

MARKET BOSWORTH PARISH COUNCIL



Administration & Management Policy appertaining to Market Bosworth Cemetery, Shenton Lane

1.0 National Policy Guidance and Advice

- 1.0.1** Market Bosworth Parish Council (hereinafter referred to as “the Council”) has sought advice and guidance from the Institute of Cemetery & Crematoria Management (ICCM) and local burial authorities based in Leicestershire in respect of administration of Market Bosworth Cemetery.
- 1.0.2** The Council acts as a Burial Authority within the Parish of Market Bosworth with Far Coton in exercise of the powers and duties conferred by the Local Government Act 1972 and the Local Authorities’ Cemeteries Order 1977.

2.0 Risk Assessments and accident reports

- 2.0.1** As owner and occupier of the cemetery, the Council has the overall duty of care under the Health and Safety at Work Act 1974 (Duties relating to Premises). The Council will take the necessary steps, as far as is reasonably practicable, to ensure the cemetery is safe and without risk to health.
- 2.0.2** When a potential hazard is reported, for example by grounds maintenance contractors, Parish Councillors, members of the public, funeral directors or stone masons, the hazard will be noted and the risk to public safety will be assessed as promptly as is reasonably practicable and action to rectify the problem will be taken according to the urgency of the situation.
- 2.0.3** Information boards displaying contact details for the Council and emergency services are erected at Market Bosworth Cemetery.
- 2.0.4** Any accident reported to the Council shall be assessed and appropriate action taken.
- 2.0.5** Any incident which might result in a claim being made will be notified to the Council’s insurers.
- 2.0.6** The Parish Clerk is responsible for receiving letters of claim, acknowledging such letters and passing them to the insurers. If the Parish Clerk is absent, a member of the Cemetery Working Group shall deputise.

3.0 Installation and inspection of memorials

- 3.0.1** The following section sets out the Council’s policy for the safe management of memorials in Market Bosworth Cemetery. The purpose of this policy is to clarify the Council’s position in all areas of memorial management including what procedures have been adopted for the treatment of memorials that are found to be unsafe.
- 3.0.2** No part of this policy will replace the Council’s responsibilities and duties under health and safety legislation or other legislation covering burial grounds e.g. Local Authorities Cemeteries Order 1977.
- 3.0.3** Guidance available from the Ministry of Justice appertaining to the safety of memorials and risk of injury is that the risk of injury from a gravestone or other memorial which has become loose and unstable is very low.
- 3.0.4** Ministry of Justice guidance states that, given the number of memorials and number of visitors to burial grounds in any one year, the risk of injury or death is extremely low.
- 3.0.5** Statistics from the ICCM indicate that in the past there have been some deaths and serious injuries caused by unsafe memorials. In some cases the associated local authority has been investigated by the Health and Safety Executive (HSE) and in the most serious cases the HSE has threatened prosecution.
- 3.0.6** Taking the above into account, the Council believes that action to manage risks at Market Bosworth Cemetery needs to be sensible, proportionate and undertaken in a sensitive way.

3.1 New memorial headstones

- 3.1.1** All new memorial headstones, and all memorial headstones re-erected following a subsequent interment or additional inscription, shall be installed by a BRAMM/NAMM accredited memorial mason in accordance with the NAMM Code of Working Practice.
- 3.1.2** All memorial masons working in Market Bosworth Cemetery shall agree to the terms and conditions of Market Bosworth Parish Council’s ‘Code of Working Practice’.
- 3.1.3** An application to erect a memorial headstone or to add an additional inscription must have been accepted before any works relating to a memorial headstone are permitted.

3.2 New memorial plaques

- 3.2.1** All new memorial plaques placed in the labyrinth shall be installed by a BRAMM/NAMM accredited memorial mason in accordance with the Council’s installation guidelines.
- 3.2.2** All new memorial plaques placed on oak posts in the area set aside for the scattering of cremated remains shall be installed by a suitable tradesperson as approved by the Council.
- 3.2.3** An application to install a memorial plaque must have been accepted before any works involving a plaque are permitted.

3.3 Carrying out memorial safety inspections

- 3.3.1** The Council shall regularly carry out safety inspections on all memorials, including to check installation has been carried out satisfactorily. All memorials are likely to present a low risk because no memorial predates 2006 when Market Bosworth Cemetery was opened.
- 3.3.2** For each memorial inspected a Risk Assessment shall be carried out to calculate the risk associated with the memorial and whether or not further action to control that risk is required.
- 3.3.3** Where further action is required this will be recorded in a logbook along with steps taken to address the issue and consequent outcome.
- 3.3.4** Inspections will include both a visual check and a hand test. The visual check will reveal defects and the hand test will be used to determine stability of the memorial. Findings and risks will be recorded as follows:
- Very high risk – unstable – headstone liable to collapse / plaque has come loose
 - High risk – considerable movement but not yet liable to collapse
 - Medium risk – some movement and / or considerably out of alignment
 - Low risk – no movement, but some degradation and some misalignment
 - Negligible risk – good – no degradation, movement or misalignment.
- 3.3.5** Where there is cause for concern or uncertainty, a NAMM/ BRAMM, Council registered memorial mason will be instructed to carry out a more detailed assessment.

3.4 Procedure for contacting grave owners / relatives of deceased

- 3.4.1** Where memorials are found to require maintenance every effort will be made to contact the grave owner or their heirs, declaring that the memorial requires maintenance. The methods of contact will be:
- A notice attached to the relevant memorial
 - A letter to the last known address of the grave owner or updated contact address
 - General local press releases
 - The Council's website.
- 3.4.2** For all memorials found to be unsafe or insecure a letter will be sent to the grave owner at their last known address. If the Council receives no response a further letter will be sent after three months of sending the first letter. These letters will inform the owner that their memorial has been found to be unsafe or insecure and details of the action needed to be taken. If there is no response to these two letters a third and final letter will be sent at least six months after the date the first letter was sent.
- 3.4.3** If after at least six months from finding a memorial unsafe or insecure the Council has received no response to all attempts to contact the grave owner the Council will take the necessary steps to permanently make safe the memorial which may or may not involve removal. This will also be the case for memorials where the grave owner or their heirs have responded but where they are unwilling or unable to effect a repair.

3.4.4 Timescales for the Council to permanently make safe memorials are dependent on the level of risk of the memorial. High risk memorials will be permanently made safe after 6 months, medium risk after 1 year and low risk after 2 years.

3.4.5 The Council will keep an up- to-date database of all grave owner / relative contact information. When purchasing grave rights new owners will be encouraged to keep the Council informed of any changes in address.

3.5 Dealing with unsafe memorials

3.5.1 Ministry of Justice guidance states “only when the memorial poses a significant risk, such as imminent collapse in a way that could lead to a serious injury, does immediate action need to be taken to control the risk”. Based on this advice, the Council will adhere to the following risk responses as appropriate:

- Very High and High Risk: Headstones – cordon off, lay flat, repair, make safe or support with a structural support, or partially bury the memorial in the ground. Plaques – remove to safekeeping until a date is arranged for refitting the plaque
- Medium risk: Headstones – lay flat, make safe or support with a structural support, or partially bury the memorial in the ground
- Low risk: safety notice
- Negligible risk: no further action.

3.6 Safe systems at work

3.6.1 Persons carrying out safety inspections of memorials and remedial works must ensure they have the correct tools, equipment and protective clothing to carry out the task.

3.6.2 Inspections must not be carried out under adverse weather conditions.

3.6.3 Immediately prior to the inspection the inspector must ensure that the area around the memorial is clear of all potential hazards, for example loose memorial components, glass jars etc. Particular care should also be taken if the ground conditions are noted as poor or uneven.

3.6.4 If the memorial is overgrown with weeds/vegetation this must be removed prior to inspection. This should be done with great care to avoid damage to the memorial and possible risks to safety.

3.6.5 Inspectors must ensure their actions do not pose a hazard to other employees or visitors.

3.6.6 Temporary make-safe structural supports should be fitted when necessary according to the manufacturer’s guidelines. If, due to the construction of the memorial the support cannot be fitted correctly, then an alternative method of making the memorial safe should be used. Correct fitting of the structural support should not cause a trip hazard or create any other increased risk of injury.

3.6.7 When removing temporary make-safe structural supports the manufacturer’s guidelines should be followed using equipment appropriate for the task. All equipment and materials should be completely removed and appropriately stored or disposed of.

- 3.6.8** When laying a memorial down no person should attempt to lift or carry any item they consider too heavy and the risk of creating a trip hazard should be considered. A gantry should be used to lift any memorial considered too heavy to lift by hand. In the event of any doubt, advice from a competent specialist should be sought.
- 3.6.9** When cordoning off a memorial the cordon will be around the full area of the memorial not just the memorial as it stands.

4.0 Interments

- 4.0.1** New grave plots shall be marked out by members of the Council to ensure correct positioning of the area to be dug and correct spacing between plots.
- 4.0.2** Only approved funeral directors and gravediggers will be permitted to carry out interments at Market Bosworth Cemetery.
- 4.0.3** All funeral directors and gravediggers working in Market Bosworth Cemetery must agree to the terms and conditions of the Council's 'Code of Working Practice'.
- 4.0.4** All graves shall be dug by hand except in exceptional circumstances, for example, time constraints or adverse weather conditions. Prior permission is required.
- 4.0.5** Although the Council is able to suggest a gravedigger, it does not employ a gravedigger of its own and therefore expects funeral directors to arrange the appointment and payment of gravediggers.
- 4.0.6** An exclusive rights policy applies to the purchase of burial plots except for cremation plots in the labyrinth area.
- 4.0.7** Burial plots at Market Bosworth Cemetery must be paid for as per the schedule of charges and rules and regulations applicable at the time of application.
- 4.0.8** Burial plots may not be reserved except in the labyrinth area where side-by-side interments are permitted.

5.0 Record keeping

- 5.0.1** A Register of Burials, a Register of interment of Cremated Remains and an Exclusive Rights Register shall be kept up to date and stored in the Parish Council Office.
- 5.0.2** The information held in the Register of Burials, Register of Interment of Cremated Remains and Exclusive Rights Register shall be stored on the Council's computer and on a portable hard drive stored off site.
- 5.0.3** Purchased graves shall be recorded on the statutory grave plan as per the Local Authorities' Cemeteries Order 1977. The statutory grave plan shall be stored in the Parish Council Office.

6.0 Grounds maintenance

- 6.0.1** The Council shall employ a contractor to maintain Market Bosworth Cemetery.
- 6.0.2** The contractor shall provide the Council with a copy of their Public Liability Insurance.
- 6.0.3** It is the responsibility of the contractor to:
- provide all equipment and small tools required to carry out the maintenance work as per the agreed maintenance schedule
 - ensure all equipment used is adequate for the task involved and maintained fit for the purpose
 - supply all necessary fertilisers and weedkillers
 - use all equipment, tools, fertilisers and weedkillers as per the manufacturers' instructions.
- 6.0.4** It is the responsibility of the contractor, Cemetery Working Group, any other member of the Parish Council and the Parish Clerk to report any matters requiring attention, for example: litter, moles, damaged fencing and gates, tree damage or any other such hazards or potential hazards.
- 6.0.5** Members of the Cemetery Working Group shall carry out regular inspections of the cemetery to include paths, benches, flower beds, trees and general condition. Observations, recommended action and action taken shall be recorded and reported to the Parish Council.
- 6.0.6** The Parish Clerk shall liaise with the maintenance contractor to ensure that no grounds maintenance is carried out at the same time as an interment
- 6.0.7** Every five years a camera survey shall be made of the storm water drain which crosses the cemetery to check for blockages and establish whether repairs may be necessary.
- 6.0.8** If works are required to the storm water drain, quotations shall be obtained and a contract awarded to carry out the work as per the Council's Standing Orders and Financial Regulations.

7.0 Approved stonemasons

- 7.0.1** The following are stonemasons approved by the Council:
- Autumn Memorials Ltd, Dog and Gun Lane, Whetstone, Leicester, LE8 6LJ
 - W W Busby & Sons, 279a Blaby Road, Enderby, Leicestershire, LE19 2BH
 - Central Memorials, Collin Brothers, 60 Broad Street, Loughborough, Leicestershire, LE11 5AB
 - M G Evans & Sons, Funeral Directors, Holmville House, Long Street, Atherstone, Warwickshire, CV9 1AX
 - Heart of England Co-operative Funerals, King's Walk, Earl Shilton, Leicester, LE9 7NL
 - Kurt Russell Memorials, 14 Goosehills Road, Burbage, LE10 2RY
 - G Seller Funeral Directors and Memorial Masons, 75 Upper Bond Street, Hinckley, Leicestershire, LE10 1RH.
- 7.0.2** The list of approved stonemasons is subject to change.

Approved by the Parish Council at its Meeting held on 6 December 2022, Minute reference 9b.