



# Blockley Parish Council Burial Grounds Maintenance, Safety, Inspection and Repair Policy and Procedure 2020 Minute ref: 17.06.21.10.2

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## 1 Introduction

- 1.1 Blockley Parish Council is the Burial Authority for the Churchyard and Cemetery. The Council is committed to providing a safe and well-maintained burial ground environment for the benefit of the community and to allow visitors to enjoy unrestricted access, free from risk or accident.
- 1.2 The Parish Council has responsibility for safety and maintenance within the Churchyard of St Peter and St Paul Church, and the Lower and Upper Cemeteries in Station Road, Blockley.
- 1.3 Safety responsibilities include all external areas comprising:
  - graves, headstones, memorials, crosses or other similar structures
  - footpaths, walls and gates
  - trees, shrubs, grassed and uncultivated areas
  - waste bins
- 1.4 Maintenance responsibilities extend to the general environment and anything growing thereon. They do not include the Church building or contents, or specific responsibility for memorial maintenance other than action necessary to remove or reduce a hazard.
- 1.5 In fulfilling its obligations, the Council remains sensitive to the feelings of the bereaved and will always make efforts to plan and initiate remedial action in consultation with relatives, if they can be traced.
- 1.6 In terms of remedial work, efforts will be made to retain the style and positioning of structures within the Churchyard because of its location as a focal point within the Conservation Area. However, the number of tombstones within the Cemetery render full reinstatement cost prohibitive; therefore, alternative positioning or inseting on the grave will normally follow.

## 2 Legislation

- 2.1 Blockley Parish Council, as the Burial Authority, has a duty to keep the burial grounds in good order and repair (*Local Authorities Cemeteries Order 1977*).
- 2.2 It also has a general duty of care for the safety of visitors to the Churchyard or Cemetery (*Occupiers Liability Act 1957 and Health & Safety at Work Act 1974*). This creates an obligation to monitor and reduce risk including, if necessary, action to reduce or remove an immediate risk prior to consultation with relatives or the PCC.
- 2.3 At any time, Blockley Parish Council may maintain any grave, tombstone or other memorial, or level the surface of a grave covered with soil or grass to the level of the adjoining land. In the event of levelling, the burial authority shall provide a means of identification if requested by a

relative.

2.4 For most graves, the right to burial and to place a headstone or memorial will expire after a maximum of 100 years from the date of grant. At the expiry of this period, the burial authority may move a tombstone or other memorial:

- to another place in the cemetery; or
- for preservation elsewhere or destruction

2.5 Action within the grant period requires written consent of the owner's representative. If the owner cannot be traced, three month's notice can be given by displaying a local notice and taking two newspaper advertisements. In addition, the Area Dean will be given three month's notice of the burial authority intention to:

Remove and destroy:

- any tombstone or memorial that is illegible or dilapidated by long neglect
- railings and kerbs surrounding a grave and foundation slabs
- other surface fittings, or flowering or other plants

Alter the position of:

- a tombstone or memorial on a grave or re-erect it in another place in a cemetery
- railings surrounding a grave
- grave surface by levelling

### **3 Partnership Working & Communication**

3.1 The Churchyard is owned by the Church, although responsibility for maintenance has been transferred to Blockley Parish Council. As the owner of the land, the Church retains an interest in all related activities and these are managed through the Parochial Church Council (PCC).

3.2 Blockley Parish Council will consult and notify the PCC of any forthcoming safety inspections or remedial work in the Churchyard and, in general, will maintain open and regular communication to encourage cooperation and joint working.

3.3 With regard to annual memorial safety inspections in the Churchyard or Cemetery, a faculty will be required from the Diocese (Area Dean) to approve formal inspection and, thereafter, any remedial work.

3.4 In managing memorial safety in the burial ground, Blockley Parish Council recognise that communication with the community is essential, including notification of all aspects of the inspection and making safe work.

### **4 Burials, Gravestone Installation & Responsibility**

4.1 New Churchyard burials are confined to the interment of cremated remains over which a small stone tablet inset into the ground can be permitted. There is also potential for second or subsequent interment of cremated remains in family plots. The responsibility for specification and authorisation remains with the Church.

4.2 New burials in the Lower Cemetery (open ground or cremated remains) are no longer allowed. Second or subsequent burials in family plots may be restricted where original graves are more than 75 years old or specific plot locations cannot be identified. Such applications must be authorised by the Clerk to Blockley Parish Council (Clerk).

- 4.3 No further installation of memorials (other than small, flat, inset tablets) will be permitted in the Lower Cemetery. Application for tablet installation, or the removal or revision to existing gravestones must satisfy design and fitting specifications and be authorised by the Clerk.
- 4.4 Burials in the Upper Cemetery must be authorised by the Clerk to Blockley Parish Council. In addition, the installation, removal or revision to, any gravestone must satisfy design and fitting specifications, and be authorised by the Clerk. (Permitted design and fitting specifications are contained in separate documents).

## 5 Safety Inspections

- 5.1 Blockley Parish Council has delegated burial ground responsibilities to the Burial Board (or lead Councillor) which has the remit to advise on all burial ground safety, maintenance and operations.
- 5.2 The Burial Board (or lead Councillor) will initiate and manage a safety regime comprising:
- Annual inspection – One comprehensive review a year of all headstones, monuments, crosses and similar structures, conducted by nominated council members
  - Routine inspection – Monthly general review of Churchyard and Cemetery environment, conducted by the Burial Board or lead councillor
- 5.3 The annual inspection will focus on the stability of structures to test and assess the risk of falling.
- 5.4 The routine monthly inspections will involve a visual inspection of gravestones, together with a general assessment of the environment including trees, shrubs, grassed areas, footpaths and boundary walls to identify hazards, assess the risks, and report remedial requirements to the Council.

## 6 Annual Safety Inspection Process

- 6.1 The intention to conduct an annual safety inspection will be confirmed at a full Parish Council meeting and the dates included in the minutes for display on notice boards. In addition, notices showing the date of inspection will be displayed on notice boards and at the entrances to the Churchyard and Cemetery. Such notices will be displayed for a minimum of 14 days prior to the inspection dates.
- 6.2 On the day of annual inspection, a minimum of two people will be present and these must include the Burial Board chair or lead councillor.
- 6.3 The Churchyard and Cemetery will not be closed during testing, but members of the public will be advised to remain at a safe distance from the working area.
- 6.4 The annual inspection will involve a specific review of all graves, headstones, monuments, crosses and similar structures. The process for every one will be:
- Details of headstone checked against records
  - Visual inspection and any apparent movement or deterioration noted (*see 7.1*)
  - Hand test (*MoJ Managing Safety of Burial Ground Memorials 2009, paragraph 7*)
  - Movement noted and structure assessed for stability and risk
  - If remedial work required, photograph taken before and after any action
  - If immediate risk the structure will be made safe (removed, staked or laid down)
  - If not immediate risk, consideration of what, when and how remedial work will follow

- Record a risk category (*see 7.2) and update records*
- 6.5 The outcome of the inspection, together with recommended remedial action, will be reported at a full Parish Council meeting.
- 6.6 Thereafter, results of the inspection will be communicated to the PCC and, for areas of consecrated ground, approval for further action sought from the Area Dean.

## **7 Inspection Indicators & Risk Category**

- 7.1 When undertaking an inspection, the following indicators can help to assess the memorials condition:
- Is the memorial leaning?
  - Is the memorial rocking?
  - Are the joints intact?
  - Are any cracks apparent?
  - Is it hard or soft stone?
  - Are kerbs or other features breaking apart?
  - Are foundations intact?
  - What are ground conditions like?
  - Is there vegetation intrusion?
- 7.2 Following assessment, each grave plot will be allocated a risk category which will be recorded in the inspection record. Categories are:
- Category 1 – Unsafe and requires immediate action
  - Category 2 – Unstable but no immediate danger
  - Category 3 - Stable

## **8 Remedial Action**

- 8.1 If a structure poses an immediate risk (Category 1), it will be removed, staked or laid down; however, such action will be managed so as to minimise disruption to the grave. If moved, revised positioning must avoid creating a secondary hazard.
- 8.2 For unsafe structures that have become illegible or deteriorated to the extent that they are beyond economic repair or recovery, full disposal will generally follow.
- 8.3 For structures that are still legible, efforts will be made to contact relatives to initiate action. In other cases, a stone mason will be engaged to review, recommend remedial action and provide an estimate of costs for approval by the Parish Council.

## **10 Costs**

- 10.1 Blockley Parish Council needs to ensure that costs for remedial work do not become excessive or disproportionate to spending on other issues throughout the parish. Therefore, the general policy will be that council funding for restoration work necessary for safety reasons will be as follows:

### Churchyard

- Listed tombs and graves – Repairs to be arranged or funded by the PCC
- Graves traceable to family members – Relatives requested to pay full cost of repairs
- Graves no longer traceable to family members – Parish Council will fund cost of minor repairs (not exceeding £200). Repairs costing more than £200 will be considered on a case by case basis.

## Cemetery

- War Graves – War Graves Commission will be requested to initiate repairs
  - Polish Graves – Polish Community Groups will be asked for contribution
  - Graves traceable to family members – Relative requested to pay full cost of repairs
  - Graves no longer traceable to family members – Structures removed, repositioned or inset
- 10.2 Where a family indicates their intention to arrange repairs themselves, an application will be required to confirm compliance with Parish Council specification. In these circumstances, the fee for 'other works to the memorial' will be waived.
- 10.3 Where a family requests the Parish Council to initiate repairs at their expense, the estimated cost will be notified before commencement of the work. For remedial work estimated to be in excess of £200, pre-payment will be required.
- 10.4 When a gravestone has been repaired at owner's expense through arrangements made by the Parish Council, and subsequent inspection reveals the need for further remedial work of a similar nature, then costs will normally be covered by the Parish Council.
- 10.5 In the event of damage being caused to a gravestone by the Parish Council (other than during safety inspection), contractors working on their behalf or third parties, repair costs will normally be paid by the Parish Council. However, the Parish Council will endeavour to recover costs from contractors or third parties if evidence of responsibility is available.
- 10.6 If any repairs are initiated at the expense of the Parish Council, costs will be kept to a minimum and the Parish Council reserves the right to vary or modify component positions to render such repairs more permanent.