

## **EAST AYRSHIRE COUNCIL**

### **COMMUNITY SERVICES COMMITTEE - 24<sup>th</sup> MAY 2006**

#### **MEMORIAL SAFETY PROGRESS REPORT**

##### **Report by Executive Director of Neighbourhood Services**

### **1. PURPOSE OF REPORT**

- 1.1 To inform the Committee of the updated position regarding the memorial safety inspections and remedial work carried out by the Council's cemetery safety squad and to advise the Committee of the ongoing programme of making safe dangerous headstones so as to meet the requirements of the Health and Safety Executive.

### **2. BACKGROUND**

- 2.1 The Community Services Committee approved the setting up of a cemetery safety squad at their meeting on 14<sup>th</sup> November 2001.
- 2.2 The squad has been trained to certificated standards by the Institute of Cemetery and Cremation Management (ICCM) and operates under revised guidelines set out by the ICCM and the National Association of Memorial Masons (NAMM). These guidelines are accepted by the Health and Safety Executive as a reasonable procedure for inspecting and dealing with dangerous memorials.
- 2.3 The Community Services Committee also agreed, at their meeting on 19<sup>th</sup> September 2001, to amend the Council's cemetery management rules, to allow the authority to introduce a Memorial Masons Registration Scheme. This scheme was fully implemented in July 2003. All memorial masons that operate within the Council's cemeteries have signed up for the scheme.
- 2.4 The cemetery safety squad have in their first round of inspections, inspected over 40,400 memorials throughout the Council area and have found that 12,670 are unsafe, either category 1 or category 2 (An explanation of Categories is shown in 3.2). There are figures for each individual cemetery and churchyard available as background papers.

### **3. CONSIDERATIONS**

- 3.1 The Health and Safety Executive (HSE) issued a local authorities circular in August 2001 which gave advice on the management of unstable memorials. In the circular the HSE point out that authorities' should make an initial inspection of their cemeteries and churchyards and make dangerous stones safe immediately.

- 3.2 Memorials and headstones are put into 3 categories, namely:-
- Category 1: Make Safe Immediately
  - Category 2: Re-inspect 6 months to 1 year
  - Category 3: Safe, Re-Inspect in 5 years
- 3.3 The HSE circular also states, "If memorials are in immediate danger of falling, then cemetery management should take immediate action by either laying them down; structurally supporting them; cordoning off; or carrying out immediate repairs. In addition, warning signs should be considered throughout the cemetery".
- 3.4 In order to make a Category 1 headstone safe as quickly and effectively as possible, the headstone is either staked and tied in an upright position or laid flat. Older headstones are sheughed (ditched into the ground).
- 3.5 Ownership of memorials and responsibility for their condition lies with the lair owner, not the authority. The authority is responsible for the safety of people visiting or working in cemeteries.
- 3.6 The Community Services Committee on the 29<sup>th</sup> March 2006 has further decided to implement the British Register of Accredited Memorial Masons (BRAMM) Scheme as from 1<sup>st</sup> January 2007. This national scheme will replace the existing East Ayrshire Memorial Masons Registration Scheme.
- 3.7 The BRAMM Scheme will further ensure that new memorials and existing memorials are fixed to national standards and will offer the bereaved a better service from the authority and the Memorial Masons. The scheme will be monitored by BRAMM and the Council.
- 3.8 The cemetery safety squad has recently started phase 2 of their inspection programme and have at this time completed inspections in Kilmarnock Grassyards Cemetery and Kaimeshill Cemetery. The team will follow the same inspection programme as Phase 1 and will visit all cemeteries in the coming months. Where a memorial requires remedial work the team will take steps to re-stake and tie, lay flat or sheugh. They will, where appropriate, also stake and tie, lay flat, or sheugh any additional memorials that may fail the safety test on this visit.
- 3.9 The Bereavement Services' office collates all information from the safety team and sends letters, where appropriate, to the lair owners last known address. Unfortunately there are many occasions when the office have forms returned as the owner is not known at that address, therefore all lines of communication has been lost with many lair owners. Members may be aware that the Bereavement Services' section previously held open days at the cemetery and met with community representatives, when requested. Anyone with any concerns or enquiries are advised to contact the Council's Bereavement Services section.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The costs for the cemetery safety squad and their materials, vehicles etc are met from existing budgets.

#### **5. POLICY/LEGAL IMPLICATIONS**

- 5.1 The Council is responsible for their cemeteries and the safety of those working, visiting or operating within them. They therefore have duty under the following legislation to ensure that their premises are safe places: -

- (a) Burials Ground (Scotland) Act 1855;
- (b) Local Government (Scotland) Act;
- (c) Health and Safety at Work Act 1974;
- (d) The Management of Health and Safety at Work at 1999; and
- (e) The Occupiers Liability Act 1960.

#### **6. CONCLUSION**

- 6.1 The Council has identified a large number of dangerous memorials/headstones within their cemeteries and has taken steps to make these safe in their initial inspection. Many stones were staked and tied. These stones are checked regularly by cemetery staff and will be re-inspected on an ongoing basis by the cemetery safety team. All headstones that require remedial work will, where appropriate, be re-staked and tied, sheughed, or laid flat. All work will be in line with the guidelines set out by the Health and Safety Executive the ICCM and NAMM.

- 6.2 The programme of inspection and remedial work has been supported by the publication and distribution of information regarding the reasons for the work and the responsibilities of the lair holder and Council respectively. Whilst this work can be controversial it is essential if the Council is to protect its interests and ensure that its cemeteries are safe places to work in and visit.

#### **7. RECOMMENDATIONS**

- 7.1 It is recommended that the Committee: -
- (i) note the progress made in the implication of the programme of inspection and addressing the issue of dangerous memorials; and
  - (ii) otherwise note the content of the report

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WS/JAG/BMcC

25<sup>th</sup> April 2006

## LIST OF BACKGROUND PAPERS

1. Cemetery Management Rules
2. Memorial masons Registration Scheme
3. Previous Inspection Reports
4. ICCM Memorial Safety Guidelines

Any person wishing to inspect any background papers relating to this report, should contact, John Griffiths, Head of Leisure Services on telephone number (01563) 578179, or by email as shown below.

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