



MEMORIAL MANAGEMENT POLICY

Introduction

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 in 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 one year, the risk of 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 Institute of Cemetery and Crematorium Management (ICCM) indicate that there have been many serious injuries caused by unsafe memorials, highlighting 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 memorials do not belong to the Council; they remain the property and the responsibility of the Deed Holder to the Exclusive Rights of Burial.

Responsibilities Required

The following parties have responsibility for memorial safety in Council cemeteries:

The Council has health and safety responsibilities to its employees, contractors and visitors to its Cemeteries and Churchyard. The Council has a responsibility to staff (Section 2 Health and Safety at Work Act 1974) and a responsibility to visitors (Section 3 Health and Safety at Work Act 1974). The Management of Health and 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.

A monumental mason has the responsibility to work in accordance with the Council's conditions and specifications for memorials as described in Syston Town Council's Rules. It is recommended that Syston Town Council seeks to implement the National Association of Memorial Mason Standards (NAMM) for the fixing of memorials and any subsequent changes to these standards. This will be a rolling programme of testing and includes new memorials.

The Deed Holder or successor in title, of a memorial has the ultimate responsibility to maintain it so as not to present a hazard to themselves, members of the public or Council staff, and as such are

therefore responsible and liable for all expenditure incurred to make safe their memorial in the event that their memorial is found to be unsafe or in a dangerous condition. This is not the responsibility of the Council.

Application to place a Memorial upon a grave

No memorial is to be installed unless permission has been granted by Syston Town Council.

An application to carry out memorial works may be made by any of the following:

- The owner of the exclusive right of burial or
- Any person who can satisfy Syston Town Council that he/she is a relative of the person buried in the grave, or is acting at the request of such a relative and that it is impractical for him or her to trace the owner of the said right.

The permit application form must be completed fully and include a detailed drawing of the proposed memorial including the dimensions allowed, and details of the proposed fixing method. An application will only be processed upon receipt of the correct fee where applicable.

The permit application must clearly state the section of the cemetery in which the grave is situated together with the grave number.

Fixing of Memorials

No works are permitted to be carried out on any grave space except by:

A Monumental Mason who is credited to the British Registration of Approved Monumental Masons Scheme (BRAMM) or an equivalent scheme, or

By staff of Syston Town Council (and such works may include any works associated with memorial inspections and the subsequent temporary making safe of any memorial)

Basic cleaning/washing down and non -specialist cleaning of a memorial may be undertaken by any person.

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 the National Association of Memorial Masons (NAMM) approved standard and code of safe memorials.

All costs for this work must be met by the person to whom a permit to place the memorial was given or his or her heir.

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

The upkeep and maintenance of any memorial within the Cemeteries remains the responsibility of the person to whom a permit to place the memorial was given or his or her heir.

Stability Guarantee Period

All memorials installed at Cemeteries 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 at the date of fixing and should last for a minimum of three 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.

This is a standard guarantee given to any person arranging a memorial in any site.

Existing Memorials

The problem with existing memorials that are insecure is that historically masons were not fixing memorials to any industry standards and for many years this was accepted. The older Churchyard monolith headstones, (memorials that are sunk a third of their height into the ground) can be far more stable than their modern multi block contemporaries.

MEMORIALS ERECTED ONTO AN ESTABLISHED CONCRETE PLINTH

Memorials which have been erected onto one of the concrete plinths in the Syston and District Cemetery will be undoubtedly more secure and will only undergo 'hand testing on a five year basis'.

Operational Times for Memorial Works

The erection of, cutting of inscriptions on, or professional cleaning of memorials shall be carried out between the hours of 9.00am and 4.00pm Monday to Friday.

Works can only be undertaken during normal operational hours to ensure safety within the site.

Memorial Safety Inspections

All memorials erected in either Barkby Road, Syston & District Cemetery or St Peter & St Paul Churchyard will be subject to periodic testing. This will be carried out every eighteen months.

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 will involve:

- Giving advance formal notice in a local newspaper of any inspection regime commencing.
- Publishing details of the assessment and methodology on the Council's website.
- Placing public notices on the cemetery and church gates and in prominent locations elsewhere in the Cemeteries and Churchyard affected by the assessment regime.
- Where practicable, to notify the owner, Deed Holder or successor in title.

All individuals carrying out memorial safety inspections shall be trained by the Institute of Cemetery and Crematorium Management (ICCM) and obtain certificates of competence which shall be held on their personnel file.

The simple hand test is the primary test for all memorials except over 1.5 metres in height or complex structures.

Priority 1 (Red) – Is considered to be an immediate risk of toppling and causing serious injury. Requires immediate attention to protect the public, employees and other visitors to the cemetery.
Action: Immediate action will be required to significantly reduce the risk by using the appropriate means of making the memorial safe.

• **Priority 2 (Amber)** – Is considered to have potential of becoming a danger to the public, employees and other visitors to the cemetery, but is not in immediate risk of toppling and causing serious injury.
Action: Re-inspect in 12 months

• **Priority 3 (Green)** – Is considered to be of little risk to the public, employees and other visitors to the cemetery.
Action: Re-inspect in 5 years.

Procedure for Unsafe Memorials

All memorials in the burial ground shall be visually assessed as part of the overall risk assessment process and be safety tested using the 'Hand test'.

The Council have a legal obligation to ensure all of its sites are safe to both visit and work in. In order to be satisfied that this is the case it is essential that Syston Town Council carry out regular inspections of the memorials in the sites in a bid to avoid injury or death to any of its staff or visitors.

Any memorials failing a safety test will be made safe by Syston Town Council staff. This may include being sunk into the ground vertically, laid flat, cordoned off, or stake and banded. A yellow warning sign will be placed on any unsafe memorials.

It is the grave owner's responsibility for authorising suitable repairs to be undertaken by an approved BRAMM accredited mason.

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

- A warning notice attached to the unsafe memorial
- A letter to the last known address of the memorial owner
- General local press release
- 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 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 dependant 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.

Where after at least six months from being found unsafe the Council have been unable to contact the memorial owner a decision will be taken as to how to make the memorial safe either by partially burying in the ground or permanently laid flat.

Unauthorised Memorials

Should any unauthorised items be placed on or around any grave or any memorial put in place contravene the rules the grave will be photographed, the unauthorised items shall be removed and replaced into storage by Syston Town Council for a period of up to one month, after which they may be destroyed. No notice will be given to the owner of the Exclusive Right of Burial.

Pursuant to the Local Authorities' Cemeteries Order 1977 no memorial may be placed in a cemetery without permission of the Officer appointed for that purpose by the burial authority. If permission has not been granted the burial authority is permitted to remove the memorialisation from the site.

It is essential that the burial sites are maintained to the agreed standard for the benefit of all our visitors.

All memorials installed within the Cemeteries must be approved by the appointed Officer and if any memorials are erected outside of the Rules without proper permission they may be removed and destroyed.

Equality Impact Assessment

We need to understand whether our services are meeting everyone's needs and that everyone who needs them has access to those services. We have developed an Equality Impact Assessment process for the assessment of any new or significantly changed policies, practices, procedures, functions and services.

Undertaking Equality Impact Assessments enables us to take action to prevent direct and indirect discrimination by ensuring that as far as possible any negative consequences for a particular group or sector of the community are eliminated, minimised or counterbalanced by other measures.

Our ultimate aim is to improve our services. By making sure we have considered the potential impacts of a policy, strategy or plan at an early stage potential barriers or

problems can be avoided and actions put in place these it can be fully incorporated into any decisions and not just a 'bolt-on' at the end. Working in this way helps us to integrate and mainstream equalities into our work. Likewise, when reviewing the effectiveness and performance of our services, we can use this procedure to identify equality issues and opportunities as an integral part of our review.