



St Stephens Churchyard and Newport Cemetery - Policy for Management of Memorials

Introduction

Memorials are erected on graves as a permanent reminder of those buried within. It is often wrongly assumed that memorials are permanent structures, installed to the highest standards, which will last forever without any need for repair.

Sadly, this assumption has cost the lives of a few people nationally most of whom have been children and there have been countless accidents ranging from bruising to severe crush injuries and bone breakages.

The Parish Council like other graveyard and burial ground landowners has a duty of care to all visiting the burial ground however the memorials do not belong to the Parish Council; they remain the property of the Deed Holder to the Exclusive Rights of Burial or their successors in title.

Responsibilities

The following parties have responsibility for memorial safety in St Stephens Churchyard and Newport Cemetery:

- The Parish Council has health and safety responsibilities to its employees, contractors and visitors under the Health & Safety at Work Act 1974, the Occupiers Liability Act 1967 and the Management of Health & Safety at Work Regulations 1999 which places a legal duty on the Parish Council to assess the risks from burial ground structures and work activities and ensure the risks are controlled. The Parish Council has powers under the Local Authorities' Cemeteries Order 1977 to make safe any headstones or kerbs.
- A monumental mason has the responsibility to work in accordance with the Parish Council's conditions and specifications for memorials and in accordance with prevailing British Standards available within the industry, the National Association of Memorial Masons (NAMM) Code of Working Practice and the British Register of Accredited Memorial Masons. The mason is legally liable under the Consumer Protection Act 1979, the General Product Safety Regulations 2005 and the Directive on Liability for Defective Products 2003.
- An owner, the Grant of Right holder (or successor in title) of a memorial has the responsibility to maintain it so as not to present a hazard.

Inspections

The Parish Council will carry out safety inspections on all memorials as part of a five yearly cycle based on a risk assessment approach and as a priority this will involve identifying those memorials which present an immediate and significant hazard and making them safe.

In cases of immediate danger, the Parish Council is empowered under the provision of the Local Authorities Cemeteries Order 1977 Article 6(1) to take immediate action to make safe dangerous memorials.

The Parish Council will undertake visual inspections and hand tests; it will not utilise a mechanical method of testing (topple test) as these instruments are liable to overestimate the actual risk and will arrange for specialist assistance with the inspection of a memorial as is deemed necessary.

Notice of Intent

To raise awareness and reduce the potential for public distress prior to any memorial inspection the Parish Council will take reasonable steps to inform grave owners, deed owners or successors in title and members of the public of the intention to inspect memorials and remove the danger from unsafe memorials.

We will give advance general notice on the burial ground notice board, the Parish Noticeboard and on our web site that a survey of the burial ground is planned. We will provide a contact email address for further information on the details of the inspection process and any subsequent action.

Memorial Inspection Procedure

Memorial safety inspections will be carried out by Newport Parish Council staff who have received suitable training.

As St Stephens Churchyard has been consecrated a Faculty Notice from the Diocese will be obtained if this proves necessary.

Risk Assessment

Any person inspecting memorials will be familiar with the Parish Council's general risk assessment statement.

Results will be recorded on the Scribe Cemetery system.

Inspection Process

An initial visual check will take place for warning signs of memorial instability as follows:

- Movement from vertical
- Cracks in headstone or base
- Ground settlement
- Waterlogged ground
- Missing parts

To ensure we take a proportionate approach consideration will also include:

- Is it near a regularly tended grave or in an unfrequented area?
- Is it supported by an adjacent headstone or wall?
- The height of the memorial and risk presented.
- The likelihood of the memorial seriously injuring someone.

A visual inspection of each memorial will be followed by a safety assessment to test whether memorials can withstand a reasonable hand force. This force aims replicate the force of a person falling, pushing or pulling against a memorial.

Action we will take as a result of inspection.

At the completing the testing of each memorial, our contractor will identify:

- Category 1 – **Requires immediate action.** The memorials within this classification will be made safe immediately as part of the inspection process.
- Category 2 – Memorial is not in immediate danger but is not fully stable and will therefore need to be monitored every 12 months.
- Category 3 – Memorial is perfectly stable and safe. Reinspect in 5 years.

Should immediate action be required due to safety concerns this could include – Refix the memorial to the current standard, Temporary fix, Stake and band, Cordon off, Monolith (Sink in the ground) or lay flat to ensure the danger and risk of injury is removed.

Any memorial in category 1 will have a warning notice attached explaining the situation with contact details for further information.

The Clerk to the Council will endeavour to contact the owner of the memorial at the last known address. In the event an owner cannot be contacted or does not respond an unsafe memorial notification it will be made safe by our contractor after 6 months has passed.

Making safe may include being laid flat with the inscription visible within the grave space. It is not the Parish Council's policy to undertake permanent repairs.

Memorial Owners

Newport Parish Council recognises that the assessment process may be upsetting for members of the public and regrets any distress that it may cause. However, it is better that a memorial is assessed rather than be left to pose a potential danger to people.

If a memorial must be made safe at the time of the inspection, Deed owners can then choose too either:

- Take no further action.

Or

- Have the memorial repaired.

Deed owners wishing to have memorials repaired will need to arrange the necessary remedial work with a memorial mason for which, if the memorial is outside any guarantee period the mason is likely to charge a fee. All memorial masons must undertake the repair up to a minimum standard as recommended by NAMM or equivalent.

Repairs can only take place after a Memorial Application form has been authorised by the Parish Council, there is no fee for this authorisation, its purpose is to maintain a record of safety repairs.

No attempt should be made to repair or remove any memorial except by a properly qualified memorial mason.

Informal visual inspections

These will continue to be carried out by the Parish Council team during their normal working routines should any memorials fail these random visual tests the employee will report their findings to the Clerk who will take action in accordance with this policy.

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