

## Unsafe Monuments Policy 2017

1. St Mary's PCC has a Health and Safety policy which is under review at the present time by the Health and Safety Committee appointed by the PCC. Health and Safety covers the buildings and grounds. The present document specifically addresses the issue of monuments in the churchyards. Monuments may become unsafe over time and— especially larger stone monuments— can be very dangerous if in danger of toppling.
2. At the time of writing, churchyards 1-3 (on the same side of Church Street as the church building) have been closed by act of the Privy Council and responsibility to “maintain it by keeping it in good order” falls to the local authority (Epsom and Ewell Borough Council) pursuant to section 215 of the Local Government Act 1972. Health and safety matters are brought to their attention to rectify, or in urgent and emergency cases, PCC agents act immediately to ensure safety and contact the local authority afterwards. Churchyard 4, across the Church Street from the church, is open and active, and maintenance responsibility falls to the PCC. The PCC together with the Incumbent (and in addition, in the case of churchyards 1-3, the local authority) are occupiers of the Churchyard for the purposes of the Occupiers' Liability Acts 1957- 1984. These Acts place upon the occupiers a duty of care to see that a visitor to the churchyard will be reasonably safe. To this end, the present policy has been adopted.
3. The Diocese of Guildford's Churchyard Regulations 2005, which are in force in all our churchyards, states: "4.2.2 The person who erects a memorial is responsible for seeing it is kept safe and in proper repair. However, when such person moves or dies, it is often not possible to trace them or to locate the heirs to enforce repairs or recover the cost. The burden of maintenance in effort and cost thus often falls on the PCC. Should it come to the attention of the PCC that any memorial may be unsafe, it should be roped off immediately. Where the family can be traced, they should be contacted as responsibility for its maintenance rests with them. Where those responsible for the maintenance of the memorial cannot be traced, the PCC must, by default, take appropriate action. If they have any doubt about the safety of a memorial they should seek professional advice and should contact the Archdeacon. A Faculty may be required if major repairs are necessary. Memorials of particular distinction may be separately listed." and "Appendix A 2.3 All headstones and crosses must be securely fixed in the ground and due regard must be paid to the nature of the ground and the risk of settlement. Masons/funeral directors are strongly encouraged to have regard to the Guidelines issued by the Association of Burial Authorities. The PCC may decide to lay flat any memorial which, in its opinion, is unsafe."
4. New monuments should be fixed securely according to the best practice guidance issued from time to time by the Association of Burial Authorities. Those applying for permission to introduce a monument into the churchyard complete form CR1 and thereby indicate they have read the Churchyard Regulations, which include this stipulation.
5. The PCC policy is to test all memorials in churchyard 4 for safety over a period of 5 years. This is arranged by the Estates Committee of the PCC.
6. We consider that in our churchyard it will rarely if ever be appropriate to rope off any memorials that “may be unsafe”, as suggested in the regulations, as we consider this may attract the attention of children or teenagers, thus increasing the risk of harm. Therefore, where unsafe memorials are brought to our attention, or discovered during the tests, they are, as permitted by the Regulations, laid flat. We interpret the regulations as saying no faculty permission is required to lay flat a monument, but that major repairs may need a faculty if they lie without the delegated powers of the incumbent given in the Regulations.
7. The Vicar and wardens, depending on the date and condition of the monument, decide on a case by case basis whether to attempt to contact the family of any monument laid flat and/or whether to post a notice explaining what has been done and why. Memorials range from very recent and frequently visited to several centuries old, are of varying historical and aesthetic importance to the churchyard, and records kept for older stones may vary, so there is no one rule to fit all eventualities.
8. The PCC considers that it is for the heirs of the person or persons commemorated (who are in law the owners of the monument) to repair and resurrect monuments laid flat. Generally speaking the charitable funds of the PCC are not available to rectify a private matter, i.e. a family monument, but in exceptional cases, where the aesthetic or historical nature of the churchyard has been affected by the laying flat of a monument, the PCC may decide at its absolute discretion to pay for the repairs, and this will usually be following a special appeal for funds towards the purpose.

Adopted by the St Mary's Ewell PCC, April 2017