

## EAST AYRSHIRE COUNCIL

### COMMUNITY SERVICES COMMITTEE - 5<sup>TH</sup> FEBRUARY 2004

#### CEMETERY SAFETY PROGRESS REPORT

##### Report by Director of Community Services

### 1. PURPOSE OF REPORT

- 1.1 To inform members of the updated position regarding the work of the Council's cemetery safety squad and advise of changes to the programme of making safe dangerous headstones to meet the requirements of the Health and Safety Executive.

### 2. BACKGROUND

- 2.1 Committee approved the setting up of a cemetery safety squad at their meeting on 14<sup>th</sup> November 2001.
- 2.2 The squad have been trained to certified standards by the Institute of Cemetery and Cremation Management (ICCM) and operate under 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 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 our cemeteries have signed up for the scheme.

### 3. CONSIDERATIONS

- 3.1 The safety squad have inspected 7087 memorials in 2003, of which 2633 (37.15%) were category 1 and required immediate action. These are both older and relatively recent installations. 319 (4.5%) were category 2 which require to be re-inspected within 6 months to 1 year. 4315 (58.34%) were category 3 memorials which require to be re-inspected within 5 years.

Members will note that if present trends continue there will be over 1/3<sup>rd</sup> of memorials deemed unsafe with immediate action required. There are approximately 60,000 headstones in Council cemeteries in East Ayrshire.

- 3.2 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.

- 3.3 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". Recent information has shown that it is taking immediate remedial action that will satisfy the HSE rather than showing that an inspection regime is in place.
- 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 as a temporary measure or laid flat. Initially headstones were sheughed, however this proved too time consuming and meant that inspections would not be carried out quickly enough to satisfy the Health and Safety Executive. Once all inspections are complete, headstones that have not been repaired by their owners will be sheughed as resources allow.
- 3.5 Members are also reminded that the 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 Council were also one of the first authorities to alter their cemetery management rules so to allow a specific scheme which would ensure that all memorials erected in the future would be done so in a safe manner and in line with the NAMM code of safety working practice. The Council's scheme was adopted by the ICCM as the approved scheme for the remainder of Britain.

#### **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 are 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 acknowledges that there are a number of dangerous memorials within most, if not all, of its cemeteries and churchyards. Under the terms of the Health and Safety Executive's circular and the above Acts it is important that the programme of inspection and making safe dangerous stones be moved forward as quickly as possible therefore headstones are being staked and tied or laid flat . Once the initial work programme is complete it will be possible to return to cemeteries and churchyards and continue with a programme of sheughing headstones as time allows.
- 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. This will continue as the programme progresses. Whilst this work can be controversial it is essential if the Council is to protect its interests and ensure that its cemeteries are safe to work in and visit. Giving a commitment to return to the site and sheugh headstones that have been staked and tied or laid flat and have not been repaired by their owners will address some of the problems.

## **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.

William Stafford  
Director of Community Services

WS/JAG/BMcC/CAM

7<sup>th</sup> January 2004

## **LIST OF BACKGROUND PAPERS**

Nil

Implementation Officer [john.griffiths@east-ayrshire.gov.uk](mailto:john.griffiths@east-ayrshire.gov.uk)