



# Rules and Regulations

## Governing Memorials

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## **Rules and Regulations Governing Memorials**

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# Rules and Regulations Governing Memorials

## 1.0 General Responsibility

The owners will keep memorials in good, safe repair. If found to be in an unsuitable condition the memorial will be made safe by the Council, which may mean laying the memorial flat and a notice posted on the memorial. If not repaired or contact made within two months of this action, and there has been no response to subsequent notification, the memorial may be removed. The Council will not accept any responsibility for any damage to the memorial. The owner will be responsible for the cost of re-erecting their memorial.

## 2.0 Type of Memorial

### 2.1 The new "shoe" memorial system

This is a "shoe" war-grave type memorial, is to be installed in all Council cemeteries, the shoe will be fitted to a reinforced concrete raft/beam 460 mm wide x 100 mm deep.

2.2 The memorial mason will be responsible for supplying and sourcing the "shoe" from an approved supplier.

2.3 The memorial mason will be responsible for the drilling and securing of the shoe to the concrete raft/beam.

2.4 The memorial mason will, prior to installation of the memorial, construct a reinforced concrete raft (450 mm wide x 100 mm deep x 1 mtr long).

2.5 The reinforced concrete shoe shall be dry-doweled to the raft by the mason at the time the memorial is erected. The shoe will be larger than the footprint of the memorial by a minimum of 140 mm in all horizontal planes.

2.6 The memorial will be mortared and bolted into the shoe at 300 mm below ground level. Any mortar mix that is used in any capacity with the installation of the memorial will be in compliance with NAMM's recommended Code of Working Practice.

### 2.7 Stainless Steel Washers

The horizontal 16 mm threaded stainless steel bolt will have 2 stainless steel nuts and 2 stainless steel washers. The washers will be a minimum of 46 mm diameter. The maximum diameter of the hole in the "Ears" and memorial, will be 36 mm. The nuts (and washers) should be finger tight when fixing takes place. They must not be over-tightened so as to place the concrete "Ears" under tension.

- 2.8** The size of the memorial above ground is to be a maximum of 1000 mm high by 940 mm wide by 100 mm thick. There are no minimum sizes other than in the thickness, which will be 75 mm on all materials other than slate at 50 mm. On all memorials that are below 500 mm in height above ground a minimum thickness of 50 mm will be acceptable. On all memorials, 300 mm of memorial will be buried below the ground into the shoe.
- 2.9** Where an apron is to be fixed in front of the memorial a brick or block foundation is to be built up from the shoe to support the apron. This is to be mortared together so as all components are connected. This will prevent the apron from sinking or moving away from the memorial. The foundation shall be in two parts at either end of the apron so as not to interfere with the bolt. A fixing flange could also be used if desired. (The apron is purely cosmetic and poses no safety concerns).
- 2.10** In cemeteries or sections where no ground raft can be used the shoe is to be set into solid ground where possible or on an additional concrete barrier where the ground is exceptionally wet or soft (See diagram 4).

### **2.11 Existing Cemetery Plots**

The shoe should be fitted at the head of the grave (on undisturbed ground where possible) to allow the depth of 300 mm of the memorial under ground. Where ground is soft or wet an additional concrete bearer 100 mm x 450 mm must be used to prevent settlement, as in Diagram 4. Advice must be sought from the Council if this is not possible.

### **2.12 Existing and New Cemetery Plots.**

The new shoe type memorial will be used on ALL new and existing plots including lawn sections and cremated remains plots, except where prior agreement has been made with the Council to use a jointed memorial. The Council must give their authority to placing such a memorial, which will be required to be fixed with an approved NAMM's ground anchor system, and comply with NAMM'S guidelines

### **2.13 Memorial Ground Anchor Systems**

Where permission has been granted by the Council to use the ground anchor system to install a memorial because circumstances will not allow the "show" type installation, only the systems that have passed the criteria for testing laid down by NAMM shall be used. These systems are found within NAMM Code of Working Practice (current Edition), and strict compliance to all the fixing criteria shall be made to these and any other system, which may be approved by NAMM in the future.



**4.2** Each Memorial Mason will be registered with the Council by complying with the following terms and conditions.

**4.3. The principal terms of the Scheme are:**

1. Registration Requirements
  - i) Accreditation to NAMM (national Association of Memorial Masons)
  - ii) Adequate public liability insurance
  - iii) Experience & Qualifications
  - iv) Acceptance of rules and regulation
2. Application to erect a memorial
3. Erection of memorial
4. Supervision of memorial masons
5. Workmanship guarantees & insurances
6. Tendering procedures where necessary
7. Disciplinary Code, Penalties and Appeal Procedure
8. Cemetery Regulations

These terms are explained below.

**4.3.1 Registration Requirements**

- i) Officially recognised and accredited as operating in accordance with a nationally approved Monumental Masons Scheme i.e. National Association of Memorial Masons.
- ii) Insurance – every memorial mason shall be insured for public liability to the value of £5,000,000
- iii) Experience and Qualification – Memorial Masons must be able to prove that they and their staff are suitably qualified and competent to carry out the necessary work within the Council's cemeteries. They must either be a member of NAMM and process a qualification to this effect, or provide a signed confirmation of full working knowledge of NAMM Code of Practice, and that they understand and abide by this.

Discipline and Workmanship – each memorial mason will be required to sign a statement that they have not been barred from carrying out work in any other cemetery within the previous two years. An agreement will also be signed confirming that they

will comply with the Memorial Registration Scheme and Licensing requirements and the NAMM Code of Working Practice (current Edition).

- iv) Acceptance of Rules and Regulations – a signed confirmation of receipt of Cemetery and Memorial Rules and Regulations, and Codes of Practice.

#### 4.3.2. Application to Erect a Memorial

- i) All memorials to be installed in the Council's cemeteries must first be approved by the Head of Open Spaces and Amenities or the Council's Licensing Office. An application must be completed and a permit received from the authority before any monumental work takes place in any Council cemetery. This applies to all new memorials and memorials that are to be reaffixed, including memorials that are laid down for safety reasons. Where it is a case of minor rectification or cleaning of a memorial, permission shall first be sought from the Council.
- ii) Each Application to Erect a memorial shall have a drawing showing full details of the memorial to be installed indicating the size of the memorial, material to be used, finish, the inscription and wording type and full installation and fixing details (including anchor fixing type and method where this is necessary) together with the authority from the grave owner. It must be signed by the mason. The appropriate fee will be paid before the work commences, where new memorials are to be erected.
- iii) All work will be in accordance with the Council's Code of Practice and NAMM Code of Working Practice, for the fixing of the new "shoe" type memorials and every other memorial upon which approval has been given. Upon approval a **Permit to Erect** a Memorial will be issued to the mason. This will be for every memorial, as well as a memorial to be reaffixed, including a memorial that has been laid down for safety reasons.
- iv) It shall be made clear at the point of the application with the client that the **Right to Erect** the memorial is subject to a 30 year lease with a five yearly inspection made by the Council Cemetery staff. This Right could then be extended for a further period determined by the Council after the 30 year period, subject to the memorial being inspected and being found safe. The 30 year permission to erect and maintain a memorial will therefore be subject to the following conditions.
  - The memorial shall be inspected once every five years and any subsequent repairs carried out at the owner's own expense, using a mason who is registered with the Council. If this is not undertaken then the right is deemed to be terminated. This will

enable regular contact with the family, and makes them aware that the memorial is their property and that they have an obligation to maintain it in a safe condition.

- Inspections will be dealt with by a reminder system and will be carried out by the Council's own staff.
  - The **Right to Erect** a memorial is issued subject to a workmanship guarantee being produced by the memorial mason employed to erect the memorial, as described in Section 4.3.5. The memorial mason to be an approved mason under the conditions of the Registration Scheme.
  - That any subsequent removal and replacement of the memorial, for any reason, be the subject of a subsequent approval requiring the same conditions as the original Right.
- v) The signature of the memorial mason will be required on the **Application to Erect**, confirming that the proposed memorial will be fitted in compliance with the agreed regulations and terms.

#### 4.3.3. **Erection of a Memorial**

- i) A "Booking Time System" to erect a memorial will be in place which memorial masons must comply with. No work will take place without a prior arrangement with the Council being made stating the day and time of the proposed installation, with at least 24 hours notice. This will allow the Council staff to be present without notice to the mason to check the installation procedure and materials are correct. Where times booked are not kept and the Council staff are not informed, this will be investigated and any reoccurrence may lead to action against the mason in question.
- ii) A **Permit to Erect** a Memorial issued to the Mason shall be brought to the cemetery at the time of fixing, and no work will commence without the permit. This will be requested when and if the cemetery staff attend the installation.
- iii) The memorial shall be installed as indicated on the **Application to Erect** a memorial. No variation to the details on the application will be permitted. All work undertaken on site will be in accordance with the Council's Code of Practice and NAMM Code of Working Practice (current Edition). The signature of the fixing mason or person installing the memorial will be required on the **Permit to Erect**, confirming the memorial has been installed in accordance with the application. This part of the permit must be returned to the Council office within 7 days after the erection.



#### **4.3.4. Supervision of Masons – Checking of Work**

- i) In addition to the “Booking Time System”, the Council office will choose at random one recently erected memorial from each mason every year and instruct the mason to demonstrate that correct materials and working practices in their installation are correct.
- ii) This will be included in the licensing agreement at the time of Registration, where the mason will agree to these random spot checks in the presence of the Council staff and all costs will be borne by the mason in question. Such memorials will be reinstated or put back following this inspection to the specified standards. Without this agreement, the memorial mason will not be registered to work within the Council cemeteries.
- iii) The client will have to sign an agreement for this to be possible before any permit to erect is granted, with the knowledge that such a check will not incur any costs to them, and with the guarantee that the memorial will be left in an approved fixed state. This will give the client an added sense of assurance that their memorial is sound. On the majority of new installations where the new “shoe” type memorial is used, this check will not involve any dismantling because there are no joints, and it will be a case of checking the underground shoe fixing only. However, for all other types of memorials there will be a full dismantling.
- iv) Where any failings are found in those memorials that are chosen for inspection, the mason will be subject to disciplinary action and possible exclusion from working within the cemeteries.

#### **4.3.5. Workmanship Guarantees and Insurances**

- i) All work shall be covered by a workmanship guarantee that will guarantee against faulty workmanship or material within 6 years of the memorial being fixed in the cemetery. This shall be in accordance with NAMM’s Guarantee of Memorials, for good workmanship and sound materials.
- ii) As far as the fixing of memorials, a workmanship guarantee fixing for a minimum period of 30 years. This is in accordance with the Institute of Burial and Cremation Administration Policy for the management of memorials and this policy has been approved by the Health and Safety Executive. Both these guarantees shall be issued to the owner of the memorial with a copy supplied by the Council.
- iii) The 30 year fixing guarantee is the principle concern of the Council, and this is in addition to the general workmanship and material guarantee above. The Council refer to case law, *Brown v. Cotterill* (1934) where a High Court Judge reinforced the liability of

Monumental Masons, that "...a tombstone property erected ought to stand for at least 30 years without repair". The Council holds that this guarantee shall be for the fixing installation, and indeed NAMM's approved ground anchor systems would be worthless under the 6 year general workmanship guarantee.

- iv) Advice shall be provided on the insurance of memorials against accidental damage, or acts of theft or vandalism. This advice shall be contained within the workmanship guarantee.
- v) Masons will ensure that each memorial erected within the cemeteries will have their name and grave/ plot number inscribed on the side of the base stone of the memorial.

#### **4.3.6 Tendering**

- i) From time to time the Council may request that tenders be submitted for a range of memorial work including inspection, repair, removal and replacement of memorials. All memorial masons who wish to be, shall be included on a select tendering list for such work. Tenders shall be offered to three memorial masons on each occasion and, should more than three memorial masons be registered, the select list will be operated in strict rotation.

#### **4.3.7. Disciplinary Code – Penalties and Appeals Procedure**

- i) Contravention of any of the above procedures, rules or regulations governing memorials will result in disciplinary action being taken, or the licence of the mason allowing work to be done in the Council's cemeteries, to be revoked.

- ii) **Penalty System:**

Stage 1.

Any breach of the above rules will result in a first written warning, issued to the memorial mason concerned. This written warning will remain on record for a period of 18 months. Assuming the breach is corrected and if no further breach of the rules occurs during this time the warning will be removed from the records.

Stage 2.

If during the course of the 18 month period there is a further breach of the rules a final written warning will then be issued and then will remain on record for a period of three years. Once again, assuming the breach is corrected and if no further breaches of the rules occur during this time, the warning will be removed from the records.

### Stage 3.

If during the course of the three years following a final written warning, there is a further breach of the rules, the memorial mason concerned will be forbidden to carry out any work within the Council's cemeteries for a period of two years.

### Stage 4.

If a memorial mason, who has returned from a period of exclusion, breaches the rules in any way during the 18 months following his return, the mason shall be banned from the carrying out of any work within the Council's Cemeteries for an undermined period of time. Their return shall be by application to the Head of Service (Head of Open Spaces and Amenities) following a minimum period of three years.

- iii) Dependant on the seriousness of the breach of rules, the Head of the Service will retain the ability to miss any stage of the penalty procedure, going directly to the next stage. For instance, if the first breach of rules is serious enough the memorial mason involved may immediately receive a final written warning that will remain on record for a period of three years. More serious breaches will be considered as gross misconduct and may result in an immediate ban from the Council's Cemeteries.
- iv) **Gross Misconduct.** Certain circumstances shall be considered as gross misconduct, which will result in the memorial mason being immediately banned from the Council's cemeteries for a period of two years.
- v) The following are examples of situations that will be considered as gross misconduct. This is not an exhaustive list, and the Head of Service will make a final decision on gross misconduct:
  - Installation of a memorial that had not been approved by the Council.
  - Refusal to correct an error in the installation of a memorial, when notified by a Council officer.
  - Abusive, or aggressive behaviour to Council staff or members of the general public.
- vi) **Appeals**

Any memorial mason unhappy at the decision taken against them, will be entitled to appeal against the decision by placing his appeal in writing addressed to the Assistant Director. A hearing will then be arranged in order that a final decision can be made.

#### **4.3.8. Cemetery Rules and Regulations**

Memorial masons must strictly adhere to the Cemetery Rules and Regulations governing the placement of memorials within the Council's cemeteries. These include the Registration Scheme laid out in this appendix.

#### **5.0 Booking and Checking System**

- 5.1 An agreed time will be booked with the cemetery office for any memorial to be erected.
- 5.2 No memorials will be erected without a booking having been made.
- 5.3 The mason can erect the memorial if no Council staff present. The booking is to give the Council office the opportunity to be present and to check at random that all correct procedures are followed.
- 5.4 If a booking cannot be kept the mason shall let the Council office know at the earliest possible time and another booking made. If a mason is:
  - significantly early for a booked fixing time they shall inform the Council office before any work is started; and,
  - going to be late for a booked time they shall advise the Council office as soon as possible.
- 5.5 The permit for all memorial erections shall be brought at the same time as the fixing of the memorial to take place. No work will commence if the permit is not brought.
- 5.6 No memorial will be erected until all details are checked to be correct, either by the fixing mason and/ or the cemetery staff. Also all materials will be of the correct type as shown on permit and dowels will be of the correct type.
- 5.7 All relevant tools and materials shall be brought at time of erection of memorial.
- 5.8 Work will cease if any fault with materials or fixing method is found during time of memorial erection.
- 5.9 No work will take place if the Council Officer deems ground conditions unsuitable for work.
- 5.10 **Checking Procedure**

In addition, the Council office will choose at random one previously erected memorial from each mason, every year, and instruct the mason to demonstrate that all procedures and working practices in

their erection were correctly followed. This check will be carried out within 10 days of the memorial being erected before any dowelling has fully set, in order to minimise damage to the memorial itself. **It is important that masons return the Permit duly signed by the fixing mason within 7 days after erection, so these checks can be organised by the Council Office.**

- 5.11 The client will have to sign an agreement for this to be possible before any permit to erect is granted.
- 5.12 The cost of this will be borne entirely by the mason.
- 5.13 If any failings are found in those memorials that are checked the mason will be subject to disciplinary action and possible exclusion from working in or on Council property.
- 5.14 If a mason intends to install three or less memorials only in Richmondshire District Council in any calendar year a special licence must be obtained where each of his memorials will be fully supervised on fitting. This is to ensure that all of his memorials are correctly fitted without the need for further checking and/ or the dismantling of a high percentage of his work. It is also recognised that a mason may come occasionally from outside the region to install a memorial, and it would not be easy to undertake a random check with that mason being present.

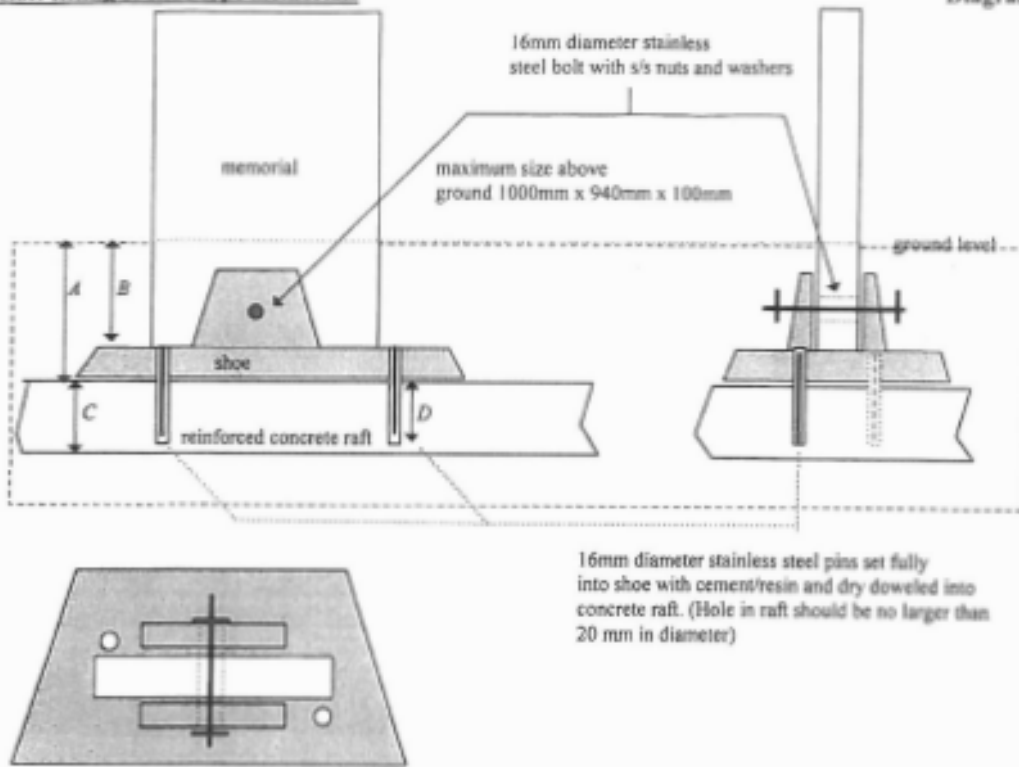
## **6.0 General**

- 6.1 All necessary tools and equipment will be brought at time of work.
- 6.2 No dressing or hewing other than minor adjustments will take place in cemetery boundaries.
- 6.3 All possible efforts will be made to protect the cemetery, grass, walkways and other memorials etc. from damage when working in the cemetery.
- 6.4 All work will be carried out promptly with minimum time lapse before completion.
- 6.5 No tools or materials will be left in the cemetery if work has stopped for any reason.
- 6.6 No person will be allowed to work in the cemetery without proper liability cover and will be suitably qualified in their task and working for or being registered with the authority for doing such work.
- 6.7 No work will take place before 8.00 am and will be completed before 5.00 pm. No work will take place on Saturdays, Sundays or any public holidays unless by special arrangement.

- 6.8 Any mason found breaking the rules and regulations will be subject to disciplinary action.
- 6.9 All new memorials will have the section, grave number and masons name cut in figures not less than 10 mm in plain style at the bottom of the headstone, so that it will be visible and always above ground level where the "shoe" type memorial is used. **The grave section and number will be inscribed on the side of the stone at the bottom, and the name of the mason on the back toward the bottom corner, so as to be visible above the ground surface.**
- 6.10 All memorials will be of a natural quarried material.
- 6.11 All memorials will be made and fitted to a minimum of the standards set out by the National Association of Memorial Masons recommended code of working practice.
- 6.12 Any additional lettering on an existing memorial will be cut/ engraved/ blasted in a style compatible with the original inscription (N.A.M.M.8.3). Any other request outside of this must first receive authorisation from the Council.
- 6.13 All dowels will be of the relevant British standard in stainless steel and not aluminium rod. They will comply with NAMM's Code of Practice (current Edition).
- 6.14 Maintenance of kerbs, borders, cover stones etc are permitted by agreement.
- 6.15 All new lawn and shoe memorials will be fixed at the present head of the grave.
- 6.16 No new kerbs, borders, cover stones etc. will be allowed.
- 6.17 The Council will make regular checks on all memorials.
- 6.18 The Council recommended that their owner insures all memorials and that they can obtain this from their monumental mason.

**Raft fitting of shoe type memorials**

**Diagram 1**

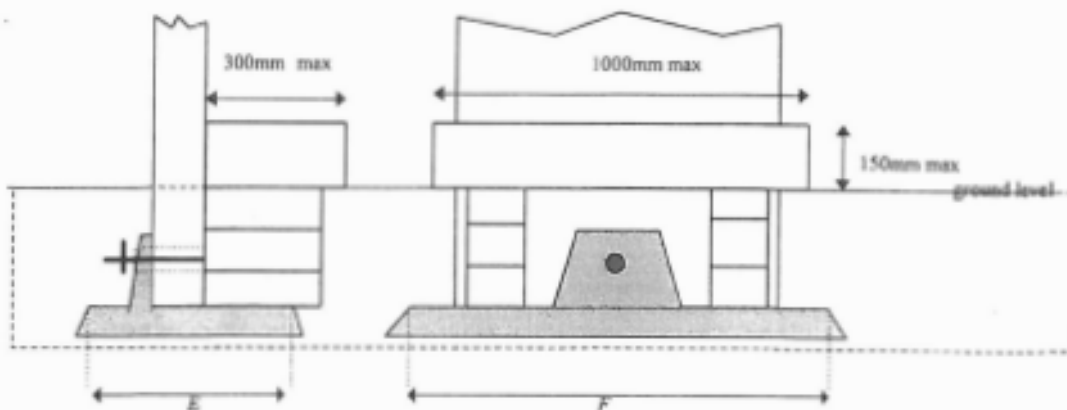


A=360mm B=300mm C= 165mm D=100mm E= 370mm F= 900mm

**Fitting of memorial flower apron**





**Diagram 2**

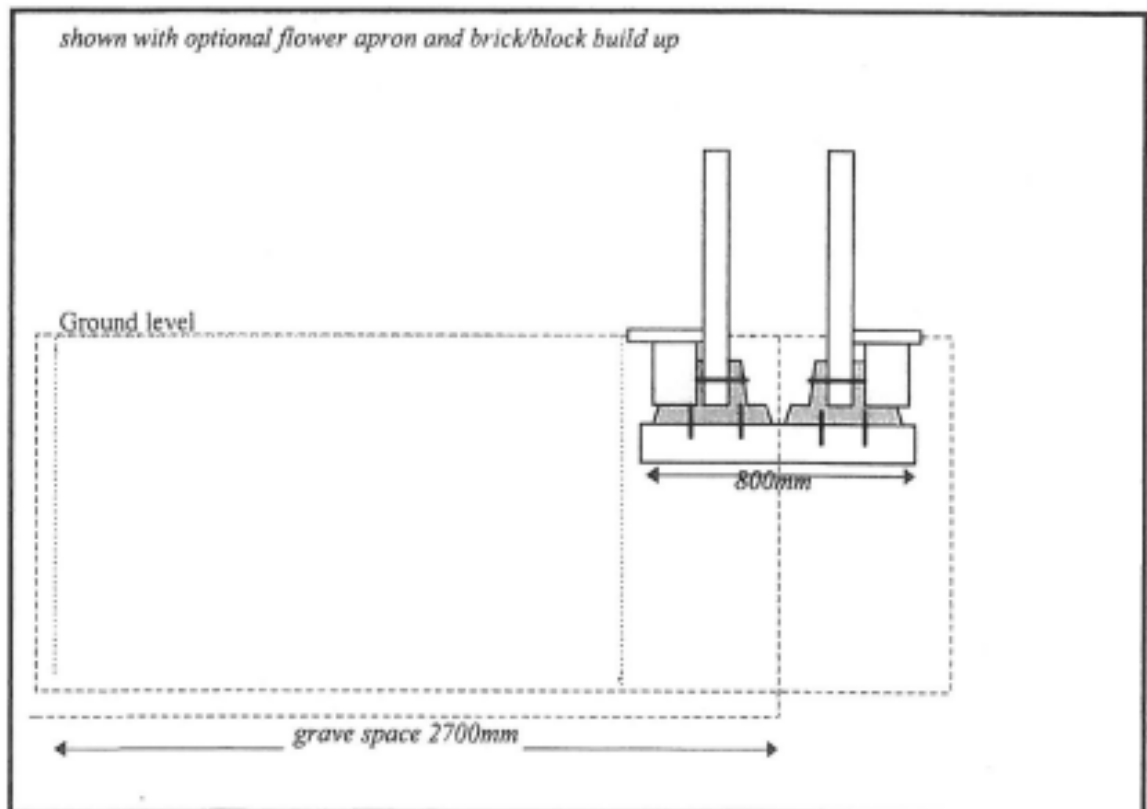
Showing optional apron and suitable brick/block foundation which must be mortared together



**Back to back memorials**

**Diagram 3**

-  burial space
-  Reinforced concrete raft
-  memorial
-  concrete shoe





Shoe memorial on a soil grave with no raft

Diagram: 4

Additional concrete bearer to spread load to help prevent memorial sinkage

