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**Broxtowe
Borough
COUNCIL**

14 May 2025

Document D

Subject: Health and Safety Management Statement – Cemetery Plot Regulations

Official Health and Safety Management Statement: Decision for the Removal of Unauthorised Personal Memorials from Cemetery Plots

This official statement is given in support of proposed measures to regulate and, where necessary, remove non-permitted decorative items from gravesites within the Council's cemeteries. This action is required to ensure compliance with UK health and safety legislation and uphold best practice as defined by national cemetery management standards.

1. Purpose and Rationale

The aim is to safeguard the health, safety, and welfare of cemetery employees, visitors, and funeral professionals, and to preserve the dignity and functionality of burial spaces. In recent years, the presence of non-standard tributes—including glassware, fencing, lanterns, ornaments, artificial surrounds, and photographs—has created significant health and safety concerns.

2. Key Health and Safety Issues

Grounds Maintenance Hazards:

During mowing and strimming season, these items present serious injury risks to our grounds Employees. Glass, metal, and plastic objects may shatter or become projectiles when struck by equipment, creating danger to employees and visitors alike. Additionally, such items obstruct machinery, leading to repetitive strain and manual handling injuries.

Access Impediments for Funeral Services:

Picket fencing, solar lights, statues, and planters restrict access for pallbearers, funeral directors, and machinery during interments and reopening's. Navigating around these obstructions jeopardises the dignity of the service and compromises employee safety.

Trip and Fall Hazards:

Low-profile or camouflaged items placed in and around plots increase the risk of slips, trips, and falls for all cemetery users, particularly elderly or disabled visitors and pallbearers.



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It is important to note that the absence of formal reports from members of the public regarding trips, falls, or near misses does not equate to an absence of incidents; many such occurrences often go unreported, particularly in sensitive environments such as cemeteries where individuals may prioritise their grief over submitting a complaint.

3. Equality, Inclusion and Accessible Visitation

The Council has a legal and moral duty to ensure that all members of the community, regardless of disability or impairment, can access cemetery grounds and visit their loved ones in a safe and dignified manner. The Council have received reports from individuals with visual impairments and physical disabilities who feel disadvantaged and excluded due to the presence of unauthorised items - such as decorative fencing, glassware lanterns, and other obstructions that restrict or endanger safe access to graves. This is not only distressing for those affected but may also constitute a breach for obligations under the *Equality Act 2010* which requires public bodies to make reasonable adjustments and to proactively remove barriers to access the removal of unauthorised items is therefore essential to uphold our commitment to inclusive public spaces and to ensure that all visitors, regardless of physical ability, can safely navigate the cemetery grounds without increased risk of trips, injury, or exclusion.

4. Legislative and Regulatory Framework

This proposal aligns with statutory duties placed on the Council under the following UK legislation:

- Health and Safety at Work Act 1974 – Section 2 and 3 obligations to protect employees and non-employees from risks to their health and safety.
- Management of Health and Safety at Work Regulations 1999 – Mandates the assessment and control of risks in the workplace.
- Occupiers' Liability Act 1957/1984 – Duty to ensure visitors are reasonably safe while on premises.
- Local Authorities' Cemeteries Order 1977 – Empowers local authorities to regulate memorials and items placed on graves.
- Institute of Cemetery and Crematorium Management (ICCM) Guidelines – Outlines gold standard cemetery operations, focusing on safety, respect, and sustainability.

The Health and Safety Executive (HSE) has enforcement responsibility for all cemeteries. HSE guidance has been used in the production of this management statement.

5. Required Action

To create a safe, respectful, and accessible cemetery environment, the following actions must now be implemented:

- Removal of unauthorised decorative items that breach current cemetery regulations or present safety risks.
- Ongoing communication with grave owners and the public, including advance notices and signage to encourage compliance.
- Review and enforcement of a clear, standardised cemetery regulations policy in line with the Institute of Cemetery and Crematorium Management (ICCM) and Federation of Burial and Cremation Authorities (FBCA) best practice.

6. Accountability and Risk of Liability

It is important to note that, should an incident subsequently occur involving an employee or member of the public - such as injury caused by prohibited items during maintenance or funeral operations the council may be held liable for failing to act on known and documented health and safety risks. In such circumstances, individual councillors and officers who ignored or opposed the professional instruction could be exposed to scrutiny including potential investigation under the health and Safety at Work act 1974. Regulatory bodies such as the Health and Safety Executive (HSE) may deem the inaction as a failure to fulfil the council's statutory duty of care, leaving the Council open to enforcement action, civil claims, reputational damage, and where negligence is proven criminal prosecution. This further underscores the necessity of taking preventative, proportionate, and evidence-based action now, in accordance with established legal and regulatory guidance.

7. Personal Accountability and Potential Liability

While councillors acting within the scope of their duties are generally protected from personal liability this protection is not absolute. Personal liability may arise in circumstances where an elected member disregards formal health and safety instructions, acts outside their lawful powers, or supports decisions that result in foreseeable harm. In the event of a serious incident, such as an injury or fatality linked to unauthorised grave items, regulatory bodies, including the Health and Safety Executive (HSE) may investigate whether those in decision-making roles, failed to discharge their legal duties. Where conduct is found to be negligent, reckless, or in breach of the statutory obligation under legislation such as the Health and Safety at Work act 1974 or the Corporate Manslaughter and Corporate Homicide Act 2007 personal accountability may be examined. It is therefore imperative that councils consider and act upon professional health and safety actions not only to protect public and employee welfare but also to mitigate potential individual and corporate liability.*

8. Conclusion

The Council has inadvertently weakened its own position by granting a 12-month extension for the removal of decorative items and memorial trinkets despite, clear, ongoing well documented health, safety and accessibility risks associated with them. The Council are committed to maintaining the highest standards of care and respect in its cemeteries, and this requires ensuring that all spaces are safe, accessible, and manageable for operational employees and visitors.

The health and safety risks now necessitate the removal of decorative items and memorial trinkets, and the cemetery rules should be applied consistently.

The Council are now required to formally support, act upon and enforce the required actions set out in this statement, to ensure the Council fulfils its legal, ethical and operational duties in maintaining a safe, accessible and compliant cemetery environment for all.

Yours faithfully,

A redacted signature consisting of two thick black horizontal bars.

Head of Health and Safety, Compliance and Emergency Planning

Footnote: * See HSE guidance: *“Leading health and Safety at work – Leadership actions for directors and board members (INDG417), and the Institute of Cemetery and Crematorium Management’s Charter for the Bereaved, which outlines standards for the safe, respectful cemetery operations.*