

**POLICY DEVELOPMENT PANEL – BEREAVEMENT SERVICES**

**Subject: Proposed Review of Cemetery Regulations and New Cemetery Policies**

**Date: 14 January 2014**

**Report by: John Paterson, Head of Operational Services**

**1.0 INTRODUCTION**

**1.1** This paper is intended to inform the Policy Development Panel and invited stakeholders, of issues affecting the Bereavement Service. In response to issues identified, draft policy is proposed and the views of the Policy Development Panel and stakeholders invited to give evidence, are sought. It should be stressed that this paper is intended to inform the development of future policy and does not constitute policy at this stage. The views and comments of the Policy Development Panel (including consideration of stakeholder's evidence and views) will be incorporated into a future paper to the Executive of Falkirk Council, which will decide upon future policy.

**1.2** Falkirk Council's existing Cemetery Regulations originate from 1<sup>st</sup> April 1996 (Appendix 1) when they were last reviewed. Due to the time that has elapsed since the last review and the various practices and behaviours being adopted by cemetery users and visitors, it has been proposed that there is a need to carry out a review of the existing regulations to ensure our burial grounds are managed in a safe and effective manner for the benefit of all users.

**1.3** The review will take into account a number of the issues seen at first hand by Policy Development Panel members when visiting the burial grounds earlier this year. During those visits, a number of observations and practices were identified that related to;

**Review of Cemetery Regulations**

- Memorial headstone size
- Memorial headstone foundations
- Tree and shrub planting within headstone borders
- Tributes and Inscriptions

### **New Bereavement Services Policy**

- Provision for Muslim interments
- Memorial benches
- Memorial tree planting

**1.4** It is proposed that the review of the current Cemetery Regulations offers an opportunity to capture some of the above issues and to reaffirm the existing regulations, whilst others will have to be addressed by a new policy entirely.

### **2.0 Memorial Headstone Size**

**2.1** It should be noted, that it was previously agreed that a separate report will be presented to the Executive committee on a strategy to address memorial headstones stability within the Councils burial grounds.

**2.2** Recent attention from the local press has focused on the visual impact of leaning and fallen headstones in a number of our cemeteries, most notably Slamannan Churchyard. However the majority of our older established burial grounds have evidence of fallen headstones.

**2.3** Within a number of the burial grounds visited by the PDP members there was evidence (Appendix 2 photograph of fallen headstones) of numerous fallen headstones. The majority of these memorial headstones were really old, large (more than 2 metres in height) and a legacy of a previous age when it portrayed a position of wealth or your status in society.

**2.2** In the last ten years more and more issues relating to the safety of memorial headstones has become prevalent. Over the last 30 years, eight people in the UK have been killed when a memorial has fallen on them. Unfortunately there is no readily available data relating to serious or other injuries, and so the risks of injury are difficult to quantify.

**2.3** A memorial headstone measuring 4ft (1200mm) in height can form a considerable weight, a granite headstone measuring 1000mm x 100mm x 900mm will weigh approx 250kg (quarter of a metric tonne).

**2.4** It is evident that a lack of ongoing maintenance by the lair owner in inspecting and ensuring the headstone memorial is safe has resulted in the headstone becoming unstable, resulting in its eventual collapse onto the ground.

**2.5** This potential risk to visitors and users of the cemetery in years to come is the main driver for putting forward this proposed restriction in the size of memorial headstones being erected in Falkirk Council burial grounds. As years progress, there appears to be less and less responsibility taken by lair owners for their

memorial headstone. By potentially restricting the size of permitted headstones within our burial grounds, this would reduce the potential risk of injury or fatality, should a headstone ever fall in the vicinity of a cemetery visitor/user.

- 2.6** Where there have been cases of recent oversize headstones (Appendix 3 photo of New Grandsable headstone) erected (some as high as 6ft and 12ft in length) they have a direct impact on those neighbouring lair owners due to the size and scale of the memorial. These memorials dominate the burial grounds and can have a negative impact on the aesthetics within the cemetery and also cause offense to other cemetery users/lair owners. Examples of communication from distressed residents sensitive to this issue can be provided.

### **3.0 Memorial Headstone Foundations**

- 3.1** In order to obtain consistency of approach to the installation of foundations within a cemetery (where space allows) or new cemetery extension, it is proposed that concrete raft foundations (Appendix 4 example in a photograph) are installed in all new cemetery ground in advance of any lairs being sold. Costs for the foundation would be charged when the lair is purchased.
- 3.2** This will provide a uniform and consistent foundation in both the width and depth and more importantly the overall strength of the foundation in comparison to the ad-hoc approach to single foundation installations undertaken by Memorial Masons.
- 3.3** It should be noted that concrete raft foundations can only be installed in new burial ground where lairs currently do not exist unless a number of lairs have been secured within a small gap site and allows the installation of a small raft foundation. For this reason, single foundations will still be undertaken where a headstone is being erected within an existing burial ground.
- 3.4** In addition to creating a more formal rectangular headstone border to site the memorial headstones on, it also removes the need to constantly maintain a conventional headstone border consisting of exposed soil. This reduces maintenance operations (weed spraying, cultivation or grass cutting) that would normally be required within these areas. It also prevents lair owners from planting trees or shrubs within the headstone borders which can cause memorial stabilisation issues when the plant matures.
- 3.5** To underpin this future policy, it is proposed that a Memorial Mason Registration Scheme be implemented which will allow controls to be put in place to ensure and establish a uniform standard of workmanship and working practices throughout all of the Councils cemeteries and churchyards undertaken by Memorial Masons/Sculptors.

**3.6** This would include the standards required for the installation, repair and maintenance of memorials both new and existing, insurance cover, health and safety requirements and administrative requirements with a view to producing a common approach at every burial ground under the Councils management.

**3.7** The Councils ultimate objectives are to ensure that the Councils cemeteries and churchyards meet all health and safety standards and are safe and inviting environments for working in or visiting.

#### **4.0 Tree and Shrub Planting within Headstone Borders**

**4.1** There is already reference to the management and maintenance of trees and shrubs within the existing Cemetery Regulations in Section 13 where it states, *“The Local Authority or their Officer may prune all planting, and even remove the same, if it shall be the opinion of the Local Authority or their Officer that, by the spreading of the roots, branches, or growth, damage may be done to the adjoining grounds”* The issues noted during the site visits, highlighted the potential damage and health and safety issues that can be faced with trees and shrubs being allowed to grow unchecked within headstone borders.

**4.2** Trees and shrubs can mature to a height and spread (Appendix 5 conifers at Slamannan) where they can directly impact on the foundation of the memorial headstone via the root system and above ground through the weight and spread of the tree trunk and branches.

**4.3** They can also have a negative impact on routine maintenance operations (grass cutting, weed spraying etc) and more importantly when preparing the grave for a burial. Tree roots that have encroached into the lair space can result in the tree roots having to be cut to facilitate the coffin being interred which can then compromise the integrity of the tree itself.

#### **5.0 Tributes and Inscriptions**

**5.1** In the majority of cemeteries and especially newer cemetery extensions, tributes, including; concrete slabs and edgings, flower vases, timber log fencing, metal fences, gravel, soft toys, football colours, solar lights etc are all becoming more and more prevalent in recent years (Appendix 6 photographs of fence/slabs at Slamannan). They extend to a point where they are now encroaching on to burial space and this has a direct impact on the routine maintenance operations; grass cutting, spraying and edging, along with the most important function in preparing the grave or the neighbouring grave for a burial. All items placed in the burial space prevents the day to day grounds maintenance operations being undertaken, can lead to conflict with families of neighbouring lairs, it can result in allegations of theft or vandalism being directed to operational staff and projects a lack of proper management of the burial ground.

**5.2** This is a sensitive issue especially where families have recently lost a loved one and the outpouring of grief is offset by an increased amount of tributes left at the graveside.

- 5.3** There is provision that flowers and tributes can be left on the grave after the initial interment until such time they become unsightly or damaged (normally two weeks). They are then removed by the Council. It is proposed that flowers and tributes are permitted on the burial space for two weeks after the burial date and then removed by the Council for collection by the family.
- 5.4** Recently it has been noted that families are choosing to add more graphics and details to their memorial headstones, including; photographic images of those deceased, football emblems/badges, and symbolic detail. Depending on the nature of such items, some could cause offence to neighbouring lair owners or visitors to the cemetery and would have to be authorised in advance of the proposed installation. Whilst a football club logo may be permissible, it would be proposed that the size of images be restricted to a maximum size of 100 x 100mm and not likely to cause offence due to it being construed as sectarian, racist, sexist or any other inflammatory image which has the potential to cause legitimate offence to another user of cemeteries.
- 5.5** Inscriptions on memorial headstones generally contain information (name, age, date of death etc) related to those that have been interred in the adjacent grave. There is no stipulation in the current Cemetery Regulations on what can be inscribed on the memorial headstones or the colour of the inscription or the font size or even that it should not be construed as being offensive.
- 5.6** Approval of headstone size and content would be expected in advance of its erection and would ultimately be at the discretion of the Director of Corporate & Neighbourhood Services. Any images or content not receiving prior authorisation could result in the Council undertaking the removal and storage of the offending headstone.
- 6.0 Provision for Muslim Burials**
- 6.1** Falkirk Council made provision of a separate faith area for Muslim interments within Hills of Dunipace cemetery arising from a previous request for this facility (appendix 7). It is intended that Falkirk Council will continue to provide this facility.
- 6.2** There are no known requests from other faiths for this type of separate facility and is only provided on the basis of the physical need to have lairs provided in a particular orientation (Appendix 8 photograph showing lair orientation) that does not align itself with existing cemetery layouts. It is proposed that any future requests for separate provision from other faiths be only considered where existing cemeteries cannot accommodate a particular demonstrable physical need (e.g. orientation of graves in accordance with a faith based belief).

- 6.3 Within the Muslim faith, only one interment is carried out per lair as opposed to several in other non Muslim sections of this cemetery where up to four interments can be carried out if suitable ground conditions prevail.
- 6.4 There is also a stipulation in accordance with the Muslim faith that the head of the deceased is facing the “Qibla” (towards Mecca). This need can align the direction of the lairs out with the non Muslim faith lair layout, in which lairs can face any number of directions and be placed in any orientation.
- 6.5 It is anticipated that there will be an increased in demand for lairs within this section, and as in other areas of our burial grounds, provision will be monitored to ensure suitable provision for future use.

## **7.0 Memorial Benches**

- 7.1 Our burial grounds are valuable areas of open space that are utilised by local citizens, visitors, tourists for walks, for genealogy searches, for peace and reflection along with mourners and family members visiting the graves of loved ones.
- 7.2 Some of those family members look to have their lost relative remembered in a variety of ways, normally through the erection of a memorial headstone or plaque. However, some families request to have a memorial bench sited close to their family lair with a small plaque with an added inscription.
- 7.3 The addition of a memorial bench(s) within our burial grounds adds value (Appendix 9 photograph of bench at Hills of Dunipace) to the local amenity and provides a resting place for those visiting the cemetery if provided in the right location.
- 7.4 It is important that new burial ground extensions give priority to lair space, access roads, footways, headstone borders etc to maximise the use of available ground for both coffin and cremated remains interments. Only areas not suitable for these uses will be made available for the siting of memorial benches, in accordance with predetermined master planning for a particular cemetery. It is proposed to also offer memorial benches within parks.

## **8.0 Memorial Tree Planting**

- 8.1 This is a similar issue to the one above relating to memorial benches in that some families want to commemorate their lost loved ones by another form of memorial and not just the conventional expensive stone memorial.
- 8.2 Some families plant small trees and shrubs in the surrounding headstone border of the family lair however as noted above (Item 3) what starts out as a small

tree/shrub can over a period of time grow to an extent whereby it takes over the headstone border. In doing so, they can cause potential damage to adjacent headstones as previously described.

**8.3** The correct tree, planted in the correct location, adds value to a cemetery. It provides added value (Appendix 10 photograph of memorial tree Hills of Dunipace) to the open spaces by providing colour and interest, bio-diversity, habitat for a range of insects, birds and animals and a lasting legacy for future generations.

**8.4** It is important that new burial ground extensions give priority to lair space, access roads, footways, headstone borders etc to maximise the use of available ground for both coffin and cremated remains interments. Only areas not suitable for these uses will be made available for the siting of memorial tree planting, in accordance with a cemetery's master plan.

## **9.0 CONCLUSION**

**9.1** Through the visits to the various burial grounds the panel have seen at first hand some of the day to day issues faced by Bereavement Services. In order to address those issues it has become clear that to allow for effective management of our burial grounds the existing Cemetery Regulations are in need of review.

**9.2** In addition to the Cemetery Regulations there is also a need to create new Bereavement Services policies to provide direction and clarity to both Bereavement Services and members of the public using the Councils burial grounds and churchyards.

## **10. RECOMMENDATIONS FOR CONSIDERATION**

**10.1** Stakeholders giving evidence to the Policy Development Panel are invited to comment on the issues contained within this report, and specifically give any comments on the following issues for consideration by the Policy Development Panel.

**10.2** The Panel members agree to support a future Executive recommendation to have the existing Cemetery Regulations (1996) reviewed and formalised, incorporating those issues highlighted below.

**10.3** The Panel members shall give consideration and comment on the recommendations (below) and any views from invited stakeholders regarding the proposed additions to the Cemetery Regulations and the new policies being suggested as follows:-

**Memorial Headstone Size:**

It would be proposed that a restriction of the size of memorial headstones is added to the reviewed Cemetery Management Rules & Regulations.

It is proposed the size and dimensions of the memorial headstone should be no more than the following dimensions;

- Maximum permitted height 4ft (1219mm) from foundation to the highest point of the memorial.
- Maximum permitted width 3ft 8ins (1117mm)
- Maximum permitted depth (thickness, excluding base) 5 inches (125mm)

**Note:** these dimensions would only apply to lairs 4ft (1219mm) wide. All headstones should be placed centrally on the mid point of the lair with no less than 2ins (50mm) of free space all around the base of the memorial. (Appendix 11 dimensions of Memorial Headstone footprint).

### **Memorial Headstone Foundations;**

To adopt the practice of the Council installing concrete raft foundations to all new cemetery sections or new cemetery extensions, where ground conditions permit and have contained within the revised Cemetery Management Rules and Regulations

It is recommended that the Panel supports a policy to put in place a Memorial Mason Registration Scheme, which will put in place effective controls to ensure the highest quality of workmanship and competence. The establishment of the scheme will promote a partnership which will encourage formal and informal communication, long term working relationships, innovation and development initiatives between all registered parties. Any companies who do not comply with standards set and otherwise adhere to cemetery rules could be excluded from working at cemeteries at the discretion of the Director of Corporate & Neighbourhood Services.

### **Tree and Shrub Planting within Headstone Borders;**

To avoid those potential issues mentioned above, we would ask that the Cemetery Management Rules and Regulations stipulate that no trees, shrubs or plants are planted directly into the soil within a headstone border.

### **Tributes and Inscriptions**

Within the existing Cemetery Regulations (Appendix 1 Item 12) there is already provision for controlling the installation of *'monument, rail, fence, chain or erection of any kind whatever, nor planting of any description, shall be permitted on sites and lairs until approved by the Local Authority'* However this particular rule needs to be expanded to take into account all of the above items that are now being placed on lairs.

Flowers, tributes, soft toys, would initially be permitted immediately after the interment to be placed on the burial space, however after two weeks these items should all be removed from the burial space. This will allow the burial space to be made free of any items to allow unhindered cemetery maintenance operations to recommence.

Consideration should be given to the inscriptions permitted on the memorial headstone in terms of colour, size of font and the content of the inscription to ensure the text could not be considered offensive in any way (racist, sectarian etc).

### **Provision for Muslim Burials**

It is proposed that the Panel give consideration to the creation of a policy on future separate faith areas within existing and new burial grounds to take into account future use/need. It is proposed that any future requests for separate provision from other faiths be only considered where existing cemeteries cannot accommodate a particular demonstrable physical need (e.g. orientation of graves in accordance with a faith based belief).

The policy should clearly identify those areas and provision along with agreed procedures for a Muslim burial including; timeframe for bookings, backfilling of graves and the finish of a grave.

### **Memorial Benches**

A policy is created to allow members of the public to purchase a memorial bench via the Council and have sited in predetermined locations in the cemetery on a suitable slabbed sub base.

Due to the importance in utilising every potential grass area for interment purposes, there may be limited availability to have a large number of memorial benches sited within certain burial grounds. The choice of locations will solely be down to the suitability and available free space and be determined by the designated Officer.

The style and specification would need to be agreed to ensure the specific style of memorial bench is in keeping with the surrounds and has an ability and quality to last for a minimum number of years.

Maintenance of the bench will revert to the Council once installed, however once the bench has reached its end of life or it has suffered damage beyond economically repair, it will be removed from its position within the cemetery.

## Memorial Tree Planting

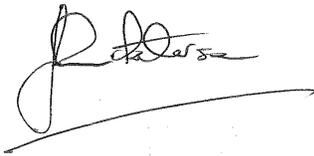
In order to appease those families wishing to have a “living” memorial planted and those prevented from planting a tree or shrub in the headstone borders above (Item 3), it is proposed that a new policy be created to permit members of the public to purchase and have a memorial tree planted within a cemetery.

The policy will need to clearly highlight the areas where trees can be planted without having a detrimental impact on future burial space, in accordance with the master plan for each cemetery.

It is proposed a palette of no more than five different species of tree will be identified to provide a selection of deciduous and evergreen trees to choose from (subject to species suitability and ground conditions).

The tree planting would take place between the period of Oct – March, in line with the planting season and be planted and staked in the appropriate manner.

Maintenance of the tree once planted, will revert to the Council thereafter for all future management and maintenance.

A handwritten signature in black ink, appearing to be 'P. J. ...', with a long horizontal line extending to the right from the end of the signature.

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7 January 2013