

Ludgvan Parish Council

Memorials Inspection Policy and Procedures

Adopted – February 2022

Review date – February 2025

Responsibility for the safety of memorials

The responsibility for the condition and the inherent safety of a memorial during its entire lifespan rests with the owner of the memorial or his/her heirs. The owner has a duty to maintain the memorial in a good state of repair at all times.

If the owner is concerned at any time about the condition of the memorial or the likelihood of it falling, they should consult the original stonemason or contact the National Association of Memorial Masons (NAMM) for advice at the earliest opportunity. Owners can take out insurance to guard against damage to the memorial and in relation to harm to third parties.

Monumental Masons

The council requires that all masons undertaking the erection of memorials in the council cemeteries carry adequate public liability insurance and that by installing a memorial they are undertaking that they will comply with the NAMM recommended methods of installation and any relevant Standards.

The council recommends that memorial owners obtain a written guarantee from their mason in relation to the workmanship and installation of their memorial.

The Council's responsibility

Ludgvan Parish Council, as owner and operator of St Paul's Cemetery, Ludgvan and Crowlas Cemetery, Crowlas, owes a general duty of care to users of the cemeteries. It has health and safety responsibilities to its staff under section 2 of the Health and Safety at Work Act 1974 and responsibilities to its visitors under section 3 of the same act. The Management of Health and Safety and Work Regulations 1999 places a legal duty on the council to assess the risks from cemetery structures and work activities and to ensure that risks are controlled.

The council also has responsibilities under the Local Authorities Cemetery Order 1977. In the event of any memorial becoming dangerous or defective the council can, in accordance with the powers and procedures set out in Article 16(2) and Schedule 3 of that Order, give notice to the owner requiring them to repair or remove the memorial. It is important that the owner keeps the council informed of any change to their address to enable contact to be maintained.

The owner's responsibility

Whilst the council identifies memorials that may constitute a risk, it is the legal responsibility of the owner to ensure that action is taken to repair the memorial to the required standard and to meet any costs that may be incurred in so doing.

Memorial dimensions and specification

Memorials must be within 3ft (height), 2ft 6" (width) and 12" (thickness) (minimum of 3" thick).

The grave identification number is to be engraved in small letter/numbers on the rear of the memorial in a visible position.

All memorials must be constructed and erected / re-erected in accordance with the NAMM Code of Working Practice and all relevant Standards in force at the time of construction/erection.

No kerbing shall be erected around the grave plot.

Permission for Memorials

No headstone or other memorial shall be placed in the cemetery and no additional inscription shall be made on any memorial without the express permission of the council.

Memorials are only permitted on graves where a Permit to Erect and Maintain a Memorial has been purchased from the council. The permit will be granted for a period of 20 years.

Periodic Safety Inspections of Memorials

The inspection process for headstones will be carried out in accordance with the Ministry of Justice guidance note 'Managing the safety of burial ground memorials', January 2009. It will involve a visual check for obvious signs that a headstone is likely to be unstable, for example:

- damaged or eroding bonding
- movement of parts of the memorial from its original position
- undermined or unstable foundations
- (where they exist) kerb stones breaking apart
- leaning headstones, particularly where there is evidence of recent movement
- evidence of structural damage or disturbance (eg cracks)
- the presence of vegetation which may cause cracks to widen.

Headstones over 500mm in height (and smaller ones if potential risk identified) will then be subject to a simple hand test to determine their stability. This will be carried out by the inspector standing to one side of the memorial, placing one hand on the top of the stone and applying a firm, steady pressure in different directions to determine to what degree, if any, the headstone is loose. If some instability is detected a judgement will be made, as to whether this movement is limited or whether it is sufficient to present a high risk to people's health and safety.

If the council's inspection and hand test suggests that some remedial work may be required but that the memorial does not represent a high risk to health and safety, the council will write to the owner advising them that the memorial may be unstable and that they should undertake their own checks and take whatever remedial action is required. Owners will then be given twelve weeks in which to respond, confirming what action has been carried

out / planned. If the owner, following his/her inspection decides to take no such action, the owner has accepted full liability for the memorial in its current state. If the council is unable to trace an address for the owner of any such memorial, it will place a notice at the grave location and on its website, asking the owner to contact the council to discuss the memorial.

If, following the inspection and hand test, the monument is considered to be an immediate danger to cemetery visitors or workers, the council must take whatever steps are necessary at the time of the inspection to eliminate that immediate risk. This may involve the attachment by the council of a temporary support to the memorial (which can only be removed by the monumental mason employed by the owner to repair the memorial at the time that the repair is undertaken) or, if this is not possible, by carefully laying it down on the grave plot. The council will then write to the owner advising them of the situation and, in accordance with the powers and procedures set out in Article 16(2) and Schedule 3 of the Local Authorities Cemetery Order 1977, give notice to the owner requiring them to repair or to remove the memorial. If, after the expiration of the notice period given by the council (usually eight weeks but dependent on the severity of the problem), the owner has failed to inform the council of his/her intention to repair or to remove the memorial or if the council has been unable to trace the owner after it has taken such reasonable steps as it may consider necessary for that purpose, the council may terminate the Permit to Erect and Maintain a Memorial (where such a Permit exists) and reserves the right to take whatever action it regards as appropriate to make the cemetery safe and tidy.

In both cases, the council would obviously wish to contact the owner directly and, to facilitate this, the council urges owners to keep the council informed of any change to their address.

Extending the Permit Period

Following the expiration of the initial period of the Permit and if the owner so requests in writing, the Permit may be extended by the council subject to a safety inspection of the memorial, the satisfactory repair of any defects found and any other necessary safeguards required by the council being put into place. All aspects of this are at the owner's cost. The fee for the Permit extension will be confirmed at the time of request.

If an application to extend the Permit is not received from the owner by the expiration of the initial period, the council reserves the right to require the memorial to be removed and, in the absence of the owner, reserves the right to organise its removal on their behalf.