

Memorial Testing

The Estates Committee is responsible for maintenance of Wickhambrook Cemetery and the closed churchyard at All Saints Church.

In addition to grounds maintenance covered by the Grounds contract, volunteer days and ad hoc work dealt with under parish days, as the burial ground operator, Wickhambrook Parish Council has a legal obligation¹ to control the risks from memorials and do all that is reasonably practical to ensure that visitors and those working in burial grounds are not exposed to risks to their health and safety. The Ministry of Justice provides guidance on managing these risks². This approach includes periodic assessment of memorials as part of a planned exercise or when a programme of major work to the burial ground environment has taken place.

Wickhambrook parish council completed an assessment of Memorials at Wickhambrook Cemetery in 2023, and its previous assessment of memorials took place in 2017. In the intervening period, period checking of memorials by means of visual checks and hand tests have been reported to the Estates Committee by lay members.

Whilst the responsibility for general safety lies with the burial authority there are specific responsibilities relating to memorials that lie with both the owner of the memorial and the memorial mason responsible for installing it. The owner of the memorial is responsible for maintaining the memorial in a good condition and should be properly informed, in writing, of their and other party's responsibilities.

Memorial masons are legally liable for the work they carry out³ and should ensure that memorials are erected safely and in accordance with current standards available within the industry. Claims for poor workmanship can be made up to 6 - 7 years after the memorial has been installed (5 years in Scotland). Should a burial authority identify a memorial that has become unstable due to non-compliant installation within 6 years of installation the memorial mason must rectify the matter free of charge.

Therefore, in most cases, where the owner can be established, the cost of making the Memorial safe does not fall to the parish council (although any immediate temporary measures would be likely to).

Of the 236 Memorials tested in Wickhambrook Cemetery (memorials below 24" are not tested) a total of thirteen required staking and banding. Of these:

- Four memorials have been made good, removed for remedial works or arrangements are being made for repairs
- There were no records of deeds held or contact details for two memorials
- Four memorials were in the name of a family trust, which is no longer extant, and of which the clerk has not been able to locate any subsequent deed holder records
- No response has been received in respect of a further three memorials

This leaves nine memorials for which the parish council will need to take responsibility:

- Headstone loose on base – 7
- Headstone base loose on foundation – 2

¹ the Local Authorities' Cemeteries Order 1977 (LACO) & Health and Safety at Work etc Act 1974

² Managing the safety of Burial Ground Memorials – Practical advice for dealing with unstable memorials

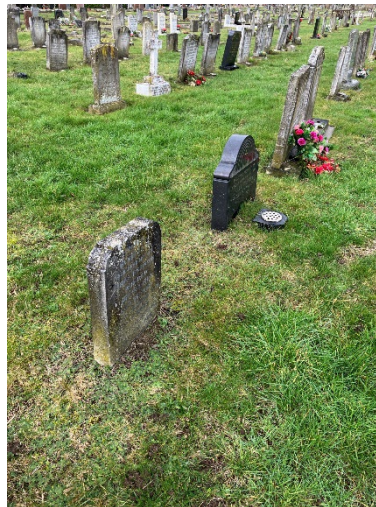
³ Consumer Protection Act 1987, the Sale of Goods Act 1979 (amended 1994), the General Product Safety Regulations 2005 and the Directive on Liability for Defective Products (85/374/EEC).

WPC.EC.24.04.03 – Memorial Testing & Subsequent Work

If family members approach the parish council at a future time for additional inscriptions or interments into the grave spaces, the costs may then be recovered from them at that time.

The memorials can either be:

1. made good, at a quoted cost of £185 - £225 plus VAT
2. laid flat at a cost of £15 plus VAT each (n.b. one stonemason would not quote for laying flat, advising that NAMM guidance was not to lay flat due to health and safety issues)
3. part buried (for headstones) such that most of the inscription can be read. The resultant headstone is then below 24", secure, and allows for families to undertake remedial work at a future time (see advice from the Cemeteries manager at West Suffolk, attached as Appendix A) at a cost of £50 plus VAT each (one memorial may not be suitable for part burial) – there may be adverse publicity arising from this approach.



Provision has been made in the approved budget for 2024/25 for £1000 to Cemetery and Churchyard, which included an estimated cost of £500 for Memorial Testing at All Saints Churchyard. A further £1300 in Earmarked Reserves (Cemetery and Churchyard) could be drawn against if required (if approved by the parish council).

The Local Authorities Cemetery Order 1977 provides the legal basis to grant rights of burial, to place and maintain tombstones or memorials on graves and to charge fees.

The clerk has obtained two quotes for remedial works to Memorials, summarised below.

| Contractor | Lay flat memorial | Part Burial of Headstone | Remedial work to Memorial | Total Cost (9 part burial, 1 remedial) |
|---------------------|--------------------------|---------------------------------|--|---|
| Abbey Memorials* | £15.00 plus VAT | £50.00 plus VAT | £225 plus VAT | £675 - £2025 plus VAT |
| Hermitage Memorials | - | - | Headstone Loose on Foundation (7) £195 plus VAT Headstone Loose on Base (2) £225 plus VAT | £1815 plus VAT War Memorial to be cleaned free of charge |

*Abbey Memorials are used by West Suffolk Council for Bury St Edmunds, Haverhill and Newmarket Cemeteries and have provided a good service and advice to the parish council in its previous inspection in 2023.

Hilary Workman
Clerk & RFO
March 2024

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Action:

- i. Identify preferred method of remedial action to staked and banded memorials in Wickhambrook Cemetery and choose a contractor.**

Recommendation

- i. To appoint a contractor to undertake remedial work to the outstanding memorials in Wickhambrook Cemetery which were identified as unsafe during memorial testing in 2023, at a cost of not more than £1815.00 plus VAT for the financial year 2024.25**

From: [MacDonald, Sue](#)
To: [Hilary Workman](#)
Subject: RE: staked and banded Memorials
Date: 25 January 2024 13:24:54

Good afternoon Hilary,

I glad to hear Abbey did a go job for you testing the headstones. There are several options you can do ...

1. You can leave them as many parishes do with the post and banding support, this seems to last for years, but doesn't solve the problem of failed stones.
2. You could remove the stone completely and dispose of them (probably not the best thing to do, as you know someone would contact you the week after disposal). You could place the removed stones around the edge of the cemetery, perhaps against a wall (depending on numbers).
3. Years ago, a lot of kerb sets were buried just under the grass (not disturbing any remains). This did happen in BSE cemetery, again not a favoured option these days.
4. At WSC we have paid, using the public purse to have all failed stone repaired, it was a huge financial commitment (but some money had been put aside for this years ago and was never used so this paid for the majority). I am not so confident that this sort of money would be available now. Although having said that we do the same at our closed churchyards.

After a stone is repaired in the cemetery, we place a note on the grave file which states the ERB cannot be exercised until the cost of the repair has been repaid. There is also an item in the regulations regarding this. We have had quite a few repayments over the years, this might not be the same for older graves in a smaller cemetery.

5. On the odd occasion where a family have contacted us and have been quite specific that they do not want the stone repaired (by us or a stone mason paid for by them) then we sink the stone. We remove the headstone and put up to half (depending on the initial height and where the inscription is) and bury it so only 2ft (or under) is protruding out of the ground. This new height then takes away the need for further testing, whilst making the burial authority look sympathetic to the families and historical needs. Burying does not seem to do the stone no harm and if the family makes contact at any point the stone is still there potentially to be reinstated and the grave is still marked.

I am not sure about the laying down of stones and NAMM, I would assume it is only a recommendation. Laying stone down probably is a trip hazard, but cemeteries generally are !!

According to LACO 1977 the burial authority can run the cemetery anyway it chooses as long as it stays within the terms of the order.

I have attached a photo of some headstone that were sunk in Bury St Edmunds cemetery. The two stones at the front of the photo have both been sunk and as you can see you are still able to read most of the inscription.

I hope this helps.

Kind Regards

Sue MacDonald
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Green Space and Heritage
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From: Hilary Workman <parishclerk@wickhambrook.org.uk>
Sent: Thursday, January 25, 2024 11:21 AM
To: MacDonald, Sue <Suzanne.MacDonald@westsuffolk.gov.uk>
Subject: staked and banded Memorials

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Hi Sue, we used Abbey Memorials for our testing, v pleased with results. I just want to check something – they included laying flat of Memorials as an option if families do not do the work and it is left to the parish. I asked for a quote from saxon, who said that NAMM don't allow Memorials to be laid flat due to health and safety, is this correct? How do you deal with things in your cemeteries?

Hilary Workman CiLCA
Clerk & RFO for Wickhambrook Parish Council

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