



DOWNTON PARISH COUNCIL

MEMORIAL BENCH & TREE POLICY

This policy sets out how the Council approves Memorial Benches and Trees; who is responsible for their upkeep; and what is expected from the donor and the Council.

This Policy was approved and adopted by a Meeting of the Council held on 09 September 2024.

Signed: Melanie Camilleri
(Proper Officer and Responsible Financial Officer)

Signed: Cllr Jane Brentor (Chair)

Date: 09 September 2024

1. SCOPE OF THE POLICY

- 1.1 When loved ones die, their friends and relatives will often 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.
- 1.2 Downton, Charlton All Saints, and Standlynch is fortunate enough to have a number of open spaces, some of which are owned or leased by Downton Parish Council (the Council). This policy sets out how the Council approves Memorial Benches and Trees; who is responsible for their upkeep; and what is expected from the donor and the Council.
- 1.3 The Council will always endeavour to be respectful, sympathetic, and fair towards those donating trees and benches; to balance the needs of facility users; and to maintain the high quality of its open spaces.

2. WHAT AND WHO IS COVERED BY THE POLICY

- 2.1 The policy covers any Memorial Bench or Tree placed on Council-owned or Council-leased land in Downton, Charlton All Saints, and Standlynch.

3. LEGAL FRAMEWORK

- 3.1 The planting of trees or installation of benches 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 Council-owned or Council-leased land. An application for a Memorial Bench or Tree placed on Council-leased land also requires permission from the Longford Estate. The Council may support an application for a Memorial Bench placed on the public highway, but permission is required from the local highway's authority, Wiltshire Council.
- 3.2 Generally-speaking, installing Memorial Benches and Trees will not be subject to planning permission, restrictive covenants, or other restrictions. However, there may be cases where the Council is unable to approve a request 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 is one which could attract antisocial behaviour.
- 3.4 When the Council agrees to install a Memorial Bench or Tree, they are bought by the friends and family and donated to the Council. The tree or bench then becomes 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 maintained and cared for.

4. POLICY STATEMENT

Determining requests

- 4.1 Enquiries for a Memorial Bench or Tree should be made by completing the Application Form in the Appendix of this Policy and emailed to the Clerk at clerk@downtonparishcouncil.gov.uk. All requests will be considered by the Council's Amenities Committee and a recommendation made to full Council who will make the final decision.

- 4.2 The Council will endeavour to accommodate any reasonable requests for installing a Memorial Bench or planting a Memorial Trees on Council-owned or Council-leased land. 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. In these circumstances, the Council will discuss alternative options.
- 4.3 Only suitable trees and benches, in-keeping to the immediate location, and benches of a robust design and material will be considered in the Council's desire to promote recycling & sustainability. The Council will advise on suitable options but will endeavour to meet any specific requests.
- 4.4 The exact position of the Memorial Bench or Tree will be agreed during a site visit with Council staff. It is the donor's responsibility to ensure that the position (and orientation in the case of a bench) is well-communicated to the Council and confirmed in writing with an accompanying sketch.
- 4.5 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 below.
- 4.6 Memorial Benches and Trees will only be considered from people that can demonstrate a close tie with the person being commemorated. The Council reserves the right to refuse a request should it have any grounds to believe it would be contrary to the wishes of the commemorated person's next of kin.

Costs

- 4.7 The cost of the Memorial Bench or Tree will include any plaques / inscription, delivery, and planting / installation costs (e.g. fixings, tree guard, paving or base around the bench). All costs provided will be inclusive of VAT (as the Council is unable to reclaim VAT on these donations).
- 4.8 A further one-off surcharge of 20% will be added to this cost to cover future maintenance of the Memorial Bench or Tree.

Installing / planting

- 4.9 The arrangements for ordering and installing the Memorial Bench or Tree will usually be made directly by the Council, once a specification has been agreed with the donor, and once the financial donation has been made.
- 4.10 Tree planting will usually only be permitted between late autumn and early spring, in line with the tree-planting season.
- 4.11 Trees will normally be planted by the Council. However, donors are welcome to be present at the tree planting and carry out a small ceremony if they wish.
- 4.12 No placing of flowers or other objects at Memorial Benches or Trees will be permitted, except with the prior permission of the Council.
- 4.13 No scattering of ashes of humans or pets at any site will be permitted.

Plaques

- 4.14 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 the Memorial Tree itself.

Maintenance

- 4.15 The Council will only source benches which are high quality / durable, however, the Council cannot guarantee their condition and will not be held responsible for their deterioration.
- 4.16 The Council will only source trees from reputable suppliers, however, the Council cannot guarantee their condition and will not be held responsible should a Memorial Tree not survive.
- 4.17 Donors should be aware that benches or young trees in public areas may be subject to vandalism, and the Council will not be held responsible for any costs in replacing them should that occur. If the Council agrees with the donor to submit an insurance claim for a vandalised Memorial Bench, any policy excess will be met by the donor to facilitate a replacement.
- 4.18 The Council shall endeavour to maintain and care for a Memorial Bench and Tree for as long as possible. However, it reserves the right to re-site or remove any Memorial Bench or Tree that the Council deems to be unsafe, unrepairable, diseased, or other reasons. If the Council removes a Memorial Bench or Tree, it will not be held responsible for any costs in replacing them. If the donor wishes to replace the bench or tree, they must submit their request to the Council for consideration as a new application.
- 4.19 The Council will make every reasonable effort to keep the donor informed if a Memorial Bench or Tree has been vandalised, is to be re-sited, or removed. For this reason, we ask that the donor keep the Council promptly informed of any changes to their contact details (address, email address, phone number).
- 4.20 The donor shall not be permitted to undertake any maintenance of the memorial tree or bench without the permission of the Council.

APPENDIX
DOWNTON PARISH COUNCIL
MEMORIAL BENCH / TREE APPLICATION FORM

Your details

NAME	
ADDRESS	
EMAIL ADDRESS	
PHONE NO.	
RELATIONSHIP TO THE DECEASED	

The deceased

NAME	
DATE OF DEATH	

The memorial request

BENCH	
Design	
Size	
Supplier	

TREE	
Species	
Size	
Supplier	

The Location

Provide as much information as you can to help us identify the exact location e.g. What three words Attach a sketch	
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The Plaque

Wording and font style	
Design/material/size	
Supplier	

I agree to the terms of the Memorial Bench & Tree Policy

Signature: Print name:

Date:

Return this completed Application Form to the Clerk by email:
clerk@downtonparishcouncil.gov.uk