

# WINKLEIGH PARISH COUNCIL

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## WINKLEIGH CEMETERY MEMORIAL INFORMATION SHEET

The Institute of Cemetery and Crematorium Management (ICCM) define a dangerous memorial as “one that will move and continue to fall to the ground with the exertion of a force of 25kg or less

As the burial Authority, Winkleigh Parish Council has responsibility under HASAW Act 1974 and Occupiers Liability Act 1957 to ensure the cemetery is maintained in a safe condition.

Winkleigh Parish Council has a legal obligation to ensure that Winkleigh cemetery is safe to both visit and work in. In order to be satisfied that this is the case, it is essential that Winkleigh Parish Council carry out regular inspections of memorials in the cemetery in a bid to avoid injury or death to any of its staff or visitors.

Memorial safety in burial grounds is a highly sensitive issue, do nothing and an accident or death could occur. In such circumstances it is possible for the person responsible for the management of the burial ground to be accused of criminal negligence.

**The burial authority should make any memorial found to be unsafe PERMANENTLY safe within 18 months. In the interim it must be made temporarily safe**

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 or his or her heir  
All memorials remain in the ownership and are the responsibility of the grave owner or his/her family.

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

- A Monumental Mason who is accredited to the British Registration of Approved Monumental Masons Scheme (BRAMM) or an equivalent scheme or
- by authorised staff of Winkleigh Parish Council (and works may include any works associated with memorial safety inspections and the subsequent temporary making safe of any memorials.

All memorials, including those found to be unsafe after a memorial safety inspection testing has taken place, are to be fixed in line with the National Association of Memorials Masons (NAMM) approved standard and code of safe working practice.

**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

All memorials installed in any 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 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. This is a standard guarantee that must be given to any person arranging a memorial in any site

All memorials erected within Winkleigh Cemetery will be subject to inspection every 5 years as recommended by the Health and Safety Executive. Any memorials failing a safety test will be made safe by Winkleigh Parish Council by being laid flat.

**The grave owner or his/her representatives are responsible for authorising suitable repairs to be undertaken by an approved BRAMM accredited mason.**

Should it be necessary for any memorial to be removed from the cemetery due to it being a danger or where no person has come forward to arrange repairs after a reasonable time period, Winkleigh Parish Council may carry out such removal in accordance with the provisions of Section 3 (1) of the Local Authorities Cemeteries Orders 1977.

Monuments are risk assessed as follows

- **Priority 1** – Immediate action to be taken to make the memorial safe from toppling
- **Priority 2** – Memorial is not an immediate danger but is not fully stable and therefore will need to be monitored every 12 months to assess further deterioration
- **Priority 3** – Memorial is stable and safe and re-inspect in 5 years

Initial inspection in accordance with ICCM training and certification in the management of memorials is a visual and hand test. Using one hand, the memorial is pushed backwards from the front to ascertain if it moves.

If the memorial moves but stops due to a ground anchor or other means, this is classified as a **Priority 2**

If, using the hand test, the memorial is moved and continues to move with no resistance, this is classified as a Priority 1 and **immediate action** must be taken to make the memorial safe. Winkleigh Parish Council are liable under legislation and could be prosecuted if the memorial was not made immediately safe, therefore, temporary safety measures must be taken **prior** to notifying the owner or their next of kin.

Once a memorial is identified as dangerous, immediate action must be taken to significantly reduce or eliminate the risk, whether that be to make the memorial permanently safe by setting it into the ground or laying it down or whether it is temporarily made safe with some sort of support system or whether access is restricted by the use of a cordon or barrier.

Options to make the memorial safe on a temporary basis are

- lay the memorial flat



- stake and band using ground stakes and fixings or cordon off as a temporary measure. Winkleigh Parish Council



Temporary support systems will result in the delay of the primary inspection as time and resource has to be spent on the regular re-inspection of the 'make-safes' to ensure they remain safe should they remain for a long period. It is recommended that temporary supports remain for 3 months which gives the owner sufficient time to make arrangements for repair

- Cordon off the memorial



Winkleigh Parish Council do not currently have the facilities to ground stake and band each memorial that fails the safety test, however, this option will be considered for future inspections.

To cordon off each memorial that fails would be impractical due to the small size of the cemetery, therefore, the only current option is to lay the memorial flat and contact the owner or their representatives.

#### Warning Signs/Notices/Cordons/Temporary Supports

Warning signs and other publicity alone will not protect the interests of a burial authority which must be actively working to remove the hazards posed by unstable memorials.

**Warning signs are a clear acknowledgement that hazards are present, and an authority found to be doing nothing to remove such hazards is likely to be found negligent.**

Warning signs have been ordered which will be secured to any memorial categorised at Priority 1, using cable ties so as not to damage the memorial.

**Once a memorial has been identified as a Priority 1 and action has been taken by the Burial Authority, the Authority must write to the grave owner or their next of kin to notify them of the action taken and what they are required to do.**

Below is the extract from our Current Cemetery terms and conditions policy approved by this council on 23rd September 2020 (page 8)

*The Parish Council makes regular checks on the condition of the headstones and if a problem is detected such as being loose, excessive leaning or otherwise appears unsafe we will endeavour to contact the grave owner or next of kin to repair the problem. If the owner cannot be contacted, then for reasons of Health & Safety, we may lay the memorial flat on the grave or have it repaired at the Council's discretion. The Council reserves the right to repair, make good or remove any memorial which is allowed to fall into disrepair, become unsightly or dangerous and charge the costs to the owner or the next of kin.*

In addition, the council's cemetery management plans which was last approved by this council in May 2019 states

## **"Maintenance of memorials**

1. *The Council reserves the right to:* •
  - *lay flat or make safe any memorial headstone that has been identified as unsafe and/or likely to cause injury.*