



## HENSTRIDGE PARISH COUNCIL

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### MANAGEMENT AND SAFETY OF MEMORIALS POLICY JULY 2021

**This document should be considered in conjunction with the ICCM's Management of Memorials Policy and considers the safety of memorials in Henstridge Burial Ground and Closed Churchyard. The ICCM's Management of Memorials Policy can be found as an Appendix to this document.**

## 1. INTRODUCTION

1.1 The intention of this policy is to set out how Henstridge Parish Council will undertake the management of any significant risks from memorials, within its burial ground and closed churchyard in a sensible and appropriate manner. However, since the general risk can be deemed low it is not the intention of this policy to cause any unnecessary concern, only to provide guidance to any questions that may arise by any concerned party and to provide assurance that memorials are properly managed.

1.2 Henstridge Parish Council is duty bound under the Management of Health and Safety at Work Regulations Act to assess reasonably foreseeable risks from its activities and to put in place control measures that will reduce the risks – so far as is reasonably practical.

1.3 It is Henstridge Parish Council's intentions to follow the latest guidance from the Institute of Cemetery and Crematorium Management (ICCM) on memorial safety and to take appropriate action to any memorial deemed unsafe within the burial ground or closed churchyard.

1.4 Memorials within the burial ground or closed churchyard which are after testing are found to be unsafe, dangerous or in poor condition will be cordoned off. Every effort will be made by the Parish Council to contact any concerned parties before any further action is taken. However, priority will always be given to making safe high risk memorials.

## 2. RESPONSIBILITY FOR MAINTENANCE

2.1 The public has the right to apply to erect a memorial under the Local Authorities Cemeteries Order 1977 (LACO) and will have to submit an application by person or via a contracted memorial mason.

2.2 Local Authorities Cemeteries Order (LACO) 1977 section 10 (1c) provides the right to place and maintain a memorial in a cemetery and therefore ownership of any individual memorial rests with the owners of the rights of burial, or their heirs-at-law and other persons granted the right to place and maintain a memorial on a grave space within the parish.

2.3 Although memorial owners have the responsibility for ensuring their property is installed and maintained in a safe manner the Parish Council has overall responsibility for Health and Safety. This includes a duty of care to ensure all risks are safely managed.

### **3. DIOCESE AND CONSECRATED GROUND**

3.1 A Faculty will be requested from the Diocesan Consistory Court before any significant work is carried out on any consecrated ground within the burial ground or closed churchyard.

3.2 Relative minor works associated with maintaining the safety of an individual memorial will not require the authority of a faculty. However, the Diocese will be informed of any action taken.

3.3 Minor work in this context could involve replacing a broken pin or dowel connecting a headstone with its base, or underpinning the end of a headstone with earth, gravel or stones where the ground beneath has subsided. This work would usually be undertaken by a stonemason appointed by the owner of the rights of burial or their heirs-at-law.

### **4. MEMORIAL INSPECTION PROCEDURE**

4.1 At least 28 days' notice will be given prior to the start of the memorial safety inspections.

4.2 A public notice will be issued in the form of a press release; notification will also be displayed at the burial ground and closed churchyard and on the Parish Council notice boards. Notices will detail the intent of the Parish Council and the dates of the inspections and information on how to raise any objections with the Parish Council.

4.3 All grave owners and relatives who wish to be informed of the details of the inspections can request this information from the Parish Council.

4.4 Henstridge Parish Council's memorial safety team will carry out a visual check and hand test on all memorials in the burial ground and closed churchyard on a 5 year cycle. The visual check is looking to see if there are any signs of cracking, whether it is leaning and whether the joints are intact. Angle measurements will be taken. The hand test involves standing to one side of the memorial and applying firm

but steady pressure by hand. The hand test will be used to determine if or to what degree the memorial is unstable. Photographs will be taken of all memorials.

4.5 Memorial safety inspections will be carried out by two operatives working as a team, one of which will be suitably qualified and a competent person

4.6 Personal Protective Equipment (PPE) must be worn at all times where appropriate.

4.7 All memorial inspections will be recorded on an inspection form.

## **5. RISK CONTROLS**

5.1 Different identified levels of risk will result in the following action:

- Low risk memorials – Inspect on 5 year cycle
- Medium risk memorials – warning sign, stake or cordon off until further action can be taken. Inspect yearly.
- High risk memorials – warning sign, cordon off, part bury or lay flat until further action can be taken. Memorials will only be laid flat when action is necessary to prevent immediate risk to health and safety.

5.2 Memorials over 2.5m will be visually inspected and risk assessed. If any further investigations are required they will be undertaken by a qualified Structural Engineer.

## **6. RECORDS OF INSPECTIONS**

6.1 All memorials will be inspected on a 5 year cycle and a record and photograph kept of the inspected memorial. Records will include information that will assist in locating memorials in future inspections, information on the visual and hand tests, an assessment of the priority and any action taken. Digital photos will be taken as a permanent record.

## **7. RESPONSIBILITY FOR MAKING SAFE MEMORIALS**

7.1 Henstridge Parish Council has powers under the provisions of LACO 1977 section 3 2(b) to make safe or remove any memorials found to be unsafe during a safety inspection.

7.2 Every reasonable effort will be made however to contact the graven owners or their heirs-at-law.

7.3 A letter will be issued to the last known address of the grave owner and a notice attached to the unsafe memorial.

7.4 28 days notification will be given for any intended action to any memorial, unless it is considered an immediate danger. If all attempts to contact the grave owner fail then Henstridge Parish Council has the right to remove or take steps as to make safe the hazard. This will also be the case for memorials where the grave owner or their heirs-at-law have been contactable but were either unwilling or unable to repair by a registered stonemason.

7.5 Where contact has been lost with graven owners or their heirs-at-law, the council has the responsibility under LACO 1977 and HSWA 1974 to manage the burial ground and closed churchyard to maintain safety.

## **8. REPAIRING MEMORIALS**

8.1 Only accredited memorial masons will be allowed to work within Henstridge burial ground and closed churchyard. Membership of a national registration scheme, such as the British Register of Accredited Memorial Masons (BRAMM) or equivalent will be required. Memorial masons should also meet the following criteria:

- Have satisfactory and proven experience
- Provide all memorial construction details
- Provide risk assessments and safe methods of working
- Provide public liability insurance of at least £1 million
- Provide all grave owners with a guarantee of materials and workmanship for a minimum of 7 years
- Advise the Parish Council when they will be erecting or repairing a memorial to allow random inspections

8.2 All fixings must comply with the National Association of Memorial Masons (NAMM) Code of Working Practice and BS8415.

This policy was adopted on 5<sup>th</sup> July 2021 and will be reviewed annually.