



CEMETERY & CLOSED CHURCHYARD MEMORIAL MANAGEMENT POLICY

NORTH TAWTON TOWN COUNCIL

ABSTRACT

This policy is a strategic document for North Tawton Town Council in maintaining and promoting its stewardship of the Town Cemetery and closed churchyard which local residents have a right to enjoy

N 13/05/2022 v1 North Tawton Town Council

1. Introduction

- 1.1. The Burial Authority (North Tawton Town Council) has responsibilities under
 - a. Health and Safety at Work Act 1974,
 - b. Occupiers Liability Act 1957 and
 - c. The Management of Health and Safety at Work Regulations (1998)
 to provide and maintain safe and healthy working conditions for its employees and members
- 1.2. This includes a duty of care to other persons such as visitors to the cemetery, volunteers and contractors who work on behalf of the council.
- 1.3. Memorial inspection, assessment and action is covered by this written policy in accordance with the legal requirement of the Ministry of Justice 'Duty of Care' and supported by BS8415:2018.
- 1.4. under the Local Authorities Cemeteries Order 1977 Article 3, a burial authority may do all things considered necessary for the proper management, regulation and control of a cemetery. Article 16 (2)(b) states that "A Burial Authority may alter the position on a grave or re-erect at another place in the cemetery or elsewhere any tombstone or memorial on a grave or grave space subject to Schedule 3." This means North Tawton Town Council can carry out works (including removal) to memorials if the correct procedures in Schedule 3 are followed.
- 1.5. This policy covers the initial decision to carry out a memorial inspection scheme through to establishing an ongoing inspection regime.
- 1.6. North Tawton Town Council will take all reasonable steps to ensure that it complies with the law on health, safety and welfare and any relevant regulations, approved codes of practice and guidance.
- 1.7. North Tawton Town Council will provide the resources to ensure the safety of its employees and others affected by its work.
- 1.8. Whilst the maintenance of a memorial is the responsibility of the owner of the Exclusive Right of Burial the council has an obligation to ensure the safety of all visitors to the cemetery and as such must undertake routine testing of memorial safety
- 1.9. The memorial mason is responsible for erecting it safely (Brown v Cotterril 1934). The mason is legally liable for 7 years under the Consumer Protection Act 1987, Sale of Goods Act 1979, General Product Safety Regulations 2005 and Directive on Liability for Defective Products 2003
- 1.10. The core of the council's memorial safety testing is a rolling programme of inspections to ensure all memorials are inspected every five years. This policy sets out what the council will do when it identifies a memorial is unsafe.
- 1.11. A dangerous or unstable memorial is defined as one that will move and continue to fall to the ground with the exertion of a force of 25kg or less.
- 1.12. The Town Clerk as the burial manager appointed by the burial authority, is responsible for ensuring the implementation of this policy

2. Memorial Inspections

- 2.1. The council will undertake routine memorial inspections in June/July annually
- 2.2. The council will also undertake inspections on the memorials surrounding a grave when it is being prepared for opening
- 2.3. Before undertaking a memorial inspection, the inspectors shall have received suitable training.
- 2.4. The council will ensure work is done in ways so that members of the public are not put at risk

- 2.5. Consideration should be given to memorials with heritage value and care taken in the inspection and making safe process.
- 2.6. North Tawton Churchyard and Cemetery contain Commonwealth War Graves which will be subject to a visual test only. Any observable defects will be reported immediately to the Commission.
- 2.7. **Stage 1 Visual Inspection**
Visual inspection to include identifying
- a. damaged or eroded bonding
 - b. movement of parts from their original position
 - c. evidence of kerb stones breaking apart
 - d. evidence of undermined or unstable foundations
 - e. evidence of the memorial deviated from vertical
 - f. structural damage (e.g., cracks)
 - g. vegetation that may cause damage to worsen.
- 2.8. **Stage 2:**
- a. Memorial tablets and vases will not undergo further assessment. Visual inspection is sufficient to identify a potential (e.g., tripping) hazard.
 - b. Headstones under 625mm in height: Hand test. Owner advised of detached parts or components. No temporary support required although books on rests may be laid flat. Cavities below kerbs/foundations to be earth filled.
 - c. For memorials between 625mm and 1500mm tall, the inspection will comprise a visual inspection and a hand test in line with ICCM guidance
 - d. For memorials over 1500mm tall (or for complex structures) a hand test may not be appropriate, and if a visual inspection suggests potential issues with a memorial an external structural survey or inspection by a memorial mason will be required
- 2.9. Each memorial shall be assigned to one of three categories:
- a. Category 1 (C1) – immediate action is required
 - b. Category 2 (C2) – annual reinspection is required
 - c. Category 3 (C3) – quinquennial (every 5 years) reinspection is required

3. Communications

- 3.1. The council will announce the commencement of its routine memorial inspections programme in local press, the council website and on the council's social media. The announcement will explain which sections are being inspected and what visitors can expect to see during this time
- 3.2. A sign will be placed at the entrance to the cemetery stating that routine inspections are taking place, and this will be removed once the families of all C1 memorials have been written to
- 3.3. Parts of the Town Cemetery and St Peters closed churchyard are consecrated. The Church of England Diocese should be informed at the same time as the public or earlier, advising them of the work that is required. It is likely that the Diocese will require a Faculty to be issued and work should be carried out in accordance with any specific conditions contained within the Faculty. Where a Faculty is required attempts should be made to ensure the life of the Faculty is a minimum of five years, to match the five yearly inspection process.
- 3.4. St Peters Churchyard falls within North Tawton Conservation Area and West Devon BC Planning Service will be contacted for guidance on the possible impact this may have.
- Inspection categories
- 4.1. **Category 1**
- 4.1.1. A Category 1 (C1) memorial is an immediate danger to the public and must be immediately made safe.

- 4.1.2. On identifying a C1 memorial the inspectors shall immediately do one of the following to make the area safe:
- a. Install a stake and banding to prevent the memorial falling
 - b. Securely cordon off the area to prevent the public accessing the memorial
 - c. Lay the memorial (or part thereof) flat
- 4.1.3. A notice will be installed on the memorial advising the owner to contact the council to discuss the failure.
- 4.1.4. The council will write to the holder of the Exclusive Right of Burial at the last known address to advise:
- a. the memorial has failed an inspection
 - b. what immediate action has been taken
 - c. what further action is required and the timescale for doing so
- 4.1.5. If the repair is not undertaken within three months from notification, the council will fund the repair to the memorial and this cost must then be repaid to the council before the Exclusive Right of Burial is further exercised. The repair will either be to:
- a. Bring the memorial to the current BS415 specification
 - b. Bury the bottom 1/3 of the memorial
 - c. Embed the headstone flat within the grave
 - d. Or such other works as considered necessary which may include (as a matter of last resort) the removal of the memorial in accordance with the provisions of Section 3 (1) of the Local Authorities' Cemeteries Order 1977. Such provisions include the requirement for the council to display a notice in conspicuous positions at the entrances to the cemetery, publish the notice in two successive weeks in a local newspaper and consider any objections made to the proposals.

4.2. Category 2

- 4.2.1. A Category 2 (C2) memorial is not an immediate danger to the public but is not fully stable.
- 4.2.2. Memorials may also be classified as C2 if their position, construction of material suggests a more frequent inspection should be undertaken
- 4.2.3. All C2 memorials shall be inspected annually
- 4.2.4. For memorials where simple remedial work will enable a memorial to be reclassified as C3, the council will write to the holder of the Exclusive Right of Burial at the last known address to advise:
- d. the memorial has failed an inspection
 - e. what immediate action has been taken
 - f. what further action is required and the timescale for doing so
- 4.2.5. If the repair is not undertaken within three months from notification, the council will fund the repair to the memorial and this cost must then be repaid to the council before the Exclusive Right of Burial is further exercised. The repair will either be to:
- a. Bring the memorial to the current BS415 specification
 - b. Or such works as considered necessary

4.3. Category 3

- 4.3.1. A Category 3 (C3) memorial is one that is perfectly stable or below 625mm in height.
- 4.3.2. C3 memorials shall be reinspected quinquennially

5. Records and data management

- 5.1. A written record of inspections shall be kept detailing:
- a. Section and Grave Number

- b. Name on memorial
- c. Priority Category
- d. Date of inspection
- e. Name of inspectors
- f. Explanation of failure for C1 and C2 memorials
- g. Name of mason (if visible) for C1 and C2 memorials

A photographic record shall be taken of all C1 and C2 memorials

- 5.2. The clerk shall keep records of all risk assessments, cemetery regulations, method statements, memorial inspections, assessment, and actions either in paper or digital format, but will also be backed up digitally.

6. Informal/Ongoing inspections

- 6.1. The Council has a legal obligation to ensure its cemetery is safe to both visit and work in. The Clerk and a councillor nominated by the Council, subject to the receipt of appropriate training will conduct an informal inspection of all memorials and record the outcome between January and February each year and following any severe weather event, as memorials may fall or be damaged, cavities may be noted, vegetation may be causing a hazard, unauthorised memorials placed etc.
- 6.2. In such cases the council will authorise the Clerk to take appropriate action from expenditure within the cemetery budget.
- 6.3. All memorials installed in a cemetery 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 and its issue to a grave owner and provision of a file copy for the burial authority should be made a condition of North Tawton Town Council's cemetery memorial permission and management.
- 6.4. The council in issuing a right to erect a memorial should provide advice that the memorial will be inspected every five years.

7. Budget

The Council's Responsible Finance Officer will, in conjunction with the Finance committee, make financial provision in the council's earmarked reserves and budget settings for remedial repairs to Memorials where the owner has not responded in order to make the cemetery safe, which will be recommended for approval by Full council at the annual budget setting meeting.

10. Management of memorials

- 10.1. The erection of a memorial will be permitted only where:
- a. A Grant of Exclusive Rights of Burial exists for the grave.

- b. The grant holders must submit a formal memorial application to North Tawton Town Council, (application form is available on the Town Council website), fully completed and signed by all grant holders. Where the owner is deceased a transfer of ownership must be completed before any memorial work is permitted
 - c. The written permission of the burial authority (North Tawton Town Council) has been granted.
 - d. Payment of the prescribed fee as specified in the Table of Fees and Charges has been made to the burial authority.
- 10.2. The Councils form must be completed if you wish to apply for permission to erect a memorial, add an inscription or carry out any other work on a memorial. The form will include:
- a. name and address of the memorial mason who will carry out the work.
 - b. material and measurements of the memorial.
 - c. details of inscription and a diagram of the proposed memorial, including fixing methods.
 - d. full names and signatures of the registered grave owner/s to give permission for the work.
- 10.3. The applicant must not start any work until they have complied with Section the above. We will give permission as long as the work undertaken fully complies with the details specified within the Application Form, the BRAMM/NAMM scheme and the requirements of these regulations.
- 10.4. The Council will remove any unauthorised memorial and charge the cost to the grave owner, or their personal representative.
- 10.5. Having satisfied the criteria above, the following types of memorials may be fitted in the current cemetery.
- 10.6. Headstone, plaque, tablet, vase. Maximum height above ground level 920mm
- 10.7. Ashes sections - Plaque Maximum height above ground level 240 x 240 x 120 mm
- 10.8. All memorials, including the re-fixing and refurbishment of memorials, must be:
- a. constructed and erected in strict accordance with the size and design approved by the burial authority, by a mason who is an approved contractor and in strict accordance with the BRAMM/NAMM Code of Working Practice and or BS 8145
 - b. prepared ready for fixing before being taken into the cemetery
 - c. erected using an appropriate foundation which, where possible, must not be visible above the ground and which must be to the satisfaction of the burial authority
 - d. secured into the ground using a fixing system that has been approved by the burial authority
 - e. fixed in line with adjacent memorials
- 10.9. Small wooden crosses are sometimes provided by a funeral director, as a temporary grave marker, pending the erection of a permanent memorial and may remain for a period not exceeding twelve months from the date of interment.
- 10.10. All memorials must be able to bear continuous exposure to the weather and must not be made of:
- a. Glass
 - b. porcelain
 - c. plastic
 - d. artificial stone
 - e. concrete
 - f. polystyrene
 - g. terracotta
 - h. or any other material that in the opinion of the burial authority is unsuitable
- 10.11. All memorial masons must provide to North Tawton Town Council, on an annual basis, a copy of their current Public Liability Insurance Certificate and be covered for an amount of not less than £5 million, and a copy of the certificate of conformity for all memorial installations.

11. Items on memorials

- 11.1. The burial authority has certain regulations which prohibit certain items from being placed on the Grave space. Examples of what is deemed as unacceptable are:
 - a. Planting of any trees, shrubs, or garden areas
 - b. Placing of any glass/plastic containers or grave furniture that can impede cemetery maintenance and if broken, cause injury to staff or visitors
 - c. Placing of any unauthorised grave surrounds
- 11.2. The Council reserves the right to remove (and dispose of) from any grave space, flowers, plants, floral tributes, or wreaths which have deteriorated or become unsightly.

12. Requirements of Monumental Masons

- 12.1. Initially, every Monumental Mason will be required to provide to the Council the following.
 - i. Documentation Required to be a member of BRAMM.
 - ii. A copy of their Health and Safety policy and codes of practice.
 - iii. A copy of up-to-date Public and Employee Liability insurance with at least £5 million cover. Copies to be provided for the Council upon the policy renewal.
 - iv. Certificate of conformity for each memorial
- 12.2. Failure to provide the documentation will result in permits being withheld and access to the Cemeteries being denied.
- 12.3. All memorials, including the re-fixing and refurbishment of memorials, must be constructed and erected in strict accordance with the size and design approved by the Burial Authority, by a mason who is an Approved Contractor and in strict accordance with the NAMM Code of Working Practice and or BS 8145 or equivalent industry standard and the council provided with a copy of the appropriate certificate of conformity for all memorials.
- 12.4. The grave plot number must be inscribed onto the rear of each memorial without exception.
- 12.5. All contractors engaged on work in the cemetery must comply with all Council directions and requirements.
- 12.6. All materials and equipment must be conveyed in the cemetery in such a manner as to prevent damage to walks, paths, roads or turfed areas and all soil or waste material must be removed in a like manner. Mats, boards, or canvas must be used, as directed by the Council, to achieve this end.
- 12.7. Any person removing a memorial to permit a further interment may only do so after informing the Council. Upon reinstallation of such memorials, they shall be re-fixed in accordance with BS8415 and / or the NAMM Code of Practice, this will include the installation of new dowels between the base and headstone plate and the council provided with a copy of the certificate of conformity.

Appendix I

METHOD OF WORK

1. Memorial Safety inspections will generally be carried out by two operatives working as a team. Only trained operatives to the industry best practices standards shall be eligible to carry out safety inspections on headstones/memorials.
2. Prior to the inspection taking place, 'Memorial Inspectors' risk assessments shall be prepared and issued to inspection operatives. As part of the risk assessment, Personal Protective Equipment (P.P.E) shall be identified and worn at all times, this must include safety footwear and gloves.
3. Upon entering the burial ground, with the intention of carrying out an inspection of memorials, all operations shall be carried out in a manner that takes cognisance of hazards and potential dangers within the whole site. A documented site risk assessment, together with a current Memorial Inspectors risk assessment shall be in place prior to inspection
4. The documented site risk assessment provides focus for the inspection. This will be carried out in accordance with the training given, in compliance with industry best practice standards and using the Council's assessment form (attached to these procedures).
5. Operatives carrying out inspections must always be aware of memorials that are made up of more than one section and where foundations may be unstable. Operatives will always inspect the top section first and work down the memorial, cutting away any vegetation as necessary.
6. The hand test will be carried out in front, but to one side of the headstone where possible and a gentle pressure/force will be gradually increased until a force approximately 25kg is applied. This force shall be exerted in one direction, away from the body, and shall be repeated from the back of the memorial. The force shall be applied at the apex of the memorial or as high up the memorial as can be comfortably reached.
7. A memorial will only fail the safety inspection if it will move, and continue to move, until it would potentially fall to the ground under an **initial** firm but reasonable force approximating 25kg. Memorials that move but do not show potential to fall to the floor following the **initial** force, will not be considered unsafe.
8. Should a memorial fail the hand test, the Council have determined that it shall be immediately staked, and a warning danger notice bound to it as a temporary measure which will be subject to weekly inspection whilst it remains in place.

APPENDIX II

MEMORIAL SAFETY RISK ASSESSMENT FORM

CEMETERY / CLOSED CHURCHYARD (delete)	
Date of assessment	INSPECTORS
Section / Area / Plot Number	
Name(s) of Deceased	
Memorial Type (Kerb, headstone, plinth, cross, tablet, Memorial Vase, other)	
Memorial Materials	
Memorial Height	
Visual Inspection observations (Loose elements, missing elements, cracking, damage, disruption, open joint, cracked pointing, tilted, laid flat, other)	
Ground Condition (Good, level, collapsed, subsidence, soft soil, animal disturbance, holes, other)	
OVERALL CONDITION	Comments / findings / Action Taken
Unsafe (Category 1)	
Potential Instability (Category 2)	
Stable (Category 3)	
Video Taken (Y/N)	
Photo Taken (Y/N)	
Other Factors (vandalism, vegetation, trees, other)	
Added to Council records	Date, by whom

This policy is a document that sets out North Tawton Town Councils approved and agreed practices. Any deviation must be by resolution of the full Council.

DOCUMENT NO:			
Lead author(s):	Melanie Bickell		
Developed by:	NTTC		
Approved by:	NTTC		
Ratified/Adopted by	Estates Committee 14.7.22 item 3.5		
Review date:	July 2024		
Version no:	1		
Version Control And Revisions:			
Version	Point	Description of Change	Date
			/
			/

THIS IS A CONTROLLED DOCUMENT

Whilst this document may be printed, the electronic version maintained on the North Tawton Town Council website is the controlled copy. Any printed copies of this document are not controlled.