

**Subject:** Memorial Safety Testing Policy

**Status:** For Publication

**Report to:** Policy Overview and Scrutiny  
Committee.

**Date:** 9<sup>th</sup> November 2010

Cabinet

February 2011

**Report of:** Director of Customer and Communities

**Portfolio**

**Holder:** Environment

**Key Decision:** Yes / No

Forward Plan  General Exception  Special Urgency

## 1. PURPOSE OF REPORT

1.1 Gain approval for the adoption of the Memorial Safety Policy.

## 2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities:-

- Delivering quality Services to our customers
- Keeping our Borough clean, green and safe

## 3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Failure to inspect memorials in cemeteries and closed churchyards poses a safety risk to staff and visitors. The potential for a serious and costly claim if repairs are not carried out and risk to council reputation if morally we are seen to fail to protect visitors and staff.
- The council, as the burial authority, has a legal duty to ensure cemeteries (including closed churchyards) are a safe place.

## 4. BACKGROUND AND OPTIONS

- 4.1 The council, as the burial authority has a general duty of care under the Local Authorities Cemeteries order 1977 to maintain the boroughs cemeteries and closed churchyards in good order. The Health and Safety at Work Act 1974 and associated regulations such as the Management of Health and Safety at Work Regulations 1999 also places a duty on the council to ensure that systems are in place to control risks from memorials to employees, visitors and other people (such as memorial masons, undertakers and religious leaders).
- 4.2 Monumental masons have the responsibility to work in accordance with the National Association of Memorial Masons (NAMM) standards, ensuring memorial stones erected are safe and secure. However many of the memorial stones in RBC cemeteries are older than the current standards and so do not conform.
- 4.3 An owner of a memorial has the responsibility to maintain that memorial so that it does not present a safety risk.
- 4.4 Consequently it is necessary to test memorials on a regular basis (every five years) to ensure that safety is maintained.
- 4.5 Inspection and testing of memorial stones will be carried out by trained RBC officers. This will be done on a plot by plot basis in each cemetery focusing on the oldest sections with larger memorials first as these pose more serious consequences should one fall.
- 4.6 The outcome of the inspection and test will determine the required course of action to ensure the memorial can be made safe. There are a number of options to consider in this process. These are explained in the paragraphs below.
- 4.7 **Temporary precautions to make the memorial or area safe.** Any precautions must be proportionate to the risk of people suffering harm.
- A memorial which is considered at imminent risk of toppling may be laid flat or the area restricted.
  - Memorials considered unsafe (they may be loose or leaning but not at imminent risk of falling) may be staked and banded, or simply left while repair actions are organised. The routine staking of memorials is not recommended.
  - In all cases it may be considered necessary or desirable to place a warning sign on or near the memorial, although this can be visually intrusive and so signs on notice boards are preferred rather than on individual memorials..
- 4.8 **Permanent safety repairs.** In all cases where the memorial has been identified as unsafe and where temporary measures have been taken, steps to instigate permanent repairs should be made as soon as possible using one of the following methods approved by the National Association of Memorial Masons. These options are not in any priority order – all are of equal consideration and

the most appropriate method will be determined by the size and type of memorial, reason why the memorial is unsafe, level of risk and funds available.

- *Re-fix the memorial with a ground anchor* or NAMM approved method. The memorial is anchored with a stainless steel dowel, through a concrete foundation in to the ground. Most memorials, in good condition, can be re-fixed with ground anchors. This method can be relatively costly when compared to other options.
- *Bury the memorial one third in to the ground.* The memorial is buried between 25% and 35% of its height in to the ground at the head of the grave space. This method can be used for any memorial but is a particularly appropriate method for larger memorials. This is considered a more cost effective method. It is likely that in some cases inscriptions on the memorial will also be below ground level and therefore prior to sinking a photograph of the memorial will be taken and stored with cemetery records.
- *Bury the memorial entirely within the grave.* The memorial is buried within the grave space just below the surface and no deeper than 600mm. This method can be used for memorials that can not be re-fixed in any other way, such as multi component memorials, loose kerbs and broken memorials.
- *Lay down the memorial.* The memorial is carefully laid down within the grave space with the inscription facing upwards. This method would only be used as a last resort for memorials that are unsuitable for any other form of fixing (as it then poses an obstacle for grounds maintenance, access and future grave digging operations).
- *Tidy components within the grave space.* Multi component memorials can be tidied within the grave space. This includes items such as kerbs, crosses, broken headstones and vases. Dangerous items will be collected and disposed of sensitively.

4.9 **Communication Prior to Testing.** Good communication is important if the support of the community is to be gained as any testing and repair programme could potentially lead to distress if not handled correctly – especially where improvements are required.

4.10 There are many methods which can be adopted to inform customers of the forthcoming inspection process and what to expect, including notices within cemeteries at prominent locations, RBC website, local press, e-mail to councillors and local radio. The timescale of notification is not defined legally but 8 weeks is considered reasonable.

4.11 **Communication after Testing.** After testing there are a number of options regarding contacting the owner of the “right of burial”: Where temporary measures have been taken to ensure safety then notices displayed within cemeteries are deemed to be sufficient. In all cases where permanent safety repairs are required then Rossendale Borough Council will attempt to contact the owner of the “right of burial” using the last known address according to cemetery records. Notices within cemeteries may also be used to assist making contact with a person connected to that memorial.

4.12 **Letters to owners of the “Right of Burial”.** Letters will be sent to explain that the memorial is unsafe and requires permanent repairs. It will explain that Rossendale borough Council will carry out these repairs and the preferred

option (suitable for that memorial and in line with budgets) will be stated. There will be a time period in which that customer may contact us should they wish to discuss alternative arrangements (3 months). If a reply is not received then repairs will be carried out at the expense of Rosendale Borough Council.

4.13 **Financial Implications.** There are many options available which may influence the financial cost likely to be incurred by Rosendale Borough Council.

- Rosendale Borough Council carries out the repairs and then pursues recovery of all costs from the owner of the “right or burial”.
- Request contribution in part or whole from the owner of the “right or burial”, but repairs carried out at the expense of Rosendale Borough Council.
- State that the owner of the “right or burial” must arrange for and ensure repairs are carried out at their expense.
- Rosendale Borough Council arranges for repairs, ensuring these are carried out and all costs incurred by the council.

4.14 The Preferred option is for Rosendale Borough Council to arrange for the repairs and have these carried out at the council’s expense, the customer will be contacted which gives the option to make alternative arrangements. The reasons for this choice are as follows:

- Pursuing costs in themselves can be expensive and may be stressful for the owner of the right of burial (particular if they are unable to meet those costs).
- This method does not discriminate against those who can afford to pay or not.
- Neighboring authorities have found a system trying to share costs difficult to manage.
- It may not be possible to contact the owner of the right of burial. It is expected that especially dangerous memorials will be the larger older ones and therefore the grave owner is unlikely to be contactable.
- It still allows some flexibility for customers to make an alternative arrangement should they wish to.
- It ensures that repairs are carried out to an approved method and standard.

4.15 Although this option is the most costly for the council, it is the most efficient method to ensure repairs are carried out and it must be measured against the potential cost should a claim arise from the failure of an unsafe memorial which the council is aware of.

4.16 There is currently a finite budget to fund the repairs of memorials and therefore contact with the owner of the “right of burial may mean that not all costs are incurred by Rosendale Borough Council. This budget is currently £104,000, of which £16,000 is already committed to the development of ashes plots, but also other commitments may reduce the total available for memorial work.

4.17 Initial estimates range between £40 and £100 for memorials up to 1.8m tall. Larger memorials will be priced upon request to carry out works. Based on an average cost of £70 per memorial then we would be able to repair 1257 within the existing budget (not accounting for other commitments to this budget).

4.18 Our cemeteries have an estimated 24,700 graves, only approx. 30% of these will have a memorial stone. Therefore we expect to be testing some 7410 memorials stones, of which it is likely that 25% of these will require some form of repair. This is a total number of 1853 expecting to cost approximately £130,000 to make safe and permanently repair. The implications of this are as follows:

- Additional funding will be necessary if repairs are to be carried out all memorials requiring such work. Or;
- Only temporary action to make safe the imminently dangerous (category 1) memorials are carried out and permanent repairs to these memorials or those falling in to category 2 do not occur. Or;
- An alternative source of funding, such as a bond when a memorial is erected, is considered. The income being invested solely back in to the making safe and repairs of memorials.

The number of memorials within closed churchyards has not been accounted for within this calculation. In this case it is expected that the church will liaise with the owner of the right of burial here to make the repairs.

#### **COMMENTS FROM STATUTORY OFFICERS:**

##### **5. SECTION 151 OFFICER**

5.1 The total estimated cost of making good 1,853 memorial stones is c. £130k.

5.2 Current available capital resources, previously earmarked for Cemeteries, is £104k.

5.3 Though as yet unapproved for 2011/12 the Council's Medium Term Financial Strategy (MTFS) did assume the continued allocation of £30k pa over the next 3 yrs. However. In making this assumption, alongside other capital expenditure aspirations and estimated receipts, the MTFS concluded a £404k shortfall in resources.

5.4 It would be prudent to consider the additional Cemetery funding requirement alongside other capital expenditure in light of available resources as part of the Council's 2011/12 budget setting process.

5.5 It is clear from the report that though liability rests with the owners of Memorials, because of the safety aspects and the logistics of tracing owners, responsibility for health and safety matters and the related cost implications are transferring to the Council and Council Tax payers. Members may wish to consider Council pricing policy and addition of a bond to cover the cost of future maintenance.

## 6. MONITORING OFFICER

6.1 No comments

## 7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

7.1 There are no HR implications.

## 8. CONCLUSION

8.1 Memorial safety testing is required to ensure RBC complies with law and morally protects staff and visitors.

8.2 The existing budget to make those repairs is very likely to fall short of that required to make all memorials safe.

8.3 Communication throughout the process is vital due to the sensitive nature and environment of the works.

## 9. RECOMMENDATION(S)

9.1 That Policy Overview and Scrutiny recommend to Cabinet the approval of the Memorial Safety Policy (attached as appendix 1), which sets out the clear guidelines regarding all the aspects mentioned above. Additional funding will be required to fully implement this policy.

9.2 All future minor amendments to the policy to be delegated to the Director of Communities and Customers in consultation with the Portfolio Holder.

## 10. CONSULTATION CARRIED OUT

10.1 Discussions and planning with Corporate Communications officer to determine communications plan and Bereavement Services Officer to establish appropriate methods and where problems may arise.

Contacted portfolio holder, service manager and director to ensure options and methods are appropriate and viable.

Discussions with memorial masons to establish fixing / repair methods, timescales and costs.

Reference to National Association of Memorial Masons to establish approved methods of fixing.

Visits to Burney Council Cemetery to meet Cemeteries Officer and Operations manager to get an insight in to how neighbouring authorities carry out testing.

Bereavement Services officer has contacted other local authorities to establish how testing and fixing is carried out.

Consultation with neighbouring authorities regarding methods of arranging for and implementing repairs.

## 11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required **Yes** / No

Is a Community Impact Assessment attached **Yes** / No

## 12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required Yes / **No**

Is a Biodiversity Impact Assessment attached Yes / **No**

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Either

Background Papers	
Document	Place of Inspection
Memorial Safety Policy	Henrietta Street Depot / attached
Communications Plan	