

**NEW BUCKENHAM PARISH COUNCIL**  
**DRAFT POLICY FOR THE**  
**MANAGEMENT OF MEMORIALS 2016**

**Version 2**

**Approved on: 10<sup>th</sup> January 2017**

## 1. Introduction

The following document sets out New Buckenham Parish Council's Policy for the management of memorial safety in its Cemetery and in the Closed Churchyard of St Martin's Church.

In 2007 the Institute of Cemetery & Cremation Management (ICCM) issued a guidance document, "**Management of Memorials**", which is a comprehensive guide to burial authorities' responsibilities and offers a clear methodology for the management, inspection and making safe of memorials. Further guidance has been provided by the Local Government Ombudsman, Ministry of Justice, Health and Safety Executive (HSE) and the Nation Association of Memorial Masons (NAMM).

In 2006 the Local Government Ombudsman issued the Special Report – "**Memorial safety in local authority cemeteries**". This document reinforces much of the advice of the ICCM, and provides general guidance on memorial safety testing with the aim of reducing public offence.

The National Association of Memorial Masons (NAMM) "**Code of Working Practice**" provides technical guidance on the correct methods of fixing all types of memorial. The NAMM Code of Working Practice support the British Standard BS8415 – "**Monuments within burial grounds and memorial sites (2005)**". This standard sets out the requirements for checking the condition and stability of memorials and procedures for their inspection.

## 2. Background

In recent years the safety of memorials has become a focus of much attention and debate. The most recent guidance from the Ministry of Justice (2009), states that over the last 30 years eight people in the UK have been killed when a memorial has fallen on them. Given the number of memorials and the number of visitors to burial grounds in any one year, the risk of any injury is "extremely low". Action to manage risks in burial grounds, therefore, needs to be sensible, proportionate and undertaken in a sensitive way.

Statistics from the ICCM indicate that there have been many serious injuries caused by unsafe memorials. They also highlight the instances where local authorities have been investigated by the Health and Safety Executive (HSE) and improvement notices issued. In the most serious cases the HSE has threatened prosecution. The Parish Council is bound by the condition of the Local Authorities Cemeteries Order 1977. It has a legal duty under the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations and Occupiers Liability Act 1957 to ensure that its burial grounds are safe places to work and visit. Managing memorial safety, therefore, is an essential part of controlling risks to health and safety.

## 3. Parish Council Policy

The purpose of this policy is to set out the procedures it will adopt in all areas of memorial management including the treatment of memorials that are found to be unsafe. No part of this policy will replace the Council's responsibilities and duties under health and safety legislation or other legislation covering burial grounds.

### 3.1 New Memorials

All new memorials must conform to the criteria set out in the New Buckenham Cemetery Regulations details of which can be obtained from the Council and are also available on the New Buckenham Village Website.

### **3.2 Carrying out Memorial Safety Inspections**

Prior to commencing memorial safety inspections the Council will follow the notification procedure as set out in *Local Authorities Cemeteries Order (LACO) 1974*. This includes a notice in the cemetery and in a local publication. All memorial owners, where possible, will be written to at their last known address.

The Parish Council will carry out safety inspections on all memorials in the cemetery every five years. All memorial safety inspections will be carried out by a specialist structural engineer or memorial mason (*Ministry of Justice, Managing the Safety of Burial Ground Memorials, 2009, Page 5, (7)*). A record of all memorial inspections and the results of these inspections will be kept by the Council.

The Parish Council acknowledges that memorials fitted with a ground anchor may move when tested. Qualified inspection contractors are trained to identify when a ground anchor has been fitted and, therefore, would not fail the memorial for movement at the base to foundation joint, as the memorial will 'lock' on the ground anchor. Mechanical force measuring equipment will not be routinely used to test the stability of memorials. Such equipment will only be used if the safety of a memorial is under dispute. In these circumstances mechanical force measuring equipment may be used to confirm that the memorial is unable to withstand a force approximating 350 Newtons (circa 35kg) and is, therefore, an 'immediate danger'.

### **3.3 Procedure for Contacting Memorial Owners**

At least 28 days prior to starting memorial safety inspections a notice will be displayed in the burial grounds. This notice will detail what is being done, when it will be done and how people can obtain further information. A letter will be sent, where possible, to the last known contact address of every memorial owner. A notice will be placed in a local publication and included on the New Buckenham Village Website.

If a memorial is found to require maintenance every effort will be made to contact the memorial owner to undertake repairs. The methods of contact will be:

- a) A notice attached to the unsafe memorial;
- b) A letter to the last known address of the memorial owner;
- c) Notice in a local publication;
- d) The New Buckenham Village Website

If the Council receives no response a further letter will be sent after three months. It will inform the owner that their memorial has been found to be unsafe and details of the action needs to be taken. If there is no response a third and final letter will be sent after six months.

If the Parish Council receives no response it will take the necessary steps to permanently make safe the memorial. This will also apply to memorials where the memorial owners have been contacted and they are unwilling or unable to undertake a repair. The timescale for the Parish Council to permanently make safe memorials is dependent on the level of risk from the memorial. High risk memorials will be made safe after six months, medium risk memorials after one year and low risk memorials after two years.

The Parish Council will keep an up-to-date record of all memorial owners' contact information.

### 3.4 Dealing with Unsafe Memorials

Ministry of Justice advice states “only when the memorial poses a significant risk, such as imminent collapse in a way that could lead to serious injury, does immediate action need to be taken to control the risk”. Based on this advice when a memorial poses a **significant risk** one or more of the following actions will be taken:

- a) A **Safety Notice** informing people that the memorial was found to be unsafe and the action to be taken by the owner will be displayed on or near to the memorial.
- b) A temporary **Make Safe Structural Support** will be used to secure memorials whilst the memorial owner is contacted and repair arranged.
- c) **Fencing/Cordoning Off** unsafe memorials may be necessary under some circumstances, e.g. for very large memorials or where a significant number of memorials are unsafe in a specific area.
- d) Memorials will be **Laid Flat** if there is no other practical means of make the memorial safe or where the memorial owner has requested it.

Where a memorial only poses a small risk a safety notice will be placed on the memorial and the memorial owner notified.

Where after at least six months from being found unsafe the Parish Council has been unable to contact the memorial owner, a decision will be taken as to how to make the memorial safe. Under these circumstances the memorial will be partly buried in the ground, permanently laid flat or repaired. Where the memorial owner has been contacted but is unwilling or unable to have the memorial repaired, the owner will be given the choice to have the memorial partially buried or laid flat.

If no memorial owner can be found but a memorial is determined to be of heritage or amenity value, the Parish Council may decide to repair a memorial. In these circumstances any relative being found in the future would be requested to pay the cost of the repair. The Parish Council will make no charge for applications from memorial masons to carry out repairs to an existing memorial.