

REPORT TO:	HOUSING & COMMUNITY SERVICES	AGENDA ITEM: 9
DATE OF MEETING:	19th AUGUST 2021	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR – SERVICE DELIVERY	OPEN
MEMBERS' CONTACT POINT:	MALCOLM ROSEBURGH EXT 5774 malcolm.roseburgh@southderbyshire.gov.uk	DOC:
SUBJECT:	MEMORIAL SAFETY POLICY	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: HCS09

1.0 Recommendations

- 1.1 That Committee approves the adoption of the updated Memorial Safety Policy.
- 1.2 That monies in the region of £25-30,000 be set aside from the existing Cemeteries and Closed Churchyard budgets over the next five years to cover the cost of undertaking the programme of memorial testing.

2.0 Purpose of the Report

- 2.1 To approve the adoption of the updated Memorial Safety Policy.

3.0 Detail

- 3.1 The District Council directly manages six cemeteries and has responsibility for five closed churchyards where maintenance responsibility has been handed over to the Council following their closure and the issue of an Order in Council and the completion of the required process for handover. Part of the management responsibility on the sites is to look after and keep safe the memorials therein. To this end the Council had an existing Memorial Safety Policy detailing the programme of memorial safety testing necessary for effective upkeep. A review of the existing policy has now been undertaken and a new policy drafted that includes a testing programme for the closed churchyards and incorporates up to date guidance issued by industry advisory bodies. The new policy is attached as Appendix 1.
- 3.2 Since Victorian times memorials have been erected on graves as a permanent reminder of those buried within. It is often wrongly assumed that memorials are permanent structures, installed to the highest standards and will last forever without any need for repair. Unfortunately, this assumption has cost the lives of six people nationally in recent years, most of whom have been children and there have been countless accidents ranging from bruising to severe crush injuries and bone breakages. Local authorities have to tackle years of neglect and in some cases poor workmanship. Yet the memorials do not belong to the Council; they remain the property of the person/s that has been granted the Exclusive Rights of Burial.

Responsibilities for Memorials

3.3 The following parties have responsibility for memorial safety in Council-managed cemeteries and closed churchyards where an Order in Council is in place and where responsibility has been subsequently handed over to the District Council:

- **The Council** has health and safety responsibilities to its employees, contractors and visitors to cemeteries. The Council has a responsibility to staff (Section 2 Health & Safety at Work Act 1974) and a responsibility to visitors (Section 3 Health & Safety at Work Act 1974) and the Occupiers Liability Act 1957. The Management of Health & Safety at Work Regulations 1999 places a legal duty on the Council to assess the risks from cemetery structures and work activities and ensure the risks are controlled.
- **A monumental mason** has the responsibility to work in accordance with the Council's conditions and specifications for memorials as laid down in the Cemeteries' Regulations and are legally liable for the work they carry out and should ensure that memorials are erected safely and in accordance with current standards available within the industry i.e. BS8415, The National Association of Memorial Masons (NAMM) Code of Working Practice and the British Register of Accredited Memorial Masons (BRAMM) 'Blue Book'. This responsibility is placed on masons in the Consumer Protection Act 1987, the Sale of Goods Act 1979 (amended 1994), the General Product Safety Regulations 2005 and the Directive on Liability for Defective Products (85/374/EEC).
- **An owner**, the Grant of Right holder (or successor in title) of a memorial has the responsibility to maintain it so as not to present a hazard. They also have the responsibility and liability for all expenditure incurred to make safe their memorial in the event it is found unsafe or in a dangerous condition. This is not the responsibility of the Council.

3.4 The updated Memorial Safety Policy reflects the Council's responsibilities and sets out the process of memorial testing.

4.0 Financial Implications

4.1 As is the case now, there will be costs associated with undertaking the programme of safety testing as specified within the Policy. It is anticipated that costs for the programme would be in the region of £25-£30,000 across the five-year programme and according to the condition of the memorials and remedial work required. A tender process will be undertaken to appoint a contractor to undertake the programme. The costs will be met from existing Cemeteries and Closed Churchyards budgets as at present.

5.0 Corporate Implications

5.1 **Employment Implications** - Non, the inspections will be undertaken by a specialist contractor following the procurement exercise.

5.2 **Legal Implications** – See para 3.3.

5.3 **Corporate Plan Implications** – The memorial safety policy contributes to the Our Environment theme within the Corporate Plan by ensuring a safe environment for visitors and staff at our cemeteries.

5.4 **Risk Impact** - The purpose of this Policy is to set out clear guidance on memorial safety testing and so reduce risk for officers, memorial masons, families of the bereaved and visitors to the cemeteries.

6.0 Community Impact

6.1 **Consultation** - Consultation has been undertaken with the Institute of Cemeteries and Crematorium Management (ICCM).

6.2 **Equality and Diversity Impact** - None

6.3 **Social Value Impact** - None

6.4 **Environmental Sustainability** - The Policy will be made publicly available via the District Council's website.

7.0 Conclusions

7.1 The updated Memorial Safety Policy provides an effective tool to assist in the management of cemeteries and closed churchyards.

8.0 Background Papers

None