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Management of Memorials Policy

Introduction

St Erth Parish Council (the Council) is the Burial Authority for Chenhalls Road Cemetery, St Erth (the Cemetery). The purpose of this policy is to set out how the Council will undertake the management of memorial safety in the Cemetery.

Responsibilities

The Council

The Council, as the owner of the Cemetery, under the Health & Safety at Work Act 1974 owes a general duty of care to both staff (Section 2) and visitors (Section 3). In addition, the Health & Safety at Work Regulations 1999 places a legal duty on the Council to assess the risk from cemetery structures and work activities and to ensure that any 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 keeps the Council informed of any change to their address to enable contact to be maintained.

The Grave Owner (holder of the Exclusive Right of Burial)

The responsibility for the condition and inherent safety of a memorial during its entire lifespan rests with the owner of the memorial or their heirs. The owner has a duty to maintain the memorial in a good state of repair at all times.

If the owner is concerned at any time about the condition of the memorial or the likelihood of it failing, they should consult the original Monumental Mason or the National Association of Memorial Masons (NAMM) for advice at the earliest opportunity. Owners can take out insurance to guard against damage to the memorial and in relation to harm to third parties.

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

Monumental Masons

Only Council approved Monumental Masons may undertake work in the Cemetery.

In order to be considered by the Council for approval, Monumental Masons must provide copies of risk assessments and method statements to include safe systems of work,

evidence of public liability insurance and two references, preferably from other Councils, and any other relevant documents as the Council deems necessary.

Monumental Masons must undertake that they will comply with the NAMM recommended methods of installation and any relevant standards.

Memorials

Permission

A Memorial permit application must be completed and returned to the Clerk with the relevant fee and a permit issued, prior to any work being carried out. Permits are granted for a period of 50 years in line with the Exclusive Right of Burial.

Permission is also required for additional inscriptions following a second interment.

A minimum of six months should elapse between the burial of a person to be commemorated and erection of a memorial. This does not apply to cremated remains.

Specifications

As this is a lawned cemetery, horizontal surrounds, raised kerbs, railing, plain or coloured stone chippings, figures, bird baths, raised vases, flowers bowls, etc. are not permitted.

Headstones or crosses not exceeding 3' in height, 2' in width and 6" in thickness are permitted and may include a holder for flowers within those dimensions.

Memorials must comply with NAMM safety guidelines and a Monumental Mason will advise on this.

For cremated remains a Cornish Cremation Vase Block not exceeding 15" in height, 15" in width and 6" in thickness is permitted.

Grave space number, alongside the Monumental Mason's company name (with no other details), must be engraved in small letters (not exceeding 1" high) on the rear.

Safety Inspections

The inspections 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 headstone from its original position;
- leaning, particularly where there is evidence of recent movement;
- evidence of structural damage or disturbance – e.g. cracks;

Headstones over 500mm in height (and smaller ones if a potential risk has been identified through the visual check) will then be subject to a simple hand test to determine their stability.

This will be carried out by the person undertaking the inspection 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 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 visual 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 12 weeks in which to respond, confirming what action has been carried out / planned. If the owner, following their 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 may take whatever steps are necessary at the time of the inspection to eliminate the immediate risk. This may involve the attachment by the Council of a temporary support to the memorial (which can only be removed by the Monumental Mason employed by the owner to repair the memorial at the time that the repair is undertaken), or, if this is not possible, by carefully laying down the memorial on the grave plot. The Council will then write to the owner advising them of the situation and give notice to the owner requiring them to repair or remove the memorial.

If after the expiration of the notice period given by the Council (usually 8 weeks but depending on the severity of the problem) the owner has failed to inform the Council of their 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 may terminate the Permit, and reserves the right to take whatever action it regards as appropriate to make the cemetery safe and tidy.

Records

Records of any memorial inspections will be kept for a minimum of 3 years.

Adopted	5 th March 2024	189/03/23-24d)
Next review due	March 2025 then 3 yearly	