

Report To:	CABINET	Date:	20 FEBRUARY 2016
Heading:	SCRUTINY REVIEW OF HOME-MADE KERB SETS (CEMETERIES)		
Portfolio Holder:	CLLR TIM BROWN - ENVIRONMENT		
Ward/s:	ALL		
Key Decision:	NO		
Subject To Call-In:	NO		

Purpose Of Report

Home-made kerb sets was added to the Scrutiny workplan in October 2016. The reason for its addition relates to the potential impacts that home-made kerb sets have in reducing the Council's ability to maintain cemeteries to a high standard, thus increasing the number of complaints and potential health and safety risks.

This report provides Cabinet with the findings of Scrutiny Panel A in its review of the topic, which was undertaken over 2 meetings between November 2016 and January 2017. As part of the Panel's considerations, Members discussed the issue with the Council's Service Lead for Waste and Environment and the Cemetery Development Officer, who were in attendance at both meetings of this issue. Furthermore, a site visit to Sutton Cemetery took place on the 6 January 2017, to allow Members to see the issues being discussed first hand.

The Panel made 7 recommendations for Cabinet's consideration. In addition and in accordance with the Budget and Policy Framework Procedure Rules 10(B), Councillors Tony Brewer and Helen-Ann Smith submitted 2 minority recommendations. All recommendations are detailed below.

Recommendation(s)

Scrutiny Panel A resolved that the following recommendations be submitted to Cabinet for consideration:-

- 1. the current Cemetery Rules and Regulations regarding the prevention of erection of home-made kerb sets within the Council's cemeteries, be upheld;**
- 2. prior to any strict enforcement of the Council's cemetery regulations (in relation to the removal of home-made kerb sets), a targeted campaign be developed and undertaken by the Council's Communications Team to gradually raise the profile and awareness of the issue through recognised media outlets;**
- 3. it be reiterated by the Council that the issue of enforcement action in relation to the removal of home-made kerb sets be dealt with sensitively and**

compassionately whilst liaising with grieving relatives and friends of deceased loved ones;

4. to investigate the possibility of including a variety of photos of home-made kerb sets within information packs given to purchasers of burial plots to highlight the problems associated with their deterioration and subsequent blight on the surroundings, their encroachment onto adjacent plots and the difficulties being experienced by staff endeavouring to maintain the site around them;
5. the current procedures undertaken by the Council to assist purchasers of burial plots and the support offered to funeral directors, be strengthened to ensure that guidance is clear regarding the prohibited erection of home-made kerb sets;
6. the development of a cemetery guide (small pamphlet size) to assist burial plot owners and grieving relatives/friends to understand the rules and restrictions as applied to Ashfield cemetery sites and to circulate as widely as possible to appropriate venues (i.e. funeral directors, churches, libraries, bereavement charities, community venues etc.);
7. consideration be given to working with community groups to explore the options available in providing a memorial/reflection area or community garden within each of the Council's cemeteries to enable grieving relatives, friends and visitors to place items of remembrance for their loved ones.

In accordance with the Budget and Policy Framework Procedure Rules 10(B), Councillors Tony Brewer and Helen-Ann Smith submitted the following minority recommendations;

1. the current Cemetery Rules and Regulations regarding the prevention of erection of home-made kerb sets within the Council's cemeteries, be amended to allow for the installation of home-made kerb sets in accordance with agreed criteria to be specified at a later date;
2. the Regulations be amended to include a condition that should a home-made kerb set fall into disrepair, the Council have permission to remove it should all attempts to contact the owner of the burial plot to repair/reinstate the kerb set prove unsuccessful.

Reasons For Recommendation(s)

Panel Members agreed that upholding the Cemetery Rules and Regulations regarding the prevention of erection of home-made kerb sets within the Council's cemeteries would help alleviate some of the current issues relating to health and safety, general maintenance and consistency of rules for all. Furthermore, it was agreed that this is a sensitive and emotive issue and should be dealt with accordingly.

Furthermore, 2 minority recommendations were also submitted. These recommendations were supported by 2 Members of the Panel who concluded that due to the topic being highly emotive, grave owners should be able to place small items of remembrance around their plots.

Alternative Options Considered (With Reasons Why Not Adopted)

During the review, Members of the Panel considered a number of alternative options including reducing the size of equipment used for cutting grass (allowing easier access), the Council upskilling or employing workers to build (industry approved) kerb sets and adopting the status quo i.e. little to no enforcement due to sensitivities.

These options were withdrawn either due to cost implications or the issue increasing causing further difficulties in maintenance, health and safety and an increase in complaints.

Detailed Information

A review of cemeteries and their maintenance was first placed on the Scrutiny Workplan in July 2016. The scope of this review was amended in September 2016 following ongoing concerns regarding the installation of home-made kerb sets (adjoining gravestones/plots) which have become increasingly popular in recent years.

Aim of the Review

The aim of the review was to examine the impact that home-made kerb sets were having on the Maintenance, upkeep and appearance of the District's cemeteries and consider whether there were any changes required to the Cemetery Rules and Regulations booklet.

Terms of Reference

The terms of reference for the review were as follows:-

- to examine the impact that home-made kerb sets have on maintenance, upkeep and appearance of the District's cemeteries;
- to consider whether any amendments were required to the Council's current Cemetery Rules and Regulations booklet;
- to consider the impact of home-made kerb sets and the current regulations in place for residents and staff;

Methods of Investigation

The following methods of investigation were used for the review:

- Desktop Research
- Evidence from relevant Council officers;
- Visit to Sutton Cemetery

Findings

At the first meeting of the Panel, Members were introduced to the topic and received information from the Council's Service Lead for Waste and Environment and the Cemetery Development Officer. The Panel agreed that as cemeteries are and always will be an emotive area, any changes or options considered must be done with extreme care and sensitivity.

Members were informed that options relating to cemeteries and home-made kerb sets must be considered in order to improve maintenance and modernise processes where necessary. For the past few years there has been a noticeable increase in the appearance of home-made kerb sets within Ashfield Cemeteries. These often consist of stone, wire or plastic fencing with chippings and decorations.

Although there has been a ban on home-made kerb sets since April 2007, highlighted within the Cemetery Rules and Regulations booklet given out with every deeds (3.1.23: *No kerb sets, bell glasses, ornaments, wind chimes nor decorations of any kind will be permitted from April 2007*), enforcement of this was proving difficult.

The Council currently try to enforce the regulations by;

- speaking sensitively to relatives/friends in person at the cemetery site and ask for the kerb set(s) to be removed within one calendar month;
- sending a letter to relatives/owners of the burial plot(s) requesting removal of the kerb set(s) within one calendar month.

However, removal of the kerb sets was not currently undertaken by Council staff and they had been advised to leave a gap around the decorations and not attempt to maintain them following previous injuries being sustained due to hidden ornaments, glass, fences and decorations becoming caught up in the machinery and the risk of future incidents.

Current Levels

Within Ashfield's five working cemeteries, the number of grave plots with home-made kerb sets and additional decorations has increased dramatically, creating issues for both staff and public. The kerb sets often encroach on land beyond their allocated burial plots and cause ongoing difficulties for staff trying to maintain the cemetery grounds to an acceptable standard.

Site	Number of Home-Made Kerb Sets
Sutton	450
Kingsway New	115
Huthwaite	20
Hucknall	80

Issues Arising From Home-Made Kerb Sets

As part of the initial discussions, Members were made aware of the many different implications home-made kerb sets were having in terms of health and safety, maintenance, complaints and the funeral process.

Maintenance and Appearance

The presence of home-made kerb sets reduce the ability to maintain sites to a high standard thus increasing the number of complaints and even on occasion featuring in the press. The Council's grass cutting machinery is having difficulty manoeuvring around kerb sets between graves, resulting in the cemetery appearing to be unkempt.

In addition to this there have also been a number of complaints from members of public who feel that the over decoration of plots is encroaching on their relation's or friend's plot and making the cemetery look distasteful and messy. This is especially prevalent within the children's areas where kerb sets have been erected but then the grave is sometimes left unvisited and subsequently deteriorate.

Health and Safety

Health and safety is an issue for both visitors to the cemetery and staff maintaining the site. In the past cemetery staff have been injured whilst carrying out maintenance tasks due to hidden ornaments, glass, fences and decorations getting caught by machinery.

As such staff are now instructed to leave a gap around these decorations, where visible, in order to try avoid incident. However this not only leaves the plots looking untidy but also increases the amount of time needed to maintain the site, impacting on its overall appearance.

The Panel were informed during the review that this was not an issue that was exclusive to Ashfield, other Councils were experiencing similar problems. Injuries have been sustained within other councils caused by homemade kerb sets. In West Dunbartonshire Council a cemetery worker suffered broken bones due to prohibited decorations. Currently it has become a major task in minimising risk which has resulted in areas being untouched.

Funeral Operations

The presence of home-made kerb sets also has an impact of the running of funerals, neighbouring kerb sets often mean that staff are unable to gain access for machinery to dig graves and are unable to erect a spoil board thus creating a hazardous working environment.

There is also a knock on impact for the public who are often left unable to stand in proximity to the grave site throughout funerals, which is often distressing for the family and friends. In a month's period cemetery keepers were forced to remove homemade kerb sets for burials to take place. In these instances attempts were made to contact the family, sometimes without success, in order to notify them that the kerb sets needed to be removed. Due to the nature of the requirement the removals had to happen quickly thus families were at times unable to get there themselves forcing staff to remove instead.

Once again, Panel Members were informed of similar incidents occurring at other Council's cemetery sites. An incident earlier this year in Kilwinning cemetery, North Ayrshire, highlights the need for proactive action. The Council were forced to move kerb set decorations from a neighbouring grave in order to carry out burials, this resulted in the family being upset and the involvement of the press.

Options Considered

In considering actions that could be taken to alleviate the issue, Panel Members first discussed what viable options had been considered and the impact of each option. Members were informed that in order to consider this topic fully a wide variety of methods had already been considered.

These involved a range of techniques and actions undertaken including;

- Staff and stakeholder meetings,
- Consultations with specialists
- Peer reviews of other councils.

This have enabled all stakeholders in relation to cemeteries to be consulted and a range of priorities and objectives to be considered.

All of the ideas generated were considered and the core three have been scored against the following SMART objectives:

- To reduce the number of home-made kerb sets on all council cemetery sites.
- To reduce the amount of time it takes to maintain the grass in cemetery sites.
- To minimise accident and hazardous risks within cemetery sites

- To reduce the number of complaints received from members of the public regarding the maintenance of the grass on the cemetery sites.

Panel Members also tasked officers with consideration of further viable options including the Council offering the service of installing kerb-sets, procuring smaller grass cutting equipment (allowing easier access between plots to maintain the site) and options for receiving feedback/views from visitors. The responses to which are all detailed in this report.

Option One

To allow grave deed holders to have an area of one foot in front of the headstone to erect kerb sets and have ornaments.

Strengths	Weaknesses
<ul style="list-style-type: none"> • Less time taken to remove • Mowers will be able to go between the rows 	<ul style="list-style-type: none"> • Hard to measure the allowances • Cemetery staff would still be unable to mow near the headstones • Cemetery staff would still be unable to trim near to the fences • High health and safety risk regarding hidden ornaments. • May still impact operational processes for funerals • Stonemasons will still have difficulty in accessing headstones and will continue to be a safety risk to them. • Still increase the time needed to mow the sites
Opportunities	Threats
<ul style="list-style-type: none"> • Grave owners with kerb sets may be more willing to remove a portion of the kerb set rather than the whole. 	<ul style="list-style-type: none"> • In other comparable cases members of the public have reacted negatively to having to remove elements of their decorations. • Issues may still arise when people start to take more space than allowed. • Still can be classed as an eye sore and impact of neighbours' graves.

Through evaluating the option of allowing grave deed holders an area of one foot in front of the headstone to erect kerb sets and have ornaments it is clear that although it would be a feasible option it would not be viable.

The financial impact of this option would be the cost of sending the letters and the staff time required to manage the changes. However the results would not benefit the health and safety and maintenance of the sites. As such it would fail to meet the majority of the objectives.

Option two

To enforce current regulations and organise the removal of current homemade kerb sets.

Strengths	Weaknesses
<ul style="list-style-type: none"> • Mowers will be able to go between the rows • Cemetery staff will be able to trim near to the headstones • A minimised health and safety risk regarding hidden ornaments. • Operational processes will no longer be impacted • Stonemasons will be able to carry out work without impediment or risk • Reduce the amount of time needed to maintain the sites 	<ul style="list-style-type: none"> • Staff will face confrontation from members of the public unhappy with the decision. • Letter send outs will have an initial time and financial cost.
Opportunities	Threats
<ul style="list-style-type: none"> • The public will be happier with the level of maintenance being attained on the sites. • A clear consistent approach will be easier to enforce. 	<ul style="list-style-type: none"> • In other comparable cases grave owners with kerb sets have reacted negatively to having to remove elements of their decorations.

Through evaluating the option of enforcing current regulations and organising the removal of current homemade kerb sets it is clear that it would be both a feasible and viable option. The financial impact of this option would be the cost of sending the letters and the staff time required to manage and enforce the changes, however the results would meet the majority of the objectives.

The only risk and possible negative outcome from this approach would be negative feedback from grave owners with home-made kerb sets. This has been seen within other districts who have also enforced the regulation strictly however so far no authority has gone back on their decision.

Option three

To take no action and allow current kerb sets to remain and new to be erected.

Strengths	Weaknesses
<ul style="list-style-type: none"> • No conflict with members of the public 	<ul style="list-style-type: none"> • Cemetery staff would still be unable to mow near the headstones • Cemetery staff would still be unable to trim near to the fences • High health and safety risk regarding hidden ornaments. • Will continue to impact operational processes for funerals

	<ul style="list-style-type: none"> • Stonemasons will continue to have difficulty in accessing headstones and will continue to be a safety risk to them. • Still increase the time and resources needed to mow the sites • Will not be able to maintain a high level of site quality and thus will continue to receive complaints regarding this • The number of kerb sets will no doubt increase thus increase the maintenance time and possibly render some of the current machinery unusable.
Opportunities	Threats
<ul style="list-style-type: none"> • Grave owners with kerb sets will be happy that they get to keep their kerb sets. 	<ul style="list-style-type: none"> • Neighbouring graves will continue to complain regarding the upkeep and encroachment of kerb sets. • Pressures from external stakeholders regarding the issues that kerb sets have will continue.

Through evaluating the option of no action and allowing current kerb sets to remain and new to be erected it is clear that although it would be a feasible option it would not be viable. There would be no direct financial impact of this option, however the results would not benefit health and safety and would increase the cost of maintenance of the sites. As such it would fail to meet the majority of the objectives.

In considering these three options, Members of the Panel discussed whether there were any alternative options available and tasked officers with a number of considerations. These and their responses are detailed below;

- **ascertaining the potential costs for the Council providing a service to install kerb sets within cemetery sites on behalf of plot owners should a decision ever be taken to relax the restrictions currently contained in the Council's Cemetery Rules and Regulations booklet;**

For any kerb set installed on site it would need to meet health and safety and insurance standards, therefore would need to abide by the BRAMM and NAMM accreditation and only use materials approved for this purpose. The average cost of a basic kerb set is £2000-£2500. As such the costs would be as follows:

Fixing Monoliths & Lawn Type Memorials to the NAMM Code of Working Practice (for experienced stone masons only)	£300 + VAT per person
Safety Inspection and Assessment of Memorials in Burial Grounds	£300 + VAT per person
Salary of 1 qualified stonemason	£26,000 av. (annual)
City & Guilds Advanced Diploma in Stonemasonry	£9,000
Branch Registration (NAMM)	£5.00
Fixer Registration (NAMM)	£25.00
Business Registration (NAMM)	£50.00 (annual)
Employee Liability £10 mill	
Public Liability £5 mil	

- **investigating the possibility of equipping cemetery staff with smaller grass trimmers and gardening equipment to enable the grass to be better maintained in-between graves and to provide an estimated cost for providing and maintaining this additional equipment;**

Having spent time researching with Lead Environment Officers the strimmer's currently used are deemed to be the only type suitable. Although there are other smaller models these do not come with the vibration minimising technology required in order to keep HAVs levels low.

In addition to this the bulk of the size around the head is caused by the guard which does not decrease dramatically in size with smaller models.

Any cutting by hand would dramatically increase the time maintenance of plots would take. This would result in either the requiring of additional staff, which would incur high additional costs, or if carried out by staff on site would significantly impact on the site's overall maintenance level and would create issues of unmanaged areas especially during the summer months or at times of high funeral rates.

- **consider options for receiving feedback/views from visitors (local and out of district) to the Council's cemeteries in relation to the increasing presence of homemade kerb sets and their impact, either positive or negative, on the quality of the setting as a place of mourning and remembrance of loved ones.**

There are a number of methods for gathering feedback, letters to grave owners, notices on site etc. however general post outs would be extremely costly and could not guarantee answers. When residents take on ownerships of the Rights of Burial they are clearly made aware of the rules and regulations, including no homemade kerb sets, which apply to our sites. If the current regulations are to be more strictly enforced a more proactive approach through the press to notify would show that the Council is taking every possible opportunity for families to remove any precious items themselves.

However there is feasibility to gather more public views and feedback relating to other cemetery decisions which has recently been demonstrated within the extension consultations. In addition to this there is the potential to consult on other topics such as the possibility of memorial gardens or areas for plaques (which in themselves would provide residents with more affordable memorial options).

Site Visit

A site visit was arranged for Members on the 6 January 2016. The purpose of this visit was to allow Members to see first-hand the impact of some of these kerb sets and consider what possible options were available.

Other Discussions

As part of the review Members discussed and debated a whole range of issues relating to home-made kerb sets. These included;

- the feasibility of concreting in-between the burial plots of children's graves (particularly the paths) to ensure ease of future maintenance and thus relaxing the rules to allow kerb-sets to remain or be installed as appropriate;
- acknowledgement that any enforcement action to remove kerb sets from cemetery sites would need to be handled carefully and sensitively to minimise distress to relatives, friends or owners of burial plots;
- acknowledgement that the installation of kerb sets by the Council would not be cost effective and therefore the possibility for the work to be undertaken professionally (in accordance with strict guidelines) but remain the responsibility of the plot owner;
- recognition of the ongoing difficulties being experienced by cemetery staff to cut the grass satisfactorily in-between graves and the poor impression this ultimately creates in relation to the Council's perceived standards of care and maintenance of its cemetery sites;
- the problems associated with the 'digging out' of graves on plots flanked by graves with kerb sets (new and old) with mechanical digging equipment being unable to access the area safely to undertake the work required;
- the possibility for undertaking selective enforcement to remove kerb sets dependent on their size and level of hindrance to surrounding graves and burial plots;
- the problems associated with untended kerb sets falling into disrepair and decay and their impact on the cemetery site as a place of mourning and remembrance;
- the efforts undertaken by Council staff to contact owners/relatives of graves and kerb sets that have fallen into disrepair to request that the graves be tidied/repared as appropriate;
- the importance of having a clear policy with guidelines that can be easily followed and understood with any enforcement action being robust and consistent for all owners/relatives of graves and burial plots;
- the benefits of reiterating the requirements outlined in the Cemetery Rules and Regulations Booklet to relatives of the deceased, at a suitable time once the initial period of intense grief and mourning has passed, to enable the information to be more readily understood and taken on board as appropriate.

Conclusion

In concluding this review, Members of the Panel agreed that the issue was one that requires a sensitive and considerate solution. However, due to the problems associated with home-

made kerb sets, including health and safety and the inability to maintain sites to an acceptable standard due to personal items from grieving relatives / friends, the Panel concluded that the current restriction on home-made kerb sets as detailed within the Cemetery Rules and Regulations booklet should be upheld.

Furthermore, there are some additional actions that the Panel agreed would assist in increasing awareness of the issue in a sensitive and compassionate manner. These are detailed in the recommendations (alongside 2 minority recommendations).

Finally, in addressing alternative options for a grieving relative / friend, Panel Members would welcome some initial work to be undertaken in exploring options around the future consideration of a memorial/reflection area or community garden.

Implications

Corporate Plan:

Place and Communities and the commitment that we will work with our partners to ensure we deliver services centred on the needs of people and places.

Organisational Improvement and the commitment to show value for money as well as being an employer people want to work for.

Legal:

The Cemetery Rules and Regulations booklet given out with all deeds clearly states that *“No kerb sets, bell glasses, ornaments, wind chimes nor decorations of any kind will be permitted from April 2007”*.

Finance:

Maintenance of cemeteries is currently contained within the revenue budget. There is currently no capacity within this budget for any options relating to the provision of additional services. Any growth in budget will require a separate report to Cabinet.

Budget Area	Implication
General Fund – Revenue Budget	Any growth in budget will require a separate report to Cabinet.
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	Not applicable
Housing Revenue Account – Capital Programme	Not applicable

Human Resources / Equality and Diversity:

There are no direct HR implications in relations to Terms and Conditions, however it does consider the impact of home-made kerb sets on the working environment and Health and Safety issues for employees working within the cemeteries.

Other Implications:

No further implications have been identified.

Reason(s) for Urgency (if applicable):

None

Background Papers

The Cemetery Rules and Regulations booklet

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