



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **Environment, Regeneration and Streetscene Services Cabinet Board**

**14<sup>th</sup> April 2023**

#### **Report of the Head of Streetcare Michael Roberts**

#### **Matter for Decision**

#### **Wards Affected:**

All Wards

#### **Memorial Safety Testing Policy**

#### **Purpose of the Report:**

To seek approval to adopt and implement an updated Memorial Safety Testing Policy, and carry out remedial measures to memorials previously identified as unsafe.

#### **Executive Summary:**

The Council's current Memorial Safety Testing Policy, and its delivery since its adoption in June 2019, has been reviewed. As a result, Officers have identified recommendations, changes and a revised policy is presented for approval. It is also recommended that the

Council undertakes remedial works to memorials identified as unsafe under the previous policy.

### **Background:**

The Council is responsible for 9 cemeteries within which there are circa 16,000 memorials. As such, in 2019 the Council adopted a memorial testing policy to ensure the safety of visitors to all its cemeteries.

Initially, some 1,500 large and potentially higher risk memorials were tested by an independent specialist contractor across the Council's cemeteries, followed by remedial action arranged by the Council where necessary utilising funds allocated in the capital programme. Testing was then commenced on the smaller scale memorials, undertaken by internal staff, starting with Llantwit, Ynysmaerdy and Margam cemeteries. In total, circa 7,000 memorials were tested, of which 672 failed the testing process.

Of the smaller scale memorials that failed, the majority were initially made temporarily safe by a method of inserting a timber stake near to the memorial, then securing the memorial to the stake with a band. Grave owners of failed memorials were then informed of the need for action within 6 months to address the safety concerns. Where grave owners subsequently failed to undertake works, the associated memorials were pocketed into the ground as a permanent safety measure. In total 97 memorials were pocketed.

There was a period of high staff turnover within Neighbourhood Services during 2021, alongside the Covid19 pandemic, the latter also impacting on the volume of training undertaken. As a consequence and the relative inexperience of some staff, some procedural elements of the adopted policy were not always followed, with notification letters to some grave owners concerning defective

memorials not being sent, and some memorials being pocketed within the time period the owners had to take corrective action.

Another issue was that, whilst testing initially progressed in Margam with no particular issues, under the adopted policy and testing methods a swathe of some 400 memorials failed in Ynysmaerdy Cemetery in particular, creating an eyesore and detracting from the dignity of the cemetery.

In response to a high volume of negative feedback, mainly received through social media, and a change of service management in October 2021, the delivery of the Memorial Safety Testing Policy was suspended pending review. No further testing or the implementation of safety measures has been undertaken since. Although there have been no reported safety instances since, this is not a satisfactory position and hence there is a continuing need to update the policy following review and complete testing work.

The proposed amended policy can be found in Appendix A. The main updates include:

- Testing to be carried out by an independent external specialist contractor on a 5 year rolling programme.
- Extension of the time afforded to grave owners to make memorials safe that failed when tested from 6 to 12 months.
- A revised risk based approach to testing and the implementation of safety measures.

Further to the new policy, and the procedural and testing inconsistencies that occurred alongside the pandemic, there is the question of what action to take in respect of work undertaken under the former policy. In view of the significant impact that has occurred, particularly in Ynysmaerdy Cemetery, it is proposed that the Council complete the necessary remedial works to bring things back into good order. Furthermore, for consistency of treatment, it is proposed

that the grave owners who have undertaken remedial works be reimbursed. Going forward, with the revised policy and recovery of services further to the pandemic, there should be no further problems.

### **Financial Impacts:**

There is a one-off capital cost required to undertaken remedial work to memorials that have been identified as unsafe of approximately £97,500 as follows:

- Cost to de-pocket and erect to current standard all stones that have been pocketed = £11,600
- Cost to reimburse grave owners that have already erected memorials back to standard = £2,465
- Cost to erect back to standard those memorials that were 'stake and banded' = £56,695
- Cost to reimburse grave owners that have already erected the 'stake and banded' memorials back to standard = £26,680

The Capital Programme Steering Group supports the proposed work being undertaken and Corporate Directors have confirmed the money is available within capital programme should Members wish to proceed with the recommendations.

There will be an additional annual revenue cost required associated with implementing the revised policy, estimated at £11,000, associated with the use of the external specialist contractor to test all memorials in Council owned cemeteries on a 5 year rolling programme. This cost will be met from a budget transfer within the Neighbourhood Services budget.

## **Integrated Impact Assessment:**

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment as provided in Appendix B has indicated that a more in-depth assessment is not required. In summary, the proposals are directly related to the safety of memorials for all visitors to the Council's cemeteries, and the proposals have no adverse impact on people with protected characteristics.

## **Valleys Communities Impacts:**

The proposed policy will apply to council cemeteries located in valley communities as with others.

## **Workforce Impacts:**

Memorial testing will no longer be undertaken by internal operational and supervisory staff, who will be able to focus on delivering efficient, well run and well-presented cemeteries.

## **Legal Impacts:**

The Authority has a duty of care under the Health & Safety at Work Act 1974 which will be facilitated by a 5 year rolling programme of inspection as recommended by the HSE for the management of memorial safety.

## **Risk Management Impacts:**

Adopting the recommendations is expected to minimise the risk of safety related issues in the Council's cemeteries associated with memorials.

### **Consultation:**

There was a consultation on the current Memorial Safety Testing Policy at the time that it was developed in 2019. The proposed refinements reflect experience and public feedback since its implementation.

### **Recommendations:**

Having had due regard to the first stage Integrated Impact Assessment, it is recommended that:

- Members approve adoption of the revised memorial testing policy as set out in Appendix A.
- That, funded from the capital programme, the Council undertakes remedial work to the memorials that have failed assessment under the former policy, and for consistency reimburses those grave owners who have already undertaken the work.
- Changes to the Council's policy are relayed at open days within the cemeteries and via the cemeteries website, prior to recommencement of testing.

### **Reasons for Proposed Decision:**

To ensure the Council fulfils its Duty of Care with respect to the safety of memorials in its cemeteries, to minimise associated risks to visitors

and the Council, and to maintain the Council's cemeteries in good order.

### **Implementation of Decision:**

The decision is proposed for implementation after the three day call in period.

### **Appendices:**

Appendix A - Revised Memorial Testing Policy April 2023

Appendix B – First Stage Integrated Impact Assessment

### **List of Background Papers:**

Health & Safety at Work Act 1974

<https://www.legislation.gov.uk/ukpga/1974/37/contents>

Local Authorities Cemeteries Order, 1977

<https://www.legislation.gov.uk/uksi/1977/204/contents/made>

The Blue Book, BRAMM (2018)

<https://www.bramm-uk.org/wp-content/uploads/2019/08/The-BRAMM-Blue-Book.pdf>

Memorial Testing Policy, NPTCBC (2019)

<https://www.npt.gov.uk/30906>

Management of Memorials, ICCM (2019)

[https://www.iccm-uk.com/iccm/wp-content/library/iccm\\_MM%20Policy%20Final%2008%202019.pdf](https://www.iccm-uk.com/iccm/wp-content/library/iccm_MM%20Policy%20Final%2008%202019.pdf)

Managing the Safety of Burial Ground Memorials, Ministry of Justice (n.d)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/326725/safety-burial-grounds.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/326725/safety-burial-grounds.pdf)

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