

**Agenda Item No:** 12  
**Report To:** Cabinet  
**Date of Meeting:** 8<sup>th</sup> February 2018  
**Report Title:** Memorial Safety in Burial Grounds  
**Report Author & Job Title:** Alison Tickle, Environmental Operations Manager  
**Portfolio Holder:** Cllr. Clair Bell  
**Portfolio Holder for:** Environment and Land Management



**Summary:** An extensive memorial safety inspection was carried out from May 2017 to January 2018 on all memorials in both open and closed burial grounds that are the responsibility of Ashford Borough Council. This report provides members with the outcomes of the inspections and options for undertaking any remedial works that may be required and associated costs.

**Key Decision:**

**Significantly Affected Wards:** All wards in the Ashford Borough

**Recommendations:** **The Cabinet is recommended to:-**

- I. Agree that any category 1 memorials that do not receive remedial attention inside 12 months be carefully, horizontally re-laid**
- II. If further memorials become category 1 from future inspections, the same procedure is followed to contact grave owners and where required carefully horizontally re-lay**
- III. Approve the updated rules and regulations**

**Policy Overview:** Ashford, as a burial authority, has the principal responsibility for safety in the cemeteries and closed churchyards under its management. This responsibility includes a duty to take, reasonably practicable measures to prevent injury from unstable memorials. In order to fulfil this duty, Councils are recommended to have a testing policy and inspection programme with a maximum inspection interval of five years.

**Financial Implications:** Finances have been identified in reserve funds which will meet costs of this work going forward.

**Legal Implications:** The Local Authorities' Cemeteries Order 1977  
Health and Safety at Work Act 1974

**Equalities Impact Assessment:**

Not required. Actions to be undertaken in delivery of the inspection and remedial safety work which will be assessed individually with regard to their impact on equalities.

**Exempt from Publication:**

**Background Papers:**

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## Report Title: Memorial Safety in Burial Grounds

### Introduction and Background

1. In March 2016, Cabinet supported the approach to be taken to memorial testing and inspection for Ashford Borough Council's open cemeteries and those which are closed burial grounds, that are now the responsibility of the Council. It was agreed that following the initial survey, a further update would be provided with the outcomes of the survey, outline costs and proposed changes to the Cemetery Rules and Regulations.
2. The survey of all memorials, which have been carried out by a National Association of Memorial Masons (NAMMs) approved stonemason, followed the inspection process previously reported to Cabinet. For ease of reference for this report, the key information required relates to the categorisation of the memorials:
  - Category 1 – immediate action is required to make the memorial safe or to stop the public accessing the memorial; or
  - Category 2 – the memorial is not an immediate danger but is not fully stable and will, therefore, need to be monitored every 12 months to assess any further deterioration of the memorial; or
  - Category 3 – The memorial is stable and will need to be re-inspected in 5 years' time.
3. The public were informed of the inspections being carried out in several ways, these were:
  - Notices placed in the local papers
  - Letters sent to all grave owners who purchased their right of burial in the last 30 years
  - Notices erected in all open and closed cemeteries
  - Information made available on Ashford Borough Council's website.

Following the inspections, memorials that were classified as category 1 and 2, the grave owners were sent letters advising of the findings of the inspections and the action they needed to undertake.

4. In the event that a memorial was classified as a category 1 and deemed an immediate danger to the public, either of the following actions would have been taken at the time of the inspection:
  - The installation of a temporary support using a staking and protective banding system where the size and location of the memorial allows; or
  - The installation of a temporary barrier to the perimeter of the memorial or sections of a cemetery where there is more than one category 1 assessed memorial.

The Local Authorities Cemeteries Order allows us to make memorials safe but has no power to force memorial owners to undertake repairs.

This work has been undertaken very sensitively. It was carefully planned notifying the public/grave owners prior to the inspections being carried out and then of outcomes. Only one complaint was received. The nature of the complaint was regarding the classification of the memorial.

## **Proposal/Current Position**

5. Between May and November 2017 memorial safety inspections were carried out in all four of the council's open cemeteries: Willesborough, Bybrook, Tenterden and Canterbury Road. The closed cemeteries that Ashford Borough Council are responsible for were inspected between November 2017 and January 2018.
6. During the memorial safety inspection of open cemeteries 7957 headstones in total were surveyed. Of those surveyed 177 were classified as a Category 1 and 564 classified as a Category 2. A breakdown of each cemetery is detailed in the table/chart below in Appendix 1.
7. Immediate action has been taken with 177 memorials graded as Category 1 in the open burial grounds to make them temporarily safe: 168 memorials were "staked and banded" and 9 barrier fenced.
8. Where memorials were categorised 1 and 2, 298 letters were sent to owners of graves/memorials going back over a period of 30 years. The owners/family were advised of the findings and the action that needed to be taken. Of the 298 letters sent 115 were returned as "not known at this address". Since the letters have been issued, 22 permits have been submitted for repairs. We have also identified that 2 memorials that were identified as unsafe have had their protective banding removed with no remedial works undertaken and have had to be re-staked. The Local Authorities Cemeteries Order allows us to make memorials safe but has no power to force memorial owners to undertake repairs.
9. Therefore, out of the 168 memorials that were "staked and banded" in the open cemeteries, there are still 146 memorials requiring permanent remedial work. The options are:
  - Instruct an approved stonemason to undertake the repairs and pay the cost of this; or
  - Arrange to have the memorial re-laid horizontally; or
  - Remove headstones where they are in several pieces or inscriptions are no longer legible.
10. Inspections carried out to 1993 memorials in the 13 closed burial grounds identified that there were 10 memorials classified as category 1 and 10 classified as category 2. Within four of the closed burial grounds 5 memorials that were classified as category 1 have been barrier fenced: 1 at St Mary's Church Yard, Ashford, 1 at Vicarage Lane, 2 at High Halden (one of which is a tomb) and 1 at Molash. Four of these memorials are listed and will require repair. The cost to repair these 4 listed memorials will be approximately £10,500 with £10,000 being the estimated cost to repair the tomb due to the specialised work required to undertake any repair.

The only circumstances where we must repair a memorial headstone rather than re-lay it horizontally or remove it is where that memorial is listed.

## Implications and Risk Assessment

11. In order to take the next step of the process and undertake the appropriate action there will be financial costs. These costs are based on estimates provided by our NAMMs accredited stonemason and cater for worst case scenarios:

- a. To repair and refix a memorial headstone on a plinth;
- b. To repair and refix a headstone and kerb memorial;
- c. To re-lay headstone and undertake pocketing (see below);
- d. To re-lay a large headstone requiring lifting equipment
- e. To undertake specialist repair to a listed item (1 x tomb)

	Bybrook	Canterbury Road	Tenterden	Willesborough	All closed	Per unit £	Cost £	Summary Costs £
a.	26	15	43	57	5	315	45,990	100,990
b.	7	6	10	65	0	625	55,000	
c.	33	18	53	117	3	35	7,245	17,245
d.	0	3	0	5	2	1,000	10,000	
e.	0	0	0	0	1	10,000	10,000	10,000

12. If we were to repair all memorials that are identified as a category 1 and still in an unsafe condition this could cost £100,990 (rows a and b) whereas re-laying a memorial could cost £17,245, plus £10,000. A difference of £83,745.
13. We have the power to completely remove any memorial that is on a grave where the inscription is illegible or which is dilapidated by reason of long neglect. This is in line with The Local Authorities' Cemeteries Order 1977. This is likely to incur the same costs as laying the memorial flat plus disposal costs, however, it is not our intention to do this.
14. Additionally some burial grounds have "listed" memorials. Any items that are listed would need to be repaired and not laid down. Such items may have special requirements placed on the listing to ensure that the work is carried out to meet the specification and may require a specialist (beyond the abilities of an accredited memorial mason) to undertake the work.
15. The risk of re-laying a memorial is that we could create a trip hazard if there are any elements that are protruding above ground level. A solution to this would be to carry out "pocketing", where necessary. Pocketing involves excavating the ground behind the memorial and carefully laying the memorial slightly in the ground so that the face of the memorial is level with the ground, to avoid trip hazards. This also ensures that grounds maintenance in the cemeteries (which is hand strimming around the memorials) does not damage the memorials. This method of maintaining the cemeteries is already an adopted practice.

16. In addition to the category 1 memorials detailed above, category 2 memorials will require re-inspection a year after the initial inspection and may require re classification to a category 1. With this in mind, detailed below are figures of all category 2 memorials and potential costs if they were all re-classified as a category 1.
- a. To repair and refix a memorial headstone on a plinth;
  - b. To repair and refix a headstone and kerb memorial;
  - c. To lay down a headstone and undertake pocketing;
  - d. To lay down a large headstone required lifting equipment

	Bybrook	Canterbury Road	Tenterden	Willesborough	All closed	Per unit £	Cost £	Summary Costs £
a.	26	11	2	273	5	315	99,855	234,855
b.	12	14	5	181	4	625	135,000	
c.	39	25	7	454	5	35	18,550	77,550
d.	1	0	0	53	5	1000	59,000	

17. If we were to repair all memorials detailed above (rows a and b) this could cost £234,855 compared to re-laying a memorial (rows c and d) which could cost £77,550. A difference of £157,305.
18. To ensure we are not faced with unsafe newly installed memorials we have reviewed the cemetery rules and regulations (detailed in Appendix 2) including the provisions for memorial placement.

## Consultation Planned or Undertaken

19. Consultation was carried out prior to the inspections being undertaken with churches concerned and the diocese for permission to undertake the inspections. The public were made aware of the inspection programme through the media and direct advertisements, where the work was being undertaken. All affected grave / memorial owners have been written to at their last known address. Each memorial that is currently category 1 has been staked and banded and a notice attached for a period of 12 months to allow time for owners to contact us before any further actions is taken.
20. All work that is being delivered is in line with the recommendations from the Ministry of Justice.

## Reasons for Supporting Option Recommended

21. Category 1 memorials that have had no remedial work to make them safe inside 12 months should be re-laid horizontally. This option deals with any safety issues immediately and effectively. This option also allows the memorial owners (where known) to resurrect and fully repair or replace their memorial at a later date, should they so choose.
22. Going forward our in house grounds maintenance team (Aspire) are being fully trained over the winter period, to be qualified to undertake the memorial inspections. Inspections will be carried out on a 5 year rolling programme

based on risk assessments initially undertaken. This will assist with keeping budget expenditure for the inspections to a minimum and ensure that we have an up to date risk assessment for all our memorial headstones and the mechanism in place to deal with any issues as they arise.

## **Conclusion**

23. The Cabinet is asked to agree the recommendation that where memorials are found to be unsafe (category 1), have been staked and banded, memorial owners contacted but no remedial works undertaken inside 12 months, that said memorials will be re-laid horizontally.

## **Portfolio Holder's Views**

24. This report has demonstrated the extensive work undertaken in this inspection programme and this Council's commitment to the health and safety of our residents and visitors.
25. The next stage of the process will be carried out as sympathetically as possible to both the environment and the owners of graves. Where it is considered appropriate due to the sensitive nature of a memorial (war memorial) or where it is listed a full repair may be required.

## **Contact and Email**

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		Cemetery Statistics			Outcome of inspections		
	Cemeteries	No of Graves	No of Memorials	%	Cat 1	Cat 2	Cat 3
Open Burial Grounds	Willesborough, Church Road, Ashford	4745	1800	37.93	71	477	1252
	Bybrook, Cemetery Lane, Kennington	8931	2913	32.62	32	40	2841
	Tenterden, Cranbrook Road, Tenterden	3277	1396	42.60	53	21	1322
	Canterbury Road, Ashford	10704	1848	17.26	21	26	1801
Closed Burial Grounds	Grave Yard Station Road, Tenterden	N/K	67	-	0	0	67
	St Mary's Church, Little Chart	N/K	52	-	0	0	52
	St Mary's Church, Ashford Town Centre	N/K	179	-	1	0	178
	St Mary's Church, High Halden	N/K	219	-	2	3	214
	St Mary's Church, Kennington	N/K	196	-	2	6	188
	St Mary's Church, Willesborough	N/K	117	-	0	1	116
	St Michael's and All Angels Church, St Michaels, Tenterden	N/K	219	-	3	0	216
	Old Burial Ground, Vicarage Field, Ashford	N/K	138	-	1	0	137
	St Peter and Paul Church, Appledore	N/K	233	-	0	0	233
	St Mildred's Church, Tenterden	N/K	348	-	0	0	348
	St Mary's Church, Stone	N/K	89	-	0	0	89
	St Peter's Church, Newenden	N/K	73	-	0	0	73
St Peter's Church, Molash	N/K	63	-	1	0	62	