



MEMORIAL SAFETY POLICY

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1. INTRODUCTION

This policy has been produced to set out Thornbury Town Council's position, responsibilities and procedures concerning the safety of memorials in Thornbury Cemetery, Kington Lane. This applies to staff, contractors working in the cemetery either on our behalf or commissioned by plot owners, and the holders of Exclusive Right of Burials, who all have responsibility for safety.

2. RESPONSIBILITIES

Thornbury Town Council has health and safety responsibilities both to its employees and visitors to the cemetery, including the public and contractors, under the Health and Safety at Work Act 1974 and the Occupiers Liability Act 1957. The Town Council has a responsibility to assess and control risks at the Cemetery under the Management of Health and Safety at Work Regulations 1999.

Stone masons working in the Cemetery have a responsibility to work in line with British Standard BS8415 when installing new memorials or undertaking works to existing ones. They also have a responsibility to their clients to install and supply products and services which are fit for purpose and free from defects.

Plot owners (holders of Exclusive Right of Burial), or parties who under Statutory Declaration have taken responsibility for memorial masonry without accepting ownership of it, have responsibility to maintain the memorial in such condition that it does not present a hazard to users of the cemetery, including employees, contractors, and the public. Liability for the expenditure incurred to maintain in safe condition lies with the owner of the memorial, or parties with responsibility for the masonry. The Town Council does not have any responsibility for expenditure incurred, including in the event that the Town Council finds the memorial to be unsafe or defective; responsibility for the cost remains with the owner.

3. TRAINING

Inspections at Thornbury Cemetery will be conducted by staff who have completed a Memorial Safety Testing training course provided by the Institute of Cemetery and Crematorium Management (ICCM), and who hold a certificate to evidence this. Grounds Maintenance staff who have not attended the course may assist the inspector.

Although there is no legal requirement, Thornbury Town Council sends their inspectors on refresher training every 5 years.

There are occasions where Thornbury Town Council requires contractors to undertake memorial safety testing, in which case the Town Council will ensure that the contractors will have appropriate training or competence for the task.

4. NOTICE OF INTENT

Before memorial testing begins, the Town Council will take reasonable steps to ensure that grave owners, their families and interested parties are aware of the intent to inspect memorials and undertake any action required to remove hazards. We will do this by publishing information:

- On our noticeboards in the High Street and Thornbury Cemetery
- On our website
- On our social media channels
- We may send it to the local media, but we cannot control whether they choose to publish

Information on intent to inspect will be published by us at least 28 days in advance of the commencement of testing.

5. TESTING PROCESS

Thornbury Town Council has a responsibility to inspect memorials at a minimum frequency of 5 years, however sometimes it is considered reasonable or necessary to inspect more frequently.

5.1. Pre-Commencement

Heritage value should be considered when preparing to inspect memorial safety. There are no listed memorials in Thornbury Cemetery for which English Heritage should be consulted on.

Prior to the inspection commencing, the following must be in place:

- A risk assessment to cover the process of memorial safety testing
- A system of recording results and storing data
- Training of in-house inspectors
- Public liability insurance certificate and proof of competence if contractors are being used.
- We will liaise with the Commonwealth War Graves Commission concerning graves under their ownership/stewardship.

5.2. Safety inspection and testing

All memorials with the exception of plaques in the cremated remains areas will be subject to inspection, to assess their condition and whether they could present a hazard. Inspectors will follow their training and ICCM guidance¹ to complete this process.

¹ ICCM Management of Memorials Policy

Large or complex memorials may require further inspection or investigation by a stonemason or structural engineer.

5.3. Grading

All memorials inspected are given a grading from 1-3, which determines their condition and priority of action.

Grade 3 (pass)

A grade 3 memorial is stable, or below 625mm in height and without defects. This memorial is likely to be inspected again in 5 years time.

Grade 2 (failure, or need for closer monitoring)

A grade 2 memorial may have defects or instability which is not yet deemed to be a hazard but may have potential to become one. It may also be stable, but higher risk, because of its construction or location. The memorial will need to be more closely monitored than a grade 3 memorial and will be re-inspected earlier.

Grade 1 (fail)

A grade 1 memorial is a failure and considered an immediate danger to those around it. Immediate action must therefore be taken to make the memorial safe or prevent access to it. The inspector will determine the most appropriate method to make the hazard either temporarily or permanently safe.

5.4. Action to make safe failures

A grade 1 (failure) memorial requires immediate action taken to make it safe. It is not possible to contact the owner of the headstone before the inspector takes action, as this would mean leaving an identified danger while we try to make contact, which could be considered negligence on the part of the Town Council.

The inspector will identify the most appropriate method of removing the hazard, which may include supporting or staking the memorial, or laying it down. It is likely that the headstone will be laid down, as this is a more permanent and lower risk option than staking, which is only temporary. Once laid down, a stone can generally stay like this indefinitely. There may be times when it is appropriate to cordon off a memorial, area, or whole section if a memorial or group of memorials cannot be made safe any other way. The inspector will take into account the methods from their training and the Town Council's insurance requirements when determining the most appropriate action to take. There may be occasions when it is necessary to remove a memorial from its grave, however this is unusual.

5.5. Inspection records

At the time of testing, the inspector must record details of the plot, when they inspected it, and what they found, in line with their training from the ICCM. The inspector may collect

photographic evidence.

6. POST-TESTING PROCESS

Following an inspection, the inspector will pass their records to the Town Hall office as soon as reasonably practicable. Lists of grade 1 and 2 failures will be published on the Town Council's website and made available at the Cemetery and Town Hall for visitors on request (there is insufficient noticeboard space to display them).

6.1. Notifying Plot Owners

Both grade 1 and grade 2 category failures will have a notice placed on the plot at the time of inspection and grading. This notice will be a standard notice which covers all scenarios for grade 1 and 2 failure memorials and will not be specific for each headstone. Thornbury Town Council will aim to balance the necessity of making the notices visible, with the wish to make them discreet, as such we will avoid bright yellow/red/orange notices/cordons/hazard tape where possible.

These notices will remain on plots for a period of approximately 6-8 weeks, to notify owners visiting the cemetery who the Town Council have been unable to reach by letter.

Grade 1 and grade 2 category failure memorial owners will be contacted by letter at their last known address, where the Town Council has one available. It is really important, and the grave owner's responsibility, to notify us as soon as there are any changes to their address or contact details. If the owner is deceased and also buried in the plot, we may attempt to contact the person who made their funeral arrangements, by using the information given on the Notice of Interment form. It is a requirement of the Local Authorities' Cemeteries Order 1977 schedule 3 paragraph 4, that the Town Council will attempt to contact owners who have purchased plots within the last 30 years, but may also attempt to contact an owner who purchased their plot longer ago. Data older than 30 years is likely to be unreliable.

The letter will set out the options for owners of memorials graded 1 or 2 failures and will make the recipient aware that there may be a transfer of ownership required before restoration works can be commissioned.

6.2. Memorials Without Owners

Particularly in the older sections of the cemetery, there may be memorials which fail the inspection process, but no longer have a living owner, or lawful successor who can take on the memorial. The Town Council will take steps only to make safe such a memorial and will not routinely fund restoration or repair work. Where a memorial cannot be laid down or monolithed, because of the size, shape or construction of it, it may be necessary to dismantle or remove it if there is not resounding evidence that its restoration would be in the public interest. Should an owner come forward after the Town Council has incurred costs to do this, Thornbury Town Council may seek to reclaim these costs from the party

obliged to maintain the memorial.

The Local Authorities' Cemeteries Order 1977 section 16 permits the Town Council to remove from the cemetery and destroy any tombstone or other memorial on a grave of which all material particulars are illegible or which is dilapidated by reason of long neglect, and any kerbs surrounding a grave (whether containing any commemorative inscription or not) together with the foundation slabs of such kerbs. Whilst this is not a practice routinely undertaken at Thornbury Cemetery, the Town Council may take this course of action where it is felt to be within the public interest.

7. REFIXING

The owner of a failed memorial (grade 1 or 2) can arrange its refixing by contacting a stonemason registered with the British Register of Memorial Masons (BRAMM) or the National Association of Memorial Masons (NAMM), who works in line with the British Standard BS8415. Stonemasons not registered with either of these organisations are not permitted to undertake any work in Thornbury Cemetery, and in no circumstances should the plot owner attempt to refix the headstones themselves.

Stonemasons must apply for a works permit from Thornbury Town Council using the application form, which can be found on our website www.thornburytowncouncil.gov.uk, requested by email cemeteryadmin@thornburytowncouncil.gov.uk or in person from the Town Hall office. Masons should refer to our current Fees and Charges list for pricing.