

# *Devizes*

## *& Roundway*

### *Joint Burial Committee*

Town Hall  
St. John's Street  
Devizes  
Wiltshire SN10 1BN

Clerk: Sarah Todhunter  
Tel: 01380 722160  
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## **MEETING**

Date: Thursday, 3 September 2009  
Time: **Directly after a tour of Devizes Cemetery (Tour starts at 6.15pm by gate)**  
Venue: Council Chamber, Town Hall, St John's Street, Devizes  
Enquiries: Town Hall - 01380 722160

### MEMBERS

#### Devizes Town Council:

The Town Mayor: Councillor Leighton

Councillors: Beinhorn  
Mrs Burton  
Mrs Evans  
Gudgeon  
Nash  
A R Taylor

#### Roundway Parish Council:

Councillors: Booth  
Brewer  
Callow  
Miss von Berg

## **A G E N D A**

### **1. MINUTES**

To approve as a correct record and authorise the Chairman to sign the minutes of the meetings held on the 28 May 2009, which have been circulated with the agenda.

### **2. APOLOGIES FOR ABSENCE**

### **3. DISCLOSURE(S) OF INTEREST**

To receive any disclosures by a Councillor(s) and/or Officers in matters to be considered at this meeting in accordance with the provisions of Sections 94 or 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

**4. PUBLIC PARTICIPATION**

At the Chairman's discretion, members of the public attending the meeting will be allowed to ask questions, make a statement or address the

Committee upon a matter of concern, which is relevant to the Committee. A time limit of 5 minutes per person will be permitted, but this may be extended at the Chairman's discretion and a maximum period of 20 minutes has been allocated by the Committee for this item of business.

**5. FINANCIAL MATTERS**

(a) Schedule of Payments: Since the last meeting accounts to £26,767.84 (net) have been paid (doc 5/1).

**6. REPORT FOR INFORMATION RESULTS FROM OPEN DAY**

The Devizes Cemetery Open Day was held on 16 July 2009.

The Cemetery Chapel was opened up to provide teas and coffees and Burial Records were made available to the public. Officers and staff from the Town Hall were on hand to assist and answer questions. There was a display of old photographs and information on the Cemetery. The Family History Society also provided their electronic database to assist with finding details of family members. The Parks and Open Spaces Staff were on hand to help people find graves and were kept busy all day.

It was commented upon that the Parks Staff were also doing routine maintenance work while the event was going on, which provided an insight into day-to-day management of the Cemetery.

The event was advertised as open from 10 – 2pm. We had coverage by BBC Radio Wiltshire with an earlier recorded interview with the Deputy Town Clerk, and one of their reporters also came down to look for a relative's grave. Further interviews were also given by the Parks Supervisor and other members of the public.

A point was made by a Town Councillor that more signage should be provided in future.

The day was extremely popular, with the first visitors arriving just after 9am while we were still setting up and a steady stream all day with queues at one point. The last visitor left just before 4pm.

**7. REPORT FOR DECISION – MEMORIAL SAFTY TESTING**

**Recommendation**

That the committee agrees a revised policy and procedure document for the management of memorials in Devizes Cemetery.

### **Purpose of the Report**

To agree a new policy for the management of memorials in Devizes Cemetery.

### **Background**

In 2006 The Joint Burial Committee adopted policy for the management of memorials. Within the document, there is a section which specifically deals with the testing of unsafe memorials. Within this section the current policy requires the use of a mechanical testing device. This states that:

- *Stage Three 35Kg pressure test - should the monument pass the hand test and be over 2.5 feet, then it will need to be tested to a pressure 35Kg. To do this a gradual pressure is added to the monument and any movement noted. If the memorial fails then it will be temporarily staked. If the monument is found to be safe, an assessment will need to be made as to when it will need to be checked again.*

At the time the policy was drawn up and in line with good practice guidance it includes that the use of mechanical pressure test devices would give a clear and measurable record of a monument's stability.

Since the initial guidance was given to cemeteries and burial authorities, there has been a view that the use of mechanical testing of memorials is over zealous and safety is based on an ability of a memorial to withstand a measure pressure rather than the risk of a memorial falling over and causing an injury.

In response to the concerns raised, earlier this year, the Ministry for Justice issued a document "Managing the Safety of Burial Ground Memorials". The Church of England, Association of Burial Authorities, National Association of Memorial Masons, Health and Safety Executive, Society of Local Clerks as well as other interested parties, compiled this document jointly. The purpose of the document was to give practical advice on dealing with memorials.

The document concluded that most of the practices the Burial Committee uses to manage the memorials in Devizes Cemetery meet good practice; however, there are areas of difference which needs to be considered.

One of differences between the recommendation in the document and the policy of the joint burial committee is that practice staking of unsafe memorials should not take place but rather signage be used for the restriction of access. In the policy adopted by the joint burial committee staking of unsafe memorials is first action taken to reduce the risk of injury by such a memorial

It is officer opinion that the sensitive placing of a stake to support a memorial should not be obtrusive and to date there is no evidence that it causes any undue distress to members of the public.

In the past, notices have been used to inform visitors of unsafe memorials and the public have been precluded from entering areas of the cemetery where the chance of a memorial falling is likely. This is known to have caused distress. It is therefore proposed to make no amendment to the current policy.

It is quite clear that the Burial Authority is responsible for the safety of visitors in the cemetery and although the risk of a headstone falling on a visitor is quite low, should there be such an occurrence the result could inflict a serious injury on a visitor. It is officer's opinion that the suggested mechanisms in the document give the authority no control of the risk and should an occurrence take place it could all too easily be shown that the Burial Committee had not taken suitable and sufficient steps to prevent the accident.

It is therefore officer's recommendation that no amendment is made to the current policy in relation to staking.

The guidance recommends that hand tests should be used to confirm a visual inspection. The test should involve no tools or equipment. In undertaking the hand test, the assessor will need to decide if any movement of the memorial poses a significant risk.

The burials committees' current policy allows for 35kg of pressure to be placed on the stone and should no movement take place the stone is safe and if it moves it is deemed to be unsafe. Although this policy gives very clear and unambiguous results in many cases it may not truly reflect the safety of the headstone.

Officers concede that the current practice has caused some friction between stonemasons and the tester as work has needed to be carried out to a stone where there has been some disagreement about the stability of a headstone.

The committee may decide that the testing of headstones by mechanical methods be ceased and testers given more discretion to determine the stability of the stone.

The underlying comment in the Ministry of Justice document is that authorities should adopt a risk based and proportional approach to managing memorials. With this in mind a review of the way in which the joint burial committee approached memorial safety in the cemetery needs to be reassessed.

In future it may be appropriate that areas are zoned with some areas carrying a higher risk than others, such headstones which are situated close to a path and the risk of injury is higher.

Attached to this agenda is a copy of the revised Policy Document.

**Options Considered**

Members need to decide if they wish to adopt the revised policy for the management of memorials.

**Implications & Risks**

**Financial and Resource Implications**

Officers are not aware of any further financial or resource implications if the revised policy is adopted

**Legal Implications and Legislative Powers**

The Health and Safety at work act 1974, The Health and Safety at work regulation 1999 and the Local Authorities' Cemeteries Act 1977 all place a duty on the joint burial committee to keep the cemetery in good order and safe.

**Environmental Implications**

Officers are not aware of any environmental implications, if the revised policy is adopted.

**Risk Assessment**

Officers are not aware of any further risk implications, if the revised policy is adopted other

**Crime and Disorder**

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

**8. REPORT FOR DECISION – GRAZING/GRASS MANAGEMENT**

**Recommendation**

It is recommended that the Committee discuss the adoption of a policy of grass management in the cemetery by the introduction of grazing animals in the outside field which is not yet being used for burials.

**Purpose of the Report**

To provide the Committee with information in order that a policy is decided upon.

**Background**

In the past 12 months we have received occasional complaints about grass management in Devizes Cemetery. These range from marks left by the wheels of the mower, damage to ornaments by trimmers, cuttings left on the ground and memorials not being brushed clear of mowings. There is also a problem with moles, which have to be dealt with on a fairly regular basis.

Raking and collecting cuttings by hand is very time-consuming and resources are limited. Last month we trialled using a ride-on mower which collects the cuttings. This is very efficient, but its use is limited to larger areas.

In addition, there are no facilities to deal with the resulting quantities of grass cuttings and they present a fire hazard. The cost of the cutting/raking/grass collecting equipment is around £15,000.

### **Options Considered**

We are now investigating the suggestion of bringing in grazing animals, particularly for the new section. Sheep have been used successfully in cemeteries all over the country for many years. Apart from keeping the grass short, they also deter moles. Jacob sheep are friendly, docile, intelligent and attractive animals and would be managed by the shepherd in a designated and secure area.

References: Brighton Council  
Staffordshire Council

A further option might be to develop the land not yet being used for grass meadow, as Witney Town Council have been doing since 2004. Part of the meadow was seeded with a mixture of wild flower seeds including white campion, corn marigold, cornflower and field poppy. This seed mixture is also used on burials as they occur. In spring the woodland area was also planted with plug plants of cowslip, ox-eye daisy and red campion, as well as narcissi, bluebells and frittalaria, shrubs and trees. No memorials are allowed to be erected within the woodland or meadow burial sections. This allows for naturalisation. Grass cutting is minimal – twice a year and after the seed heads have ripened. Plots are identifiable by microchips inserted into the ground following burial. Thus they have created a pleasant, peaceful environment for relatives to visit, which at the same time acts as a natural habitat for flora and fauna.

### **Implications & Risks**

#### **Financial and Resource Implications**

There is some financial cost involved in the seeding the area, but this is outweighed by the minimal mowing required.

#### **Legal Implications and Legislative Powers**

Officers are not aware of any legal implications. Powers as to maintenance are provided under the Local Government Act 1972 s215.

#### **Environmental Implications**

Officers are not aware of any environmental implications.

#### **Risk Assessment**

Risks are considered low for introducing grazing animals, as they will be under the care and control of their shepherd.

#### **Crime and Disorder**

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

**9. QUESTION TIME**

Members will be allowed a short period in which to put questions on matters of concern to the Committee, which are not contained in the report of matters formally considered by the Committee at this meeting. The question may be answered at the meeting or may be referred back to the Committee at a later date. The question may not be the subject of any further debate.

CLERK TO THE JOINT BURIAL COMMITTEE