

**To:               INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD**

**On:               22 January 2020**

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**Report by:     Director of Environment & Infrastructure**

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**Heading:       Policy for the Inspection of Memorial Monuments and Headstones**

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## **1.       Summary**

- 1.1     A Fatal Accident Inquiry (FAI) was held into death of a child at Craigton Cemetery on 26 May 2015. The FAI released its findings in January 2018.
- 1.2     Through the Sheriff's findings it was established that there was no standard guidance available to local authorities in relation to memorial safety and no consistency in safety testing methodology and that this brought safety inspection implications for the public who visits cemeteries and all who work there. There were two recommendations which affect Renfrewshire Council: -
  - That the Scottish Government issue separate guidance on memorial safety in cemeteries for use by local authorities throughout Scotland.
  - That consideration be given by the relevant agencies and associations that the existing industry guidance on memorial safety and stability testing be re-visited with a view to producing separate guidance on inspection of traditional memorials and, in particular those whose centres of gravity are shifting from vertical.
- 1.3     In June 2019 in line with the recommendations of the FAI, the Scottish Government published guidance on burial ground memorial safety. This Policy Board Report sets out the implications for Renfrewshire Council in applying and complying with the guidance.
- 1.4     To comply with the guidance referenced at 1.2 and 1.3 above, the Council requires to have a Memorial & Headstone Inspection Policy. This board report seeks approval of Renfrewshire's memorial inspection policy as set out at Appendix 1 to this report.

## **2. Recommendations**

It is recommended that the Infrastructure, Land and Environment Policy Board:

- 2.1 Approves the policy for the Inspection of memorial monuments and headstones within Renfrewshire Council's cemeteries and churchyards as set out in Appendix 1 of this report.
  - 2.2 Approves the allocation of one off and annual revenue costs to implement Renfrewshire's memorial inspections policy as set out in Appendix 1 and to comply with the Scottish Government Guidance on memorial safety.
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## **3. Background**

- 3.1 The responsibility for memorial safety and implementation of a comprehensive memorial inspection regime represents a significant undertaking for any local authority. The safety of staff and visitors in burial grounds is a statutory obligation for local authorities. This is under the Health and Safety at Work etc. 1974 Act (as amended) and the Occupier's Liability (Scotland) Act 1960. Whilst Renfrewshire Council has health and safety responsibilities for cemeteries, the memorials belong to lair holders and are not the property of Renfrewshire Council.
- 3.2 Renfrewshire Council currently has 9 cemeteries within the local authority boundary, however, it also has responsibility for 14 older, churchyard burial grounds that were previously part of Church of Scotland grounds.
- 3.3 There are estimated to be 25,000 memorials in Renfrewshire's 9 cemeteries. For the 14 churchyard burial grounds the number of memorials is unknown but is estimated at 5,000 memorials.

## **4. Memorial & Headstone Inspection Process**

The process to be adopted for the inspections process for memorials and headstones is outlined below:

### **4.1 Site Zoning and Risk Assessment**

The Council in advance of undertaking inspections requires to prioritise the sequence of inspections across all cemeteries. This work is nearing completion.

### **4.2 Notifications and Inspections**

#### **4.2.1 Notifications**

Prior to starting the inspection programme, the guidance sets out clearly who and what notification should be undertaken. This includes lair holders, Elected Members,

Community Councils and public notices in cemeteries. This work will commence following completion of the site zoning in February / March 2020.

#### 4.2.2 Inspections

Visual inspections will be undertaken for all memorials in Renfrewshire's cemeteries and church yards by internal, trained operatives.

Where memorials are deemed to be outwith the area of expertise of our operatives the Council shall seek the opinion of a competent organisation or person. If required, a tender process will be undertaken to appoint a suitable contractor or person.

The guidance makes clear what requires to be undertaken and recorded at inspection and a reinspection date for the future set based on risk.

#### 4.3 Making Safe & Reporting

Where during inspections a memorial is identified as in a dangerous condition, the Council must make safe and will take immediate steps to do so, which may include memorials being laid flat as part of this safety process. Where it is a large memorial, it is likely to be cordoned in the first instance. Lair holders will then be notified of the action taken and that there is a need of repair that complies with the standards set out in the National Association of Monumental Masons Industry Standards. .

#### 4.4 Inspection Team

The initial resource requirement is to inspect every memorial across the 9 cemeteries and 14 churchyards to comply with the guidance and our own policy(subject to approval). There will initially be a team appointed to administer and inspect the memorials over 2020. There will be an ongoing need for a smaller team to maintain ongoing inspections from 2021 onwards at the appropriate inspection frequency. In addition, there will be a requirement to appoint a contractor to undertake the inspection of memorials and headstones outwith the scope of the expertise of our trained operatives.

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### **Implications of the Report**

- 1. Financial** – The full costs to undertake the inspection of every memorial in Renfrewshire is not known until the number outwith the scope of our trained operatives is identified. The internal costs to undertake the administration and inspection of memorials and headstones is anticipated to be around £500,000 with an ongoing cost of approximately £150,000 per annum.
- 2. HR & Organisational Development** – None
- 3. Community & Council Planning** – None

4. **Legal** – None.
5. **Property/Assets** – The Council's cemeteries and graveyards are maintained and enhanced.
6. **Information Technology** – Environment & Infrastructure will input all information collected as part of the inspection process in to a Headstone Inspection database.
7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website
8. **Health & Safety** – The trained operatives will undertake the inspection and subsequent work identified as per their training and the Policy for Inspection of Memorial Monuments and Headstones within Renfrewshire Council's Cemeteries & Churchyards. All inspections and work will be undertaken in accordance with the relevant Risk Assessments and Safe Methods of Work and in line with the standards set out in the National Association of Monumental Masons Industry Standards.
9. **Procurement** – Tender for specialist inspection support (Structural Engineer / Memorial Stonemason).
10. **Risk** – A Memorial Risk Assessment Site Profile for each of the Service's 9 Cemeteries and 14 churchyards will be completed on an annual basis to determine the Council's inspection priorities.
11. **Privacy Impact** – None.
12. **CoSLA Policy Position** – none
13. **Climate Risk** – None.

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#### List of Background Papers

- (i) FAI Findings [2018] FAI 3
- (ii) Burial ground memorial safety: local authority guidance
- (iii) Report to ILE Policy Board on 29<sup>th</sup> August 2018 – "Memorials and Structures in Cemeteries"

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**Policy:**           **Inspection of Memorial Monuments and Headstones within Renfrewshire Council Cemeteries and Churchyards**

**Date:**           **November 2019**

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## **1. INTRODUCTION**

- 1.1 Renfrewshire Council, Environment & Infrastructure, has a legal responsibility 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 to ensure all memorials are regularly checked and that the results of such inspections are recorded.
- 1.2 It should be noted that the memorials and headstones are the property of the lair owner and not Renfrewshire Council. The lair holders are responsible for the maintenance of any memorial placed on their lair during the period of the 'Rights of Burial' as stated on the lair certificate. However, Renfrewshire Council recognises under the aforementioned legislation and guidelines that it has a Duty of Care to ensure inspections are undertaken.
- 1.3 Renfrewshire Council is responsible for carrying out the inspections across 9 cemeteries and 14 churchyards to meet with the appropriate Health and Safety regulations and guidance.
- 1.4 It should be noted that under the HSWA74, the statutory enforcement body for local authority cemeteries and churchyards is the Health and Safety Executive.
- 1.5 The Scottish Government's Burial Ground Memorial Safety Guidance - Scotland's Local Authorities, published in June 2019, forms the basis for Renfrewshire Council's Policy for Inspection of Memorial Monuments and Headstones within Renfrewshire Council Cemeteries and Churchyards.
- 1.6 This Renfrewshire Council Policy details the responsibilities and processes in place to manage and undertake inspections that are suitable and fit for purpose.
- 1.7 This Policy details the processes in place to:
  - Ensure that unsafe memorials are properly dealt with in order to prevent accidents to staff working in and visitors to the cemetery.
  - Take reasonable steps to inform lair holders of defective memorials on their lairs to afford them the opportunity to repair them.

- Take reasonable steps to inform lair holders of unsafe memorials on their lairs once the Council has made them safe and, again, to afford them the opportunity to repair / reinstate.

1.8 Renfrewshire Council will endeavour to undertake all inspections in a sensitive and respectful manner.

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## **2. RESPONSIBILITIES**

2.1 Renfrewshire Council is responsible for Health & Safety in the cemeteries and churchyards under its management.

2.1.2 Renfrewshire Council shall ensure adequate resources are available to implement any measures necessary to comply with its Policy for Inspection of Memorial Monuments and Headstones within Renfrewshire Council's Cemeteries & Churchyards.

2.1.3 Renfrewshire Council will review its Memorial Risk Assessments Site Profile for each of its 9 Cemeteries and 14 Churchyards. In addition, it shall conduct regular reviews of legislation and guidance relevant to the inspection of memorial monuments and headstones.

2.1.4 The trained operatives will undertake the inspection and subsequent work identified within the inspection and in line with the Policy for Inspection of Memorial Monuments and Headstones within Renfrewshire Council's Cemeteries & Churchyards. All inspections and work will be undertaken in accordance with the relevant risk assessments and Safe Methods of Work and in line with the standards set out in the National Association of Monumental Masons Industry Standards.

2.1.5 All information collected as part of the inspection process shall be recorded in to a Headstone Inspection database. The database records the re-inspection dates and will highlight when the 1-year and 5-year re-inspections are due.

## **2.2 INSPECTION PRIORITIES**

2.2.1 A Memorial Risk Assessment Site Profile (risk zoning) for each of the Council's 9 Cemeteries and 14 churchyards will be completed to determine the Council's Inspection Priorities. This prioritises which parts of the cemeteries or churchyards pose the greatest potential risk to staff and visitors. It is acknowledged that main access routes, paths and headstones surrounding areas of greatest footfall bear the highest risk of being touched or moved.

## **2.3. INSPECTION TECHNIQUE AND PROCESS**

2.3.1 Before undertaking any Inspections trained operatives will review relevant Risk Assessments and Safe Method of Work for Memorial Monuments and Headstones in Cemeteries and Churchyards. The trained operatives will evaluate the Memorials as follows;

- Full visual inspection and hand test where appropriate.
- Note any potential problems and cordon off or make safe as appropriate, laying flat memorials where necessary
- Seek the opinion of a competent organisation or person to undertake the inspection of any memorials and headstones outwith the scope of the expertise of our trained operatives

## **2.4 INSPECTION CATEGORIES, ACTIONS AND PROCESS**

2.4.1 Only trained operatives should undertake inspections of memorials and headstones. The operatives should always work in teams of at least 2 and should not engage in lone working whilst carrying out this task. The trained operative should comply with all recommended PPE as per Renfrewshire Council's Policy and Training.

2.4.2 The inspection of memorial safety is based on a risk assessment approach with monuments assigned to one of the three categories:

- Category 1 – The memorial is deemed unsafe and requires immediate attention. An unsafe memorial is defined as one which is so likely to fall over with minimal force and therefore poses an imminent danger to Renfrewshire Council staff and visitors. The memorial will normally be laid flat by trained operatives or cordoned off as appropriate. The inspection team will place notice at or on the memorial advising that the inspection has taken place, this notice will also include the date when the inspection was carried out and contact details for Renfrewshire Council. This will afford the lair owner an opportunity to reinstate/repair the memorial via a suitable stonemason or monumental sculptor.
- Category 2 – The memorial is unstable but is unlikely to cause immediate danger. More specifically, the memorial will show a degree of movement but will not fall over without the application of greater force. A notice shall be placed at or on the inscription advising that the inspection has taken place, this notice will also include the date when the inspection was carried out and contact details for Renfrewshire Council. This notice will also advise the memorial will be re-inspected in 1 year to establish if it has deteriorated. This will afford the lair owner an opportunity to repair the memorial via a suitable stonemason or monumental sculptor.
- Category 3 – The memorial has met the inspection standard. No further action is taken other than adding to a Headstone Inspection database noting the memorial will be re-inspected within a five-year period.

- 2.4.3 The results of all inspections will be recorded on headstone safety inspection sheets by the operative at the time of inspection.

## **2.6 RECORDS & CORRESPONDENCE**

- 2.6.1 All headstone safety inspection sheets will be recorded on a Headstone Inspection database.
- 2.6.2 The database shall record the re-inspection dates and will highlight when the 1-year and 5-year re-inspections are due.
- 2.6.3 The records detailed below will be retained for a minimum period of

Memorial Risk Assessment Site Assessment	10 Years
Headstone Safety Inspection Sheets	10 Years
Headstone Inspection Database	Ongoing

## **2.8 PUBLIC CONSULTATION IN ADVANCE OF INSPECTIONS**

- 2.8.1 The inspection/survey is designed to systematically inspect every memorial in all Renfrewshire Council cemeteries and churchyards. It is important to the Council that the public, lair owners and cemetery users are kept informed during the inspection. It is recommended that whenever practical that the following measures are adopted locally in advance of any inspection. This may include:
- Signs erected on all cemetery gates and where necessary around the cemeteries.
  - Advising local elected members.
  - Advising stone masons.
  - Advising local funeral directors and clergy.
  - Advising prelevant stakeholders.