



# PADSTOW TOWN COUNCIL

## Padstow Cemetery Memorial Management Policy

POLICY/PROTOCOL/PROCEDURE			
<b>Version</b>	2.1	<b>Comments</b>	Review Date: February 2029
<b>Approval Date</b>	26 September 23 (V1.0)	<b>Responsible Officer</b>	Town Clerk
<b>Committee</b>	Community & Facilities	<b>Approval by</b>	Full Council

VERSION HISTORY		
Date	Version	Comments
19 September 2023	Draft	Draft Policy taken to LTOS for consideration.
26 September 2023	1.0	Draft Policy approved by Full Council.
27 January 2026	2.0	Recommended by CAF 16.12.25 ref CAF2025/54 and agreed by FC 27.1.26 ref 2025/182
3 February 2026	2.1	Review date added CAF 3.2.25 minute ref CAF2025/69

REVIEW RECORD		
Date Review initiated	Review undertaken by i.e. officer/ Cttee/Council	Summary of any recommended updates/changes to be made
December 2025	Reviewed by Assistant TC/As RFO and taken to CAF meeting 16.12.25	a) Grammar/tense now policy in use; b) Para 4 replace "qualified" with "experienced"; c) para 6 updated to reflect practice; d) para 7 amend timescale to 12 months, and remove need to contact C2 owners; e) para 8 amend deadline to 4 months; f) appendix – testing process, add qualification to inspector of memorials over 2.1m (7').

# Padstow Cemetery Memorial Management Policy

## 1. Introduction

- 1.1 Padstow Town Council has a general duty under the Local Authorities' Cemeteries Order 1977 (LACO) to maintain Padstow Cemetery burial ground in good order.
- 1.2 The Town Council recognises that it also has a duty of care under the Health and Safety at Work Act 1974 to ensure, as far as reasonably practicable, that the cemetery is maintained in a safe condition and that it is a safe place of work not only for employees, but for any other persons working in the cemetery and for the members of the public who visit it.
- 1.3 There have been instances in the UK of memorials toppling over and causing injuries and even fatalities. A practical guidance paper issued by the Ministry of Justice in 2009 reported that in the preceding 30 years, eight people in the UK had been killed when a memorial had fallen on them.
- 1.4 That fatalities can, and do, occur is evidence that a memorial inspection process is necessary. However, when considering the number of memorials and the number of visitors to burial grounds in any year, the figure in 1.3 suggests that the risk of injury is extremely low. Therefore, Padstow Town Council aims to ensure that it adopts a risk based, proportionate and sensible approach to memorial management as recommended by the Ministry of Justice.

## 2. Scope

- 2.1 This policy aims to:
  - Define a clear memorial inspection programme and testing process;
  - Identify the process for making memorials safe;
  - Ensure effective record keeping and administration of the memorial management process.
- 2.2 Padstow Town Council recognises the potential for distress that actions taken in respect of memorials may cause. To help ensure a sensitive approach to the management of memorials in Padstow Cemetery, this policy will identify the ways in which the Town Council will communicate the memorial management process and the actions which arise from it.

## 3. General Memorial Design, Construction and Installation

- 3.1 Padstow Cemetery operates in accordance with the Padstow Town Council Cemetery Regulations which should be read in conjunction with this policy. The regulations make specific reference to the permitted design, construction and installation of memorials/monuments in the interests of the ongoing safety of the cemetery.
- 3.2 All works to memorials, including refixing and refurbishment must be carried out under the supervision of a stonemason who is a registered Approved

Contractor, a member of the BRAMM and/or NAMM RQMF scheme and in strict accordance with BS8415, the BRAMM Blue Book and/or the NAMM code of practice.

- 3.3 It is accepted that memorials installed to the standards defined in paragraph 3.2 can be expected to conform for a period of at least 5 years, assuming they do not sustain damage by a third-party.
- 3.4 Memorials/monuments remain the property and responsibility of the grave owner or their personal representative who are responsible for maintaining the condition and safety of the monument in accordance with the current cemetery regulations and any future health and safety regulations.

#### **4. Memorial Inspection Programme**

- 4.1 All memorials are subject to a minimum 5 yearly inspection. At each inspection, memorials are categorised according to the priority of action found to be required. The categories are as follows:
- Category 1: Immediate action is required to make the memorial safe or to stop the public accessing the memorial.
  - Category 2: The memorial is not an immediate danger to the public but it is not fully stable and will, therefore, need to be reinspected annually to assess any further deterioration of the memorial.
  - Category 3: The memorial is perfectly stable or below 625mm (2' 1") in height and will only need to be inspected in 5 years' time.
- 4.2 Memorial inspections will be undertaken by suitably trained Town Council employees or by a suitably experienced contractor specifically instructed for this purpose.

#### **5. Testing Process and Procedure Following Category Identification**

- 5.1 The testing process is in line with recommendations in the ICCM Management of Memorials Policy. The process for Padstow Town Council is outlined in appendix 1 to this Policy.
- 5.2 Appendix 2 to this Policy sets out the procedures to be followed once the memorial category, as outlined in 4.1, has been identified. These procedures are in line with recommendations in the ICCM Management of Memorials Policy.

#### **6. Inspection Records**

- 6.1 Electronic records will be maintained for each inspection and will include:
- Grave number and section;
  - Name of deceased;
  - Size of memorial being either below 625mm (2' 1"), between 625mm and 1.5m (2' 1" and 4' 9"), or over 1.5m (4' 9");
  - Type of memorial;

- Memorial category, being C1, C2 or C3;
- Explanation of failure for C1 and C2 memorials;
- Actions taken;
- Name of stonemason (for C1s if visible);
- Date due for re-inspection;
- Date of inspection;
- Name of inspector.

6.2 A photographic record shall be made of all memorials within 6 months of their installation and thereafter a photographic record shall be made of C1 and C2 memorials.

6.3 An electronic re-inspection works programme shall be maintained.

## **7. Communication With EROB Owners And Members Of The Public**

7.1 The Council will announce the commencement of a memorial inspection on the Council website and through the Council's social media platforms. The announcement will explain which sections are being inspected and what visitors can expect to see.

7.2 The local diocese was informed prior to the commencement of the initial inspection programme in 2024.

7.3 A sign will be placed at the entrance to the cemetery providing details of when a routine inspection will be taking place and providing the opportunity to observe if families so wish. This signage will not be removed until the EROB owners of all C1 memorials have been written to (where possible, see paragraph 8).

7.4 Following an inspection, notices will be placed on C1 memorials advising that the memorial has failed and asking the EROB owner to contact the Town Council. This will remain in place until such contact is made or until a longer term solution has been implemented.

7.5 In the case of C1 memorials, the Council will write to EROB owners at the last known address (provided the data held is less than 30 years old) to advise:

- a) The memorial has failed an inspection;
- b) The immediate action that has been taken;
- c) What further action is required and the timescale for doing so, being 12 months dependant on the level of risk; and
- d) Requesting confirmation of receipt within 6 weeks from the date of the letter.

7.6 A list of C1 and C2 memorials will be made available on the Town Council website.

## **8. When The Owner Of An EROB Cannot Be Traced - C1 Memorials**

- 8.1 The Community and Facilities Committee has full delegated powers to manage the Council's open spaces, including Padstow Cemetery, in accordance with Padstow Town Council's agreed policies. As such, the CAF Committee will be responsible for making a decision regarding the longer term solution of a memorial classed as a C1, where the owner of the EROB cannot be traced.
- 8.2 The owner of an EROB will be considered untraceable for the purposes of 8.1 above if:
- a) 4 months after the initial attempt to contact the owner of the EROB, a response as not been received.
  - b) The data held is over 30 years old.
  - c) There is no known EROB owner.
- 8.3 Where a longer term solution is required as per 8.1 above, it will be considered at the next appropriate meeting of the Community and Facilities Committee and Committee will decide on one of the following solutions:
- a) Leave the memorial laid flat;
  - b) Engage a stonemason to embed the memorial flat within the ground;
  - c) Engage a stonemason to bury the bottom 1/3 of the memorial;
  - d) Engage a stonemason to repair the memorial to the current BS8415 standard; or
  - e) Any other works as considered necessary which may include (as a matter of last resort) the removal of the memorial.
- 8.4 Committee's consideration of memorials outlined in 8.3 above will be on a case-by-case basis and the decision making will take into account the following factors:
- a) Is the memorial dilapidated by long neglect or is there evidence that the grave is visited;
  - b) By leaving the memorial laid flat would it impede the maintenance of the cemetery to such a degree that it will have a negative effect on the overall aesthetics of the cemetery, OR would the location of the memorial in its laid flat position create a trip hazard significant enough to warrant an alternative solution;
  - c) Is the memorial for someone of historical, cultural or local importance thereby making any funding of a repair in the public interest; and
  - d) Is the location or material of the memorial contributing to the deterioration of the memorial in any way.
- 8.5 Where the Council has incurred any expenses in respect of 8.3 above, this cost must be repaid to the Council before the Exclusive Right of Burial can be further exercised.

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## Appendix 1 – Testing Process

### 1. Testing Process

#### 1.1 Process for Memorials up to 625mm (2' 1"):

- Full visual inspection;
- **Hand test only;**
- Identify memorial category as C1, C2 or C3 and action as per procedure for relevant category.

#### 1.2 Process for Memorials 625mm to 1.5m (2' 1" and 4' 9"):

- Full visual inspection;
- Hand test – primary test;
- Confirmatory test 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 (4' 9") or the apex of the memorial, whichever is lower;
- Use of force testing devices is discretionary;
- Identify memorial category as C1, C2 or C3 and action as per procedure for relevant category.

#### 1.3 Memorials over 1.5m in height (4' 9")\*.

- Full visual inspection;
- **Hand test only** (on non-complex structures) - certain memorials over 1.5m can fail a hand test yet pass a mechanical test due to the hand test being carried out at a higher point on the memorial than a mechanical test which takes place at shoulder height;
- Identify memorial category as C1, C2 or C3 and action as per procedure for relevant category.
- \*Inspection of memorials over 2.1m (7') to be completed by a person with the NAMM Siam qualification.

1.4 A memorial that is an 'immediate danger' to the public is one that fails the testing procedure and/or will not withstand a force approximating 25kg. The memorial only fails if, as a result of the continuing application of 25kg or less, the memorial would continue to move and eventually fall to the ground.

# **Padstow Cemetery Memorial Management Policy**

## **Appendix 2 - Procedure Following Category Identification**

### **1. Category 1 Memorials**

1.1 A category 1 memorial (C1) is an immediate danger to the public and immediate action must be taken to significantly reduce or eliminate the identified risk. The immediate action taken will depend on the type of memorial affected.

1.2 On identifying a C1 memorial the inspector shall immediately do one of the following to make the area safe:

- a) Securely cordon off the area to prevent the public accessing the memorial and arrange a full inspection by either a BRAMM or NAMM qualified stonemason or a structural engineer, whichever is appropriate.

Typically, this action will be taken where a memorial is over 1.5m (4' 9").

Where access to neighbouring graves is affected by a cordon, attempts will be made to contact the individual EROB owners of these graves to notify them of the situation in an effort to minimise distress.

- b) Install a stake and band to prevent the memorial falling over.

Typically, this action will be taken where a memorial is a monolith and between 625mm and 1.5m (2' 1" and 4' 9") in height.

- c) Lay the memorial (or part thereof) flat.

Typically, this action will be taken where a memorial is not a monolith and is between 625mm and 1.5m (2' 1" and 4' 9").

1.3 Cover slabs which have developed cavities which pose a danger to those who step on to the grave shall be filled with topsoil or repaired with concrete. Where such materials are not immediately available, the grave will be cordoned off as an immediate safety measure. The materials shall be obtained and the work undertaken by Town Council employees within 3 months.

### **2. Category 2 Memorials**

2.1 A category 2 memorial (C2) is not an immediate danger to the public but requires a more frequent inspection because:

- a) Movement is found but the memorial appears safe or can resist a force of 25kg and is sufficiently stable so as not to be an immediate hazard;
- b) Its position or its material of construction warrants it; or
- c) The kerbing requires repair but does not constitute an immediate danger.

2.2 C2 memorials shall be inspected annually.

### **3. Category 3 Memorials**

- 3.1 A category 3 memorial (C3) is one that is perfectly stable or below 625mm (2' 1") in height.
- 3.2 C3 memorials will not typically require any action and no temporary supports will be required for most memorials of this height. However, in the following circumstances the inspector shall:
  - a) Lay flat any memorial which would otherwise be at risk of further damage;
  - b) Place in the centre of a grave space any kerbing pieces which have either fallen from their position or are at risk of falling from their position e.g books on rests. These will be placed in such a way so as not to cause a trip hazard.
- 3.3 C3 memorials shall be inspected every 5 years.