Sedgeford Parish Council

Serving the Community

Sedgeford Parish Council Memorials Inspection Policy and Procedures

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 family. The owner/family has a duty to maintain the memorial in a good state of repair at all times.

If the owner/family 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/families 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/famiies obtain a written guarantee from their mason in relation to the workmanship and installation of their memorial.

The Council's responsibility

Sedgeford Parish Council, as owner and operator of Sedgeford Cemetery, owes a general duty of care to users of the cemetery. It has health and safety responsibilities to its staff and contractors 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/family keeps the Council informed of any change to their address to enable contact to be maintained.

The owner/family's responsibility

Whilst the Council identifies memorials that may constitute a risk, it is the legal responsibility of the owner/family 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.

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
- 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 contractors, the Council must take whatever steps are necessary at the time of the inspection to eliminate that immediate risk. This may involve carefully laying the headstone down on the grave plot. The Council will then write to the owner/family 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/family 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/family 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 reserves the right to take whatever action it regards as appropriate to make the cemetery safe and tidy.

The Council urges owners/family to keep the Council informed of any change to their address. The Council reserves the right to require the memorial to be removed/repaired and, in the absence of the owner, reserves the right to organise its removal/repair on their behalf.

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