

West Rainton Parish Council - 16 February 2017

Item 13 - Cemetery update: Report of G Keedy, Project Officer

This report provides Parish Council with an update of live issues affecting the cemetery:

Stress testing of memorial headstones

Members will recall that approval was given for the appointment of a contractor to undertake stress testing as part of Health and Safety requirements. This has been awarded to Sherburn Outdoor Services.

After discussion at the January 2017 meeting, it was agreed that a range of publicity be prepared by Project Officer to give cemetery users advance notification of the stress testing work.

A news item is now included on the Parish Council's website, an editorial item has been published in the latest edition of the Village Newsletter and A3 posters have been displayed on the cemetery gates.

During w/c 13 February, a stonemason has been in touch with Project Officer to suggest that the training provided by the Institute of Cemetery and Crematorium Management (ICCM) relating to memorial inspection is inadequate and that contractors undertaking such work require additional assessment and registration with City & Guilds or a similar body.

Project Officer has subsequently raised this potential concern with the Chief Executive of ICCM. His response is:

"The view of the stonemason is simply his/her view as there is nothing in either health and safety legislation nor burial law that requires any specific qualification for a person inspecting memorials and assessing risks.

The Ministry of Justice guidance and ICCM guidance both speak of training however neither refer to any particular training. The HSE has stated that people that regularly work in cemeteries are best placed to assess risks in those cemeteries.

The following is clause 9 of the Ministry of Justice/HSE guidance on Managing the Safety of Burial Ground Memorials:

A risk assessment provides for a focus on those risks with the potential to cause real harm. In most cases a suitable and sufficient assessment can be completed by an officer of the burial ground operator using experience of burial ground management and the associated risks, and a working knowledge of memorials. Operators may need to provide training to officers or volunteers so they can develop the necessary skills to complete these assessments – including ensuring they have an understanding of the need for a proportionate approach to the assessment.

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The full document can be found at -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/326725/safety-burial-grounds.pdf

It would seem that the above official government document confirms that officers of operators, which would effectively be yourself as an officer of your authorities, could assess risks posed by memorials. It also states that operators MAY need to provide training, not must, and does not specify the kind of training nor any provider. Therefore a burial authority could employ a contractor when it is satisfied that such contractor has the knowledge and skills required by the above Ministry of Justice/HE guidance.

It should also be noted that the above government document was commented on by all members of the Burial & Cremation Advisory Group convened by the Ministry of Justice at which all major organisations representing burial authorities, memorial masons, funeral directors and others attend.

I will not respond to the memorial mason's comment on the Institute's training except to say that the Institute has provided training and educational opportunities to burial authorities since 1913, is a not for profit organisation and has no commercial interest."

The stonemason has further advised that another County Durham Parish Council has received liability claims as a result of a failure to ensure their contractor was independently assessed.

Project Officer has made enquiries with the Clerk of the Council cited. He has established that one successful claim was made several years ago. This followed the unauthorised stress testing of a memorial headstone by an untrained employee.

Parish Council is asked to consider its' position in relation to the previously agreed approach to stress testing at WR cemetery in response to the representations of the stonemason.

Cemetery Maintenance contract

The new approach adopted by Parish Council to awarding contracts drawing on professional procurement expertise has seen ongoing discussion with officers at Durham County Council (DCC) Procurement Service to ensure procedural arrangements meet Parish Council requirements. The contact documentation is due for imminent release to potential bidders.

DCC will receive bids and make a preferred bidder recommendation to Parish Council. There is a need to award the contract as soon as possible, particularly to ensure there is no undue delay with the grass cutting regime.

It is expected that a recommendation from DCC will be available for the 16 March 2017 meeting.

Parish Council is asked to note the current position.

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Tree encroachment

Parish Council has been contacted by a resident of Chantry Place expressing concern that damage could be caused to his property by roots from saplings situated within the curtilage of the cemetery growing alongside the boundary fence.

The resident has asked that action be taken by Parish Council to remove the trees to prevent any possibility of damage and to avoid any potential liability claim.

Project Officer has met the resident on site and inspected the saplings. Photographs are appended to this report.

Parish Council is asked to authorise Project Officer to seek professional arboricultural advice and a quotation(s) for removal.

GK 15 Feb 17