

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

22 NOVEMBER 2007

**REPORT OF ENVIRONMENT
SELECT COMMITTEE**

CABINET DECISION

Environment – Lead Cabinet Member – Councillor Mrs Beaumont

SCRUTINY REVIEW - THE MANAGEMENT OF MEMORIALS

1. Summary

The attached report sets out the findings and recommendations from the Environment Select Committee's review of the management of memorials.

2. Recommendations

Memorial Safety

- (1) That the Exclusive Right of Burial and Right to Erect a Memorial are granted separately.
- (2) That the Right to Erect a Memorial be granted for a maximum of 30 years to coincide with the NAMM Guarantee of Compliance with the option for renewal for periods of 5 years provided that the memorial meets appropriate safety standards; in cases where the Right to Erect a Memorial has already been approved for a longer period, the option for 5 year renewal be offered to the original Grantee after its expiry or to the next of kin where rights have been transferred.
- (3) That memorial masons be required to:
 - register with BRAMM (British Register of Accredited Memorial Masons) which requires the memorial mason to obtain a fixers licence, submit full risk assessments, current health and safety policy and evidence of insurance cover;
 - provide full construction details on application to erect a memorial;
 - provide a 30 year written guarantee for stability and safety of the memorial to Bereavement Services as well as the grave owners;
 - provide a statement of compliance with the NAMM Code of Working Practice;
 - to comply with a monitoring and disciplinary process
 - advise the Council's Bereavement Services Section when they will be undertaking work in any of the Council's cemeteries.
- (4) That a growth bid be submitted to enable the service to employ an additional member of staff to be responsible for carrying out checks on memorial masons and to deal with enforcement issues. The duties of this additional post to include responsibility for:
 - enforcing of the Council's policies and taking action in respect of unauthorised memorials;

- inspecting memorials 28 days after fixing to ensure compliance with BS8415/ NAMM Code of Working Practice;
- undertaking random checks of works;
- assisting with a 5 year rolling safety inspection programme;
- controlling entry into cemeteries to ensure that only authorised works are being undertaken and to seek to co-ordinate works around funeral times;
- ensuring safety of visitors to cemeteries.

Memorial Policy

- (5) That the Council's Cemetery Regulations be revised to allow:
- a small second memorial to be fixed at the head of the grave, providing that they are fixed in accordance with NAMM Code of Working Practice and the overall size of the two memorials does not exceed the grave width;
 - excluding the actual lawn heading, personalisation by appropriate planting of an area at the head of the grave no larger than 25% of the grassed area (i.e. approx 1'9"/ 53cms for lawn/traditional graves and 9"/23cms for graves within the cremated remains and babies garden areas) (detailed guidance to be drawn up but not allowing any type of edging/ kerbing);
 - restrictive regulations in respect of the type of memorials permitted within babies sections be relaxed to allow greater choice (provided that memorials are within specified size and fixed in accordance with the NAMM Code of Working Practice).
- (6) That inscribed commemorative memorial wall plaques and featured remembrance areas be provided by Bereavement Services to allow bereaved families to commemorate the memory of a loved one.
- (7) That a programme for removal of kerb surrounds in traditional areas be developed starting first with the oldest graves and those which have damaged or dangerous kerb sets as identified by the inspection programme, following detailed consultation and consideration of all the issues including alternative uses for the old kerb sets.

Unauthorised Memorials

- (8) That an extensive publicity programme be developed for elected Members, officers and the public to raise awareness of the Council's policies including road show events and leaflets and that copies of the most up to date leaflets are distributed to all elected Members for reference.
- (9) That the Council's regulations be enforced in respect of all unauthorised memorials following the extensive publicity programme and after giving grave owners a period of notice to remove unauthorised items from graves.
- (10) That unauthorised items be removed from graves, labelled and stored for collection and that removal of unauthorised items be handled sensitively allowing a 3 month period following a burial and some flexibility around the time of significant dates.

Operational Issues

- (11) That alternative methods are explored and best practice adopted to enable improvements to the way graves are reinstated following a burial to reduce grave sinkage and improve memorial stability and the appearance of the grave immediately following an interment.

(12) That planting schemes are investigated, where concrete plinths are not used to improve the aesthetics of the lawn headings and prevent soil erosion.

3. Reasons for the Recommendations/Decision(s)

To ensure that the Council is providing a safe environment for visitors to the Council's cemeteries and to ensure that the Council's policies are up to date and enforceable.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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SUMMARY

The attached report sets out the findings and recommendations from the Environment Select Committee's review of the management of memorials. The report seeks to ensure that the Council is providing a safe environment for visitors to the Council's cemeteries and to ensure that the Council's policies are up to date and enforceable.

RECOMMENDATIONS

Memorial Safety

- (1) That the Exclusive Right of Burial and Right to Erect a Memorial are granted separately.
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- (4) That a growth bid be submitted to enable the service to employ an additional member of staff to be responsible for carrying out checks on memorial masons and to deal with enforcement issues. The duties of this additional post to include responsibility for:
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DETAIL

1. The report presents Cabinet with the findings of the scrutiny review into the management of memorials in the Council's cemeteries undertaken by the Environment Select Committee between June and October 2007. The topic formed the second phase of a review of the Council's Cemeteries and Memorials – the first phase having concluded an investigation into the future development of cemeteries. The review was identified as it was felt that there was a need to ensure that the Council was providing a safe environment for everyone visiting the Council's cemeteries and to ensure that the Council's policies were up to date and enforceable.

2. Following consideration by Cabinet an action plan will be submitted to the Select Committee setting out how the approved recommendations will be implemented detailing officers responsible for action and timescales.

FINANCIAL IMPLICATIONS

Provision has been made in the medium term financial plan toward the memorial testing programme. Details of the budgetary allocation are set out at paragraph 4.20 of the Select Committee report.

The report is also recommending that a growth bid is submitted to enable the appointment of an additional member of staff to be responsible for carrying out checks on memorial masons and to deal with enforcement issues in relation to unauthorised memorials. The post would need to be subject to job evaluation and therefore the exact costs are unknown at this stage but are estimated to be in the region of £20,000 - £30,000.

LEGAL IMPLICATIONS

There are no direct legal implications emanating from the recommendations.

RISK ASSESSMENT

Memorial safety testing has been recognised as a high priority and therefore provision has been included in the medium term financial plan. The report also recommends measures for more stringent controls and regulations governing the erection of memorials and registration of memorial masons.

The Committee identified the health and safety risks caused by unauthorised memorials in the Council's cemeteries. The recommendations seek to address this problem through the review and subsequent enforcement of the Council's Cemetery Rules and Regulations. The approval of the additional post would also significantly help in enforcement.

COMMUNITY STRATEGY IMPLICATIONS

Management of memorials in the Borough's Cemeteries contributes to the following Community Strategy priorities:-

- Safer Communities
- Liveability

CONSULTATION INCLUDING WARD/COUNCILLORS

The following consultation activities took place as part of the review:

- Viewpoint Focus Groups
- Consultation with the Elderly Citizen's Liaison Panel

- Consultation with cemetery users
- Consultation with Funeral Directors and Memorial Masons
- Consultation with faith groups and churches with churchyards
- All Member survey

Name of Contact Officer: Judith Trainer

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Background Papers : None

Ward(s) and Ward Councillors: Not ward specific

Property: None