

# Memorial Safety Policy

Parks & Green Spaces  
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## Version Control

Version	Description of version	Effective Date
2	Draft	July 2021

## Approvals

Approved by	Date
Housing & Community Services Committee	19 Aug 2021

## Associated Documentation

Description of Documentation



## Background

This policy has been produced to set out South Derbyshire District Council's (the Council) position with regard to memorial safety, the responsibilities of the Council, its contractors, memorial masons and Grant of Right Holders as well as the actions that will be taken to minimise risk to the users of Council-managed cemeteries across the district.

Since Victorian times memorials have been erected on graves as a permanent reminder of those buried within. It is often wrongly assumed that memorials are permanent structures, installed to the highest standards, and will last forever without any need for repair.

Unfortunately, this assumption has cost the lives of six people nationally in recent years, most of whom have been children, and there have been countless accidents ranging from bruising to severe crush injuries and bone breakages. Local authorities have to tackle years of neglect and in some cases poor workmanship. Yet the memorials do not belong to the Council; they remain the property of the person/s that has been granted the Exclusive Rights of Burial.

## Responsibilities for Memorial Safety

The following parties have responsibility for memorial safety in Council-managed cemeteries and closed churchyards where an Order in Council is in place and where responsibility has been subsequently handed over to the District Council:

- **The Council** has health and safety responsibilities to its employees, contractors and visitors to cemeteries. 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) and the Occupiers Liability Act 1957. 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 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 Cemeteries' Regulations and are legally liable for the work they carry out and should ensure that memorials are erected safely and in accordance with current standards available within the industry i.e. BS8415, The National Association of Memorial Masons (NAMM) Code of Working Practice and the British Register of Accredited Memorial Masons (BRAMM) 'Blue Book'. This responsibility is placed on masons in the Consumer Protection Act 1987, the Sale of Goods Act 1979 (amended 1994), the General Product Safety Regulations 2005 and the Directive on Liability for Defective Products (85/374/EEC).
- **An owner**, the Grant of Right holder (or successor in title) of a memorial has the responsibility to maintain it so as not to present a hazard. They also have the responsibility and liability for all expenditure incurred to make safe their memorial in the event it is found unsafe or in a dangerous condition. This is not the responsibility of the Council.



## Notice of Intent

Prior to any memorials being inspected, reasonable steps will be taken by the Council to inform grave owners, Grant of Right holders, and members of the public of the intention to inspect memorials and remove the danger from unsafe memorials.

This will involve:

- Giving advance general notice in a local newspaper at least 28 days in advance of any inspection regime commencing, and/or
- Making media announcements giving details of the assessment locations and methodology at least 28 days prior to the commencement of any inspections.
- Publishing details of the assessment and methodology on the Council’s website.
- Placing public notices in prominent locations in the cemetery affected by the assessment regime.

## Assessment Process

The Council will risk assess and test memorials in accordance with the principles issued by the Institute of Cemeteries and Crematorium Management.

Due to the number of memorials within Council-managed cemeteries and closed churchyards, testing will be undertaken as part of a five-year rolling programme, the schedule of which can be seen in the table below.

	Year 1	Year 2	Year 3	Year 4	Year 5
Cemetery / Closed Churchyards	Church Gresley Cemetery – Section 4	Church Gresley Cemetery – All remaining sections	Newhall Cemetery; St Stephen’s Churchyard, Woodville	Cemeteries at Marston-on-Dove; Etwall; Findern & Moor Lane, Aston-on-Trent	Churchyards at All Saints, Findern; All Saints, Aston on Trent; St Michael’s, Willington, St Wilfrid’s, Barrow on Trent

Faculties covering the whole 5-year testing cycle will be applied for in advance from the Diocese of Derby, where required, seeking authorisation for testing to be undertaken on consecrated land.

The safety assessment is to test whether memorials can withstand a reasonable hand force. This force has been arrived at scientifically and replicates 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 (e.g. burrowing by rabbits, moles, foxes etc.)
- Insect activity (e.g. ants' nests)
- Encroaching tree roots
- Inadequate fixings
- Inferior materials
- Lack of maintenance
- Poor workmanship
- Subsidence
- Vandalism
- Weather/storm damage
- Decay through aging
- Weed killer chemicals

Safety assessments will only be undertaken by either fully trained in-house staff or external contractors who can show they have the training and required knowledge to undertake the testing.

After undergoing the testing process, memorials will be classified into three categories.

**Category 1** - Immediate action is required to make the memorial safe or to stop the public accessing the memorial. This could be the permanent removal of the hazard or the temporary making safe of the hazard.

**Category 2** – 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 any further deterioration of the memorial. The construction, material used, or position of the memorial may also qualify it as priority 2.

**Category 3** – The memorial is perfectly stable or below 625mm in height and will only need to be inspected in 5 years time.

Any memorial found to be unsafe whether staked or not will have a warning notice attached explaining the situation.



## Methodology

### Stability Test

All memorials in the burial ground should be visually assessed as part of the overall risk assessment process. Memorials should be assessed bearing in mind the following issues:

- Are joints intact?
- Are kerbs etc breaking apart?
- Is the memorial leaning?
- Are the foundations (where evident) intact?
- What are the ground conditions like?
- Is it a hard or a soft stone?
- Intrusion of vegetation?
- Are faults or cracks present?

**All memorials (excluding tablets)** - will initially undergo a visual inspection from a safe distance whilst the names and details of the interred are recorded and the memorial is photographed.

**Memorial up to 625mm** – After a visual inspection, a hand test will be carried out to confirm stability.

**Memorials 625mm – 1.5m only** – In addition to the visual and hand test, a confirmatory test may be undertaken using a mechanical force measuring device only if felt necessary after the results of a hand test are found to be inconclusive and where some movement is felt. Force must not exceed 25kg at 1.5m or the apex of the memorial, whichever is lower

**Memorials above 1.5m** - In addition to the visual inspection, a hand test only (on non-complex structures) will be undertaken. Any potential problems will be noted and if any present the memorial will be cordoned off. Advice will be sought by a structural engineer (if a structural engineer cannot be enlisted it is advised that a small group comprising the cemetery manager, a member of the cemetery staff and perhaps the safety officer can carry out the inspection and come to an agreed decision on action to be taken).

Additionally, where memorials are incorporated within/as part of a kerb set, the kerb set will also be inspected and tested by hand for secure fitting.

Records are to be updated at each stage.

### Remedial Action

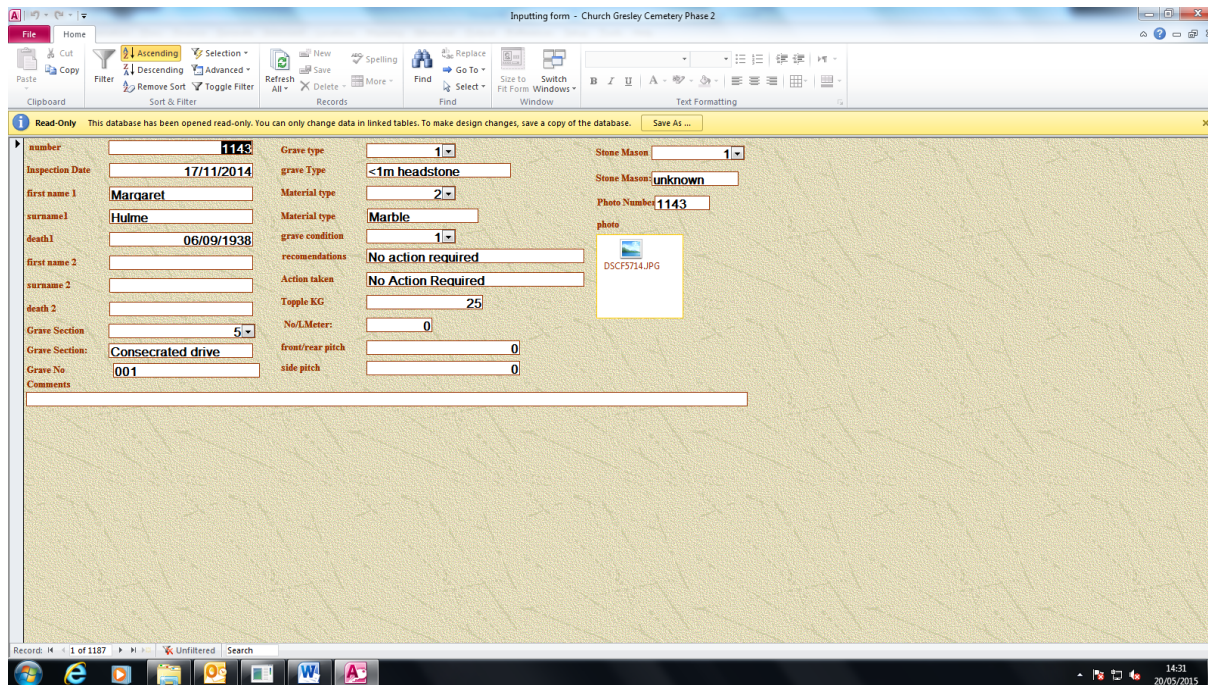
Due to the layout of the various cemeteries the risk of injury is relatively low, so make safe will be with the application of signs to warn owners and the public of unsafe memorials. Any memorial in high risk area, namely within the first two rows adjacent to a pathway will be staked. The laying down of a memorial will only be undertaken in the most serious cases. The Council however reserves the right to use whatever method is appropriate depending on the risk and category which could include stake & banding, cordoning off or laying a memorial flat.





## Documentation & Recording

Memorial assessments will be noted on record sheets or hand-held digital devices. The information taken from the records will then be transferred to a computer database for long-term reference and security. (See image below for example.)



## Notification, Repair and Re-fixing

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

- Where a memorial is less than 30 years old and details of the Grant of Right holder are readily available, a letter will be sent to them explaining the assessment process and the options available to them.
- Lists of failed memorials will also be published on the Council's Website, [www.southderbyshire.gov.uk](http://www.southderbyshire.gov.uk)
- Detailed lists of failed memorials will also be available for viewing at the Council's Civic Offices, Swadlincote.
- A warning notice will be displayed and attached to any memorial that has been assessed as dangerous. Notices offering advice and contact information will be displayed in all Cemetery noticeboards.

Where a grave owner cannot be traced and it is felt that the memorial is of historic significance or its maintenance is important to preserve the character or ambience of the Cemetery, the Council will consider carrying out the repairs subject to funds being available.

All repairs/re-fixings must comply with relevant industry guidance.

## Future Installations

Although some deterioration to stonework, foundations and fixings due to weathering and the passage of time is inevitable, the Council requires that in order to minimise these effects for all future installations, memorial masons adhere to BS8415:2018, the BRAMM 'Blue Book' and the National Association of Memorial Masons (NAMM) Code of Working Practice. This includes the use of appropriate foundations and fixings or other suitably approved and secure traditional methods for the installation of stone memorials as well as the relevant Cemetery Regulations currently in force.

## Grant of Right Holders

The assessment process may be upsetting for Grant of Right Holders and visiting families. South Derbyshire District Council regrets any distress that it may cause. It is better that the safety of the memorial is assessed rather than it is left to pose a potential danger to others.

If a memorial has to be made safe, Grant of Right holders can choose to either:

**Have the memorial repaired;** Grant of Right Holders will need to arrange the necessary remedial work with a memorial mason, for which the mason is likely to charge a fee. The Burial and Services Officer can supply a list of memorial masons if one is required. These memorial masons should undertake the repair to a minimum standard as recommended by the National Association of Memorial Masons (NAMM) or equivalent.





**Take no further action;** if a stake has been used to support the memorial it is considered to be safe for a period of up to 18 months. The stake may be replaced to re-stabilise the memorial during further assessments however this is not a long-term solution and may result in the memorial being laid flat. 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 to be safe.

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

## Points of Contact

Any concerns or questions about the memorial safety assessment process should be referred to the Burial & Services Officer through one of the methods below:

E-Mail: [cemeteries@southderbyshire.gov.uk](mailto:cemeteries@southderbyshire.gov.uk)

Phone: 01283 595782

Fax: 01283 595720

Write: Burial & Services Officer  
Parks & Green Spaces  
South Derbyshire District Council  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire  
DE11 0AH

