

Item no.

Report to: **Service Delivery Scrutiny Committee**
Date: **8th January 2007**
Report of: **Environmental Health & Licensing Manager**
Subject: **Revised Procedures for the Maintenance of Headstones and Memorials in Closed Churchyards**
Ward: **All**

1. Purpose of Report

- 1.1 To advise of proposals for the adoption of a revised procedure for fulfilling the Council's responsibility for the maintenance of headstones and memorials in closed churchyards.
- 1.2 This report is concerned with the safety of headstones and memorials in closed churchyards only. The wider element of closed churchyard maintenance is not contained within this report. The condition of pathways, walls, trees, edging and fencing are not taken into account in this report. These are important issues which will be the subject of further reports to Members in due course.

2. Consultation

- 2.1 We have engaged a consultant with the appropriate background to help examine our existing working procedures and identify shortfalls and options for improvements, from the Institute of Cemetery and Crematorium Management (ICCM). The Engineering and Countryside Manager and Health and Safety Manager were also consulted whilst compiling this report.
- 2.2 The Service Delivery Scrutiny Committee has considered previous reports on this issue and has consulted with representations from the public affected by previous procedures for maintenance in closed churchyards. The committee has also been actively involved in the development of the draft policy and revised operational procedure.

3. Background

- 3.1 Once churchyards cease to be used for burials, the responsibility for maintenance works can be legally transferred to the District Council. The Council is currently responsible for maintaining 10 closed churchyards within the District of Easington. This involves grass cutting, tree/shrub maintenance and making sure memorials/headstones, walls, fences, footpaths and gateways are in a safe condition.
- 3.2 A Council procedure for testing memorials was introduced in 2004 in response to national issues of deaths and injuries caused by headstones or memorials falling over. An inspection programme was implemented and any headstones found to be unstable were either 'pocketed' or laid flat in order to remove the hazard. Pocketing is the term used to describe the practice of resetting slab type headstones in concrete to keep them in an upright position. This is used wherever possible and laying flat is only used where

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pocketing is not practical. Approximately 200 headstones have been laid flat consistent with this procedure, plus approximately 50 pocketed.

- 3.3 A series of Service Delivery Scrutiny Committee meetings were held in late 2004 and early 2005. Members of the public attended these meetings and the committee also met Shotton residents at Saint Saviour's churchyard to consider in detail the concerns they had. The meetings examined policies and procedures in respect of works that had been undertaken in a number of closed churchyards but, in particular St. Saviours Churchyard in Shotton Colliery. The Committee made a number of recommendations that have been incorporated into the revised procedure and draft policy.
- 3.4 In March 2006 arising from a series of contentious cases nationally, the Public Services Ombudsman produced a Special Report which provided comprehensive advice to local authorities regarding best practice in dealing with memorial safety. This has given the Council an opportunity to review all its procedures against the delivered recommendations in the report. A summary of the Ombudsman recommendations can be found in Appendix 1.
- 3.4 Notwithstanding the issues raised through the Ombudsman report, Members have been sensitive to the emotive issue of laying headstones flat. There is an opportunity in reviewing the procedures to also reconsider this current policy.

4. Position Statement

- 4.1 There are two interconnected issues to consider here. The first relates to headstones and Members wishes regarding the approach to those that fail safety tests. The second issue, which would incorporate these views, is to consider the revised procedures overall.

a) Headstones

Testing this year took place in July. The number of headstones found that required remedial action has fallen dramatically since the first round of testing a couple of years ago. This year 18 headstones were identified as needing further testing and inspection. Of the 18 identified, 2 were laid flat.

The main options for headstones are as follows:

i) Limited Service meeting statutory obligations

This would involve providing a level of service that would satisfy the requirements legally and those contained in the reports from the Ombudsman and ICCM. It would secure public safety only and the onus on any repairs would rest with the relatives of the deceased and no funding or help with the costs would be provided by the Council. If the relatives could not afford or refused to make the memorial safe then the Council will make the memorial safe using the most appropriate and cost effective method

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available. This would mean, in most cases, laying the memorial flat indefinitely. Efforts would also be made to locate relatives to inform them of the measures.

ii) Enhanced Service exceeding statutory obligations

This would involve the Council taking responsibility for the repairs to any memorials in the closed churchyards that it maintains, this would entail where possible the council securing upright any headstones that have been laid flat already and any new memorial found to be unstable after testing.

This would not be possible for all memorials (eg those beyond repair), but would cover the majority.

This option would need to anticipate that 30 members of the public have already paid to have memorials repaired and therefore compensation arrangements may need to be considered.

Note should be made that whilst the Ombudsman report does emphasise that there is no obligation on Councils to carry out remedial work, it nevertheless commends those Councils that do pay for this work themselves or target assistance to relatives who cannot afford the repair costs.

b) Procedures

Appendix 1 details proposed revised procedures which are consistent with recommendations from the Ombudsman report and ICCM Guidance. The implications are as follows:

- A database is required to identify every headstone and memorial that the Council is responsible for within the closed churchyards in the District of Easington. This will enable the Council to build up a history of action that has taken place with regard to that headstone.
- Training of staff member to high standard. This training would be backed up by a programme to ensure that all staff performing the tests have the relevant certificate or course time required to execute the testing to the highest standard. This training will be monitored and refreshed over several years in order to provide evidence of good quality training.
- Photographic evidence of the headstone. Photographs should be attached to the file for that headstone/memorial detailing its current condition, any fractures or cracks etc, before and after and remedial works and repair. This evidence could prove vital if audited.

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- Communication with the public and notification of any relatives is also a key component of any new procedure. Trying to locate relatives is important and advertisement of any works should be as widespread as possible. This is especially relevant in Easington as the majority of records have been lost to floods in the 1980's.

4.2 Subject to approval it is proposed to implement the new procedures with effect from 1st April 2007.

5. Implications

5.1 *Financial*

5.1.1 The members have set aside £45,000 from reserves for the purposes of improvement in service delivery as a result of the Ombudsman's report. The breakdown of the finances, if the Council were to repair all headstones and memorials found to be at risk of falling, would be:

The following are the one off revenue costs to be met from the allocated reserves.

Consultation Fees	£ 1,000.00
Cost of Repair of Headstones	£20,000.00
Additional Training	£ 4,000.00
Additional Equipment	£ 6,000.00
Fieldwork and database establishment	£14,000.00
Total	<u>£45,000.00</u>

The numbers of headstones failing tests has significantly reduced. It is envisaged that the cost for further repairs can be delivered using existing budgets. Funding may be sought in the future is when the cost of repair of a specific memorial is found to be significant, then a one off project report may have to be submitted in order for the repairs to be completed.

5.1.2 The Local Authority's Tree Officer has identified a number of trees requiring attention in order to make them safe and if budgets allow then some of the capital costs will be awarded in order for this essential maintenance to be completed.

5.2 *Legal*

It is quite clear from the Ombudsman that having a policy and procedure in relation to this subject is paramount in order to reduce litigation risks.

5.3 *Policy*

This would replace the existing procedure that the Council has in relation to the safety of headstones and memorials in closed churchyards.

5.4 *Risk*

The procedures maintain safety levels at a high standard, but go further than existing practices in ensuring relatives, if possible, are fully involved and there are accurate records.

5.5 *Communications*

Communications with the general public will be implemented with the aims of achieving best practice and thus notifying as many appropriate people as possible about any works that the Council is wishing to undertake.

6. Corporate Implications

6.1 *Corporate Plan and Priorities*

This report links into the cleaner safer communities of the corporate plan and priorities.

6.2 *Equality and Diversity*

None

6.3 *E-Government*

None

6.4 *Procurement*

None

7. Recommendations

7.1 To agree on an approach for the maintenance of headstones and memorials that fail safety tests in closed churchyards and improving the recording of test results.

7.2 To agree the adoption of new improved best practice procedures as detailed in Appendix 1 which will be further revised to incorporate the above decision relating to level of service.

Background Papers/Documents referred to:

- (i) Report from Ron Dunn, Director of Training and Development for the Institute of Cemetery and Crematorium Management
- (ii) Memorial Safety in Local Authority Churchyards' Ombudsman Report 2006