



# **BISHOPSTOKE PARISH COUNCIL POLICY**

**on**

## **MEMORIAL SAFETY IN COUNCIL CEMETERIES AND MAINTAINED CLOSED CHURCHYARDS**

**This policy and procedures document on memorial safety  
in Council cemeteries and maintained closed churchyards  
was adopted by the Parish Council at its meeting on 22 September 2020**

**D Wheal**

**Clerk to Bishopstoke Parish Council**

**BISHOPSTOKE PARISH COUNCIL**  
**POLICY**  
**on**  
**MEMORIAL SAFETY IN COUNCIL CEMETERIES**  
**AND MAINTAINED CLOSED CHURCHYARDS**  
**Amendment Sheet**

<b>Amendment No.</b>	<b>Date Incorporated</b>	<b>Subject</b>
----------------------	--------------------------	----------------

**MEMORIAL SAFETY POLICY AND PROCEDURES  
FOR COUNCIL CEMETERIES AND MAINTAINED CLOSED CHURCHYARDS**

**1 General**

- 1.1** Bishopstoke Parish Council recognises that it has a duty of care to ensure the safety of employees, contractors and visitors who come into contact with memorials in Council operated cemeteries.
- 1.2** A ‘memorial’ is a permanent structure that commemorates a deceased person and may include kerbs, plaques and separate memorial vases. The results of this inspection program will be recorded, with the identification of all dangerous or unstable memorials. Force testing equipment will not be used.
- 1.3** All other items placed on a grave, which are not authorised permanent memorials, will be reviewed during ongoing regular inspections during the year. They will be dealt with as detailed in the ‘Bishopstoke Cemetery Regulations in Respect of Interments and Memorials’ (hereinafter known as the Cemetery Regulations), under clauses 24 to 30.
- 1.4** Memorials in cemeteries may be old, neglected and in poor repair. In such condition they may pose a threat to safety. Bishopstoke Parish Council is authorised to introduce memorial safety policy and procedures under the provisions of the Local Government Act 1972, Local Authorities’ Cemeteries Order 1977, and the Health and Safety at Work Act 1974.
- 1.5** This document details the policy and procedures adopted by Bishopstoke Parish Council for the management of memorial safety in cemeteries under the Council’s control.
- 1.6** Council staff involved in cemetery management should follow these procedures designed to implement the Council’s policy on memorial safety.
- 1.7** Council staff involved in cemetery management should have a copy of the risk assessment for the Cemetery and comply with any actions necessary to reduce risks.

**2 Policy on Memorial Safety**

- 2.1** It is the policy of Bishopstoke Parish Council to ensure that the condition of memorials in cemeteries under the Council’s control does not pose a significant hazard to anyone who works in, or visits the cemetery.

**3 Responsibility For Memorial Safety**

- 3.1** The following parties have responsibility for memorial safety in Council cemeteries:-
  - (a) Bishopstoke Parish Council has health and safety responsibilities to its employees, contractors and visitors to our cemeteries.
  - (b) A monumental mason has the responsibility to work in accordance with the Council’s conditions and specifications for memorials, and to safely erect the memorial in accordance with current standards available within the industry.
  - (c) An owner of a memorial has the responsibility to maintain it in a good condition and to ensure that it does not present a hazard.

## **4 Notice of Intent**

**4.1** Prior to any memorials being inspected, reasonable steps will be taken to inform grave owners and members of the public of the intention to inspect memorials and remove the danger from unsafe memorials.

**4.2** This will involve:-

- (a) Placing a notice on Bishopstoke Cemetery's noticeboard, or elsewhere as appropriate.
- (b) Advertising the inspection on the Council's website and Facebook page.
- (c) Providing a notice to the church authorities to display inside St Mary's church.
- (d) Placing a notice on the front gate at St Mary's churchyard.
- (e) Announcements where possible in any appropriate Parish newsletter or press release.

Publicity to be arranged 3 months in advance of the intended date of inspection.

## **5 Procedures for Memorial Inspection and Remedial Action**

**5.1** These procedures have been formulated with due regard to the guidance issued by the Institute of Cemetery and Crematorium Management (ICCM) on 'The Management of Memorials', dated August 2019.

**5.2** The management of memorial safety in Council controlled cemeteries is based on a risk assessment approach. As a priority, this will involve attempting to identify those memorials that present an immediate and significant hazard and making them safe.

A risk assessment approach for Bishopstoke Cemetery has resulted in the following:

Inspections should start with the oldest sections, which are assessed as being likely to have more failures due to age of the memorials (this will include sections P, P(c), V and T) and with memorials which are adjacent to the internal Cemetery road, which are assessed as being more likely to be damaged by a vehicle.

There are no particular memorials which are more attractive to visitors than others, and no known famous person memorials. There are no memorials of significant height, the largest memorial being 48 inches (1220mm) in height. There are no areas which are significantly more out of public sight than others, which might make them more subject to vandalism.

A risk assessment approach for the Old St Mary's churchyard has resulted in the following:

Memorials are assessed as equally likely to fail due to age. Most memorials are embedded into the ground around the edge of the churchyard, the largest height memorial for an individual being 46.5 inches (1180mm). Single tombstones in the lawn area and the large height general memorial cross (height 3m) are assessed as being more likely to suffer from vandalism, as they are more attractive and isolated memorials. There are no known famous person memorials, and no memorials which are at more risk due to proximity to pathways or roads.

A risk assessment approach for St Mary's churchyard has resulted in the following:

Significant height memorials exist in this churchyard, and should be inspected first. The largest height memorial in this churchyard being 76.5 inches (1945mm). There are no known famous person memorials. Memorials adjacent to the embankment at the entrance driveway

to the front door of the church, and adjacent to the pathways through the churchyard, are assessed as being at greater risk due to pedestrian or vehicular traffic.

- 5.3** Action will be taken to deal with memorials identified as being unstable but not an immediate hazard, in order to prevent these memorials becoming a risk to safety in the future.
- 5.4** Appropriately trained staff may inspect memorials less than 2 metres in height. The inspection will comprise a visual assessment and a hand test, if considered safe to do so. Priority will be given to those that are older, jointed or that appear unstable. The age of the memorial, ground conditions, and local knowledge will be other factors used to guide inspecting staff in determining the priority of memorial inspections.
- 5.5** The general memorial cross in the Old St Mary's churchyard, being 3 metres in height, will be inspected by a structural engineer at a minimum of every 5 years.
- 5.6** A visual assessment of each memorial will include the following:
- overall visual assessment
  - review of whether the joints are intact
  - review of whether the kerbs etc are breaking apart, or crack/faults present
  - review of whether the memorial has an excessive lean
  - review of the foundations, and whether they are intact
  - review of any intrusion of vegetation
  - review of the presence of any cavities below ground level

This will identify potential risks, and where safe to do so will be followed by a physical inspection.

- 5.7** The inspecting officer will identify memorials in one of three categories:
- Category 1 – requires immediate attention
  - Category 2 – unstable but unlikely to cause immediate danger
  - Category 3 – not dangerous
- 5.8** Bishopstoke Parish Council expects to schedule an annual memorial inspection, however, all memorials will be inspected at a minimum of every 2 years.
- 5.9** Memorials temporarily made safe pending necessary repairs will be made permanently safe within 18 months.

## **6 Action to deal with Category 1 Memorials (memorials requiring immediate attention)**

- 6.1** For all types of Category 1 memorials, the following action will be taken without delay:

Cordoning off of the memorial using staked hazard tape.

Placing a notice in a suitable position at the grave to warn of the immediate hazard posed by the memorial.

Photographs are to be taken of the memorial at the time of the inspection and following the memorial being laid down or remedial work being completed. Photographs are to be

retained with the inspection records.

If the memorial is dangerous on inspection the hazard posed by the memorial must be remedied where possible by laying the memorial down immediately. A supporting stake may be used as a temporary solution to the need for a repair. Where it is thought that, for health and safety reasons, a full repair should be made urgently, a stonemason should be contacted to make an urgent repair - such cases would include where it has been necessary to cordon off the memorial using staked hazard tape because the memorial is immediately dangerous and cannot be laid flat.

Attempts will be made to contact the burial grant owner, or family members, as per 9.  
*Action to be taken to contact burial grant owners/family members.*

When a Category 1 memorial has been repaired, the completed repair must be inspected by the Council's officer, and the results recorded. A completed 'Record of Memorial Repair' form should be forwarded to the Council by the monumental mason carrying out the repair. This will provide signed confirmation that the repair has been carried out in accordance with the Council's Cemetery Regulations.

## **7 Action to deal with Category 2 Memorials (memorials that are unstable but unlikely to cause immediate danger)**

### **7.1** For all types of Category 2 memorials, the following action will be taken without delay:

Placing a notice in a suitable position at the grave to warn of the unstable condition of the memorial.

Photographs are to be taken of the memorial immediately following the inspection. These should be retained with the inspection records.

If the memorial can be laid flat this should be done.

Attempts will be made to contact the burial grant owner, or family members, as per 9.  
*Action to be taken to contact burial grant owners/family members.*

When a Category 2 memorial has been repaired, the completed repair must be inspected by the Council's officer, and the results recorded. A completed 'Record of Memorial Repair' form should be forwarded to the Council by the monumental mason carrying out the repair. This will provide signed confirmation that the repair has been carried out in accordance with the Council's Cemetery Regulations.

## **8 Category 3 Memorials (memorials that are not dangerous)**

### **8.1** The results of the inspection of all memorials will be recorded by Council staff. Those memorials found to be Category 3 will be subject to re-inspection as part of the normal programme of re-inspections carried out by the Council at a minimum of every 2 years.

## **9 Action to be taken to contact burial grant owners/family members**

### **9.1** Notices will be placed to try to contact families – where possible these will be small unobtrusive coloured notices, except in cases where visitors need to be warned away from the memorial when an A4 sized white warning notice will be placed. The action that will

then be taken will depend on whether or not the exclusive right of burial grant for the grave has been purchased.

**9.2** Action to be taken for memorials which need repair where the burial grant has NOT been purchased.

An attempt will be made to locate family members by sending a letter to the next of kin (NOK) if known, or to the address of the last person interred if there are no NOK records, asking for a response within 30 days. A 'Record of Memorial Repair' form should be enclosed with the letter. A notice will also be placed at the graveside to give 2 months' notice of work to be carried out. If no response is received by the end of the notice period a basic repair will be carried out at the Parish Council's expense. A notice will be placed on the grave to explain the removal of the memorial if this is necessary in order to carry out the repair.

If a family member responds they, and other family members, can be given the option of purchasing the exclusive right of burial grant, after which the memorial can be repaired or replaced as necessary by the new owner(s). If the family do not wish to purchase the burial grant, the Council will permit them to make the necessary repair to bring the memorial into its original condition (to include cleaning or re-lettering, as necessary), however, they will not be permitted to replace the memorial with a new memorial unless they choose to purchase the burial grant. They will be requested to carry out any grant purchase or memorial repairs within a period of 2 months, after which the Council will take action if they have not complied. If the family do not wish to make a repair they will be informed that the Parish Council will still go ahead with a basic repair. A basic repair is corrective only, with no other work being carried out - a basic repair does not include cleaning the memorial or refurbishing the lettering.

**9.3** Action to be taken for memorials which need repair where the burial grant HAS been purchased.

If the burial grant owner is not deceased a letter will be sent to the grant owner's last known address asking for a response within 30 days. If the owner is deceased the letter will instead be sent to the next of kin (NOK) if known, or to the address of the last person interred if no NOK details are known, as an attempt to contact the family. A 'Record of Memorial Repair' form should be enclosed with the letter. A notice will also be placed at the graveside to give 2 months' notice of work to be carried out.

If a response is received the burial grant owner will be requested to carry out the work within a period of 2 months, or the family will be requested to complete a transfer to a new burial grant owner and to carry out the work within a period of 2 months, after which the Council will take action if they have not complied. The burial grant owner should also be given the option of giving up grant ownership, following which the Parish Council would carry out a basic repair as the new owner (no refund will be given for the remaining period of the grant).

If no response is received from the owner or NOK, or the owner/NOK fails to comply within the given time period, a recorded delivery letter will be sent to the last known

address of the owner/NOK, reserving the right to take over maintenance and to repair the memorial if the repair has not been carried out within 30 days. The letter will indicate that the repair cost will be recorded against the plot with the aim of resolving full or partial payment at the time of a further interment or when further work is requested to be carried out on the memorial. If there is no reply as a result of the recorded delivery letter the Council will arrange for a basic repair and record the costs against the plot concerned.

At the time of a further interment, or when further work is requested to be carried out on the memorial, the issue of payment will be addressed and resolved. Full payment will be requested but a reduced payment or no payment can be accepted dependant on the family's circumstances. The letter will reflect this by firstly inviting the family to discuss the issue of the costs that have previously been expended on the burial grant owner's behalf.

Where a letter is sent to an occupier of an address, rather than a known contact, the letter will state that if no response is received within 30 days the Council will assume that there are no relatives living at that address. A recorded delivery letter will not then be sent if no response is received.

- 9.4** Action to be taken for memorials which it is determined should not be repaired, and for which no one can be contacted.

Where it has been determined that the memorial should not be repaired, and for which no one can be contacted, the memorial will be staked until it is possible to lay it flat, and then it will be permanently laid into the ground as a flat ledger stone. A record will be kept of the inscriptions of any headstones which have been permanently laid flat. Where possible to do so any plinth no longer serving a useful purpose will be removed from the Cemetery and disposed of in a safe way.

Memorials which cannot be repaired will not be removed from the Cemetery if the burial grant owner cannot be contacted. However, Bishopstoke Parish Council reserves the right to remove such memorials where the burial grant remains unpurchased.

- 9.5** Action to be taken for kerbsets that have become broken or are falling apart and for which no one can be contacted.

As per Cemetery regulation 34. broken cement beds for chippings shall be removed and the enclosed area turfed over. Where the burial grant for the plot is unpurchased and the next of kin cannot be contacted then the damaged part of the kerbset will be removed leaving the headstone (or any part containing an inscription) intact. For plots where the burial grant has been purchased, and still within the period of the grant, action will be taken as necessary to make the kerbset safe, with any costs expended recorded against the plot with the aim of resolving full or partial payment at the time of a further interment, or when further work is requested to be carried out on the memorial.

- 9.6** Extent of enquiries to contact burial grant owners or family members.

It is the responsibility of the burial grant owner, or the next of kin, to advise Bishopstoke Parish Council of a change in address. The Council will attempt to trace relatives



according to records held, but will not attempt to trace owners by obtaining further documentation such as will records, or by making further enquiries using information received which does not provide a specific forwarding address.

## **10 New Memorials and Reinstated Memorials**

- 10.1** To ensure that new memorials in Council cemeteries, or memorials which have been reinstated following an interment in Council cemeteries, do not pose a safety hazard, the Council's Cemetery Regulations contain regulations for the construction and installation of new memorials. All memorial masons installing memorials in Council controlled cemeteries will be required to construct and install memorials that meet these regulations.
- 10.2** All new memorials and reinstated memorials will be inspected by the Council following notification from the monumental mason that the work has been carried out. Where permits have been issued, but no notification has been received that the work has been completed, progress will be periodically checked by the Council.
- 10.3** The Council does not authorise new memorials or additional inscriptions, or any other change to a memorial in the closed churchyards of St Mary's churchyard and the Old St Mary's churchyard. Changes to the memorials in these closed churchyards are dealt with by the church authorities.

## **11 Staff Training**

- 11.1** All staff employed in memorial safety work will be trained to ensure competency and consistency in carrying out their duties.

## **12 Closed Churchyards**

- 12.1** Inspection of and maintenance work to memorials within the consecrated area of Bishopstoke Cemetery will be carried out in accordance with Faculty No. 2020 from the Diocese of Winchester, dated 8<sup>th</sup> June 2004.

## **13 Commonwealth War Grave memorials**

- 13.1** Following inspection, any observable defects on the Commonwealth war grave memorials in St Mary's churchyard will be reported immediately to the Commonwealth War Graves Commission.

## **14 Review of this Policy and Procedures Document**

- 14.1** This policy and procedures document will be regularly reviewed by the Council.