

# Moray Council submission of 8 December 2022

## PE1941/I: Stop the destruction of headstones within community cemeteries

The Council does not routinely communicate direct with lair holders, however, we publish press releases to advise the public of our headstone stability inspection programme. A copy of one of our recent communications can be found [here](#). We have also promoted a video to explain the headstone stability inspection programme which can be found [here](#).

In advance of headstone stability inspections the Council displays advisory notices at each cemetery to raise awareness of the programme and where appropriate contacts local churches for their awareness in advance of any works.

Where a headstone is found to be unstable a small warning notice is placed beside the headstone to advise both visitors and the lair holder of the potential risk and requesting that they contact the Council for further advice. We also attempt to contact to the lair holder to make them aware of our findings, and to request that they arrange to carry out remedial works using either a National Association of Memorial Masons (NAMM) accredited memorial mason or other memorial mason able to undertake the works in compliance with the NAMM Code of Working Practice and British Standard BS 8415.

Whilst it is preferable for lair holders to arrange their own remedial works where a headstone is found to be imminently dangerous the Council will take remedial action to remove the hazard by lowering the headstone and laying it flat on the ground or 'trenching' it into the ground (depending upon which is most appropriate) so that it may be reinstated by a suitably trained memorial mason. Where we are unable to carry out those make-safe actions e.g. due to restricted space or size, we will install a protective fence around the headstone.

The Council's Management Rules for all Cemetery and Burial Grounds also advises that:

*(Section 7 (v)): A Lair Holder shall be entitled to have a monument erected. Such a monument shall be erected centrally, shall not protrude in any way over the part of the Lair to be opened for burial and shall not be outwith the confines of the Lair. Any monument shall be erected in accordance with the Code of Working Practice of the National Association of Memorial Masons.*

Our Headstone Stability Procedure recognises that as a Burial Authority we need to have systems in place to control the risks from memorials to their employees, contractors, volunteers and members of the public. Responsibility for the overall safety (duty of care) within a Cemetery lies with the Burial Authority, which has responsibilities under the Health and Safety at Work Act 1974 to ensure that, as far as is reasonably practicable, their sites are maintained in a safe condition. It also recognises that the lair holder and owner of a headstone memorial is responsible for maintaining the memorial in good condition. However, we understand the potential distress and upset that may result from an inspection programme and we therefore ensure that our communications are clear and respectful at all times, and that inspectors are fully trained and able to interact with cemetery visitors to explain our work and offer information leaflets. Our use of signage and fencing does not contain any high-visibility colours and is minimised to reduce any unnecessary visual impacts on the overall cemetery environment.

We also fully observe cemetery sites with Listed status and those with of historic importance and liaise with Historic Environment Scotland and Archaeological Services prior to inspections at those sites and we provide lair holders with contacts for both of these services where applicable.