

## **Special Report**

### **Memorial Safety in local authority cemeteries**

## Executive summary

### **General advice**

- Councils have an overriding duty to take, as far as reasonably practicable, measures to prevent injury or death from unstable memorials.
- Councils must balance the (sometimes slight) risk of injury on the one hand and the certainty of distress and outrage if memorials are laid down on the other.

### **Information**

- Councils should give public notice in advance of carrying out a general testing programme.
- Councils should notify individual owners of rights of burial that testing is to be carried out, unless records are out of date, or urgent action is required in the interests of health and safety.
- Councils should notify the owner of the right of burial, if known, if a memorial fails the test.
- A council should display, in the cemetery itself and on the council's website, lists of memorials which failed the test. Individual notices should be placed on or near a memorial which fails the test, giving the council's contact details and the period for making contact.
- Councils may offer demonstrations of their safety testing procedure to owners and interested members of the public.

### **Training**

- Personnel carrying out testing must be properly trained.

### **Risk assessment**

- Councils should have a system for assessing the risk posed by individual unstable memorials. Simply to lay down all memorials that move is inappropriate.

### **Survey**

- The maximum period between inspections should be five years.
- More frequent inspection may be required for individual memorials whose condition requires it, or generally where other factors dictate shorter periods.

### **Testing**

- Councils should have a testing policy.

### **Making memorials safe**

- Councils should have regard to alternatives to laying down if a memorial fails the test.
- A temporary support and warning notice is likely to cause less public outrage than laying large numbers of memorials flat.

- Laying down may be necessary but only to prevent a genuine hazard to health and safety that cannot be remedied by a temporary support.
- Temporary stabilisation for a reasonable period affords owners the opportunity to repair the memorials.

#### **Action after a memorial has been made safe**

- The principal responsibility for maintaining a memorial in a safe condition is that of the owner.
- In the absence of maladministration in the testing process, there is no obligation on a council to meet the cost of remedial work.
- Re-fixing, where necessary, should be carried out to an approved standard.
- We commend the practice of councils that establish hardship funds to assist owners who cannot meet some or all of the repair costs, and councils that pay for all repairs themselves in the interests of preserving the amenity of their cemeteries or where no responsible person can be found.