



# Memorial Safety Policy

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Parish Council Amenities – Memorial Safety Policy

# AMENITIES

## MARDEN CEMETERY

### MEMORIAL SAFETY POLICY

Local Authorities' Cemeteries Order 1977 (LACO 77) Article 3(1) empowers burial authorities: To do all such things as they consider necessary or desirable for the proper management, regulations and control of a cemetery.

Local Authorities' Cemeteries Order 1977 (LACO 77) Article 3(2) does not authorise: Any action in relation to any vault, or any tombstone or other memorial other than action which is necessary to remove a danger which arises by reason of the condition of the vault, or the tombstone or other memorial, itself.

Local Authorities' Cemeteries Order 1977 (LACO 77) Article 16(2)  
Provides powers to remove dilapidated memorials where inscriptions are illegible due to neglect.

The cemetery is situated in Maidstone Road, Marden and is owned and managed by Marden Parish Council.

The cemetery currently consists of four sections:

- Section 1 & 2: graves with both headstones and kerbstones erected
- Section 3: graves with headstones only
- Cremated remains section with small memorial tablets installed (also includes some children's graves).
- Section 4: (*new section*) headstones only (burials (adults and children) and ashes)

The Health and Safety Commission advises that all local authorities and parish councils responsible for cemeteries check that their cemeteries are safe for visiting members of the public, employees and contractors.

By virtue of their size and weight, some headstones can cause the greatest damage and injury if they fall. However, the smaller headstones are still of sufficient weight to seriously injure anyone they fall on. The degree of danger also relates to the method of fixing as traditional cement and dowels are subject to deterioration over time.

#### **Installation of Headstones**

No works are permitted to be carried out on any grave space except by a Monumental/Stone mason who is accredited to the British Registration of Approved Monumental Masons Scheme (BRAMM) or an equivalent scheme.

All applications that are submitted for erection of headstones and all memorial works will be carried out in accordance with BS8415 or any Industry Standard or Code of Working Practice which complies and conforms to the above standards. Stone masons have to sign to indicate they meet the above standards and are accountable for any breach of the standards and to confirm that they are BRAMM registered.

All Memorials (including Memorials being re-fixed after a burial has taken place and those found to be unsafe after Memorial testing has taken place) are to be fixed in line with BS8415: the nationally recognised standard for fixing memorials. This states the minimum requirements for the fixing of Memorials.

All costs for this work must be met by the person to whom a permit to place the Memorial has been given.

To ensure all Memorials are safe they must be fixed to the recognised approved standards of the day.

### **Upkeep and Maintenance**

The upkeep and maintenance of any Memorial within the cemetery remains the responsibility of the person to whom a permit to place the Memorial was given.

All Memorials remain in the ownership and are the responsibility of the grave owner or person taking over responsibility after the grave owner is deceased.

Any Memorial being fixed, or re-fixed, must have the grave section and number clearly displayed on its base along with the identification of the memorial mason fixing the memorial.

This helps to ensure the memorial is being placed on the correct grave space and allows staff at Marden Parish Council to contact a memorial mason should there be any issues with the installation.

### **Stability Guarantee Period**

All Memorials installed in the Cemetery from the date of installation must be subject to a “Guarantee of Conformity” granted by the mason who installed the Memorial. Such a guarantee is given to confirm that the Memorial has been fixed to the best standard set by NAMM (National Association of Memorial Masons) at the date of fixing and should last for a minimum of 30 years. If, at any point during the life of the Memorial, it becomes loose or unstable and this cannot be attributed to ground conditions or disturbance, the mason should, under the terms of the said guarantee, refix the Memorial to the original standard at no cost to the grave owner or the Council.

### **Undertaking Testing**

Any Memorial purchased and erected on a grave space is owned by the registered grave owner and it is that person or persons who are ultimately responsible for its upkeep and maintenance.

Whilst the Memorials are the responsibility of the registered grave owner Marden Parish Council has a responsibility for ensuring that its Cemetery is safe for both staff to work in and for the public to visit.

All Memorials will be inspected by trained staff or Cllrs at least once during a rolling 5 year period to assess their safety. This will be done through both a visual assessment and a basic hand test to determine if there is movement in the Memorial and to what extent.

The individual undertaking the assessment will make the decision on the memorial’s overall safety based on a risk assessment for which they have been trained.

Notification will be given prior to any testing being undertaken by notices being erected at the cemetery and advertised on the Parish Council website and Social Media pages.

Notification will also be given to Marden Parish Council’s insurers.

An upright headstone will be visually assessed and then tested by palm pressure. If the palm pressure does not produce any movement then the memorial will be deemed safe. If movement is detected the owner of the grave\* (if known) will be written to advising that they should make contact with a stone mason to assess the situation. Confirmation of this visit and outcome must be given to the Parish Council in writing within 28 days. If the movement is severe the following will be undertaken depending on size, type and ground conditions:

Providing a make safe support system - the memorial will be fastened tight to a wooden post which will act as a temporary support. The support will also hold a warning notice. This support will be re-inspected every 12 months to ensure that it hasn't deteriorated.

Laying the memorial down on the grave, with the inscription uppermost – in most cases this will invariably be where the memorial can be laid down where it does not cause a new trip hazard. A working sign will be placed near to the memorial.

Cordoning off very large memorials and seeking the opinion of a structural engineer – In some cases it may be necessary to cordon off a particular memorial or an area containing a number of memorials due to their safety. Warning signs will be attached to any cordon placed around a memorial or group of memorials.

Removal – in extreme cases it may be necessary to remove a memorial from the grave and place into storage if none of the above options are suitable.

All the above are regarded as “Temporary Fixes” and should not be seen as a permanent solution to deal with an unsafe memorial and are intended to reduce or remove the risk of a memorial causing harm or damage to someone. Prior to taking any of the actions above the memorial will be photographed and details recorded of any existing damage or issues.

### **Informing Grave Owners**

Marden Parish Council will endeavour to contact the grave owner where any action has been taken due to the memorial failing a safety inspection. Correspondence will only be sent providing that the grave owner is not recorded as being in the grave or if it is apparent that the registered address no longer exists. For any memorials over 30 years of age no correspondence will be sent but a notice will be kept on the grave space for a period of not less than 12 months.

Most people do not think to advise the Parish Council when they change address, or when they inherit the rights to a grave from a relative's estate. We can only contact you if we know who and where you are. If you think your details need updating please contact the Parish Office on 01622 832305 or via email at [clerk@mardenkent-pc.gov.uk](mailto:clerk@mardenkent-pc.gov.uk)

If the owner(s) of the grave is not known or cannot be contacted the Parish Council will take on responsibility and consider each unsafe memorial on an individual basis deciding whether to lay the headstone down or cover costs up to £250 to make it safe.

### **Responsibility for Cost of Repair**

The registered grave owner has a responsibility to ensure the memorial is made safe through being properly re-fixed to the current BS8415 standard and works must be undertaken by a qualified and BRAMM registered Memorial Mason.

Do it yourself repairs by families will not be permitted, memorials must be fixed to the current best standard of the day by a licensed memorial fixer. All costs associated with organising a memorial to be repaired remain the responsibility of the grave owner.

Should grave owners fail to take any action within a reasonable time period then Marden Parish Council will look to apply a semi-permanent solution to the memorial, this will involve either laying the memorial flat or other suitable action.

Any upright headstone to be re-fixed must now have a ground anchor system fitted to ensure its future safety.

### **Registering Findings Following an Inspection**

The Parish Council will establish a “rolling” inspection programme and aim to test the stability of all upright memorials every 5 years. The Parish Council will record of all test results, devise a “pass/fail/re-rest” criteria based on the grading below and notify **in writing** memorial owners of results if failed.

#### Grade 1 Fail

There is movement and memorial not safe. Make safe by staking and banding or (only if in danger of collapse) lay safely flat. Notify owner and ask them to make repairs employing a qualified memorial mason within specified period (ie immediately, 3/6 months).

#### Grade 2 Provisional Pass

There is some movement but memorial is safe. Notify owner suggesting memorial mason makes it safe to avoid memorial becoming further weakened. Re-test in 1 years’ time.

#### Grade 3 Pass

There is no movement. Retest in 5 years.

Each memorial will be categorised when it is inspected. It may require immediate action to make it safe, it may give some cause for concern but not be an immediate danger in which case it will be inspected in a year’s time; or it may be secure and will then be re-inspected in five years’ time. Ongoing inspections will now be a regular part of the Parish Council’s work. All new memorials must now be fitted with a ground anchor system so that they will not cause a danger at some point in the future.

### **Safety Testing of Memorials – Published Guidance can be found at:**

Ministry of Justice – Managing the Safety of Burial Ground Memorials:

[Managing the safety of Burial Ground Memorials - Practical advice for dealing with unstable memorials \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Institute of Cemetery and Crematorium Management – Management of Memorials:

[ICCM\\_MM Policy Final 08 2019.pdf \(iccm-uk.com\)](https://www.iccm-uk.com/ICCM_MM_Policy_Final_08_2019.pdf)

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