

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 would 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:

- One memorial has been made good
- One memorial has been removed for remedial works
- 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 five memorials

This leaves eleven memorials for which the parish council will need to take responsibility.

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

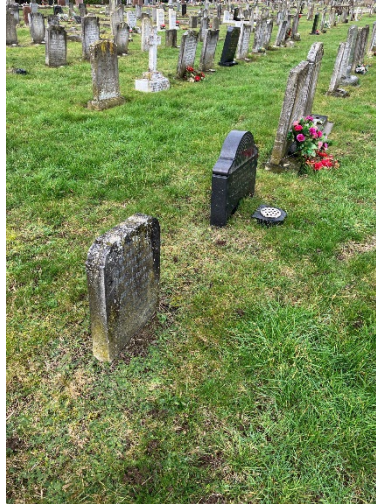
² Managing the safety of Burial Ground Memorials – Practical advice for dealing with unstable memorials

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).

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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 burying the 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).



Provision has been made in the approved budget for 2024/25 for £1000 to Cemetery and Churchyard, which includes 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 Memorial Inspections, summarised below.

Contractor	Cost per memorial inspection	Make safe work Stake & Band/Lay Flat	Cost range/ <250 memorials (before any urgent make safe work)	Notes
Abbey Memorials*	£2.00 plus VAT	£15.00 plus VAT	<£500	@5% anticipate 15 Memorials to stake & tape
I.M.I	£3.80 plus VAT	£5-10 plus VAT respectively	£1200	n.b. £250 surcharge for less than 500 memorials

*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
January 2024

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The number of memorials within the churchyard (advised by the PCC) is:

- Headstones: 216
- Tombs: 22

Of these, it is reported that many were back to back, some were only just visible above ground, most are illegible. Only those which are above 24" will require testing and, if necessary, any subsequent remedial work.

There is no requirement to apply for a faculty for inspection(s) in the closed churchyard (confirmed by the diocese).

The PCC have advised that they have no records of the interments, so any remedial work required would fall to the parish council.

Action:

- i. Identify a preferred contractor based on value for money to the parish council to undertake testing of Memorials in All Saints Churchyard**
- ii. Identify preferred method of remedial action to staked and banded memorials in Wickhambrook Cemetery in order that a detailed quote of work may be obtained to consider at April meeting.**

Recommendation

- i. To appoint a contractor to undertake memorial testing in All Saints Churchyard at a cost of not more than £500.00 plus VAT for the financial year 2024.25**