should any such material be left by persons working on memorials the cost of removal and disposal may, at the burial authority's discretion, be recharged to the monumental mason who submitted the memorial application or the person to whose order the memorial works were carried out.

61. No hewing or dressing of any memorial will be permitted in the cemetery.

62. No erection or other works to memorials will be permitted in the cemeteries at weekends or on public holidays excepting remedial works in response to health and safety issues. Any such works will be permitted at the burial authority's discretion and with formal written approval.

63. The burial authority will carry out a continuous programme of safety inspections to establish whether memorials are at risk of falling and causing damage or injury. If any memorial is found to be unsafe the burial authority has a duty to minimise the risk and will take the action which best suits the circumstances relating to the individual memorial. Action may need to be taken immediately following an inspection.

64. The burial authority will follow relevant guidelines and best-practice and will publish full details of the inspection programme and procedure. The burial authority will use its own website, local media and cemetery signage to communicate details of the programme. The burial authority will make reasonable efforts to contact grave owners, subject to paragraph 39 of these rules and regulations.

## **CONDITIONS REGULATING THE CHILDREN'S SECTION**

The burial authority will seek to accommodate the reasonable requests of the families of deceased children and will explain if, for any reason, certain requests cannot be met.

65. Within the designated grave space allocated by the burial authority, families may place items of remembrance. However, grave owners must be aware that the burial authority accepts no responsibility for the safety of such items and any such items are always left entirely at the grave owner's own risk. For this reason the burial authority advises against placing any items of significant value. The burial authority may remove any glass vases, jars or other fragile materials which have been placed on the grave if, in the opinion of the burial authority, they present a health and safety risk (particularly if damaged).

66. No fences or edging of any kind will be permitted other than the grave edging provided by the burial authority at the time the grave is prepared.

67. All plots in the designated children's section will be allocated consecutively by the bereavements officer.

68. All items placed on the grave must be contained within the personal grave space.

69. Noisy items and lights are not permitted as these create a nuisance for other cemetery users.

70. Items found to be outside the personal grave space will be moved back into the personal grave space and the owner of the grave will be informed by letter. Where there are a large number of items that cannot all be moved into the personal grave space the owner of the grave will be informed by letter and requested to remove the items. If the grave owner has not done so within a reasonable time-frame (minimum 14 days from notification) then the items outside the personal grave space may be removed by the burial authority. These will be stored on site (space permitting) for up to three months and arrangements can be made to collect these items by contacting the Burial authority. The burial authority cannot accept responsibility for the safety of such items and can only store them for up to 3 months subject to suitable space being available.

71. In order to prevent memorials being hidden and to maintain the dignity of the burial area items placed on children's graves should not be over 300mm (12ins) in height. Balloons and soft toys should be removed and properly disposed of before they begin to degrade.

72. The burial authority must ensure that the cemeteries are maintained for quiet contemplation by all visitors and may, therefore, remove anything which does not comply with these regulations, which has become unsightly or which may cause distress to other cemetery users.

## **CONDITIONS REGULATING CREMATION PLOTS**

73. All memorials for cremation plaques will be no larger than 45.72cm x 45.72cm x 10.16cm (18" x 18" x 4", and laid level within the borders.

74. Flower containers must be incorporated into the tablet at all times. No other receptacle will be permitted. The burial authority may remove any other objects which are not authorised.

75. No trees, shrubs, plants or any kind of memorial will be permitted on the cremation plots and the burial authority will remove unauthorised vegetation.

76. All cremation plots will be allocated consecutively by the burial authority.

## **CONDITIONS REGULATING THE PLACEMENT OF BENCHES**

77. The placement of a bench in the cemeteries requires permission to be granted by the burial authority.

78. Once a bench has been agreed and sited a plaque or plaques may be affixed to the bench.

79. No plants, pots or other loose items will be permitted around the bench and no additional items can be affixed to any bench.

80. After the bench has been installed an inspection will be carried out to ensure it is satisfactory. If there are any issues regarding the addition of unapproved memorials the bench purchaser will be notified and asked to remove them within 28 days. Where such issues are not resolved within this period, the burial authority may remove the bench and/or any memorials for which permission has not been granted. An appropriate charge will be made to the bench owner to cover all costs incurred by the burial authority.

81. The burial authority will provide routine maintenance.

82. Bench owners will be required to pay the costs of repairing any damage which, in the opinion of the burial authority, is not the result of general wear-and-tear. If repairs are not carried out in a timely fashion the burial authority will remove any bench that is unsightly or which may present a health and safety risk. A charge will be levied for the re-installation of benches which have been removed and subsequently repaired.

**FAKENHAM TOWN COUNCIL**  
**QUEEN'S ROAD AND CREAKE ROAD CEMETERIES**  
**1 August 2023 – 31 July 2024**

**PART I INTERMENTS**

- |  |           |
|--|-----------|
| 1 (i) The body of stillborn child or a child whose age at the time of death did not exceed 18 years. | No charge |
| (ii) The body of a person whose age at the time of death exceeded 18 years                           | £184.00   |
| 2 For the interment of cremated remains  | £132.00   |

**PART II EXCLUSIVE RIGHTS OF BURIAL IN EARTHEN GRAVES**

**Exclusive Right of Burial MUST be purchased at the time of interment.**

- |  |         |
|--|---------|
| 1 (i) For the exclusive right of burial for 50 years in a plot not exceeding 7 feet by 3 feet  | £184.00 |
| (ii) For the exclusive right of burial for 50 years in a plot not<br>In a plot in the Children's Section (up to 18 years of age)                       | £79.00  |
| 2 (i) For the exclusive right of burial of cremated remains in a plot not exceeding 2 feet by 2 feet in areas set aside for this purpose for 50 years. | £132.00 |
| 3 Transfer fee for Exclusive Right of Burial   | £27.00  |

**PART III MONUMENTS, GRAVESTONES, TABLETS AND MONUMENTAL INSCRIPTIONS**

- |  |         |
|--|---------|
| 1 For the right to erect or place on a grave or vault in respect of which the exclusive right of burial has been granted:                        |         |
| (i) A flat stone, not exceeding 1 foot 6 inches by 1 foot 6 inches   | £95.00  |
| (ii) A headstone   |         |
| (a) not exceeding 4 feet in height   | £147.00 |
| (b) not exceeding 4 feet in height on the grave of a child whose age at the time of death did not exceed 18 years                                | £53.00  |
| (c) a flat stone not exceeding 1 foot 6 inches by 1 foot 6 inches on the grave of a child whose age at the time of death did not exceed 18 years | £42.00  |
| 2 For the right to erect or place on a Common Grave:   |         |
| i) a wooden cross not exceeding 45 cms high  | £53.00  |

- ii) a vase  
£42.00

(It should be noted that no rights of burial are granted or implied with this right and the grave remains common. (The cross/vase must not be cemented in the ground) PTO

The fees indicated for the various heads of this Part include the first inscription.  
For each inscription thereafter: £53.00

#### **PART IV SEARCHES OR REGISTERS AND COPIES TAKEN THEREFROM**

Every search covering a period of not more than one year	£11-27 at the
Every additional year	Town Clerk's
Every certified copy of an entry of burial in the registers	discretion)

The fees, payments and sums set out below apply where the person to be interred or in respect of whom the right is granted is, or immediately before his/her death was an inhabitant of the Parish of Fakenham, Hempton, Pudding Norton and the west side of Sandy Lane and Sculthorpe Eastgate or in the case of a still-born child, where one of the parents is, or at the time of interment was such an inhabitant or parishioner.

In all other cases, the fees, payments and sums will be doubled.

*Recommended at a Leisure & Environment Meeting 20<sup>th</sup> June 2023 and ratified at Full Council on 28<sup>th</sup> June 2023. To be reviewed in May 2024.*

