

# CHEVELEY PARISH COUNCIL

## Memorial Safety Policy

**January 2020**

Adopted by the Parish Council on 11<sup>th</sup> February 2020

### **1. Introduction**

The intention of this policy is to set out how Cheveley Parish Council will undertake the management of any significant risks from memorials, within its cemetery 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.

Cheveley 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 practicable.

It is the Parish Councils intention to follow the latest guidance from the Institute of Cemetery and Crematorium Management (ICCM) on memorial safety and the Ministry of Justice – ‘Managing the safety of Burial Ground Memorials’ (2009). It will take appropriate action to any memorial deemed unsafe within the cemetery.

Memorials within the cemetery 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. 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 & Safety Executive (HSE) and improvement notices issued. In the most serious cases the HSE has threatened prosecution.

The Council is bound by the conditions 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 1999 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 the risks to health and safety.

### **3. Parish Council Policy.**

The purpose of this policy is to set out the Council's position in all areas of memorial management including what procedures have been adopted for 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 maximum size criteria as set out in the Council's rules and regulations. Details of specific restrictions are available from the Council on request or on the Council's web-site.

#### **3.2 Carrying Out Memorial Safety Inspections.**

Prior to commencing memorial safety inspections, the Council will follow the notification procedure as set out under the Local Authorities Cemeteries Order (LACO) 1974. This includes a notice in the cemetery and in local papers (CPC press report).

The Council will carry out safety inspections on all memorials in the cemetery every five years. All memorial safety inspections will be carried out by suitably trained persons in accordance with ICCM and Ministry of Justice guidelines. A record of all memorial inspections and the results of these inspections will be kept by the Council.

For each memorial inspected a Risk Assessment will be completed. This assessment will provide a hazard rating (severity of outcome) and likelihood rating (probability of outcome), which will in turn be used to calculate the risk associated with the memorial and whether or not further action to control that risk is required. The inspection will include both a visual check and a hand test. The hand test will be used to determine stability of the memorial. Even where a visual check reveals no sign of defects the hand test will be used to confirm that the memorial is stable. The hand test will be carried out by standing to one side of the memorial and applying a firm but steady pressure in different directions. This will be used to determine if or to what degree the memorial is unstable.

The Council acknowledges that memorials fitted with a ground anchor may move when tested. Inspectors 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 cemetery. This notice will detail what is being done, when it will be done and how people can obtain further information.

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:

1. A notice attached to the unsafe memorial;
2. A letter to the last known address of the memorial owner;
3. The Council 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 needed to be taken. If there is no response a third and final letter will be sent after six months.

If there is no response the Council 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 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 after one year and low risk after two years.

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

### **3.4 Dealing with Unsafe Memorials**

Different identified levels of risk will result in the following action.

**Low risk memorials** – Inspect on 5-year cycle.

**Medium risk memorials** – Inspect on a 2-year cycle.

**High risk 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:

- i) A Safety Notice informing people that the memorial has found to be unsafe and the action to be taken by the owner will be displayed on or near to the memorial.
- ii) A temporary Make Safe Structural Support will be used to secure unsafe memorials whilst the memorial owner is contacted and repair arranged. These supports will be used for a maximum of six months.
- iii) 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 within a specific area.
- iv) Memorials will be Laid Flat if there is no other practical means of making the memorial safe or where the memorial owner has requested it.

Temporary make safe structural supports will be used on memorials that pose an immediate risk to safety whilst the memorial owner is contacted. Where a memorial poses only a low risk a safety notice will be placed on the memorial and the memorial owner notified.

Where after at least six months from being found to be unsafe the 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 partially 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 permanently laid flat.

If no memorial owner can be found but a memorial is determined to be of heritage or amenity value (e.g. situated in the Cheveley conservation zone (closed cemetery)), the 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 Council will make no charge for applications from memorial masons to carry out repairs to an existing memorial.

### **3.5 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

## **IMPORTANT NOTICE**

### **UNSAFE MEMORIAL**

It is with regret that we must inform you that this memorial has been inspected and has been found to be unsafe. Please do not touch or interfere with it in any way.

The memorial can only be repaired by an approved stone mason.

Cheveley Parish Council is attempting to contact the owner of the grave. For

further information please contact:

Office hours:

## **IMPORTANT SAFETY NOTICE**

Memorials in this cemetery may be unsafe.

Cheveley Parish Council carries out regular memorial inspections to ensure your continued safety within this cemetery.

The Parish Council hope that you will follow this simple check list to enjoy a safe visit.

### **Do not:**

- Lean on a memorial.
- Pull oneself up on a memorial after tending to a grave.
- Climb on a memorial.
- Use a memorial for support.

Stay safe keep to the footpaths, if possible, avoid walking between memorials and ensure children are supervised at all times.

Where memorials are found to be unsafe Cheveley Parish Council will take steps to make them safe, this will involve temporary make safe arrangements, setting memorials into the ground or, where necessary laying them flat onto the ground to prevent a genuine hazard to public safety.

Should you have any concerns about the Council's safety policy or if you would like further information, please contact the Clerk on 01638 780835 or [clerk@cheveley-pc.gov.uk](mailto:clerk@cheveley-pc.gov.uk).

## **Notice to all cemetery users**

The Local Authorities' Cemeteries Order 1977  
BURIAL, ENGLAND AND WALES

### Offences in cemeteries

18.-(1) No person shall-

- (a) willfully create any disturbance in a cemetery;
- (b) commit any nuisance in a cemetery;
- (c) willfully interfere with any burial taking place in a cemetery;
- (d) willfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter; or
- (e) play at any game or sport in a cemetery.

(2) No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a cemetery at any hour when it is closed to the public.

### Penalties

19. Every person who contravenes-

- (a) any prohibition under article 5(6);
- (b) article 10(6);
- (c) article 18;
- (d) Part 1 of Schedule 2

Shall be liable on summary conviction to a fine not exceeding £1000 and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after conviction therefor.