



MEMORIAL SAFETY POLICY

DEVELOPMENT AND INFRASTRUCTURE  
EXECUTIVE DIRECTOR  
AUGUST 2013



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## **EXECUTIVE SUMMARY**

This document clarifies the processes that Amenity Services / Argyll and Bute Council have in place to deal with unsafe, unstable and incorrectly erected memorials in its burial grounds and cemeteries. It defines who is responsible for memorials and memorial safety.

The policy outlines the basic safety principles incumbent upon Argyll and Bute Council.

The policy outlines the process for inspection methods of new memorials to ensure they are erected to meet the required standards.

The policy outlines the process for inspection methods for unsafe (older memorials) using a risk assessment based system and defines the actions that will be taken to mitigate risks and hazards.

The policy defines responsibilities of memorial owners and defines how Argyll and Bute Council will ensure that these are clear at the time of purchase of right of burial and during request to erect memorials on the burial lair.

## **SCOPE**

Under the Health and Safety at Work Act 1974 (HSWA74), the Occupiers' Liability (Scotland) Act 1960, and associated regulations such as the Management of Health and Safety at Work Regulations 1999, Councils have a responsibility and duty of care to ensure that risks within their cemeteries are properly managed. The Council's objective is to ensure that burial grounds and cemeteries are safe for both staff and visitors alike. The Council recognises that memorials are major structures within burial grounds and cemeteries and may present a hazard if unsafe.

Argyll and Bute Council has a responsibility to ensure safety whilst ensuring that memorial owners have the choice to commemorate their loss in a dignified and appropriate manner. This Policy and associated procedures apply to all employees of Argyll and Bute Council.

Under the HSWA74, the enforcing authority for local authority burial grounds and churchyards is the Health and Safety Executive. The Executive works closely with the UK Government Ministry of Justice. Although designed for English authorities, a UK Government Ministry of Justice publication entitled 'Managing the Safety of Burial Ground Memorials - Practical advice for dealing with unstable memorials' has been adopted by Scottish local authorities. The document recommends that all headstones are erected to the National Association of Memorial Masons (NAMM) Code of Working Practice or BRAMM guidelines and BS 8415, using its approved fixing systems. Guidance in BS 8415 also outlines an inspection system. **Appendix 1**

## **POLICY STATEMENT**

The policy sets out how Argyll and Bute Council aims to deliver its responsibility and duty of care to ensure that risks within their cemeteries are properly managed. In order to manage the risks presented by dangerous, unstable and incorrectly fixed memorials, this policy addresses the approach to be taken in each case. It defines who is responsible for all works associated with placing and managing of memorials in burial grounds and cemeteries. Guidance is given in the Argyll and Bute Council Management Rules as to acceptable fixing techniques for new memorials. New memorials will be inspected by trained staff to ensure that they are erected to the required standard using the BS 8415 guidance.

### **Inspection of Memorials**

Prior to inspections being carried out, information will be posted on cemetery gates, on Argyll and Bute Council web page and in local offices advising that officers will be working to inspect memorials and assessing their safety and fixing standard. Appendix 1: Fair and consistent procedures for inspections of memorials will be carried out by trained staff. Any memorial identified as being not to the required erection standard will be identified by

standard letter, to the memorial owner i.e. lair holder; as owner and the memorial mason responsible for works. This letter will outline that work has not been carried out to Argyll and Bute Council required standards. It will lay out steps that must be taken to bring the work up to the standard required and outline the timescale by which it must be carried out.

## **Appendix 1**

Inspection should be carried out by trained staff in burial grounds as laid out in Appendix 4 identifying category 1, 2 and 3 stones. Any stones identified as requiring repair or attention will be referred to lair holders by letter identifying problems found. It will outline the actions required of them to take appropriate action to make their memorial safe. Where a memorial is considered to present an immediate risk it will be cordoned off or laid flat by officers carrying out inspections. Where this action is taken, steps will be taken to identify this course of action to the lair holder promptly.

Where significant numbers of headstones are dangerous, the most cost effective method of dealing with this is to restrict public access to cemeteries or areas thereof. Information on actions taken to restrict access to areas of cemeteries will be publicised by placing signage to explain why specific areas are closed off and provide contact detail of officers who can answer questions relating to the cemetery.

## **RESPONSIBILITY FOR REPAIR AND REMEDIATION WORKS TO MEMORIALS**

### **Memorials that are not erected correctly.**

A headstone is defined as not complying with NAMM code of Practice, BRAMM guidance and The Blue Book and/or BS 8415. Approved trained officers of the Council will identify these memorials. The responsibility for the re-erection of these memorials to the correct standard is with the lair holder who is also the memorial owner.

### **Memorials that are unstable or dangerous**

A dangerous or unstable memorial is defined as one that will move and continue to fall to the ground with the exertion of a force of 25kg or less. It is recognised that a memorial that moves under pressure does not necessarily pose a danger and should be judged against the aforementioned definition. Argyll and Bute Council accept that the risk of an unsafe memorial is minimised by laying it flat. Argyll and Bute Council acknowledge that this may cause issues regarding the aesthetic appearance of a cemetery and in some cases may be deemed disrespectful; **safety must be** the overriding factor. In many cases, unstable or dangerous memorials tend to be those pre-dating 1970. The responsibility for the repair or re-erection of these memorials; to the correct standard, lies with the lair holder who is also the memorial owner. If no current lair holder can be identified from the locally held lair register, Argyll and Bute Council will undertake to manage the risk presented by this category of stones by limiting access to the area and /or lying flat the stone if such action is necessary. Lying flat will be last resort, where this action is taken; steps will be taken to identify this course of action to the lair holder promptly.

### **Fallen Headstones or those laid flat to minimize risk.**

Argyll and Bute Council do not have a legal obligation to re-erect memorials laid flat for safety reasons or those, which have fallen due to deterioration of foundation or construction due to excessive age. Whilst the responsibility for re-erecting or repairing these stones does lie with lair holders, it is acknowledged that it is difficult to identify such people where stones record burials that took place at least 2 generations back i.e. 1940's and before .

Argyll and Bute Council do not undertake to re-erect any memorials dealt with in this way. Resources from within Argyll and Bute Council are very limited for work to repair and re-erect stones in this category. A programme of repair works takes place where resources to carry it out can be identified locally. Any resources and time limited works will be undertaken mainly through the winter months due to high demand on workforce during the spring and summer growing season. In order to tackle the wider issues of older stones laid flat, Amenity Services will explore how best to form partnerships with appropriate third sector local groups e.g. cemetery friends group, local heritage and history group to access funds to provide resource for correctly trained personnel to undertake re-erection.

Advice will be taken on old (pre 1900) or historically important stones to ensure that they do not deteriorate or are damaged by maintenance works. This may consist of lifting the head of stone to allow water to drain off, construction of protective boxes or other techniques recommended and funded by Historic Scotland. These actions may result in a change to the maintenance regime of a site.

### **Memorials in excess of 2 metres in height.**

Where memorials exceed 2 metres, these cannot be repaired using the NAMM, BRAMM Blue book and BS 8145, therefore Memorials felt to be unstable or dangerous over this height will be cordoned off. Remedial work will be undertaken using approved engineering solutions where this can be properly resourced and managed. Routine inspection should identify any loose parts, urns and other decorations that should be safely removed and stored at the base of a memorial.

### **CONTACT WITH FUNERAL DIRECTORS, MEMORIAL MASONS AND LAIR HOLDERS ADVISING OF POLICY AND RESPONSIBILITIES.**

This policy and the management rules for cemeteries will be circulated to memorial masons and funeral directors once per year at the beginning of the financial year with new service charges associated with burial and cremation. Information to lair holders;

who are owners of and responsible for their own memorial , will be carried out at the point of purchase of right of burial through a suite of information, including lair certificate, management rules, use of NAMM and BRAMM registered memorial masons, choices regarding memorials and insurance recommendations for memorial owners. Appendix 5

Any amendments to the policy and rules will be circulated to parties as and when required.

## **ROLES AND RESPONSIBILITIES IN IMPLEMENTING THE POLICY**

Responsibility for implementing and complying with this Policy lies with individuals at all levels within the Council.

The role of the Departmental Management Team is to: Note feedback basis from Amenity Services Manager on work carried out to inspect and instruct any remedial works to newly installed stones.

Amenity Services Manager is required to: monitor action being taken by Performance Managers and report to Head of Service as required.

Amenity Services Performance Managers are required to: Ensure regular inspections are carried out and action taken to correct poor work, Ensure that routine inspection is carried out on an annual, biennial and 5 year basis to cemeteries and memorials. Explore, identify and action alternative sources of funding and third sector initiatives for repair of older headstones

Lair holders are required to: Follow the Argyll and Bute Council management rules for cemeteries. Ensure their memorial meets standards by employing a NAMM or BRAMM registered Memorial Mason. To ensure they have insurance to meet any future repair costs for their memorial.

Memorial Masons are required to: Follow the Argyll and Bute Council management rules for cemeteries. Ensure their memorial meets standards by erecting to NAMM or BRAMM standards. To ensure they offer a guarantee of their work; being fit for purpose, to their customers for a period of at least 6 years following erection, with further periods added as prescribed by NAMM and BRAMM.

Elected members are required to guide complaints to member services who will record them on Lagan and pass then to DIS complaints where they will be assigned to the appropriate officers for attention.



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The effectiveness of this Policy will be monitored through reporting of relevant complaints and inspections undertaken taken to ensure memorials are properly fixed.

## **POLICY REVIEW DATE**

31 May 2015

## **APPENDICES**

Appendix 1

Ministry Of Justice Guidance

ICCM Management of Memorials

BS 8145 Memorials in Burial Grounds and Memorial Places –Specification

Appendix 2

Standard letter to Memorial Masons and Lair holders

Appendix 3

Suite of information to advise of inspections taking place.

Appendix 4

Inspection And recording Process

Appendix 5

Suite of information to be provided at point of new purchase of right of burial