



# Medstead Parish Council Memorial Inspection Policy & Procedure

## **1. INTRODUCTION**

- 1.1. This policy has been adopted by Medstead Parish Council (The Council) and sets out its approach to the inspection and making safe of memorials in Medstead Cemetery.
- 1.2. Since Victorian time's memorials have been 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, and will last forever without any need for repair.
- 1.3. Unfortunately, in recent years this assumption has proved incorrect and burial authorities have to tackle years of neglect and in some cases poor workmanship. The memorials in Medstead Cemetery do not belong to The Council, as they remain the property of the Deed Holder to the Exclusive Rights of Burial although The Council has powers to take any necessary action when the owner cannot be traced.

## **2. RESPONSIBILITIES FOR MEMORIAL SAFETY**

- 2.1 The Council has health and safety responsibilities to its employees, contractors and visitors to Medstead Cemetery. The Council has a responsibility to staff (Section 2 Health & Safety at Work Act 1974) and a responsibility to visitors (Section 3 Health & Safety at Work Act 1974). The Management of Health & Safety at Work Regulations 1999 places a legal duty on the Council to assess the risks from cemetery structures and work activities and ensure that the risks are controlled.
- 2.2 A monumental mason has the responsibility to work in accordance with the Council's conditions and specifications for memorials as laid down in the Council's Cemetery Regulations. Memorial masons are legally liable for the work they carry out and should ensure that memorials are erected safely and in accordance with current standards available within the industry (such as quality specifications like the Appropriate industry code of practice or similar). This responsibility is placed on masons in the Consumer Protection Act 1987, the Sale of Goods Act 1979 (amended 1994), the General Product Safety Regulations 2005 and the Directive on Liability for Defective Products (85/374/EEC. If masons do not carry out their work with due diligence they could face severe financial penalties. Should The Council identify a memorial that has become unstable due to non-compliant installation within 6 years of installation the memorial mason must rectify the matter free of charge. Should dispute ensue on this matter it should be referred to the local Trading Standards office.
- 2.3 An owner, the Deed Holder or successor in title, of a memorial has the responsibility to maintain it in a good condition and should be properly informed, in writing, of their and other party's responsibilities when permission is granted for its installation.

## **3. MEMORIAL INSPECTION PRINCIPLES**

- 3.1 The Council will undertake a rolling programme of memorial inspections on the existing memorials, at least once every 5 years. The Council will undertake an initial inspection within a 12 to 18 month period, from the issue of this policy document.
- 3.2 Memorial inspections will be fully documented, identifying all dangerous or unstable memorials.
- 3.3 Where the ground has been consecrated in accordance with the rites of the Church of England the Church, through the local diocesan Consistory Court, has jurisdiction over such ground. The Council will obtain a faculty from the church diocese giving permission to carry out inspection and to render memorials safe.
- 3.4 The Council will publicise on the Cemetery notice board and The Council web site the date of an inspection with a minimum of two weeks' notice. These will ensure that the public are informed about the work to be carried out, why it needs to be done and how it will be done.

- 3.5 Where an inspection identifies an unsafe memorial, the Parish Council will take action to significantly reduce or eliminate the risk to visitors and employees, whether that be to make the memorial permanently safe by setting it into the ground, laying it down or whether it is temporarily made safe with some sort of support system or whether access is restricted by the use of a cordon or barrier. Any temporary support system will be reviewed every 12 months.
- 3.6 Where possible, the Parish Council will contact the owner, by writing to the last known address, to advise them of the problem and ask them to make the memorial permanently safe pending a permanent fix, usually by having it re-fixed (unless the memorial was installed within the previous 6 years as above). The notification should be written in a sympathetic manner stating that as the memorial has failed the owner is responsible for reinstating it to an approved specification (BS 8415). Further information regarding consumer protection law and the length of time to be given to have the memorial reinstated can also be given at this time.
- 3.7 Where owners cannot be traced, The Council will, in accordance with The Local Authorities' Cemeteries Order 1977, take the necessary action to remove a danger arising from a condition of a memorial.
- 3.8 As a minimum all persons involved in the memorial safety inspection should be suitably trained in the process. An inspection will be carried by a minimum of two persons.
- 3.9 A dangerous or unstable memorial is defined as one that will move and continue to fall to the ground with the exertion of a **force of 25kg or less**. It should be noted that a memorial that moves under pressure does not necessarily pose a danger and should be judged against the aforementioned definition.
- 3.10 Notice of any proposed work to a memorial will also be posted on the grave for a period of 28 days before any such work is commenced.
- 3.11 The Council will employ the simple hand pressure test for all memorials.

#### 4. INSPECTION RECORDS

- 4.1 Every memorial will be inspected and a record maintained of that inspection that includes the date and time of the inspection and the name of the inspector(s).
- 4.2 The results of the initial inspection will inform the following inspections so should be as complete as possible. The essential information required for the initial inspection is as follows:
  - **Plot Number**
  - **Name of deceased** – normally this will be the name of the first interred
  - **Size of memorial** – identifying one of two sizes would be acceptable
    - **Below 1 metre** – therefore less of a hazard as it is less likely to be the cause of an accident.
    - **Over 1 metre** – posing a greater hazard as these memorials are more likely to cause injuries.
  - **Type of memorial** - headstone, cross, kerb set, book style etc. This helps identify the memorial if plans are not entirely clear.
  - **Headstone material** – This will not require the inspector to be an expert on different types of stone. The element critical to a stone's potential safety or otherwise is whether it is a hard or a soft stone.
  - **The memorials condition:** Are there any cracks in the memorial? Is the memorial leaning? Are the joints intact? Is the memorial rocking? (A simple pass or fail is required for each of these on the initial inspection; fuller details can be gathered on the ongoing inspection process).
  - **Action Required** - Comment on what action is required for the memorial inspected – This may be the immediate action required such as the cordoning or fencing off of a

memorial and the action required in the future to make the memorial permanently safe, such as laying it flat, repairing it or setting it into the ground.

- **Priority of action** –Three simple classifications of the priority of action will be used. These are :

**Priority 1** - Immediate action is required to make the memorial safe or to stop the public accessing the memorial. This could be the permanent removal of the hazard or the temporary making safe of the hazard.

**Priority 2** – The memorial is not an immediate danger to the public but is not fully stable and will, therefore, either require remedial work in the short term or need to be monitored every 12 months to assess any further deterioration of the memorial.

**Priority 3** – The memorial is perfectly stable and will only need to be inspected in 5 years' time.

4.3 Information taken from the records made at the cemetery will be transferred to computer for long-term reference and security.

## **5. MANAGING MEMORIALS FOR THE FUTURE**

5.1 There are no requirements for industry qualifications or training for Memorial masons. Industry registration schemes can provide Councils and bereaved families with some assurance that future memorials are installed correctly.

5.2 The National Association of Memorial Mason's (NAMM) represents the memorial industry and provides technical guidance and training on the safety of memorials, specifically the correct way to install or repair memorials and meet the industry standard as laid out by BS 8415.

5.3 The British Register of Accredited Memorial Masons scheme (BRAMM) is a scheme managed by a board comprising 50% representation by burial authorities and 50% by memorial masons. Representation from both sectors is considered to be of paramount importance in ensuring that both authorities and memorial masons work together for the common good.

## **6. UPDATING CEMETERY REGULATIONS**

Changes to the Council's Cemetery Regulations will be communicated to all local funeral directors and memorial masons.