

DUNDEE CITY COUNCIL

REPORT TO: Leisure and Arts Services Committee – 20 September 2004

REPORT ON: Dundee's Cemeteries – Policy Review

REPORT BY: Director of Leisure and Arts

REPORT NO: 565-2004

1.0 PURPOSE OF REPORT

- 1.1 To seek approval for a number of policy changes relating to the administration and operation of cemeteries in Dundee.

2.0 RECOMMENDATIONS

It is recommended that Members:

- 2.1 Approve the introduction of a Permission and Inspection regime for new headstones outlined in 6.1.1. This is based on the principle that permission for a new headstone would be granted for a maximum period of 30 years with regular safety inspections carried out by inspection staff.
- 2.2 Agree to the introduction of a Memorial Mason Registration Scheme as outlined in 6.1.2. This will ensure the integrity and safety of new headstones erected in cemeteries.
- 2.3 Agree to the introduction of a small grants fund to assist the public to repair their own dangerous headstones as outlined in section 6.1.3.
- 2.4 Agree to the adoption of a Charter for the Bereaved, as outlined in 6.2. This will provide for external assessment of the quality of the Council's Cemetery services.
- 2.5 Agree to the introduction of new and revised cemetery charges as outlined in 6.3.
- 2.6 Note the introduction of a new computerised cemetery records scheme as outlined in 6.4 and the development of a comprehensive IT system for enhancement of cemetery administration.
- 2.7 Agree to the creation of a memorial garden in Birkhill and Eastern Cemeteries for the erection of memorial plaques as outlined in 6.2.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The review of charges, including the effect of the one off charge for inspections of £95 (see Appendix 2) is anticipated to increase income by £17,000 in 2005/06 and £37,000 in 2006/07.

- 3.2 Implementation of the proposed new services will require additional provision of a Clerical Officer at an estimated cost of approximately £17,000 in a full financial year.

It is further proposed to temporarily utilise annual income from perpetuity fees to fund inspection and maintenance requirements related to the health and safety of headstones. The annual income from this source varies in line with activity levels and is approximately £70,000 per annum. Further income will be available from the revised charges. Expenditure in any year will not exceed the available income. It is further proposed to establish a small grants fund as resources become available, upto a maximum allocation of £5,000 per annum.

4.0 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The recommendations reflect a positive contribution to the Local Agenda 21 theme 'access to facilities, services, goods and people is not achieved at the expense of the environment and is accessible to all' and 'local needs are met locally'.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 The report will assist in the provision of access to facilities and ensure that there is a safe and appropriate environment for all in relation to cemetery visits and bereavement.

6.0 MAIN TEXT

Reference is made to Report No 820-2003, which was agreed at the Leisure and Arts Services Committee of 15 December 2003, which highlighted the problems that the Council is encountering in terms of dealing with mainly older headstones. As a result of health and safety issues and concerns over costs and control of activities in cemeteries balanced by the need to deliver a dignified and customer focused service, a comprehensive review of cemetery operations and administration was undertaken.

The objectives of the review were to:

- (1) Identify a process of how best to deal with existing dangerous headstones and to prescribe an approach, which ensured longterm safety of headstones through a combination of limited permission for the erection of headstones, a quality framework and standards for memorial masons and other contractors in cemeteries and encouraging owners to take direct action with their own headstones.
- (2) Seek to improve cemetery services and to be more responsive to the public requirements.
- (3) Modernise the current recording mechanisms through the development of IT.
- (4) Review the current cemetery charges with a view to ensuring a sustainable and cost effective service.
- (5) Review current administration and operational procedures to deliver an efficient but more streamlined process.

6.1 Headstone Safety and Quality Framework for Cemetery Works

In terms of Section 2 of the Health & Safety at Work Act 1974 the Council has to ensure as far as reasonably practicable, the health, safety and welfare of employees and other persons working or visiting a cemetery. There is a recent history of accidents involving both new and old headstones in other authorities and in order to prevent the situation occurring in Dundee the Leisure and Arts Department are currently inspecting all headstones and taking remedial action.

The Council has over the last few years spent in excess of £100,000 in the making safe of dangerous headstones, which are strictly speaking under the ownership of the lair or headstone owner. In order to reduce the risk to both employees and the public and to ensure the integrity of the work taking place in the Council's cemeteries is to the highest standard (noting that initial inspections by the inspection team have shown that even relatively new headstones have failed basic topple test), the following initiatives are recommended.

6.1.1 Permission and Charge for Erection of New Headstones

At present as long as the headstone size meets the requirements of the Cemetery Management Rules then the headstone can be erected and be in place in theory for perpetuity. Much but not all of the concern is centred around headstones which have been in location for many years. To protect the Council's position it is proposed that permission will only be granted for the erection of a headstone subject to it meeting the standard and conditions outlined below and as outlined in 6.1.2 and that this be granted on the basis of an initial 30 year period.

Once the 30 year period elapses there would be the option of seeking an extension of the permission for a further period of 30 years for a fee equivalent to the inspection fee at that time. However at the end of the 30 year period when the permission has expired with no extension it would not be the immediate intention of the Council to remove the headstone unless it was in a dangerous condition.

The headstones erected would be inspected by the Department to ensure that all standards are met. Key information would be recorded in the Council's database on headstones. The headstone would then be inspected every 5 years and the owners advised by letter of any concerns. It would be the headstone owner's responsibility to ensure that any works required are undertaken at the owner's expense. The Council would have the right to remove any dangerous headstone.

A one off fee proposed at £95 would be charged with the initial application. This replaces the existing charge of £41 and £78 and would include the initial permission and administration, marking off, inspection and subsequent inspections and notices. The fee would not include provision for the excavation of foundations, or for the erection or maintenance of headstones.

The income raised from fees charged would be held in a reserve and credited to the revenue account at five yearly intervals, with an emphasis in the initial year to cover the majority of the administrative work and initial and post maintenance inspections. The future flow of income will coincide with future inspections. It is anticipated that £9,000 will be generated in the first full year of operation.

Report 820-2003 agreed to an immediate plan of action and remitted the Director of Leisure and Arts to review current arrangements and report back to this Committee. Since April 2004 a pilot scheme involving temporary inspection officers has been conducted to assess the scale of the inspection task. Additional inspection staff will be required to implement the inspection process in the future. Inspection staffing requirements will be identified in a report on the assessment of the pilot project.

Currently the Perpetuity Fee (£292) is a one off charge to cover the maintenance of the purchased ground for the life of the lair. Fees received are normally invested in a secure fund, the annual return from which contributes to the cost of maintenance of cemeteries. It is proposed that for a temporary period, of upto five years, perpetuity fees collected are retained and utilised to contribute towards the cost of the inspection and maintenance process. This will preserve the existing fund to continue to provide an annual return and will allow the release of funds to ensure that health and safety issues related to headstones can be addressed.

It is recommended that the Council introduce the new 30 year permission period with a fee of £95 together with the follow up inspection regime.

6.1.2 Registration Scheme for Memorial Masons

Initial inspections have identified that a number of relatively new stones have been poorly fitted and are in an unstable condition. In order to ensure that all standards are met in the erection of headstones it is proposed that Memorial Masons wishing to erect or repair a headstone in the City's cemeteries must be registered on the Council's Memorial Headstone Registration Scheme. The scheme outlines minimum standards and a specification for the erection of headstones. The system is used very successfully by other authorities in controlling the quality of work and hence contribute to reducing the risk of dangerous headstones. The draft scheme is attached as Appendix 1. It is recommended that such a Scheme is introduced by the Council.

6.1.3 Consideration for Small Grants Scheme for Dangerous Headstones

It is recommended that consideration be given to a Small Grant Scheme where any headstone owners whose headstone has been identified as dangerous and requires repair can apply for a grant to the Council. A requirement would be that a registered memorial mason would carry out any works on the stone, and the work would have to meet the standards laid down in the Councils Registration Scheme. (See Appendix 1)

The treatment of dangerous headstones has proven costly for the Council to date. Through the Small Grant Scheme the potential long-term costs to ensure a safe burial, will be reduced with the headstone owners paying for the majority of the costs as opposed to the Council.

It is proposed that a Small Grant Scheme is introduced which permits the headstone owner to apply for up to 50% of the cost of the stone repair up to a maximum of £45 per stone. An initial allowance of £5,000 per annum can be met from the income generated by the review of charges detailed at 6.3.

6.2 Enhancement of Cemetery Services

In order to evaluate service delivery and quality it is proposed that the Council adopts the nationally recognised 'Charter for the Bereaved'. This provides best practice advice on provision of cemetery services and an external validation and assessment of that provision. The Charter is attached at Appendix 3.

Further to this and following a number of enquiries from the public to place plaques in cemeteries for relatives who have been cremated, it is proposed that specific memorial gardens are developed to a high standard within the Eastern and Birkhill Cemeteries to accommodate this request. The development would be funded from any bequests and a charge for the display of the placement of the plaques. It is recommended that the charge for the placement of a Memorial and Plaques is £225 which includes administration, the wording and fixing of the plaque in place and the planting of an appropriate tree or shrub.

6.3 Review of Charges

A comparison of charges with urban and other Scottish authorities shows that Dundee City Council charges are below the average for urban Councils as well as the average for all Scottish Councils. This is described in Appendix 2. An analysis of the costs of the burial service has established that income from charges does not fully provide for the burial service

The increased charge will more fully reflect the cost of providing all aspects of the service. It is proposed to remove the surcharge relating to those residing outwith the city on the basis of the number of applications and that in most cases the individual has a past connection with Dundee and/or resides close to the boundary at Birkhill.

The current and proposed charges are listed overleaf.

Review of Charges		Current Charges	Proposed Charges
		£	£
Interment Fees			
Semi Private Ground	Under 12	71	80
	Over 12	141	160
Purchased Ground	Under 12	112	125
	Over 12	250	285
Cremated Remains		71	80
Purchase of Ground			
Half Lair (Cremated Remains only)		347	360
Full Lair		531	550
Other Charges			
Transfer Rights of Burial		0	12
Copy of Certificate		0	35
Internment of Still born Children		0	0
Permission to Scatter Ashes		21	21
Researches		£21 per hour	£12 per ½ hour (first ½ hour free)
Permission to erect Monuments and Inspection Fee		41/78	95
Planting of Lair		24	24
Placement of Memorial plaques (in new memorial gardens)			225

The above revised charges will be introduced with effect from 1 April 2005. It is further proposed that a further 15% increase is applied to interment fees from 1st April 2006.

6.4 **Computerisation of Records and Cemeteries Administration**

- 6.4.1 The current headstone inspection scheme required a significant volume of detailed administration to adequately sustain the operational aspects of the process. There are opportunities to streamline the burial process taking advantage of the benefits of developing the information technology available. With the additional workload relating to the administrative element of the inspection process for new headstones and taking cognisance of the development of computer systems, it will be necessary to employ an additional member of staff to assist in this process
- 6.4.2 The Department in conjunction with the Information Technology Department have developed an existing system to record the details of headstone inspections and extend the capability to record data relating to current and historical burial and cemetery data. The improved system will assist with the administration of the new Inspection Scheme and in addition streamline the burial process to enable a more effective operation.
- 6.4.3 The Department currently utilise Indemnity Forms where original Registry Certificates can be provided. However, the practical value to the Department of these forms is limited. Therefore, it is proposed that a "Transfer Rights of Burial" form is introduced to replace the Indemnity Form, for which a charge of £12 will be introduced. In addition, copies of original Certificates will be generated from the information in the expanded database and provided at an additional charge of £35 per copy. The provision of copy Certificates has involved a labour intensive process until now and it is anticipated that this service will be taken up more readily than in the past. It is estimated that at current activity levels, £5,000 per annum will be generated.

7.0 CONSULTATION

- 7.1 The Chief Executive, Depute Chief Executive (Finance), Depute Chief Executive (Support Services) and Assistant Chief Executive (Community Planning) have been consulted on this report and are in agreement with its contents. Consultation has been undertaken with Memorial Masons and Undertakers.

8.0 BACKGROUND PAPERS

- 8.1 The following Background Papers were relied upon in the preparation of this Report.
Article III of the Leisure and Arts Services Committee of 15 December 2003 – Report Number 820-2003.

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DIRECTOR OF LEISURE and ARTS
28 JULY 2004

Appendix 1

Dundee City Council Leisure and Arts Department

Dundee City Council Memorial Headstone Draft Registration Scheme.

This document gives the minimum standard, which will be expected of any memorial mason working in any of the cemeteries under the control of Dundee City Council.

The memorial mason is acting as an agent for the family and is working on ground owned by Dundee City Council and managed by the Leisure & Arts Department (DCC L&A). The memorial mason has a duty of care to manufacture, supply and erect a monument in accordance with regulations set down by Dundee City Council. Therefore any instability due to poor workmanship or failure to comply with codes of practice will be the responsibility of the memorial mason.

Dundee City Council Leisure & Arts Department Cemetery Headstone Memorial Regulations.

1. In all cases the memorial mason will comply and be registered with Dundee City Council Memorial Registration Scheme and also be a member of the National Association of Memorial Masons (NAMM). Dundee City Council also requires all accredited masons to have proof of public liability insurance to a minimum value of £5million.
 - As members of NAMM memorial masons will be fully conversant with the approved fixing methods as laid down by the industry accreditation body.
 - The accredited fixing method will depend on the type of stone and the height and type of memorial.
 - The applicable fixing method is detailed in the NAMM Code of Working Practice and its appendices and allied publications. Any checks made by Dundee City Council Leisure & Arts Department will be to these standards.
 - Where required under the NAMM Code of Practice ground anchors and fixings will be utilised if the category/type of memorial requires it.
 - All accredited memorial masons will lodge generic risk assessments and safe working practices for the installation of memorials with DCCL&A. Any large or special memorials will require specific risk assessments and working practices before any work is carried out.
 - Memorial masons will be required to submit to DCCL&A applications for permits to work with clear statements of intent to carry the work out. This is to enable DCCL&A staff to check the workmanship if required.
 - The memorial mason will give a written guarantee to the family of 30 years for fair wear and tear. If in any case the guarantee is to be less then the right to erect a memorial will reflect this reduced timescale.
 - The memorial mason will offer an insurance scheme to the family for the erected memorial for unexpected damage i.e. vandalism which may or may not be taken up by the family.
2. Dundee City Council Leisure and Arts Department will supply the following to enable the installation of an approved memorial.

- A headstone border which is suitable and sufficient for the installation of a headstone foundation.
- A marked area giving the location of the headstone to enable accurate installation.

N.B. The NAMM code of practice edition in use must be the latest version (*at the time of writing the version is revision 1st September 2003*).

Bibliography:

*National Association of Memorial Masons Code of Working Practice
Revised 1st September 2003.*

The National Association of Memorial Masons Memorial Specification Guide.

Appendix 2

CEMETERIES REVIEW OF CHARGES

1 COMPARISON OF CHARGES

	Dundee City Council	Angus Council	Fife Council	Perth & Kinross Council	City of Aberdeen Council	City of Edinburgh Council	Glasgow City Council
	£	£	£	£	£	£	£
Purchase of Lair	531*	368	217	500	573	676	561
Interment (Adult)	250**	382	228	525	372	591	460
Interment of Ashes	71	122	63	120	87	132	145

Charges are stated as at April 2004.

*Dundee City Council charge includes Lair Purchase £204, compulsory Perpetuity Fee (which provides for future maintenance charges) £292 and charge for Title Deed £35.

**The interment Fee for Dundee City Council includes a charge for an extra depth which in the main is included in other authority charges.

- 1.1 Comparison of the prices above show that the interment charges levied are significantly below that of other Councils, with the exception of Angus and Fife Councils. Dundee City Council is below the average for both urban Councils (£418) and for all Scottish Councils (approx £300). Dundee Crematorium charges range from £375 for a cremation and from £1,000 for the interment of ashes in the grounds of the crematorium.
- 1.2 The current cost of a burial is significantly greater than the fees charged. Therefore it is recommended that the headline Interment Fee be increased by £35 to £285 from April 2005, with an increase of £30 in April 2006, to reflect the Scottish urban average and better reflect the real costs of the service. Related charges have been varied accordingly. .
- 1.3 There are currently premiums for Saturday or Statutory Holiday working and reductions for the burial of children under the age of twelve. These variations currently apply at different rates depending on the charge. It is recommended that these variations to the normal charges be made consistent on the basis of a discount of 50% for the burial of a child under 12 and a premium of 60% for a burial taking place on a Saturday or on a statutory holiday.
- 1.4 Current charges for enquiries are stated at £21 per hour. However, there is no income raised from this source. It is proposed that the charge be reduced to £12 per half hour with the first half hour free. This service acts as a source of information of relevance to the inspections project. If a blanket charge was introduced it is predicted that this information source would be compromised. The number of enquires and time taken to reply will be recorded and reviewed after 6 months.
- 1.5 The existing charge for disinterment of a body is based on 150% of the charge of the original interment. It is proposed that the charge for disinterment of a stillborn child in semi-private ground, (for which interment there is currently no charge), is based on the interment fee for a child in semi-private ground (currently proposed at £95).

2 PROPOSED CHARGES

Listed below are the current and proposed charges following the review of charges.

Review of Charges		Current Charges £	Proposed Charges £
Interment Fees			
Semi Private Ground	Under 12	71	80
	Over 12	141	160
Purchased Ground	Under 12	112	125
	Over 12	250	285
Cremated Remains		71	80
Purchase of Ground			
Half Lair (Cremated Remains only)		347	360
Full Lair		531	550
Other Charges			
Transfer Rights of Burial		0	12
Copy of Certificate		0	35
Interment of Still born Child		0	0
Permission to Scatter Ashes (Recording of details)		21	21
Researches		£21 per hour	£12 per half hour (first half hour free)
Permission to erect monuments and Inspection Fee		41/78	95
Planting of Lair		24	24
Placement of memorial Plaques (in new memorial gardens)		0	225

**Appendix 3
Leisure and Arts**

Extract from Charter for the Bereaved

<u>Subject</u>	<u>No</u>	<u>Right</u>
Burial procedure	1	You have to have the right to organise and conduct a burial in a dignified and orderly manner, supported by competent, professional and caring cemetery staff.
	2	You have the right to inspect statutory cemetery records by appointment & free of charge
	3	Charter Members will continually work towards improving facilities for mourners at cemeteries
Grave choice	4	You have the right to purchase the "Right of Burial" in a grave for a period not exceeding 100 years. (This Right sometimes includes placing a memorial).
	5	You have the right to purchase the "Right to Erect & Maintain a Memorial" on a grave for a period not exceeding 100 years. (If not included in the Right of Burial).
	6	You have the right to be buried in an unpurchased grave.
Cemetery memorials	7	You have the right to place and maintain a memorial within constraints of regulations in force or to leave the grave unmarked.
	8	You have the right and responsibility to maintain the memorial upon a grave during the period of memorial rights granted to you, or any extension made to this period. The memorial cannot be disturbed or moved during this period without your permission, unless it poses a safety hazard. The safe erection and maintenance of the memorial is your responsibility during the period of the rights.
	9	Except where Charter members are the sole suppliers of memorials, you have right to use any memorial mason of your choice, provided that the Charter member does not prohibit them.
Baby and infant graves	10	It is your right to be offered an individual grave for a baby or infant. If this grave is "private", your rights and period of grave ownership will be defined. Permission to place a memorial in accordance with the regulations in force will be given.
	11	It is your right to be able to purchase an adult grave for the burial of a baby or infant, with sufficient depth remaining to allow adult burials.
Burials in private land	12	It is your right to receive factual information on burial in private land from your Charter member.
Cremation procedure	13	You have the right to organise and conduct a cremation in a dignified and orderly manner by competent, professional and caring crematorium staff.
Cremated remains and memorialisation	14	You have the right to inspect the crematorium under normal working conditions.
	15	It is your right to be offered a Book of Remembrance, set in a Hall of Remembrance. You must also be offered a designated place for floral tributes.
Ceremonies and belief	16	It is your right to hold a burial service at a cemetery or crematorium
	17	It is your right to define the type of religious or secular format of the service, within the constraints of time & decency.
	18	It is you right to define the type of music or other ceremony you wish to have at the service
Coffins and alternatives	19	It is your right to choose the type and design of coffin, within the constraints of availability, regulations and safe materials.

<u>Subject</u>	<u>No</u>	<u>Right</u>
	20	It is your right to receive information on obtaining a coffin (biodegradable type) via your Charter member.
<i>Communication</i>	21	It is your right to receive a prompt response to any form of communication with a Charter member, within the published service standards.
	22	It is your right to be given a table of fees upon request.
<i>Environmental issues</i>	23	You have the right to be made aware of all known environmental issues relating to bereavement services. Information will be available through this Charter and by direct contact with you local Charter member
<i>Social and community aspects</i>	24	It is your right to receive a service that recognises your needs, without unfairness or discrimination.
<i>Funerals without a Funeral Director (independent funerals)</i>	25	It is your right to organise a funeral without the use of a Funeral Director.
	26	It is your right, as executor (or next of kin) to be given the body by a mortuary, hospital, etc. in order to carry out a funeral without a Funeral Director.
	27	It is your right to obtain information from your Charter member on how to obtain a coffin (minimum biodegradable type)
	28	It is you right to obtain a Family Arranged funeral leaflet from your Charter member describing how to arrange such a funeral.
<i>Maintenance of grounds and grave digging</i>	29	It is your right to be shown a specified standard of grounds maintenance. Where standards fail to meet the specification, you have the right to complain.
<i>Health & Safety</i>	30	It is your right to enter a cemetery that is, as far as reasonably practicable, without risk to your health & safety.
	31	It is your right to be shown a copy of the authorities health & safety policy, risk assessments and procedural documentation on request.
	32	It is you right to be shown a copy of the authorities policy relating to the inspection, testing and making safe of memorials.
<i>Regulations</i>	33	You have the right to be given a list of regulations used by your Charter member.
	34	You have the right to be given a written explanation why a particular regulation has been used to restrict or otherwise influence your rights. Where you remain dissatisfied, you can utilise the grievance procedure set out in the Charter.
<i>Staff and expertise</i>	35	It is your right to receive a quality service provided by trained and/or qualified staff. Where service standards fail, you have a right to question the level of expertise shown and to receive assurances regarding the ability of those involved.
<i>Inspection</i>	36	It is your right to be offered an inspection of burial facilities or records at any reasonable time.
	37	It is your right to be given a copy of the "Guiding Principles of Burial and Cremation Services" or the "Code of Cremation Practice" by your Charter member.
	38	It is your right to inspect burial registers free of charge at any reasonable time.