

To: INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD

On: 29 AUGUST 2018

Report by: DIRECTOR OF ENVIRONMENT & INFRASTRUCTURE

Heading: MEMORIALS AND STRUCTURES IN CEMETERIES

1. SUMMARY

- 1.1 This paper outlines the key recommendations arising from a Fatal Accident Inquiry (FAI) conducted by Sheriff Ruxton that was released in January 2018. The FAI took place after an 8-year-old boy, died at Craigton Cemetery, Glasgow due to a large monument toppling and falling directly onto him.
- 1.2 Memorial safety in cemeteries can pose a risk to the public, contractors and funeral directors, as well as a reputational risk to the Council and has been placed on the Environment & Infrastructure Services risk register for 2018/19.
- 1.3 The current position in Renfrewshire is consistent with most, if not all other local authorities across Scotland in regards to cemeteries.
- 1.4 It is accepted in the FAI that there is confusion as to the proper interpretation of industry guidance on safety management and inspection within cemeteries to determine the stability and safety of memorials. It is further acknowledged there is an absence of Scottish guidance on safe cemetery management, with particular reference to memorial safety.
- 1.5 There were 3 recommendations from the FAI, including that the Scottish Government providing clear and concise guidance to Scottish local authorities with regards to memorials in cemeteries. Whilst the guidance has not yet been finalised, a letter was issued to Chief Executives on 17 May 2018 explicitly reminding local authorities of their statutory health & safety responsibilities and urging all local authorities to review their inspection arrangements for memorial safety in cemeteries ahead of the guidance being issued.

- 1.6 Renfrewshire Council does not currently have a formal programme of inspection regime for memorials within the 9 cemeteries and 11 closed churchyards for which it has responsibility, however, regular visual monitoring does result in hand/topple tests being undertaken to memorials that are leaning/not vertical and where required, they are laid down to make safe. Where the memorials are particularly large, the Council uses mechanical means to safely lower the structure.
 - 1.7 The paper outlines the background to the FAI, current procedures within cemeteries that Renfrewshire Council has responsibility for, and potential implications for Renfrewshire Council with regards to gravestones, monuments and mausoleums in cemeteries in light of the recommendations made by Sheriff Ruxton.
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2. RECOMMENDATIONS

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

- 2.1 Notes the findings of the Fatal Accident Inquiry (FAI) released by Sheriff Ruxton on 22 January 2018.
 - 2.2 Notes the current arrangements for inspections of cemeteries by Renfrewshire Council.
 - 2.3 Notes the procurement of specialist external support to implement a documented, programmed inspection regime for the cemeteries and Church of Scotland graveyards that Renfrewshire Council has responsibility for.
 - 2.4 Agrees that a further report will be brought back to this Policy Board early in 2019 outlining the findings of the work undertaken and the implications from these findings.
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3. BACKGROUND

Key Findings of the Fatal Accident Inquiry

- 3.1 An 8-year-old boy, died instantly at Craigton Cemetery on 26 May 2015 due to a large monument toppling and falling directly onto him. Whilst the facts are not fully known, it is believed that the boy and four of his friends entered Craigton Cemetery via a large hole in the perimeter wall and were using a large monument (Ross Monument) to climb up onto a nearby tree.
- 3.2 In climbing onto the monument, it became unstable, toppled and struck the boy on the head, killing him instantly. The accident garnered national media interest and prompted a discussion around safety in and around cemeteries.
- 3.3 Following the tragic accident, Glasgow City Council initiated an immediate investigation and laid down many gravestones, monuments and mausoleums that they felt may be unsafe.

3.4 A Fatal Accident Inquiry (FAI) was launched and the findings published by Sheriff Ruxton on 22 January 2018.

3.5 From the FAI report, the Sheriff highlighted reasonable precautions whereby the death and accident resulting in the death might have been avoided including:

- Carrying out repairs to the perimeter wall at Craigton Cemetery so that the convenient but unauthorised access was sealed.
- A routine inspection of the Ross Memorial incorporating the application of a hand test at various heights of the pediment in order to detect concerning movement would be a reasonable precaution.
- The absence of an active system of inspection to ensure the safety and stability of memorials in Glasgow cemeteries was a defect in Glasgow City Council's system of working which contributed to the death and accident.

3.6 It is accepted in the FAI that there is confusion as to the proper interpretation of industry guidance on safety management within cemeteries and methods of inspection of memorials to determine their stability and safety. It is further acknowledged there is an absence of Scottish guidance on safe cemetery management with particular reference to memorial safety.

3.7 As a result of the above, Sheriff Ruxton gave 3 recommendations as part of the FAI:

- 1) *I recommend that the Scottish Government issue separate guidance on memorial safety in cemeteries for use by local authorities throughout Scotland. Such guidance should include a category of advice on how to inspect large, traditional monuments such as the Ross memorial, as distinct from lawn memorials and other smaller structures. Given the potential danger posed by large leaning memorials, these should be given special attention and clear guidance issued as to the procedures for testing their safety and stability in order to assess whether there is concerning movement associated with such structures.*
- 2) *I recommend that Glasgow City Council reconsider their recent 2015 guidance on memorial inspection to take account of the issues raised in this Inquiry.*
- 3) *I recommend 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 the inspection of traditional memorials and, in particular, those whose centres of gravity are shifting from the vertical.*

3.8 Recommendations 1 & 3 have an impact on Renfrewshire Council and guidance is currently awaited from the Scottish Government. The Scottish Burial Benchmarking Group (SBBG) has been consulted on this guidance and Renfrewshire Council is a

member of the Scottish Burial Benchmarking Group and feeding into the guidance.

4. CURRENT ACTIONS BEING PROGRESSED

- 4.1 The Director of Environment & Infrastructure Services is currently procuring specialist external support to complete an inspection of all cemeteries in Renfrewshire, compiling an action plan of prioritised essential and desirable actions that will mitigate the risk posed by structures in cemeteries. It is anticipated that this inspection process will take around 4 months and be complete by the end of the year.
- 4.2 The programme of inspection across all Renfrewshire Cemeteries will have an initial focus on identifying and checking larger monuments and structures over 2m high and give priority to the most frequently used cemeteries when prioritising the programme of works required to mitigate any risks.
- 4.3 There is potentially a significant cost to undertaking the survey works required which is currently being determined. The cost of structural or safety works required will ultimately be determined by the findings of the programme of inspection, again likely to be a significant cost.
- 4.4 Initial inspection information and results will be recorded on the Council's corporate asset management system (CAMIS) to ensure that appropriate records are maintained and that a regular risk-based programme of inspection is developed and maintained.
- 4.5 Corporate Communications are involved to ensure that communications around these essential works are undertaken sensitively due to the emotive nature of cemeteries.

5. CURRENT POSITION IN RENFREWSHIRE

- 5.1 Renfrewshire Council currently has 9 cemeteries within the local authority boundary, however, it also has responsibility for older, closed cemeteries that were previously part of Church of Scotland grounds. These also have memorials and structures in place and are less frequently visited by Renfrewshire Council staff. There is no record of how many large memorials are in place within Renfrewshire Cemeteries and a visual check has been instructed.
- 5.2 All of Renfrewshire cemeteries (with the exception of Broomward Cemetery in Elderslie which opened in the early 1990's) contain large headstones and memorial structures that have the potential to pose a risk to visitors, staff and contractors. However, Hawkhead Cemetery in Paisley is the largest, busiest cemetery and attracts more visitors than any other cemetery in Renfrewshire. Therefore, applying the principles of the hierarchy of risk control, it would be prudent to start a formal

inspection and recording programme at Hawkhead Cemetery.

- 5.3 Alongside looking at operational and open cemeteries, it is recommended that the 11 closed churchyards within Renfrewshire are also inspected. The reason for this is that Renfrewshire Council has very little knowledge of the condition of memorials and structures in these sites as they are only visited infrequently to cut the grass during the growing season.
- 5.4 Renfrewshire Council undertakes an informal programme of inspection for memorials within the 9 cemeteries, where visual monitoring does result in hand tests being undertaken to memorials that are leaning/not vertical and where required, they are laid down to make safe. Where the memorials are particularly large, the Council uses mechanical means to safely lower the structure.
- 5.5 The current in-house developed software used for cemeteries and burial management is Enviro. This is life expired and is becoming obsolete and therefore a new system requires to be sourced and implemented that can support burial management. In relation to operationally recording and monitoring the structural safety, stability and integrity of monuments and structures in cemeteries however, the Council does have a corporate asset management system – CAMIS and it is intended that this be used to ensure compliance with ongoing inspections and works to ensure the structural safety and stability of all structures within the cemeteries.
- 5.6 Following the FAI, memorial safety in cemeteries was added to the Environment & Infrastructure Services Risk Register for 2018/19. It is intended that this remain on the Environment & Infrastructure Services Risk Register at least until the initial audit and review of monuments and structures in cemeteries is concluded and any resultant mitigating works carried out.

6. IMPLICATIONS FOR RENFREWSHIRE

- 6.1 In light of the need to take immediate action, a resource is currently being procured from specialist surveyors to formally inspect the cemeteries that the Council is responsible for, categorising the numbers and types of structures in terms of their relative risk and condition.
- 6.2 A formal programmed inspection regime is required to be implemented, with recording of findings retained. This will provide a formal record of findings.
- 6.3 This information will be used to develop an asset management database that includes recommended actions, priority response and recommended frequency of inspections to support the development of a compliance database covering relevant structures within cemeteries and their associated inspection regime.
- 6.4 CAMIS can be used to record the location, condition and relevant inspection frequency and results for structure and memorials with cemeteries. This would

ensure that the compliance regime for structures within cemeteries was held and managed within the overall corporate asset management approach rather than as a stand-alone system.

- 6.5 Due to size and visitor numbers, the formal inspection regime will start at Hawkhead Cemetery and initial inspections across all cemeteries will focus on identifying and checking memorials over 2m in height.
- 6.6 Surveyors will also be asked to ensure initial visits are made to closed cemeteries early in the programme as there is currently very little information available on the condition of these cemeteries and the types of structure that they contain.
- 6.7 Recommendations from the surveyors on the work required to ensure the health and safety of members of the public, employees and Funeral Directors will be prioritised in a similar way with the most urgent actions in relation to most at risk structures prioritised for immediate attention.
- 6.8 Costs for this work relate to a number of areas – some of which are one off and others are ongoing regular revenue costs:
 - i. the cost of the initial formal audit and inspection survey and advice
 - ii. the cost of essential / priority remedial and mitigation works – which may involve laying memorials flat or otherwise rendering safe
 - iii. the cost of developing and updating CAMIS to include these assets
 - iv. ongoing costs of formal inspection and compliance works
 - v. Training and development of personnel to conduct inspections
- 6.9 The detailed cost of the initial audit and inspection survey is being ascertained, it is anticipated that this will take 4 months to be undertaken fully, depending on the level of resource procured.
- 6.10 As well as inspections, suitable resources to undertake remedial action will be required e.g. making the memorials safe (machinery/lifting rigs etc).
- 6.11 Whilst Renfrewshire Council has health and safety responsibilities for cemeteries, the lairs are not the property of Renfrewshire Council, therefore the staff also require to contact the last known lair holder to advise of any work that requires to be undertaken in relation to their memorial.
- 6.12 Assistance will be required from Corporate Communications to look at signage for cemeteries/churchyards, press release, update web page with work etc. This is a particularly sensitive area of work and memorials and structures within cemeteries are an important part of the history of the community as well as of particular personal significance to families. The communications in relation to this work will be handled carefully.
- 6.13 Renfrewshire Council will continue to work with the Scottish Burial Benchmarking Group and Scottish Government as it works to produce consistent guidance to be

provided to Scottish local authorities with regards to memorial safety at cemeteries.

Implications of the Report

1. **Financial** – The procurement process has been initiated to allow the inspection regime to be undertaken. The costs for the inspections and any remedial actions are not currently known.
2. **HR & Organisational Development** – None
3. **Community Planning** –

Renfrewshire is safe – By undertaking a programmed inspection regime and resolving any issues, Renfrewshire cemeteries will be safe for anyone that enters including employees, visitors and Funeral Directors.
4. **Legal** - None
5. **Property/Assets** - None
6. **Information Technology** - None
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** – By undertaking a programmed inspection regime, Renfrewshire Council will ensure compliance with all Health and Safety legislation.
9. **Procurement** – The procurement process has been initiated to procure a specialist external contractor to undertake the inspections on behalf of Renfrewshire Council.
10. **Risk** – The requirement to have a programmed inspection has been placed on the Environment & Infrastructure Services Risk Management Plan for 2018/19.
11. **Privacy Impact** – None
12. **Cosla Policy Position** – None

List of Background Papers

- (a) Background Paper 1 – Fatal Accident Inquiry published on 22 January 2018.
- (b) Background Paper 2 – Letter from Scottish Government to Chief Executives – 17 May 2018.

The foregoing background papers will be retained within Communities, Housing and Planning Services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is the Communities and Regulatory Manager.

Author: Oliver Reid, Head of Communities & Public Protection
Email: oliver.reid@renfrewshire.gov.uk