

**POLICY ON MEMORIAL SAFETY IN LOCAL AUTHORITY CEMETERIES AND
BURIAL GROUNDS**

1.0 EXECUTIVE SUMMARY

- 1.1 The policy document has been brought forward following the recommendations from Sherrif Ruxton and Scottish Government. The policy provides direction on inspection regimes. This policy is in line with standards employed by many local authorities. This policy document formalises the inspection processes that have been carried out in the Council's 131 burial grounds.
- 1.2 The responsibility for memorial safety rests with the burial lair owner. Where memorials pose an immediate danger and/or owners cannot be traced, memorials will be laid on the ground, inscription up.
- 1.3 It is recommended that Members endorse this policy document and recommend to Council that the policy is approved.

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2.0 INTRODUCTION

- 2.1 This is a covering report for a Memorial Safety policy document which is appended to this report. This policy document has been produced following the publication of Sherrif Ruxton's determination of the Craigton Cemetery, Glasgow, Fatal Accident Inquiry on 22 January 2018.
- 2.2 The policy document sets out the inspection regime for the 131 cemeteries in Argyll and Bute and also sets out what action will be followed should a dangerous or potentially dangerous memorial be found.

3.0 RECOMMENDATIONS

- 3.1 Members endorse this policy document and recommend to Council that the policy is approved.

4.0 DETAIL

- 4.1 Sherrif Ruxton published her determination of the Craigton Cemetery Fatal Accident Inquiry on 22 January 2018. As part of that determination Sheriff Ruxton made a number of recommendations, including a recommendation that Scottish Government develop and publish national guidance on memorial safety in cemeteries, for use by local authorities in Scotland. Sheriff Ruxton recommended that this guidance should contain specific advice on inspection methods and standards for older, larger memorials. Notwithstanding the above, Scottish Government have urged local authorities to review their inspection arrangements for memorial safety in cemeteries. The policy document appended to this covering report provides the review.
- 4.2 Under the Health and Safety at Work Act 1974 statutory responsibility for ensuring cemetery and memorial safety rests with individual local authorities.
- 4.3 The policy document appended to this report outlines inspection procedures for

memorials, actions that will be taken after risk assessment and information for lair owners on the responsibilities of Argyll and Bute Council and owners of memorials.

- 4.4 The responsibility for memorial upkeep and maintenance rests with the burial lair owner. Where details of the burial lair owner are known they will be contacted regarding any works that are required to memorials. Where memorials pose an immediate danger and/or owners cannot be traced, memorials will be laid on the ground, inscription up.
- 4.5 Further guidance will be issued by the National Committee for Burials and Cremation in Scotland and it is desirable that this guidance is issued in advance of the Burial and Cremation (Scotland) Act 2016 Burial Ground Regulations. Work is expected to begin on this amended guidance later in the year. No end date has been set for release of this guidance.
- 4.6 The policy document appended to this report outlines inspection procedures for memorials, actions that will be taken after risk assessment/inspections have been carried out and information for lair holders on responsibilities of Argyll and Bute Council and owners of memorials.
- 4.7 The responsibility for memorial upkeep and maintenance rests with the burial lair owner. Where details of the burial lair owner are known they will be contacted regarding any works that are required to be carried out on memorials. Where memorials pose an immediate danger and/or owners cannot be traced, memorials will be laid on the ground, inscription up.
- 4.8 There may be further updates required depending on any guidance issued by Scottish Government.

5.0 CONCLUSION

- 5.1 The Policy will assist Argyll and Bute Council to provide clarity for customers and deliver responsibilities of Duty of Care and Public Liability to staff and customers.

6.0 IMPLICATIONS

5.1	Policy:	A new policy improving clarity for customers and staff
5.2	Financial:	None
5.3	Legal:	Meet responsibilities relating to Health and Safety
5.4	HR:	None
5.5	Equalities / Fairer Scotland Duty:	None
5.6	Risk:	Recent FAI in Glasgow shows danger of heavy fines if no policy is in place.
5.7	Customer Service:	Provides clarity for customers and provides information on their responsibilities for memorials and the recommendation to obtain insurance for their memorials.

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APPENDICES

Appendix 1 - Policy on Memorial Safety in Local Authority Cemeteries And Burial Grounds