

Memorial Stone Policy



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Management of Memorials Flow chart for Initial Inspection Process, April 2007, Appendix 2

1.0 Introduction

1.1 The intention of this policy is to set out how Chorley Council (the Council) will undertake the management of any significant risks from memorials, within its cemeteries and closed churchyards in a sensible and appropriate manner.

1.4 The memorials do not belong to the Council as they remain the property of the Deed Holder to the Exclusive Rights of Burial.

1.5 A memorial can be a temporary or permanent structure, which commemorates a deceased person and may include any of the following:

- Headstone
- Kerbs
- Posts
- Large crosses
- Vases
- Railings and chain
- Other items

1.6 The Council recognises the importance memorials have architecturally, socially and historically and every effort will be made to retain those falling in these categories. This policy recognises that different religious and ethnic groups may have specific requirements in relation to memorials.

1.7 The Council under legislation has a duty to assess risks from its activities and to put in place control measures that will reduce the risks so far as is reasonably practicable. The Council is required under legislation; The Local Government Act 1972, The Local Authorities Cemetery Order 1977, The Health and Safety at Work Act 1974 (as amended), the Occupiers Liability Acts (1957 & 1984) and The Management of Health and Safety at Work Regulations 1999 to assess reasonably foreseeable risks from its activities and to put in place control measures that will reduce the risks so far as is reasonably practicable. This will be achieved by ensuring that a programme of memorial safety inspections are carried out and documented.

1.8 It is the Council's intention to follow the latest guidance from the Institute of Cemetery and Crematorium Management (ICCM) and the Ministry of Justice on memorial safety and to take appropriate action to any memorial deemed unsafe within the cemetery or closed churchyard.

2.0 Responsibility for Safety and Maintenance of Memorials within the Council's Cemeteries

2.1 The following have a responsibility for the safety of memorials within the Council's cemeteries at Chorley and Adlington.

2.2 The Council has overall Health and Safety responsibilities to its employees, contractors and visitors to cemeteries. These responsibilities fall under the following legislation:

- Responsibility to staff - Section 2 Health & Safety at Work Act 1974.
- 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.

2.3 A monumental mason has the responsibility to work in accordance with the Council's conditions and specifications for memorials as laid down in the Cemeteries' Rules.

2.4 As owner, the Deed Holder or successor in title, of a memorial has the responsibility to maintain it so as not to present a hazard. They can apply to erect a memorial under the Local Authorities Cemeteries Order 1977 (LACO) section 10 (1c) and will have to submit an application by person or via a Council approved memorial mason. The owner of the memorial will be the grave owner and they will be responsible for ongoing maintenance of their memorial.

2.5 In many cases there is no identifiable owner. When an issue is identified with a particular memorial headstone the Council will take reasonable steps to contact the owner of the Memorial stone in Chorley and Adlington cemeteries. This will inform the owner of the action taken to make the Memorial stone safe (covered in section 7 below).

3.0 Responsibility for Safety and Maintenance of Memorials Within Closed Churchyards

3.1 The Council is currently responsible for a number of closed church yards. Two of the churchyards have standing memorials; St. John's at Whittle le Woods and St Peter's, Harpers Lane in Chorley, at the other sites memorials have been laid flat.

3.2 The local Churches will be responsible for obtaining a Faculty from the Diocese of Blackburn before any significant work is carried out on any consecrated ground within the closed churchyards. This includes a general policy to test the safety of all of the memorials on consecrated ground, and to take remedial action in respect of any memorials found to be unsafe.

3.3 Prior to the Council undertaking the inspections, the Church will be asked to approve the action for any stone that fails the test as outlined in section 7 below.

3.4 Any issues identified will be passed to the Church who will be asked to make arrangements to contact the grave owner. This will inform the owner of any action taken to make the Memorial stone safe.

3.5 Works associated with maintaining the safety of an individual memorial will be authorised and dealt with by the local Church. They will also ensure that standards of work meet their requirement and also ensure that work is checked and monitored.

3.6 This work would usually be undertaken by a stonemason appointed by the owner of the rights of burial or their heir in law.

3.7 As owner, the Deed Holder or successor in title, of a memorial has the responsibility to maintain it so as not to present a hazard.

3.8 In many cases there is no identifiable owner. When an issue is identified with a particular memorial headstone the Church responsible will be asked to take reasonable steps to contact the owner of the Memorial stone. This will inform the owner of the action taken to make the Memorial stone safe (covered in sections 4 and 7 below).

4.0 Immediate Danger

4.1 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 in the Council's cemeteries. The course of action will be to lay the headstone down (face up) to reduce the risk. If this cannot be done safely straight away, the hazard will be fenced or cordoned off and warning signs posted in the short term.

4.2 **The Council is prohibited from taking direct action to remove an unstable memorial which presents no immediate risk without following the strict procedures laid down in LACO.** This requires the posting of public notices, seeking the permission of owners (if they can be contacted) before taking action.

5.0 Informing the Public

5.1 Prior to any memorials being inspected, reasonable steps will be taken by the Council to inform grave owners, Deed Holders or successors in title, and members of the public, of the intention to inspect memorials and remove the danger from unsafe memorials. This will include:

- Giving advance notice in the local newspaper and on social media of any inspection regime commencing.
- Publishing details of the assessment and methodology on the Council's website.
- Placing public notices on the cemetery gates and in prominent locations elsewhere in the cemetery affected by the assessment regime.

6.0 Training

6.1 Prior to carrying out any inspections it is essential that anyone involved with the programme of testing the stability of memorials has received adequately and appropriate training. Staff will attend the NAMM City & Guilds NPTC Certificate of Competence for the Safety Inspection and Assessment of Memorials.

6.2 Council staff will receive training to inspect memorials up to 2.5 meters in height. A competent structural engineer / stone mason will be employed to carry out inspections where a memorial exceeds 2.5 metres in height or if the memorial identified as being of significant historical or social importance. Similarly, the structural engineer or stonemason will be employed to inspect any memorial of concern identified through the visual inspection.

7.0 Inspection and Assessment Process

7.1 The Council will carry out an inspection of all memorial headstones in the Councils cemeteries on a five year rolling programme. The cemetery team will be asked to complete a quarterly checklist for other hazards such as the state of roadways and pathways, condition of fencing. Tress and water bodies fall under separate inspection regimes.

- 7.2 The areas identified as being of higher risk (e.g. large or multi-piece memorial, close to busier traffic routes, areas with older memorials, unstable ground conditions or slope) will be inspected first. These high risk memorials will be inspected within the first two years of the five year inspection. This will also include any individual stones that cemetery staff believe to presents a higher risk even though it is in a lower risk area.
- 7.3 When the higher risk areas have been completed the Council Inspectors will then assess the remaining memorial headstones.
- 7.4 The inspection will be risk based and commence with a visual assessment that will take into account the area, type of head stone including material, visible damage and their historical or social importance. The process will follow that described in Management of Memorials 2012, Appx 2 (see Appendix 5) The main purpose of the initial inspection is to identify any memorials that present an immediate danger to the public and to determine the need for repair and future inspection.
- 7.5 The inspection will include a visual assessment for signs of memorial instability such as:
- Movement of 5 degrees from vertical
 - Cracks in headstone or base
 - Ground settlement
 - Missing parts
- 7.6 The inspection will (where safe) also include a hand test to confirm the above assessment and will identify any stability problems.
- 7.7 Where necessary, usually because of the size 2.5m or more, complexity or condition of an individual memorial a more detailed inspection will be carried out by a structural engineer or stonemason.
- 7.8 The testing process will identify the risk to the memorials which will then be placed in one of categories detailed below:
- Category 1 – Red** - requires immediate attention to make safe or prevent access.
- Category 2 – Amber** – the memorial is not an immediate danger to the public but is not fully stable and will therefore need to be monitored every 12 months to assess for any further deterioration.
- Category 3 – Green** – the memorial is stable and will only need inspecting in five years time.
- Category 4 - Exceptional aesthetic or heritage value.** Occasionally there may be memorials that the Council consider having exceptional aesthetic or heritage value. Specific assessments will be completed for these and management measures specific to each will be required in these cases.
- 7.9 Information and data collected through the inspection process will be collated on a database to enable analysis and retrieval of records. (see 8.4)
- 7.10 Staff who work in the cemeteries and other council staff who visit the cemeteries will be asked to report any concerns on the conditions of memorials to the Team Leader (communities) who will arrange for an inspection.

8.0 Records relating to the Inspection of Memorials

- 8.1 The Council's inspection team will carry out inspections in all the cemeteries identified above and a record will be kept of each memorial inspected.
- 8.2 The inspection records will follow the proforma in appendix 3 of Management of Memorials guidance. Information taken from the records made at the cemetery will be transferred to the Council's computer system for long term reference and security if a mobile IT recording system is not available. All memorials assessed will be digitally photographed (before and after where action is taken) and the image(s) will be stored on the associated computer record. Photos of the memorial will aid future identification. If a mechanical force device is used during the inspection process then details of calibration and the force applied will need to be used.
- 8.3 A record of any repairs carried out will be kept with details of who carried them out and paid for them.

9.0 Liability and Recovery of costs

- 9.1 If all attempts to contact the grave owner fail then the Council has the right to remove or take such steps as to make safe the hazard. This will also be the case for memorials where the grave owner or their heirs-at-law have been contactable but were either unwilling or unable to ensure a repair by a registered stone mason.
- 9.2 Where the costs have been incurred in making a memorial safe, the Council may attempt to recover these costs from the grave owner.
- 9.3 Where memorials are repaired, all repairs shall be carried out by council approved memorial masons. Cemetery staff should report any concerns following repairs to the Team Leader (communities) to investigate further.

APPENDIX 2 – Initial Inspection Process

