

## **Stanwick Parish Council**

### **Memorial Safety Policy**

#### 1. Introduction

1.1 The following document sets out Stanwick Parish Council's (the Council) policy for the management of memorial safety in its burial grounds.

1.2 The Council currently has responsibility for the following cemeteries and closed churchyards:

Stanwick Cemetery, Chelveston Road, Stanwick

St Laurence Church, closed churchyard

1.3 This policy does not include the War Memorial situated in St Laurence Churchyard.

1.4 This policy should be read in conjunction with the Rules and Regulations for Stanwick Cemetery.

#### 2. Responsibility and liability

2.1 Primary responsibility for Health and Safety in Stanwick Cemetery and St Laurence Churchyard lies with Stanwick Parish Council, as it is the Council that is in control of the cemetery and has maintenance responsibilities for the closed churchyard as these have been passed to the Council by the Diocese. The Council is required to control the risks associated with any burial ground for which they have responsibility be they open or closed.

2.2 The Council has responsibility for the overall safety within a burial ground under the Health and Safety at Work Act 1974 and the Occupiers Liability Act 1957 to ensure that, as far as reasonably practicable, their sites are maintained in a safe condition.

2.3 In order to comply with the Health and Safety at Work Act 1974, the Council has a systematic programme of memorial inspections ensuring that any memorials that pose a risk to Health and Safety are made safe.

2.4 The strategic aim of this policy is to ensure that all open and closed burial grounds which are under the responsibility of the Council, are safe places for staff, visitors and all others who may visit or work in the burial grounds.

2.5 Whilst the Council has overall responsibility for the safety in the burial grounds, including risks from unstable memorials, it does not own the memorials. The owner of the memorial will be the grave owner.

2.6 The owners of memorials are responsible for maintaining the memorial in a good condition. In many cases there is no identifiable owner however.

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2.7 Memorial Stonemasons must now ensure memorials are erected safely and in accordance with current standards available within the industry – British Standard 8415, the National Association of Memorial Masons (NAMM) code of working practice and the British Register of Accredited Memorial Masons Blue Book.

2.8 The Council has powers under the Local Authorities' Cemeteries Order 1977 (LACO) to make safe any headstones or kerbs. The Council will follow the procedures specified in Schedule 3 of LACO.

2.9 There are no listed memorials or memorials considered to be of historic value in Stanwick Cemetery. Therefore there is no need to consult English Heritage or East Northamptonshire Council prior to safety checks.

### 3. Type & Frequency of checks

3.1 The Council will carry out safety inspections on all memorials as part of a rolling programme on annual and five yearly cycles depending on the condition and risk assessment for each memorial.

3.2 The management of memorial safety is 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

3.3 In cases of immediate danger, the 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.

3.4 The Council will undertake visual inspections and hand tests. The Council will not utilise a mechanical method of testing (topple test) as these instruments are liable to overestimate the actual risk.

3.5 The Council may arrange for a specialist assistance with the inspection of a memorial if it is deemed necessary.

### 4. Publicity for safety testing

4.1 The Council recognises that the inspection programme has the potential to cause distress, particularly where action is required, and will aim to communicate the inspection and assessment programme as widely as possible.

4.2 This will be achieved through prominent site notices in the cemetery notice board and on the Parish Council notice board together with a notice on Parish Council website a minimum of six weeks prior to the assessment.

4.3 Where a memorial has been deemed at immediate risk and work needs to be undertaken, clear information will be posted in the burial ground. A notice will be placed on or near the memorial, giving contact details and the period in which the contact can be made. Where the grave owner is known, the Council will contact them direct to give them the opportunity to repair the memorial.

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### 5. Risk assessment

5.1 Any person inspecting memorials should be familiar with the Council's general risk assessment statement for Stanwick Cemetery.

5.2 Any person, who is not a third party contractor, who is inspecting a memorial will use the Council's Memorial Inspection Protocol with Health and Safety Guidelines.

5.3 Any person, who is not a third party contractor, who is inspecting a memorial should be familiar with the Council's Risk Assessment for inspecting memorials.

5.4 Any person inspecting memorials should be familiar with the Ministry of Justice guidance 'Managing the safety of burial ground memorials, Practical advice for dealing with unstable memorials'

### 6. Third party inspections

6.1 In the event that the Council instructs a third party to undertake checks on the memorials, the Council will require documentary evidence that the operatives contracted for the testing are suitably trained and that they have Public Liability Insurance to the minimum value of £5 million and that they have Professional Indemnity Insurance.

6.2 The contractor will be required to provide a risk assessment prior to a start date being agreed. The assessment will include the potential risk to the operatives and visitors to the cemetery whilst the testing is being carried out. Appropriate measures must be agreed prior to the commencement of testing to minimise the risks to operatives and the public. This will include ensuring there are sufficient numbers of operatives and access to emergency services.

6.3 A written report with photographic evidence, as appropriate, will be provided by the contractor at the conclusion of the inspection.

### 7. Inspection process

7.1 All memorials will be subject to a thorough visual inspection looking for signs of decay, e.g. loose or cracked cement, and degree of any lean that may occur and other issues.

7.2 Memorials between 500mm and 1.5 m high, when measured from the ground, will be given a hand test where it is deemed safe to do so following the visual inspection.

7.3 The cemetery does not have memorials over 1.5m in height when measured from the ground.

7.4 The Council will not employ mechanical testing, 'topple testing'.

7.5 Where a visual check reveals defects outside the experience and knowledge of the person carrying out the inspection, specialist assistance will be sought.

7.6 The results of all inspections will be documented and retained by the Council.

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### 8. Dealing with memorials

8.1 Each memorial will be individually assessed to ascertain the risk posed.

8.2 Consideration will be given to

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

8.3 Each memorial will be categorised to identify the level of risk and have a corresponding course of action

- Priority 1 – Immediate Action to be taken to make the memorial safe and stop anyone accessing the memorial [it will move and continue to move until it falls to the ground under an initial firm pressure]
- Priority 2 – Memorial is not an immediate danger but is not fully stable and will therefore need to be monitored every 12 months to assess further deterioration
- Priority 3 – no action required (re-inspect in 5 years)

8.4 Lawn Memorials on an independent base with a ground anchor support system may rock on the base within designed tolerance limits and represent no danger as the memorial will lock on the ground anchor.

8.5 In the event that urgent action is needed in the interests of health and safety on one or more specific memorials, the council reserves the right not to give prior notice of testing, but notices will be displayed at the time of testing and every effort will be made to contact the grave owner to explain the situation.

8.6 The temporary method used to make the memorial safe in the short term will be proportionate to the risk of people suffering harm.

8.7 It is Council policy to consider a range of alternatives for temporary measures. These include

- Placing a warning notice near or on the memorial alerting visitors to the potential danger.
- Cordoning the area and placing a warning notice.
- Make it a monolith by sinking it by one third (pocketing) and making sure the inscription remains visible wherever possible.
- Installing a temporary support i.e. wooden stake and fixings together with a warning notice.
- Laying down the memorial where there is a genuine hazard to health and safety that cannot be remedied by a temporary support.

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### 9. Records

9.1 All data concerning the memorial, the original memorial inspection form, the contractors' emailed copy of the memorial inspection form and the dangerous memorials log sheet, will be filed for reference purposes and any future communication with grave owners.

9.2 The Council will keep a photographic record of the action taken on headstones that are classified as a level 1 or 2 failure.

### 10. Notification of the Grave Owner

10.1 Where a memorial has been deemed at immediate risk and the grave owner is not known, clear information will be posted on or near the memorial, giving contact details and the period within which contact can be made. In addition notices will be placed on the Council website, on the Council notice board and cemetery notice board and may be included in local newspapers requesting that the Grave owner contacts the Council.

10.2 Where the grave owner is known they will be notified by first class mail within three working days.

10.3 Where there is not an immediate risk and the Grave owner is not known, notices will be placed on the grave, on the Council website, on the Council notice board and in the cemetery notice board requesting that the Grave owners contacts the Council.

10.4 Where there is not an immediate risk and the Grave owner is known a letter will be sent within ten working days.

### 11. Repairs to memorials

11.1 It is council policy that all repairs should be carried out by an approved memorial mason in accordance with NAMM (National Association of Memorial Masons) approved methods or the British Standard 8415 current at the time of works.

11.2 It is the responsibility of grave owners to instruct a suitably qualified mason to carry out the repairs. The Council must be informed as to which mason has been instructed to carry out repairs to ensure the correct standards are adhered to.

11.3 Prior approval must be obtained from the Council before any work is undertaken. Approval is subject to the methods to be employed to make the memorial safe and subject to adequate insurance cover being verified.

11.4 Where the grave owner cannot be traced, the council will consider what action to take after an appropriate period.

11.5 It is not Council policy for the Council to undertake permanent repairs.

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11.6 If the owner does not make the repairs within six months after the issue of a notice, the Council may pocket the memorial or make it safe. The Council may also pocket (where possible) unsafe memorials in instances where no relatives can be traced or the family are unwilling to fund full reinstatement.

### 12. Policy review

12.1 This policy will be reviewed every two years or more frequently where new regulations or guidance necessitate a review.

Version	Date adopted	Minute reference
1	January 2009	153
2	November 2010	120
3	May 2019	19.30