

DUNDEE CITY COUNCIL

REPORT TO: Leisure and Arts Services Committee – 15 December 2003

REPORT ON: Treatment of Cemetery Headstones

REPORT BY: Director of Leisure and Arts

REPORT NO: 820-2003

1.0 PURPOSE OF REPORT

1.1 To inform the Committee of the current situation regarding dangerous headstones in cemeteries and give options to resolve the public safety issues that dangerous headstones present in the Eastern, Balgay, Barnhill and Western Cemeteries.

2.0 RECOMMENDATIONS

2.1 Note the current situation as outlined in this report.

2.2 It is recommended that agreement is given to an immediate plan of action including:

- In the event of a situation where an immediate public safety issue is identified that the offending headstone is laid flat or set in the ground.
- That a comprehensive survey on all susceptible headstones is carried out and that, depending on the risk category, the respective action outlined in 6.2 and Appendix 1 is taken.
- A temporary memorial safety team to carry out inspection of headstones and implement any actions is created as outlined in 6.5.1.
- That approval is given to spend the balance of the capital monies of £3,800 identified in 2003/04 budget for the purpose of dealing with additional headstones which have been identified as dangerous. This work to be carried out by the lowest tenderer agreed within report no 534-2003 A & J Robertson (Granite) Ltd, Aberdeen. In addition that the offer from Teleshore UK Ltd of £4,500 for the purchase of inspection equipment and safety gantry be approved. This can be funded from the balance of this allowance.
- The Director of Leisure and Arts to be remitted to erect appropriately worded and clear public information signs at main entrance to the cemetery.

2.3 Remit the Director of Leisure and Arts to investigate enhanced security proposals for the City's cemeteries, and to report back on this.

2.4 Remit the Director of Leisure and Arts to review current administration and funding and maintenance of cemetery provision and report back on this.

3.0 FINANCIAL IMPLICATIONS

3.1 There is an allowance within the 2003/04 Leisure and Arts Capital Programme for the purchase of inspection equipment and mobile gantry and additional works at a cost of £4,500. Insurance Risk Management Section is to fund 50% of the purchase price of this equipment. Also an extension to the contract with A & J Robertson (Granite) Ltd, Aberdeen to treat additional identified dangerous headstones at a cost of £3,800 will be carried out.

- 3.2 The initial cost of the employment of a team for survey works and subsequent action is estimated at £35,000 for 6 months and can be contained within the Leisure & Arts Department current project level of revenue expenditure.

4.0 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 None

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 None

6.0 MAIN TEXT

6.1 Introduction

- 6.1.1 Recent incidents in other authorities have brought in to focus the dangers presented with particularly older and larger headstones in cemeteries. In most of the cemeteries in Dundee, with the exception of Birkhill, there are large number of old and very tall and bulky headstones with a concentration at the Barnhill Cemetery, Eastern Cemetery, Balgay Cemetery and Western Cemetery.

- 6.1.2 In the last 10 years the Institute of Cemetery and Cremation Managers (ICCM) have advised of 6 deaths caused by dangerous headstones in cemeteries, with a number of authorities reportedly receiving both prohibition and improvement orders following accidents and inspections by the Health & Safety Executive.

- 6.1.3 Some of these hazards, due to their age, size and condition present a public safety hazard and a recent spell of vandalism at the Eastern Cemetery has increased the problem and highlighted the need for a resolution to the situation.

- 6.1.4 The purpose of this report, therefore, is to outline the responsibility of the authority and provide options on the way forward. At this stage the Council's insurers "Zurich Municipal" are in the process of carrying out an initial review of the situation with the inspection of a sample of the headstones. From this it is hoped that a clearer indication of the size of the problem can be identified.

6.2 Responsibility

- 6.2.1 Primary responsibility for health and safety in cemeteries lies with the burial authority. Under Sections 2 and 3 of the Health & Safety at Work Act 1974, the Council has to ensure as far as reasonably practical, the health, safety and welfare of their employees and other persons working or visiting the cemetery. In addition the Management of Health & Safety at Work Regulations 1999 require all employers to assess the risks to employees and non-employees, which arise out of the employers undertaking. Burial authorities are therefore under a legal duty to assess the risk from the following:

- All plant and machinery
- Structures (including memorials)
- Work activities carried out in the cemeteries and ensure the risk is controlled

While burial authorities have an overall responsibility for safety within cemeteries including any risk attached to unstable memorials, it is often likely the owners will be the family of the deceased. They also, as owners of the headstone, will have a responsibility for maintenance of the headstone. However in many cases the owners cannot be traced.

- 6.2.2 Except for the situations of immediate danger burial authorities in England and Wales are prohibited from taking direct action to remove unsafe memorials without following the

procedures as laid down in the Local Authorities Cemeteries Order 1977 (LACO). In Scotland burial authorities operate under the Burial Grounds (Scotland) Act 1855 but LACO is used as a good practice guide. This involves posting notices and seeking permissions where reasonably practical.

6.3 Existing Works within Capital Programme 2003/04

At the present moment a tender was approved at the Leisure and Arts Service Committee of 18 August 2003 where £21,120 was agreed to be spent on a schedule of making safe a number of headstones at the Eastern Cemetery.

There remains an allowance of £8,000 in the 2003/04 Capital Plan. The proposal for the balance of the expenditure is outlined in 6.5.2.

6.4 Proposed Action in Dealing with Dangerous Headstones

The following actions are recommended in respect of dealing with dangerous headstones: -

- **Survey and Testing of Susceptible Headstones** – Notwithstanding the results from the survey conducted by Zurich Municipal, it is proposed that all susceptible headstones are comprehensively surveyed and tested to determine if a risk exists. Each headstone will be categorised depending on the risk that they present, i.e. 1 – High, 2 – Medium, 3 – Low. Appendix 1 outlines the criteria and proposed action for each category.
- **Dealing with those Headstones which Present an Immediate Risk** – Where a situation presents an immediate danger and a high health and safety concern to the public or employees then it is proposed that the area be fenced off or, if necessary, close part of the cemetery and immediately take steps to make the headstone safe. This will include setting the headstone flat or setting into ground. Due to the time constraint consultations with the headstone owner will not always be initially possible. The method deployed will depend on the size of the stone.

6.5 Resourcing the Proposed Action

6.5.1 Employment of a temporary Memorial Safety Team for inspections and making safe stones

It is proposed that a temporary Memorial Safety Team is employed to undertake the inspection, testing and action any work identified with the headstones. The team would consist of 3 staff employed for an initial period of 6 months. The situation will be evaluated throughout the period of the work. In addition to staff costs resources will be required for transport and materials.

The priority of the team will be to undertake the survey and tests and, where there is a high risk, make the stones safe. The objective will be to complete the survey work of headstones in all cemeteries and formulating a costed action plan.

The estimated cost of resourcing this option is £35,000. There is provision within Leisure and Arts Revenue Budgets for this work.

Subject to the agreement of this survey it is recommended that, as part of the evaluation of the team's work the Director of Leisure and Arts be remitted to bring back a further report related to the performance of the team and any further implications from the survey works.

6.5.2 Additional Capital Works 2003/04

As part of the proposal outlined in 6.5.1 it is proposed that specialist equipment is purchased to assist in the cemeteries. A specialist supplier has been approached and memorial stability checking equipment and a mobile gantry with lifting gear to assist with making safe have been demonstrated and found to be suitable for the purpose. The cost is £4,500. 50%

of the cost will be funded from the Insurance (Risk Management) budget. This equates to £2,250.

Training in the safe and effective use will be carried out on site as part of the purchase. Certification will also be issued. It is proposed to include existing cemetery staff within the training programme.

In addition it is proposed that the balance of the allowance for cemetery headstones of £3,800 is used to fund the treatment of additional dangerous stones in other cemeteries and add the works to the existing contract. It is recommended that a variation order to the current work undertaken by A & J Robertson (Granite) Ltd, Aberdeen, as agreed by this Committee through report number 534-2003, is made.

6.5.3 Signage and Public Awareness

It is recommended that the Director of Leisure and Arts erects appropriate signage for cemeteries ensuring that the public are aware of the dangers and risk of headstones. This can be contained within the existing revenue budgets.

6.6 **Security Issues**

6.6.1 Recent incidents of vandalism, particularly at the Eastern Cemetery, has identified the need to review security of the cemetery. Suggested action, where applicable, includes the enclosure of the cemeteries so that they can be better controlled as far as reasonably possible outwith normal working hours.

6.6.2 The suggested action includes:

- Evaluation of costs for the enhancement of fencing, walls and railings at Eastern Cemetery
- Review of the enclosures at Balgay and Western Cemeteries to evaluate whether measures can be taken to re-introduce railings.

It is noted that Barnhill Cemetery is fully enclosed and has not suffered from significant vandalism. Birkhill, due to its location, has not suffered from vandalism.

6.6.3 It is recommended that the Director of Leisure and Arts be remitted to investigate the financial implication of treating Eastern, Balgay and Western Cemeteries and report back on the findings.

6.7 **Future Consideration**

6.7.1 The problem being encountered in many Local Authorities has derived from the situation regarding perpetuity of rights to place a headstone with little or no inspection regime thereafter.

6.7.2 In order to prevent a problem for the future, and taking into account that any size of a stone has the potential to become dangerous, it is recommended that the Director of Leisure and Arts reviews current practice with a view to bringing forward proposals which will ensure the future safety of headstones.

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.

8.0 BACKGROUND PAPERS

- 8.1 Local Authority Cemetery Order 1997 (LACO)
ICCM – Code of Safe Practices for Cemeteries
ICCM – Model Memorial Mason Registration Scheme

**STEVE GRIMMOND
DIRECTOR OF LEISURE AND ARTS
13 NOVEMBER 2003**

APPENDIX 1

PRIORITY	CRITERIA	PROPOSED ACTIONS AND RESPONSE TIME
1	Immediate and present danger	These to be dealt with immediately with area made safe and public excluded
2	Movement within the industry parameters draft See below	Post signages and review on a 12 monthly basis
3	OK	No action

Industry parameters formulated by, in the Management of Memorial Guidance outline method of testing stones. This method which is recognised by the Health and Safety Executive will be used in determining criteria.

The condition of all stones together with relevant information will be recorded on a cemetery database.