

KIDWELLY TOWN COUNCIL



**MEMORIAL
SAFETY
POLICY**

1] Background

This policy sets out Kidwelly Town Council's position with regard to memorial safety, the responsibility of the Council, its contractors, memorial masons and memorial stone owners. It lays down the actions that will be taken to minimise risk to the users of the town cemetery.

Historically, health and safety concerns in cemeteries have focused on the risks arising from grave digging. In recent years there has been increasing attention given to the stability of memorials and the risks these present to cemetery staff and visitors.

The memorials do not belong to the Council; they remain the property of the memorial stone owners, or successors in title, who are responsible for their upkeep.

2] Responsibilities for Memorial Safety

The following parties have responsibility for memorial safety in the town cemetery:

- The Council has health and safety responsibilities to its employees, contractors and visitors. The Council has a responsibility to staff (Section 2 Health & Safety at Work Act 1974) and a responsibility to visitors (Section 3 Health & Safety at Work Act 1974). The management of Health & 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 laid down in the Cemetery Regulations.
- The owner, or successor in title, of a memorial has the responsibility to maintain it so as not to present a hazard.

3] Notification of Intent to Inspect

Prior to any memorials being inspected, reasonable steps will be taken by the Council to inform grave owners, or successors in title, of the intention to inspect memorials and remove the danger of unsafe memorials.

This will involve:

- Giving notice in a local newspaper at least three months in advance of any inspection
- Placing Public Notices on the cemetery gates and in the Council Office window
- Where practicable to notify the owner or successor in title

4] The Assessment Process

A certified contractor will be appointed to assess the memorials. Inspections will be carried out every five years. The safety assessment is to test whether memorials can withstand a reasonable force, such as the force of a person falling, pushing or pulling against a memorial.

Initial visual warning signs of memorial instability are as follows:

- Movement 5 degrees from vertical
- Cracks in headstone or base
- Movement if rocked
- Ground settlement
- Waterlogged ground
- Missing parts

Reasons for memorial instability include:

- Accidental damage
- Animal activity eg burrowing
- Insect activity eg ants
- Encroaching tree roots
- Inadequate fixing
- Inferior materials
- Lack of maintenance
- Poor workmanship
- Subsistence
- Vandalism
- Weather/storm damage
- Decay through aging
- Chemicals, including weedkillers

The safety assessment consists of several elements:

- An overall visual inspection of all memorials for the purpose of assessing signs of instability and as part of the overall risk assessment process
- An initial physical hand test of memorials to assess any lateral movement following the visual inspection
- A calibrated testing instrument applying a force of 50kgs (500Newtons)

Contractors appointed by the Council are to employ staff that have been trained in the use of the approved equipment for carrying out these tests, in order to identify the potential dangers of unstable memorials. Appropriate risk assessments are to be made prior to testing beginning in accordance with the latest Health and safety guidance. Appropriate protective clothing is to be worn by all contractors undertaking the testing process.

At the completion of the testing process the contractors will identify memorials in one of two categories:

- Category 1 – requires immediate attention to make safe by stabilising with a stake and banding where possible or carefully laid down within the grave space
- Category 2 - stable and not dangerous in any way and to be reassessed in five years

5] Immediate Danger

In cases of immediate danger, the Council is empowered under the provision of the Local Authorities Cemeteries Order 1977 (LACO) Article 6 (1) to take immediate action to make safe dangerous memorials.

6] Remedial Action

Having considered the guidance¹ and industry standards² and the various options available, the Council will implement the following approach to memorials assessed in Category 1:

- Braced with a stake and banded to provide support. This will be the primary method of making safe for a period of one year only
- Carefully laid flat within the grave space with the inscription visible. This method is considered to be a last resort and will only be used where the danger is acute and immediate and there is no other way of making safe
- Any memorial found to be unsafe is to have a warning notice attached explaining the situation and giving contact details for further advice
- The appointed contractor will determine which of the above options will be used to make the memorial safe

7] Documentation and Recording

Memorial assessments will be recorded giving the following information:

- Grave plot number
- Name(s) of deceased
- Date(s) of death
- Condition of memorial
- Assessment result showing category 1 or 2
- Details of reasons for failure
- Remedial actions required and taken
- Timescale for re-inspection
- Name of assessor
- Date of inspection

8] Notification, Repair and Re-fixing

Where a memorial has been identified as being unsafe and action taken to remove the immediate danger, the following action will be taken:

- A warning notice will be displayed and attached to any memorial that has been assessed as dangerous. This notice will explain the situation and offer advice and contact details for further information
- The Council will contact the owner, or successor in title, of the memorial (if known) and inform them that remedial work needs to be undertaken
- A detailed list of failed memorials can be inspected at the Council office

9] Future Installations

The Council recognises that some deterioration to stonework, foundations and fixings, due to weathering and the passage of time is inevitable. In order to minimise these effects for all future installations, the Council requires memorial masons to adhere to the National Association of Memorial Masons' (NAMM) Code of Ethics and Practice. This includes use of appropriate foundations and fixings or other suitably secure methods for installation of stone memorials, as well as the Cemetery Regulations currently in force.

Masons are required to achieve the following criteria:

- Confirmation that any memorial erected conforms to the memorial stone specifications as laid down by the Council
- Proof of adherence to NAMM recommended fixing methods or other suitably secure methods and preferably, membership of the British register of Accredited Memorial masons
- Proof of Public Liability Insurance cover
- The issue of a minimum guarantee for their work of ten years
- The production of appropriate risk assessments

10] Responsibility of Memorial Stone Owners

The Council recognises that the assessment process may be upsetting for memorial owners or their successors in title and regrets any distress caused. However, memorials need to be regularly assessed to prevent a potential danger to others.

If remedial work is required, the owner, or successor in title, can choose to either:

- Take no further action: if a stake has been used to support the memorial it is considered to be safe for a period of one year only. The stake may be replaced to re-stabilise the memorial during any further assessment in the next five yearly round of assessments to stabilise it. If the memorial has been laid flat, this action will have been taken as a last resort. Once a memorial has been laid flat it is considered safe.
- Have the memorial repaired: Owners will need to arrange the necessary remedial work with an approved memorial mason, for which the mason will charge a fee. Upon completion of the work, a certificate of compliance from the mason must be supplied to the Council.

No attempt should be made to repair or remove any memorial except by a properly qualified memorial mason.

¹Special Report by the Local Government Ombudsmen – Memorial Safety in Local Authority Cemeteries dated March 2006

²Institute of Cemetery and Crematorium Management – The Installation, Inspection, Management and Maintenance of Memorials dated October 2005