ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY

Date of Meeting	Tuesday, 12th December 2023
Report Subject	Unsafe Memorials in Flintshire Cemeteries
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Streetscene and Regional Transport Strategy
Report Author	Chief Officer, Streetscene & Transportation
Type of Report	Operational

EXECUTIVE SUMMARY

Bereavement Services currently manage 15 cemeteries and 8 closed church yards located throughout Flintshire. Within these cemeteries, the council undertakes approximately 400 interments annually, both full body and cremated remains.

The service is responsible for approximately 20,000 memorials of varying shapes and sizes. To comply with the Local Authorities Cemetery Order 1977 (LACO) and under the Ministry of Justice guidance on “Managing the safety of Burial Ground Memorials”, Flintshire County Council (FCC) has a duty to maintain its burial grounds in good and safe order.

To ensure compliance, we currently test all memorial gravestones (“memorials”) within our cemeteries once every three years to ensure safety and stability. Unsafe memorials are gravestones that have become loose or unstable and pose a risk of injury to visitors or our employees and any memorials that fail the testing process are temporarily supported by wooden stakes and the grave owners are contacted (where known) to request that they undertake a permanent repair.

A combination of the absence of records and/or absence of surviving family members willing to undertake the repairs and maintenance on memorials has resulted in approximately 700 memorials within Flintshire’s cemeteries being deemed to be structurally unsafe. Whilst these memorials continue to be supported by wooden stakes, a permanent solution has yet to be implemented. In addition to unsafe memorials, kerb sets within the council’s older cemeteries are also falling into disrepair, resulting in potential trip hazards.

The purpose of this report is to seek support and approval for an alternative and permanent method of making the memorials safe, if the memorial is not repaired by the registered grave owner, as well as the making safe of any kerb sets that have become detached from the main structure of the grave.

RECOMMENDATIONS	
1	That Scrutiny supports the proposal to adopt the “digging in” method to stabilise those memorials deemed to be structurally unsafe when the grave owners cannot be traced. This approach will address the ongoing health and safety risk associated with unsafe memorials that only currently receive a temporary short-term fix.
2	That Scrutiny supports the proposal to address unsafe kerb sets by repositioning all kerb sections within the structure of the grave – either above or below the surface depending on the presence of a concrete slab foundation.

REPORT DETAILS

1.00	EXPLAINING THE BACKGROUND TO SAFETY CONCERNS FOR MEMORIALS IN FLINTSHIRE CEMETERIES
1.01	Bereavement Services currently manage 15 cemeteries and 8 closed church yards located throughout Flintshire. In addition, the service also has 2 gardens of remembrance located at Hawarden and Kelsterton, a dedicated child and baby memorial at Kelsterton cemetery and a woodland / natural burial area also located at Kelsterton cemetery.
1.02	Within the cemeteries, the council undertakes approximately 400 interments annually, both full body and cremated remains. A list of burial locations has been provided below for information: -

Cemetery	Closed Churchyards
Bagillt	Ddol Chapel, Afonwen
Bryn Road, Connah’s Quay	Ffordd y Llan, Cilcain
Buckley	Old Churchyard, Halkyn
Flint - London Road	St James, Holywell
Flint - Northop Road	St Peters, Holywell
Greenfield No 1	Trelawnyd
Greenfield No 2	Tyddyn Street, Mold
Hawarden No 1	Vownog Road, Sychdyn
Hawarden No 2	
Holywell	
Hope - Bryn y Grog	
Hope - Old	
Kelsterton	
Rhewl	
Treuddyn	

1.03	The management of cemeteries is, in the main, covered by the Local Authorities Cemetery Order 1977 (LACO). Whilst there is no statutory duty placed upon the authority to provide burial space for any specific community or religious group, if the council exercise its powers to provide burial space, the LACO and the Ministry of Justice guidance on “Managing the Safety of Burial Ground Memorials” places a duty upon the authority to maintain its burial grounds in a

	good and safe condition. According to the Ministry of Justice, the risk of any injury from an unsafe memorial is extremely low, but it should be managed in a sensible and proportionate way.
1.04	Some of the factors that can cause memorials to become unsafe include weathering, vandalism, ground movement, poor installation historically, and age. Burial ground operators have a legal responsibility to ensure the safety of their premises, and they can inspect and test memorials for stability using various methods. However, they should also act with sensitivity and respect towards the bereaved families and the historical and environmental value of the cemeteries.
1.05	In 2001, the Health and Safety Executive (HSE) launched a campaign named "Be Respectful, Be Safe" to try to improve the safety of cemeteries and churchyards following the recording of 21 serious accidents, including seven fatalities involving unsafe memorials over a 10-year period across the UK. This placed a requirement upon local authorities to regularly inspect all memorials under their responsibility, for which a minimum inspection standard of once every five years was stipulated.
1.06	To ensure compliance, we currently test all memorial gravestones ("memorials") within our cemeteries once every three years to ensure safety and stability. If a memorial is found to be unsafe, Bereavement Services will try to contact the owner or the next of kin and ask them to arrange for repairs. If the owner cannot be traced or does not respond, we can take temporary measures to make the memorial safe, such as laying it flat, supporting it with wooden stakes or cordoning off the area. Currently, we have taken the approach of wooden stakes, as it was felt that laying the gravestone flat or cordoning it off would introduce additional risks, such as slips, trips and falls. A combination of the absence of records and/or absence of surviving family members willing to undertake the repairs and maintenance on memorials has resulted in approximately 700 memorials within Flintshire's cemeteries being deemed to be structurally unsafe. Whilst these memorials continue to be supported by wooden stakes, a permanent solution has yet to be implemented. In addition to unsafe memorials, kerb sets within the council's older cemeteries are also falling into disrepair, resulting in potential trip hazards.
1.07	In addition to the above requirement for routine inspection and testing, the National Association of Memorial Masons (NAMM) is an organisation that represents those involved in the memorial masonry industry and provides training and guidance on memorial masonry matters, such as the NAMM Code of Working Practice and the BS8415 Standard, which is recognised as the industry accepted standard for memorials in the UK. The BS8415 is a British Standard that specifies the minimum structural design criteria and performance requirements for new and reinstated memorials within burial grounds and memorial sites. It also applies to existing memorials that are repaired or re-fixed. The standard was first introduced in 2005 and has been revised several times, most recently in 2018. The aim of the standard is to ensure that the memorials are of good lasting quality and fit for purpose, requiring as little structural maintenance as possible. The standard is intended to support the memorial mason in complying with current guidance and to provide the customer with a memorial that meets their

	expectations and respects the dignity of the deceased. It also introduced a requirement in 2005 for all new or refixed gravestones to possess a ground anchor system that complies with the British Standard BS8415. The purpose of the ground anchor system is to prevent a memorial from suddenly toppling over. Although a memorial may still become loose over time, the headstone will not fail its safety inspection as the anchor system will prevent the stone from falling.
1.08	Whilst all headstone memorials installed after 2005 should no longer be of concern in terms of stability, we do need to be mindful that any memorial installed prior to this date will not possess a ground anchor system and may therefore pose a risk of toppling and potentially result in serious or catastrophic consequences.
1.09	**Memorial Safety Programme** Testing: Within the 15 cemeteries and 8 closed churchyards managed by the Council, there are approximately 20,000 memorials of varying shapes, sizes, condition and age. To comply with the duties stipulated within the LACO, the council adopted a memorial safety programme in 2008. Although the HSE recommends a minimum requirement for inspection once every five years, given the potential risk to the public associated with unsafe memorials, the council chose, at that time, to implement a more stringent testing regime with each memorial being both visually and hand tested for stability once every three years. Process of making safe & repair: Those memorials that fail the testing process and are deemed to be unsafe, are then temporarily supported via the installation of wooden stakes placed at the rear of the headstone to prevent them from toppling, which are then banded (secured) to the memorial. Every effort is then made to contact the registered grave / memorial owner to inform them that the headstone has been tested and deemed to be unsafe and they are then requested to arrange a permanent repair to the headstone. Given that the majority of the stability test failures involve older memorials, we are finding more and more often that the registered grave / memorial owner cannot be traced or the named owner has either been interred within the identified grave or is of an age whereby the organising of a repair may not be possible. In such instances, the headstone will remain staked indefinitely; however, it is important to note that 'staking' is only a temporary repair and will not permanently address the highlighted health and safety risk – especially given the potential for wooden stakes to degrade within the ground over time.
1.10	To provide an indication of the scale of the problem in Flintshire, the following table has been created to show the number of memorials within our cemeteries that are currently supported with wooden stakes.

Cemetery	Memorials currently staked for over 12 months
Buckley	26
Hawarden No 2	65
Bagillt	26
Flint - London Road	156
Flint – Northop Road	10
Connahs Quay	108
Greenfield No 1	24
Hawarden No 1	28
Hope Old	30
Holywell	64
Hope - Bryn y Grog	85
Rhewl	20
Kelsterton	0
Treuddyn	8
Greenfield No 2	0
TOTAL:	**650**

* *The above table does not include Monolith (one-piece) Memorials which are often reported as potentially being unsafe. Whilst they may be leaning away from the perpendicular and may visually cause concern, such memorials in the main show no movement when tested given the continuation of the headstone below ground level, thus acting as an anchor system. They may, however, require straightening for aesthetic purposes.*

1.11 To address the risk of unsafe memorials, it is essential that the Council takes action to remove the hazard and prevent an instance of harm occurring, both to the public and the council's own workforce. Whilst the most obvious solution for repairing the council's unaddressed defective headstones (implemented pre-2008) would be to implement a ground anchor system in accordance with British Standard BS8415, this option would be considered cost prohibitive given the scale of the existing problem and current financial climate. Therefore, only the following options were considered and evaluated: -

Option 1: Removal of unsafe memorials.

All headstones that are deemed to be unsafe and cannot be repaired following liaison with the registered grave owner (when known and where possible) could be removed from the cemetery, thus addressing the health and safety risk. That said, not only could this approach be deemed as insensitive and disrespectful to the deceased, but it could also result in a high reputational risk for the authority, as well as implications for the storage and/or disposal of removed headstones.

For the reasons stipulated above, this approach is not considered to be an acceptable solution.

Option 2: Laying flat unsafe memorials.

All headstones that are deemed to be unsafe and cannot be repaired following liaison with the registered grave owner (when known and where possible) could be laid flat on the ground or on top of the existing burial plot. Whilst again, this

	approach could be deemed as insensitive and disrespectful to the deceased and could result in a high reputational risk for the authority, it could also introduce a new safety risk for slips, trips and falls within the cemeteries. For the reasons stipulated above, this approach is not considered to be an acceptable option. <u>Option 3: Digging In Method</u> All headstones that are deemed to be unsafe and cannot be repaired following liaison with the registered grave owner (when known and where possible) could be addressed via the "digging in" method. The digging in method is a process whereby the memorial is moved from its location at the head of the grave, a hole approximately 18 inches in depth is dug and part of the headstone including its "shoe" is buried in the hole. The hole is then backfilled with excavated soil, thus making the memorial stable again. This method allows the majority if not all of the inscriptions on the headstone to be visible whilst creating a proven natural ground anchor system, similar to that utilised by Monolith (one-piece) Memorials. This approach is considered to be the most reasonable option and can be easily achieved at a relatively low cost and minimal reputational risk to the authority.
1.12	**<u>Broken Kerb Sets</u>** In addition to the risk caused by unsafe headstones, kerb sets (lengths of stone that surround the perimeter of memorials) are also posing a safety concern within the council's older cemeteries. Whilst the installation of kerb sets is no longer permitted practice in Flintshire, kerb sets were previously introduced in those cemeteries that were not designated "lawned cemeteries." Kerb sets are contained within the following council cemeteries: - • Flint Northop Road • Hope old cemetery • Holywell • Connah's Quay • Greenfield No 1 cemetery • Hawarden No 1 cemetery • Rhewl Given the age of the memorials where kerb sets have been installed, it is understandable that many of the graves are no longer tended by family members and, as such, a high percentage of kerb sets have sadly fallen into a state of disrepair or are broken. In many instances, the edges of the kerb sets are becoming separated from the main structure of the memorial and are falling into the walkways between graves and partially sinking into the ground, resulting in a trip hazard for visitors and cemetery staff, which may not be easily observed.
1.13	Whilst the exact number of graves with unsafe kerb sets has yet to be accurately determined, we are aware that it is a substantial problem. It is therefore essential that the Council takes action to remove the hazard and prevent an instance of harm occurring, both to the public and the council's own workforce. Unlike headstones, the method to address unsafe kerb sets is slightly more

	complex given the appropriate method of remedy will be dependent upon whether the grave in question has a concrete slab in situ. The following options were considered for further investigation: - <u>Option 1: Removal of unsafe kerb sets.</u> All kerb sets that are deemed to be unsafe and cannot be repaired following liaison with the registered grave owner (when known and where possible) could be removed from the cemetery, which would address the health and safety risk. However, this approach could be deemed to be insensitive and disrespectful to the deceased and could result in a reputational risk for the authority. Consideration would also need to be given to the costs, storage and/or disposal of the defective kerb sets. For the reasons stipulated above, this approach is not considered to be an acceptable option. <u>Option 2: Unsafe kerb sets on concrete slab foundation graves.</u> In the event that a kerb set has become detached from the concrete slab foundation and cannot be repaired following liaison with the registered grave owner (when known and where possible), the kerb sets could be laid centrally on top of the slab, which would address the health and safety risk whilst also preserving the structure of the grave in the event that a relative may wish to undertake a repair at a later date. This approach is considered to be a reasonable solution for concrete foundation graves and can be easily achieved at relatively low cost and with minimal reputational risk to the authority. <u>Option 3: Proposed mitigation for earth graves (no concrete foundation).</u> In the event that a kerb set has become detached from the concrete slab foundation and cannot be repaired following liaison with the registered grave owner (when known and where possible), the kerb sets could be buried six inches below the surface of the grave, which would address the health and safety risk whilst also preserving the structure of the grave in the event that a relative may wish to undertake a repair at a later date. This approach is considered to be a reasonable solution for earth graves and can be easily achieved at relatively low cost and with minimal reputational risk to the authority.

2.00	**RESOURCE IMPLICATIONS**
2.01	**Revenue:** There could be potential revenue implications for the proposals. Should approval not be given for the “digging in” method, then each of those memorials currently supported with wooden stakes would require re-staking every two to three years to ensure that the stakes were still fit for purpose and hadn’t degraded. The current cost for having memorials staked via the appointed contract including materials is £9 per memorial. Therefore, the

	current revenue costs would be approximately £5,850.00 every two to three years. This cost will increase as more unsafe headstones are identified and not repaired by family members or next of kin.
2.02	**Capital:** There are no implications for the approved capital programme for either the current financial year or for future financial years.
2.03	**Human Resources:** In order to address the number of memorials and broken kerb sets currently identified, a team consisting of two operatives (Streetscene Level 2 and Streetscene Level 1) would need to be established to deal with the current backlog. It is estimated that this would take approximately 4 months to complete at a cost of approximately £17,000. Once the backlog has been cleared, any further identified unsafe memorials would be dealt with by the existing Bereavement Services team within current resource allocations.
2.04	Some initial equipment purchase may be required, such as lifting gantry for heavier memorials at a cost of approximately £1k, and "porters" trolleys at a cost of approximately £100 each, which could be purchased from within the existing revenue budget allocated for plant and equipment.

3.00	**IMPACT ASSESSMENT AND RISK MANAGEMENT**
3.01	Impact assessment is not required as this is an operational report, which seeks to remove an existing health and safety risk within the councils' cemeteries. The purpose of bringing the report to Cabinet is due to the sensitivity around memorials and potential reputational risks.
3.02	The lack of support or approval for either recommendation would potentially have a major reputational risk to the authority if it was deemed to have not taken appropriate action to address a known health and safety risk.
3.03	Whilst our current approach addresses the identified risk on a temporary basis and is currently in line with the service's risk assessments, support and approval of the stated recommendations would remove this risk.

4.00	**CONSULTATIONS REQUIRED/CARRIED OUT**
4.01	Consultation will be carried out with the local elected members and town / community councils, subject to approval.
4.02	A communications plan will need to be drafted and delivered, subject to approval and would involve publication and notification of the change in approach being publicised on the authority's website, social media platforms and within each cemetery.

5.00	**APPENDICES**
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None

7.00	CONTACT OFFICER DETAILS
7.01	**Contact Officer:** Anthony Stanford, Transportation Manager **Telephone:** 01352 704817 **E-mail:** anthony.stanford@flintshire.gov.uk **Contact Officer:** Richard Blake, Bereavement Services Manager **Telephone:** 01352 703360 **E-Mail:** richard.blake@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	**(1) The National Association of Memorial Masons (NAMM)** –recognised industry body for the acceptable standard for which memorials should be fixed in the UK. **(2) Local Authorities Cemeteries Order 1977 (LACO)** - gives burial authorities wide ranging powers of management to do what is considered necessary or desirable for the management, regulation and control of the cemeteries. **(3) Ministry of Justice Guidance on "Managing the safety of Burial Ground Memorials** – sets out a risk-based approach to help operators develop a proportionate approach to managing the risks associated with memorials that is based on good practice. **(4) Kerb set** – A Grave Space that has a Headstone and stone or granite borders around its edges. The centre of these graves and also have chippings placed in them or sometimes have a solid granite or marble plinth. **(5) Monolith Memorial** – A one piece memorial with approximately one third of its height being sunk into the ground for stability. **(6) Digging in method** - process whereby the memorial is moved from its location at the head of the grave, a hole approximately 18 inches in depth is dug and the memorial including its shoe is placed in the hole. The hole is then backfilled, thus making the memorial stable again. **(7) Laying flat memorials** – Headstones that are laid flat on the surface of the grave due to concerns of structural stability. **(8) Concrete slab foundation graves** – burial plots that possess a concrete slab foundation for which a memorial is mounted. **(9) Natural earth graves** – burial plots that do not have a concrete slab foundation but consist of natural earth only.