

St. Minver Parishes Cemetery Committee Memorial Safety Policy

- 1.0 Introduction: The intention of this policy is to set out how St. Minver Parishes Cemetery Committee will undertake the management of any significant risks from memorials, within its cemetery 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 an assurance that memorials are properly managed.
- 1.1 St. Minver Parishes Cemetery Committee 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 practicable.
- 1.2 It is the Parish Councils intention 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 cemetery or closed churchyard.
- 1.3 Memorials within the cemetery or closed churchyard which 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. (Priority will always be given to making safe, higher risk memorials).
- 2.0 Responsibility for the maintenance: 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.
- 2.1 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 owner 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.
- 2.2 Although the memorial owner has a 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
- 3.0 Diocese and Consecrated ground: A Faculty may be requested from the Diocesan Consistory Court before any significant work is carried out on any consecrated ground within the cemetery or closed churchyard.
- 3.1 Relative minor works associated with maintaining the safety of an individual memorial will not require the authority of a faculty.
- 3.2 Minor work in this context could involve, for example, 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 heir in law.

3.3 A faculty may be required for the implementation of a general policy to test the safety of some or all of the memorials on consecrated ground, and to take remedial action in respect of any memorials found to be unsafe.

4.0 Memorial inspection: At least 28 days' notice will be given prior to the start of memorial safety inspections.

4.1 A public notice will be issued in the form of a press release, notification will also be displayed at the cemetery and on all Parish notice boards.

4.2 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.

5.0 Testing memorials: St. Minver Parishes Cemetery Committee's memorial safety team will carry out a visual check and hand test on all memorials in the cemetery 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. The hand test involves standing to one side of the memorial and applying firm but steady pressure by hand.

5.1 Training will be provided for all personnel carrying out the inspections/testing and make safe work.

5.2 The hand test will be used to determine if or to what degree the memorial is unstable.

5.3 The grave owner or relatives of the deceased can request to witness the test being carried out.

6.0 Risk controls: 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. 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.

6.1 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.

7.0 Records relating to the inspection of memorials: All memorials will be inspected on a 5 year cycle and a record kept of the inspection. 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 photographs will also be taken as a permanent record.

8.0 The responsibility for making safe memorials: St. Minver Parishes Cemetery Committee has powers under the provisions of the LACO 1977 section 3 2(b) to make safe or remove any memorials found to be unsafe during a safety inspection.

- 8.1 Every reasonable effort will be made however to contact the Grave owners or their heirs-at-law.
- 8.2 A letter will be issued to the last known address of the grave owner and a notice attached to the unsafe memorial.
- 8.3 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 St. Minver Parishes Cemetery Committee has the right to remove or take such 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 ensure a repair by a registered stone mason.
- 8.4 Options available to grave owners who can be traced may be discussed with the Parish Council.
- 8.5 Where contact has been lost with grave owners or their heirs-at law, the council has responsibility under LACO 1977 and HSWA 1974 to manage the cemetery and closed churchyard to maintain safety.
- 9.0 Memorials of interest: Memorials of historical or social importance within the cemetery or closed churchyard, that are deemed to present a risk of injury to people visiting or working within those burial grounds will take priority over other works.
- 9.1 In these cases should relatives be traced in the future they will be asked to contribute to the cost of any previous repairs undertaken by St. Minver Parishes Cemetery Committee.
- 10.0 Repairing existing and installing new memorials: Only accredited memorial masons will be allowed to work within St. Minver cemetery and closed churchyard. Membership of a national registration scheme, such as the British Register of Accredited Memorial Masons (BRAMM) or equivalent will be St. Minver Parishes Cemetery Committee Memorial Safety Policy page 7 required. Memorial Masons should also meet the following criteria: (1) Have satisfactory and proven experience. (2) Provide all memorial construction details. (3) Provide risk assessments and safe methods of working (4) Provide minimum public liability insurance of £1 million (5) Provide all grave owners with a guarantee of materials and workmanship for a minimum of 7 years. (6) Advise the Parish Council when they will be erecting or repairing a memorial to allow random inspections.
- 10.1 All fixings must comply with the National Association of Memorial Masons (NAMM) Code of Working Practice and BS8415.

Adopted by St Minver Cemetery Committee 19th October 2020