

A MEETING OF THE CEMETERY COMMITTEE,
HELD IN THE COUNCIL CHAMBER, KINGS HOUSE, THETFORD
ON WEDNESDAY 31st JANUARY 2018, STARTING AT 11.30 A.M.

Present:
The Mayor, Councillor D M Crawford

Councillors:
S J Armes (Chairman) C RP Burnett
B J Canham (Vice Chairman) C Harvey
J Hollis

Officers in attendance:
Sarah Lewis Deputy Town Clerk
Kerry Leeder Civic Secretary
Chris Crimmen Committee Secretary

Minutes

699/17 DECLARATIONS OF ANY PECUNIARY INTERESTS

None.

700/17 APOLOGIES FOR ABSENCE

Apologies were received from Councillor B Canham.

701/17 MINUTES

RESOLVED: The minutes of the Committee's meeting held on 12th October 2017, received by the Council on 30th October 2017, be confirmed as a true record and signed/initialled by the Committee Chairman.

702/17 REVIEW OF ACTION POINTS

It was decided not to proceed with the repair of the wood burner in the Cemetery Cottage and to find the cost of removal.

703/17 HEALTH, SAFETY AND MAINTENANCE PLANS

Grass Cutting – At the last meeting the Deputy Town Clerk reported the existing grass cutting contract comes to an end in January 2018 and that the Council were considering extending this contract to 2020 when the other grass cutting contracts come to an end to renegotiate all the grass cutting at once. She reported that the contractor had agreed the following:

- To extend the grass cutting contract until 2020 with an annual uplift of 1%.
- To extend the grave digging contract until 2020 with an increase of £25 per grave.

After a discussion Councillor C Burnett proposed and Councillor C Harvey seconded:

RESOLVED: That Thetford Town Council:

- Extend the grass cutting contract until 2020 with an annual uplift of 1%.
- Extend the grave digging contract until 2020 with an increase of £25 per grave.

BRAMM Scheme Membership

The Deputy Town Clerk reported that the British Register of Accredited Memorial Masons (BRAMM) is the national register of stonemasons who work to the British Standard. She recommended that the Council should join this scheme which would require that in the future all stonemasons and funeral directors that the Council use should be registered with BRAMM also. If any of the current masons the Council uses are not BRAMM registered they would have until 31st July 2018 to comply. This will ensure all memorial work carried out to the cemetery will be to the British Standard BS8415. After a discussion Councillor D Crawford proposed and Councillor C Burnett seconded:

RESOLVED: That the Council register with the BRAMM scheme which will require all Funeral Directors and Stonemasons who erect memorials in the Thetford Cemetery to be registered with BRAMM.

704/17

MEMORIAL TESTING

The Deputy Town Clerk reported that the memorial testing will start again in March 2018. The standards applied by BRAMM should reduce problem memorials over the coming years.

An audit of R plot memorials was carried out to ensure they have been put in place with the necessary permission granted and payment of the fee. Nine memorials were found to have been erected without permission. Three had been identified to a funeral director who had been written to, three may have been erected by the same undertaker and they had been asked to confirm if they had erected the memorials. The final three could not be identified to any stone mason or undertaker so the deed holders had been written to. Memorials placed without permission may be removed by the Council and the cost passed on to the deed holder (Local Authorities' Cemeteries Order 1977 Article 14).

The Deputy Town Clerk presented a Memorial Management Policy (see Appendix A) which included a section on the need to install all memorials in accordance with BS8415 and that only BRAMM registered masons will be permitted to erect memorials. After a discussion Councillor J Hollis proposed and Councillor D Crawford seconded:

RESOLVED: That Thetford Town Council adopts the Memorial Management Policy (See Appendix A).

705/17

CEMETERY CHAPEL

The Deputy Town Clerk reported that the architects have received a cost of the work on to rebuild the bellcote, parapet and gable wall on the west end of the building and this has been quoted as £5,900 excluding V.A.T. The Architect's fee is £247.50 excluding V.A.T. This work can be carried out in the defects period of the original contract but would require full council approval for the waving of financial regulations relating to contracts to enable a price to be negotiated without competition. After a discussion Councillor D Crawford proposed and Councillor B Canham seconded:

RECOMMENDATION: That the Council accept the quotation for further work on the Cemetery Chapel of £6,147.20 excluding V.A.T. to be completed within the defects period of the original contract for the repair of the south side of the Chapel. This requires the waving of financial regulations relating to contracts to enable a price to be negotiated without competition.

The Deputy Town Clerk reported that there is a need to replace the heaters in the Cemetery Chapel. The Council had received three quotations:

Company A = £3,625

Company B = £4,277

Company C = £5,111

After a discussion Councillor B Canham proposed and Councillor D Crawford seconded:

RESOLVED: That Thetford Town Council accept the quote from Company A to replace the heaters in the Cemetery Chapel at a cost of £3,625.

Peter King Electrical Contractors had reported several critical electrical issues following their testing at the Cemetery and workshop. They have quoted £850 + V.A.T. to carry out all the necessary work and issue a certificate of completion.

706/17

CEMETERY COTTAGE

The Deputy Town Clerk reported that there are issues with the boiler that will cost £500 and this is being dealt with by Shires the letting agents. In addition the asbestos roof on the garage at the Cemetery is leaking.

707/17

LAWN CEMETERY MONITORING

The Deputy Town Clerk reported all the work on the lawn cemetery monitoring on N plot is now complete. It was agreed that the next area to be monitored are the children's plots. It is appreciated this is a sensitive area but the council has to treat all lawn cemetery plots equally when enforcing the rules.

708/17

BUDGET REVIEW

The Deputy Town Clerk reported that the deficit on burials may not be as large as expected by the year end and the income should improve. She stated that any underspend in the budget will be transferred to reserves.

709/17

REPURCHASE OF UNUSED PLOTS

The Deputy Town Clerk reported that she had only heard from one person who might be willing to sell back 2 plots they own to the Council. She will let Councillors know if this matter is resolved.

710/17

CEMETERY VISION

The Deputy Town Clerk reported that the next projects would be:

- To consider moving the works yard to the Cemetery (2 year project).
- Repair to cottage garage roof.
- Repair of fencing/ increase size of gates.
- Memorial trees etc
- The purchase of some planters like those recently installed on the Market Place and to seek sponsors to keep them filled with flowers.

711/17

APPLICATION FOR MEMORIAL BENCH

The Deputy Town Clerk reported the Council had received an application for a memorial bench at London Road Cemetery. The applicant had paid for the bench in full and it was agreed to allow this bench to be placed in the Cemetery in a place identified as appropriate by the Cemetery Superintendent.

712/17

COMMUNITY ENGAGEMENT & IMPROVING COMMUNICATION

The Councillors reviewed the draft Cemetery Booklet, approved the contents and noted that this was still a work in progress. The committee agreed its suitability for publishing once completed.

- 713/17 CORRESPONDENCE
The Deputy Town Clerk had tabled 4 letters/emails including various queries from members of the public. Responses were discussed and agreed.
- 714/17 ITEMS OF URGENT BUSINESS
None.

Chairman.

Appendix A – Minutes Number 704/17



THETFORD TOWN COUNCIL (acting as Burial Authority) MEMORIAL MANAGEMENT POLICY

1. Responsibility and liability

- Responsibility for the overall safety within a burial ground lies with the burial authority, which has responsibilities under the Health and Safety at Work Act 1974 and the Occupiers Liability Act 1957 to ensure that as far as reasonably practicable, our site is maintained in a safe condition. This includes ensuring that anyone who enters the site to carry out work. Such as a memorial mason, carries out such work in a safe manner and in such a way that others using the site will not be put at risk.
- 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 good condition and are properly informed, in writing, of their and others parties responsibilities. The owner is encouraged to insure the memorial, just as they do their household property. When it comes to ensuring the memorial is erected safely, the considered expert is the memorial mason who erects the memorial and charges for his/her professional services.¹
- Memorial masons are legally liable for the work they carry out and should ensure that memorials are erected safely and in accordance with current

¹ Brown v. Cotterril 1934

standards available within the industry.² This responsibility is placed on masons by law³ and if masons do not carry out their work with due diligence they can face severe financial penalties. Claims for poor workmanship can be made up to 6 years after the memorial has been installed. Should we 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. If a dispute ensues on this matter it will be referred to the local Trading Standards office.

- As a burial authority we will carry out regular inspections on existing memorials at least once every 5 years. Where this inspection programme identifies unsafe memorials we have a responsibility to ensure such memorials are not a danger to visitors and employees in the cemetery. Where possible we will contact the owner, advise them of the problem and ask them to make the memorial permanently safe, usually by having it refixed (unless the memorial was installed within the previous 6 years as above). If there is a clear defect with the way in which the memorial was installed then the owner may have some redress through the memorial mason who originally installed it.

2. Inspection and making safe

- The council will communicate aspects of the inspection and making safe work with the community through the local press, its website, notices boards and social media,
- Once a memorial has been found to be unsafe a warning notice will be placed on it or the cordon surrounding the memorial, or the temporary support explaining why any action has been taken and advising the owner not to attempt to remove the cordon, temporary support systems or try to erect the memorial without using a registered memorial mason.⁴
- When cordoning a memorial consideration will be given to the size of the memorial and the length of time that the cordon might be in place. Long term cordoning might require suitable fencing. When using cordons the radius of the fall will be cordoned so if the memorial does fall it will land in the cordoned area.

While cordons are suitable for memorials up to 1.5m in height they will not be appropriate for taller memorials.

- Temporary supports will be study stakes driven into the ground vertically behind or to the side of the memorial and secured with appropriate banding.
- Grave owners must be advised when memorials are found to be unsafe although the practicalities of tracing owners must be considered. For memorials of less than 30 years old the owner will be notified through their last known address. Older graves will be published through the website and notice boards detailing plot number and names of deceased.

² E.g. British Register of Accredited Memorial Masons (BRAMM) The Blue Book informs a mason how to achieve the current British Standard 8415:2005+A2:2012 (April 2012)

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

⁴ The British Register of Accredited Memorial masons (BRAMM)

- All staff carrying out inspections and making safe programme will be suitably trained, if any contractors are used they must be able to evidence suitable training to ensure work is carried out to a suitable standard. Evidence of training, adequate public liability insurance and suitable risk assessments and safe methods of working are all essential.

3. Risk Assessment

- Risk assessment has a central role to play in the inspection and making safe process. The council will decide where to start the inspection programme and in which order the work is carried out.
- Areas considered in determining the risk include identification of hazards, number of visitors, vicinity to roadways and paths, ground conditions and topography.
- The council will identify the most suitable means of making safe and ensure that it is proportional to the potential risk. Large memorials for example are likely to cause greater harm than smaller memorials located on lawn cemetery plots.
- The council will also identify the risk to employees while inspecting and making safe and whether contractors may be required for heavier or more specialised work. Risk assessments will be required from any third party working within the cemetery for example contractors, funeral directors and memorial masons.

4. The Inspection process

- Once a memorial is found to be unsafe immediate action will be taken to significantly reduce the risk by staking or cordoning off or to eliminate the risk by setting into the ground or laying down.
- Most unsafe memorials will be identified by council staff however gravediggers are required to inspect memorials before beginning their excavation.
- If a contractor is used to identify unsafe memorials they will also be required to make safe and must supply risk assessments, safe methods of working and consideration must be given to whether the Construction (Design and Management) Regulations 1994 apply (large memorials only).
- The council is not obliged to repair memorials as that is the responsibility of the owner. However it is empowered to make dangerous memorials safe.
- Temporary supports will be in place for 3 months while the council attempt to trace the owner. If the owner cannot be traced the memorial will be laid flat at the expiry of the 3 month period.
- Inspections on consecrated ground will be notified to the diocese at the same time as the public.
- Inspections of listed memorials will be carried after consultation with the local planning authority⁵ and English Heritage.
- Where an unsafe memorial that is not listed but has heritage value greater care will be taken in the inspection and making safe process including

⁵ Breckland Council

photographic records prior to being dismantled to ensure no parts are mislaid.

- At all times consideration will be given to the aesthetics of the cemetery and the effect of large numbers of memorials being laid flat.
- In areas where the laying of headstones would cause trip hazards and increased maintenance costs, the council may decide to convert a headstone to a monolith (setting memorials into the ground by one third of the height).

5. Memorial Assessment

- The council follow guidance issued by ICCM⁶ which is summarised below:
- Initially all memorials will be visually assessed as part of the overall risk assessment process. The assessment will concentrate on the following issues: Are joints intact? Are kerbs breaking apart? Is the memorial leaning? Are foundations intact? What are the ground conditions like? Is it hard or soft stone? Intrusion of vegetation? Are there faults or cracks?
- A memorial that is identified as an “immediate danger” to the public is one that fails the testing procedure and 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.
- Blanket use of a force measuring instrument on all memorials is not recommended by ICCM. However when this instrument is deemed necessary is including in the testing regimes below:
- Memorials up to 500mm – full visual inspection and hand test – the owner will be advised if joints or components have become detached. No temporary supports will generally be required for memorials of this height.
- Memorials 500mm to 1500mm – full visual inspection, hand test (primary), confirmatory test using mechanical force measuring device⁷, record all findings, action taken and future actions required.
- Memorials 1500mm to 2500mm – full visual inspection, hand test only on non-complex structures, record all findings, action taken and future actions required.
- Memorials over 2500mm and complex structures – full visual inspection, note potential problems and cordon off, seek opinion of structural engineer.
- All memorials will be inspected at least once every five years. All memorials identified as at risk will be re-inspected regularly to ensure further deterioration has not taken place.

6. Inspection Records

- The initial inspection information recorded for all memorials will include plot section and number, name of deceased (first interred), deed holder’s name and address, size of memorial, type of memorial, headstone material,

⁶ Institute of Cemetery and Crematorium Management “Management for Memorials” May 2012

⁷ Only those memorials that PASS the hand test. Force measuring equipment is calibrated to 25kg

condition, action required now and in future, priority of actions⁸, failure force, digital image (only if required), name of inspector, date of inspection. Other information may be recorded where considered necessary.

- Finding will be analysed to identify any common problems, for example a high failure rate on memorials erected by a particular mason or particular ground conditions, This will allow the council to identify areas of concern and take remedial action.
- Subsequent inspections may result in more detailed information being collected. All information will eventually be recorded in electronic format.

7. Design, construction and installation

- The design, construction and installation of new memorials are central to the ongoing safety of burial grounds. Until the introduction of BS8415 memorials had not been designed to withstand a specific design force. BS8415 is a performance specification to which all memorial installations must be made.
- The BRAMM Blue Book and the National Association of Memorial Masons (NAMM) Code of Working Practice informs masons how to achieve the requirement of the British Standard.
- In accordance with recommended best practice the council require that all memorials must be installed in accordance with BS8415 and the appropriate industry code of practice.
- In order for the council to enforce the above standard the British Register of Memorial Masons Scheme (BRAMM) has been adopted and therefore only BRAMM registered masons will be permitted to erect memorials in London Road Cemetery (6 month compliance period from February – July 2018 by concession).
- In order to ensure compliance all installations, removals and re-installations must be by appointment, confirmed in writing. Any installation completed without permission will be removed at the expense of the offending stone mason.
- All stone masons requiring to erect memorials in London Road cemetery will be required to sign a contract with Thetford Town Council agreeing to abide by terms and conditions which will include membership of BRAMM, public liability insurance, the production of method statements and risk assessment, compliance with BS8415, installation by appointment, issuing a certificate of conformity and guarantee of workmanship for 6 years.
- Monitoring of installations will take place during regular inspection programmes and spot checks and action will be taken if installations performed are not to national accepted standards.
- Responsibility for maintenance of memorials lays with the deed holder or the owner of the memorial and regular maintenance should be carried out. If the owner/deed holder is informed that there is a stability issue this must be corrected as soon as possible.
- Purchasers of memorials should request a copy of the certificate of conformity for a new memorial. If the memorial is removed at a later date, for

⁸ Priority 1 = Unsafe and dangerous requires Immediate action. Priority 2 =not fully stable but safe requires to be monitored every 12 months. Priority 3 = safe required to be inspected every 5 years.

example to allow a second interment or a new subscription a new certificate of conformity must be issued.

- Stone masons must provide testing certificates to prove memorials and any component ground anchor and lock down systems have been designed to meet BS8415.

8. Memorial Rights, Guarantees and Insurances

- A deed of grant gives the purchaser the exclusive right of burial in the plot for 100 years. By default it also gives the owner the right to erect a memorial if the required fee is paid and the memorial has been approved by the council.
- Please note the council have the right to remove memorials that are placed in the cemetery without the proper authority being obtained or the correct fee being paid and charge the owner for their removal⁹. A memorial application is attached to this policy.
- A memorial application is usually made by the stone mason on behalf of the purchaser, this must be approved in writing and an appointment made with the cemetery supervisor prior to installation.
- If the owner of the deed is deceased the next of kin can erect a memorial as long as they indemnify the council against any claim from another party.
- The memorial is guaranteed for 6 years from installation if the installation proves faulty. A certificate of conformity from the stone mason gives the purchaser further assurance that the stone mason has completed the work to the acceptable standard.
- Any guarantees offered by a stone mason in the form of a certificate of conformity should cover all elements contained in the industry code of practice. Joints should be guaranteed to withstand 25kg of force as any joints broken during the inspection process are the mason's responsibility to repair.
- The council recommend that purchasers of memorials enter into a maintenance agreement with their stone mason as this should ensure that the memorial will pass the 5 yearly inspection programme.
- If the memorial fails an inspection it is the owner who is liable for the cost of repairs which must be undertaken by a BRAMM registered stone mason and in conformity with BS8415.
- It is recommended that all memorials should be insured by their owners for a period of at least five years. If insurance is not taken out by the owner the council will need to be indemnified for any future damage to the memorial (excluding damage caused by the council).

⁹ Local Authorities' Cemeteries Order 1977 Article 14