



Report of the Overview and Scrutiny
Committee

Review of Cemetery Memorials

December 2025



Table of Contents

Executive summary	4
Members of the Overview and Scrutiny Committee's Task and Finish Group on Cemetery Memorials.....	6
Recommendations.....	7
Background	10
Context	10
History.....	11
Present	13
Task group methodology	14
Views of residents	14
Residents with memorials	15
Residents without memorials	16
Views of Officers.....	16
Grounds maintenance.....	17
Cemetery management.....	18
Health and safety	18
Accessibility	18
The Rules and Regulations.....	19
Background.....	19
Importance of Rules and Regulations	21
Awareness	22
Alternative proposals	22
Residents' proposals.....	22
Bereavement Services' June 2025 alternative proposal	23
Bereavement Services' November 2025 alternative proposal	23
Other considerations.....	24
Risk to the Council.....	24
Significance of health and safety policies	25
Insurance	25
Health and safety concerns	26
Legislation.....	26
The Council's responsibilities and the recommended response	27

Position of Council Officers27

Other concerns28

 Accessibility and equalities.....28

 Representativeness28

 Residents’ interests and Council responses28

Conclusions29

Executive summary

- I. The construction of extensive cemetery memorials has become a popular national trend observed in cemeteries across the UK, especially since the Covid-19 pandemic, with negotiating the issue a topic of much debate among Councils, cemetery managers, and the sector more broadly. The Council is sensitive to the need to deal with the issue compassionately whilst also upholding its responsibilities to all residents equitably.
- II. After some periodic consideration across earlier years, the recent phase of discussions appears to have begun in 2019 and intensified after plans to clear unauthorised memorials were tabled at Cabinet in July 2024. Two sets of alternative proposals for the Cemeteries Rules and Regulations were tabled at the June 2025 meeting of Cabinet, with any decision deferred to a later date while this review was conducted.
- III. Throughout its interviews with a range of Officers, Councillors, and members of the public, the task and finish group heard a range of views from a variety of different stakeholders. It is clear that a period of low enforcement of the Cemetery Rules and Regulations to clear unauthorised memorials has led to confusion regarding what is permitted under Council policies and how these will be enforced. Feelings and views on what should be allowed at Borough cemeteries vary considerably, showing a wide spectrum of opinion with regards to personal preferences.
- IV. A decision on whether unauthorised cemetery memorials should be cleared was deferred from the 3 June 2025 Cabinet meeting so that this scrutiny review could be conducted by a task and finish group of the Overview and Scrutiny Committee. In conducting this exercise, the group has spoken to a wide range of stakeholders including Councillors, Officers, members of the public, funeral directors, and others.
- V. It appears that there is no unanimity among grave owners¹ regarding whether unofficial memorials should be permitted, and the group heard from those who support their clearance and those who want them to remain. While clear Rules and Regulations detailing what is permitted in cemeteries have always been in place, periods of low enforcement due to, among other things, the Covid-19 pandemic lockdowns and this period of policy review have contributed to the confusion regarding what is permitted.
- VI. Some grave owners have stated that they were unaware of the Cemetery Rules and Regulations and the provisions as relate to unofficial memorials, in some cases due to their state of grief perhaps contributing to the fact that they were not cognisant of the rules, in others because they claim that they were not made aware of them. It should be noted that the Council has always maintained clear

¹ Residents who lease a grave from the Council in a Borough cemetery.

Cemetery Rules and Regulations that are displayed at cemeteries, and which state such memorials are not permitted, despite the period of low enforcement.

- VII.** The Group expresses regret for this period of confusion, and for the health and safety and accessibility dynamics that officers have been required to manage under difficult circumstances throughout this period. The group received extensive advice from Officers regarding the cemetery management, grounds maintenance and health and safety implications of the present situation and any proposed changes to arrangements.
- VIII.** Grounds maintenance concerns included items becoming projectiles when cutting or strimming grass, the presence of possible trip hazards, hand-arm and whole-body vibration syndromes and the placement of soil boxes during gravedigging and reinterment. Issues raised around cemetery management included operational difficulties of implementing new rules permitting more memorials, improving understanding through consistent messaging and recording and administering what memorials are permitted during transitional arrangements.
- IX.** Comprehensive advice was received on health and safety, covering the Council's statutory responsibilities in legislation and Officers' view that the proposal to permit more extensive cemetery memorials could enhance risk. Further comment from Officers will be available and distributed alongside this report. The group is also aware of instances where cemetery memorials may create a barrier to accessibility for some cemetery visitors which, like any health and safety concerns, must be adequately controlled.
- X.** The task and finish group acknowledges the potential for cemetery memorials to present a risk to cemetery visitors, the public and Council employees if not subject to adequate controls, but feels that it is possible to find solutions to the concerns raised and subject these risks to adequate controls, while also serving residents and their desire to be permitted more means to express their grief through graveside memorialisation.
- XI.** While the group has decided to recommend that cemetery memorials up to 1m be permitted for new graves (older graves with larger memorials will be asked to revert to the 1m rule after re-opening), this must be subject to the absence of any prohibited items/materials, and to a suite of health and safety and accessibility measures where deemed necessary. The task and finish group hopes that, if approved by Cabinet, a working group of Members and Officers will work to find robust and compliant implementation of the recommendations that it has made.

Members of the Overview and Scrutiny Committee's Task and Finish Group on Cemetery Memorials

The Task and Finish Group was Chaired by Councillor S Dannheimer. Its full membership was:

Councillor Shaun Dannheimer – Chairman
Councillor Steve Carr
Councillor Sarah Webb
Councillor Ellie Winfield
Councillor Don Pringle
Councillor David Watts

The group was assisted by Jake Chambers, Democratic Services Officer and Jeremy Ward, Head of Democratic Services.

Recommendations

It is proposed to the Overview and Scrutiny Committee to recommend to Cabinet that:

1. To recognise the confusion caused to some local residents and thank them for their contributions, while also commending the work of Council Officers, acknowledging the difficult work they undertake in an often conflicting environment and also thanking them for their contributions to the work of the task and finish group.
2. To allow the construction and maintenance of cemetery memorials and memorial gardens on leased grave plots in Borough cemeteries, **up to a maximum length of one metre** from the headstone plinth and of the equivalent width as the headstone at its base. These must be bounded by a kerbset installed by a registered stonemason (or an agreed alternative, if signed off by the Officers deemed appropriate by Cabinet), and subject to agreement on the materials used, the absence of any prohibited items, and an agreed plan of action should any issues arise. The outside of the kerbset should be in alignment with the headstone at its base.
3. To therefore permit the installation of kerbsets on grave plots in Borough cemeteries, subject either to official installation by Council staff, or a suitable standard of installation and maintenance that does not unduly interfere in grounds maintenance. It is advisable that any kerbing fitted to a grave should bound the outer limit within which memorial items are permitted, up to a limit of **one metre**, with the width being the same as that of the headstone at its base. Any kerbset that is not officially installed must be signed off by the relevant Council Officers.
4. To instruct Legal Services to review (and draft where required) any revisions to the existing Cemetery Rules and Regulations and internment forms that may be required. This will ensure compliance by the grave owners of the terms and conditions and to ensure the Council complies with their statutory obligations.
5. All new graves (plots leased or dug since new Rules and Regulations take effect) should be permitted to maintain a memorial of up to one metre as stipulated in recommendations above, while older graves will be permitted to maintain memorials of more than one metre and up to a maximum length of the length of the grave plot, where these are already in place. When such older graves are reopened, they must then revert to 'the one metre rule', only maintaining memorials of up to one metre after this reopening. Any such memorials over one metre in length must still be at or below the width of the headstone at its base and bounded by an appropriate and agreed upon kerbset.
6. The owners of any graveside memorials outside of those allowed under these new rules (i.e. where older graves with pre-existing memorials do not revert to 1m in length following a reopening, are too wide, or feature prohibited items, or where new graves have memorials of >1m, etc.) should be offered time and assistance to reorganise their memorials, after which time their memorials should be removed in

accordance with the new regulations. Support may include notification of the grave owners that their memorial items may need to be cleared and storage of such items for a specified period of time.

7. The list of items prohibited on graveside memorials is to be reviewed and agreed, in collaboration with relevant stakeholders, including the Friends of Broxtowe Cemeteries and other cemetery users and bereaved families. The list should then be strictly adhered to by all grave owners and clearly enforced by grounds staff to safeguard against health and safety concerns. An exception should be made for a small amount of additional decoration on birthdays (for 14 days after the deceased's birth date) and Christmas (until 4 January).
8. Planted flowers, trees or shrubs should not be permitted in graveside memorials, due to the unsettling effects that roots can have on headstones and other features. Where planted vegetation is present, grave owners should be contacted and asked to pot them. If this is not done within an agreed timespan, any such planted features should be removed.
9. To consider, in consultation with any Officers, the Friends of Broxtowe Cemeteries, and any other stakeholders as appropriate, new messaging to grave owners and cemetery visitors informing them of the changes to Cemeteries Rules and Regulations and how this may affect them, such as in relation to adjacent burials, among other areas. Consideration should be given to communications stating that the Council wishes to work with visitors to manage any new health and safety and accessibility dynamics that may arise from new regulations and that visitors are duly informed of these by entering any Borough cemetery. Input should be sought from Communications, Bereavement Services and Health and Safety to ensure accuracy and consistency.
10. Grave owners should be given a copy (paper or electronic) of the Council's Cemeteries Rules and Regulations upon signing their interment form, where this is not already the case.
11. To consider making available any additional funding necessary to implement changes to cemetery management and grounds maintenance procedures which are required to work around any memorials that will remain under the new rules, i.e. changes to shift patterns, procurement of different grass-cutting, soil boxes or other equipment, etc. This would need to be subject to specific approval by Cabinet where there would be budget implications. Use of the Council's apprenticeship scheme should be considered if it is deemed necessary to take on additional staff.
12. The feasibility of implementing a 'cooling period' of seven days or more before the signing of the interment form by grave owners should be evaluated. This would be a period in which grave owners are able to contact the Council, enquire about and potentially reconsider whether they would like to sign their interment forms assenting to the Rules and Regulations, allowing them time to properly comprehend all of the conditions while in a state of grief, though this must of course occur before and not

delay interment. This may also function as an improved accessibility measure for mourners with dyslexia, ADHD etc., who may struggle to digest the form in full when they are first presented with it.

13. Grave owners should be contacted again before they are able to commission an official memorial – such as a headstone – to ensure that they are still cognisant of the Rules and Regulations and appreciate what they may and may not construct. The possibility of having them sign a document again at this stage to reiterate this should also be investigated.
14. The Council should investigate alternative possibilities to facilitate residents' mourning at Borough cemeteries, such as the creation of designated memorial gardens where more significant, personalised memorials are permitted, or augmented reality/VR offers, such as has been implemented at the D.H. Lawrence Birthplace Museum, especially where this would be helpful in managing accessibility or health and safety concerns.
15. The Council should investigate the possibility of helping to offer or signpost cemetery visitors to bereavement counselling services as part of its communications with residents on this issue.
16. To consider requesting that Bereavement Services should work closely with local funeral directors to understand their processes and procedures, if it would not duplicate work and as and when resources allow. The Council's Cemeteries Team should also consider the creation of a working group or bi-monthly catch-up meeting between themselves and local funeral directors to discuss any issues regarding communications with grave owners. This may help improve co-ordination and understanding of the Rules and Regulations and allowable memorial features among grave owners.
17. To consider, in consultation with Officers as appropriate, investigating the co-ordination of forms of funding for those that cannot afford funeral costs, such as helping those who cannot afford one to purchase a headstone. Monies from metals extracted during cremation should also be considered for this purpose, in collaboration with the Institute of Cemetery and Crematorium Management (ICCM), as required.

Background

The topic was suggested by Leader of the Council, Councillor Milan Radulovic MBE.

The review was scoped at the meeting of the Overview and Scrutiny Committee on Thursday, 25 September 2025, where the task and finish group was allocated the review, which sought to review the policies and procedures regarding cemetery memorials and recommend an approach that would resolve present issues.

Context

The management of cemeteries and their grounds is the responsibility of bodies referred to as 'burial authorities'. In the United Kingdom, this is most commonly a local authority – often a town or Borough Council -, or the Church of England for public cemeteries, and a private organisation in the case of private cemeteries.

Burial authorities are bound by a range of primary legislation, health and safety, and environmental regulations, government guidance and industry practices to ensure that the cemeteries for which they are responsible are maintained to adequate standards. Issues regarding graveside memorials which do not meet the conditions required by the relevant regulations (or, 'unofficial memorials') are often well-known among local authority Environment and Bereavement/Cemeteries Officers, as well as those working in the funerals industry, and the issue can take on a significant amount of local and political significance in authorities where it attracts public and press attention. There are, therefore, numerous documented instances of cases in which grave owners and mourners from a cemetery have been discontented with local authority Officers in their application of the relevant rules and regulations, as this, in some cases, necessitates the removal of certain features, objects or decorations from graveside memorials. As grief is a highly distressing time and a very variable, personal process, mourners in this position may perceive that their rights and capacity to grieve for their loved one/s in their chosen manner are impacted.

The items involved are usually decorations with personal significance to the deceased and their loved ones, and sometimes the deceased's personal effects. Commonly seen items are kerbing, fencing, bedding plants, flags, small plastic windmills, glass items, vases, and sometimes bottles of alcohol. A number of Councils have documented their experience in negotiating issues surrounding such non-compliant cemetery memorials and there is evidence of broader discussion of the matter in the cemetery and crematorium management sector, where opinions vary about the degree to which regulations should be applied to achieve the most balanced and proportionate response.² This is due to the fact that unofficial memorials have become much more prevalent nationwide in recent years, with significant anecdotal reports of an increase in the phenomenon and social trend in its favour, especially since the Covid-19 pandemic.

In the last 40 years, there have been approximately nine deaths and numerous serious accidents caused by unsafe memorials in UK cemeteries, in addition to a considerable amount of press and governmental attention to enforcement measures carried out by

² [UK Webinar Recording - \[ICCM Q&A Session facilitated by PlotBox\] 30th June 2022](#)

Councils to meet their statutory duties to maintain cemeteries and safeguard public health and safety. Though deaths and accidents appear to be much more often due to unsafe masonry - which is a related though somewhat distinct issue from gravesides being adorned with additional decorations – the steady number of minor accidents and the fact that deaths do still periodically occur both underscore the seriousness with which burial authorities must take their duties in this area.³

Considerable technical guidance on the maintenance of cemetery memorials, general guidance to burial authorities and government reporting is available on the matter, but this report will approach the issue from the history of the discussions in Broxtowe, before considering the rules and regulations maintained by the Council, how they have been enforced, the complaints raised by discontented mourners, and how the Council can meet its obligations to all parties in the future.

History

Recent issues appear to have begun in Broxtowe after a period up to around 2019, leading up to which numerous unauthorised memorials were constructed by grave owners and the Council had not been consistently enforcing its Rules and Regulations by proactively ensuring that all of these were removed. The recent discussions regarding the clearance of unauthorised memorials from gravesides in Council cemeteries then began in earnest in 2019, when a report on the issue was taken to the Leisure and Environment Committee. Planned works were naturally interrupted from March 2020 by the Covid-19 pandemic. This task and finish group was convened following extensive discussion and enforcement issues since this time, culminating most recently in the deferral of a decision on proposals for the way forward, tabled at the 3 June 2025 meeting of Cabinet. A health and safety management statement was prepared by the then-Executive Director prior to this meeting and shared with members, clarifying the health and safety advice of Officers and the reasons for their recommendation that the cemetery memorials be cleared.

The most recent phase of the discussions has been defined by the concerns of a small number of residents following more detailed plans for memorial clearances. The role of Strategic and Development Business Manager of Bereavement Services was appointed to on 1 August 2023, intending to implement an agreed plan of works to graveside memorials from 1 October 2024. There was confidence that planned works to non-compliant graveside memorials was aligned with all relevant regulations given that neighbouring authorities, including Nottingham City Council, operate a policy that is the same or very similar.

Discussions on the matter continued. A paper was then tabled at the 16 July 2024 meeting of Cabinet proposing to undertake clearance of those memorials deemed out of compliance with agreed policies. Cabinet accepted these recommendations, with minor amendments and additions, such as the requirement for the Cemeteries Team to write to grave owners to make them aware of any works before they were carried out.

The team had a period of approximately 20 months to carry out this plan of works, beginning at Chilwell Cemetery, where roughly 60 out of the 1000 graves at the site would

³ For further information on accidents and deaths due to falling gravestones, see [House of Commons Library Briefing Paper: Unsafe memorials in cemeteries \(5 February 2019\)](#)

be impacted. Mourners were contacted in the case of each of the 60 graves on which works would be carried out, around 30 of whom called the Cemeteries Team for further explanation. Only one maintained that they were still dissatisfied after this point, but all agreed to the undertaking of the required works.

The consensus, therefore, was that there was little issue at this juncture. One grave owner, a resident who visited the grave of a loved one at Beeston Cemetery, then called the Cemeteries Team to state that she was unhappy with these developments. Three or four grave owners then contacted the Leader of the Council – Councillor Milan Radulovic MBE – to express to him their unhappiness with the planned works at Beeston Cemetery (the first stage of sign erection had already been undertaken at Chilwell Cemetery at this stage). Following this communication to the Leader, then made a statement pausing any further works for 12 months to allow dialogue and consideration of how the Council should progress⁴:

The Council acknowledges the extreme distress that the current arrangement to enforce the Cemetery Rules and Regulations are causing. As a result, the Council is proposing that extra time, of up to 12 months, is given. This is completely without prejudice as the Rules and Regulations still apply; however, during the 12-month period no enforcement action will be taken. The Leader of the Council, Councillor Milan Radulovic, agreed to allow “a sensible dialogue to take place recognising the duty and responsibility that the Council has to maintain a tasteful and safe environment”.

Since this time, there have been several meetings between the most active grave owners and a range of relevant Council Officers, at which some grave owners have maintained that they have not signed a written contract agreeing to the relevant conditions regarding maintenance of grave surrounds in accordance with Rules and Regulations.

The task and finish group has seen evidence that the grave owners concerned did in fact sign such a contract, as all residents who register a grave plot must sign an interment form stating that they will abide by the relevant regulations. Whilst there have been minor alterations to the wording on some of the different iterations of the form over the years, the phrasing covering this matter has remained unchanged.

Once it was demonstrated that the grave owners in question had signed these forms and therefore had entered into a written contract with the Council as the burial authority to agree to the relevant rules and regulations, several of the mourners stated in response that they felt they had reduced capacity due to the grief that they were experiencing at the time that they signed their interment forms. They maintained that this therefore means they were not cognisant of what they were agreeing to and the written contract is therefore void. The Council, its Officers, and the members of this task and finish group

⁴ The following statement was made to families and to the press:

“As a result, the Council is proposing that extra time, of up to 12 months, is given. This is completely without prejudice as the Rules and Regulations still apply; however, during the 12-month period no enforcement action will be taken.”

The Leader of the Council Councillor Milan Radulovic MBE agreed to allow “a sensible dialogue to take place recognising the duty and responsibility that the Council has to maintain a tasteful and safe environment”.

are highly sensitive to the residents' grief and therefore understand that they may feel this way at such a time of heightened distress. The interment forms clearly state that the regulations are considered to be in force irrespective of whether the signatory is aware of them at the time of signing.

Three individuals make regular contact over the issue, attend Council meetings on the subject and have appeared in press coverage of the issue, each of whom made an official complaint to the Council (along with 8 others who maintain less regular contact with the Council, totalling 12 official complaints on the issue in total). Of the over 9,000 graves in the Borough, it is thought that only 6-7% are in contravention of the Cemetery Rules and Regulations to some extent, some of which will have unauthorised memorials, and most of the owners of these graves appear to be happy for or indifferent to the undertaking of works to clear unauthorised memorials. After initial issues with the graves were raised and works were proposed, only 11 grave owners came forward, one of which was found to actually be in compliance with the regulations.

Present

This was the situation through 2024 and into early 2025. A paper clarifying the need to remove non-compliant memorials and proposing their removal was intended to be considered by Cabinet early in 2025 but was postponed due to the pre-election period. The Leader of the Council therefore requested that the paper be prepared for the 3 June meeting of Cabinet. The incumbent Executive Director arranged to attend the June Cabinet meeting to present this item and the accompanying health and safety management statement, but any decision on the item was deferred to allow this task and finish group to conduct its review.

The residents in question continue to make representations to Officers and the Leader on the matter, passing Officers a document detailing their proposals after a recent meeting of the Bramcote Bereavement Services Joint Committee. The Bereavement Services Manager then passed this document to Strategic and Development Business Manager of Bereavement Services with the request that Council Officers action the proposals around that time. Mr. Mott then consulted these when preparing an alternative set of compromise proposals that were considered at the June Cabinet meeting. These proposals, along with all other relevant materials, were considered by this task and finish group as part of its review.

Shortly following the 3 June Cabinet meeting, the LGSCO [published their decision](#) - of 19 June 2025 - not to investigate a complaint that was escalated by a concerned grave owner regarding the Council's decision that a memorial garden on her father's grave be removed, citing insufficient evidence of fault by the Council to warrant an investigation.

These were the most recent developments until the beginning of the work of this scrutiny review in mid-August 2025 once a Democratic Services Officer was in post to begin undertaking the work.

Task group methodology

The terms and reference and remit of this task and finish group were approved by the Overview and Scrutiny Committee on 25 September 2025 and can be found [here](#).

The review was conducted by holding witness session interviews with a range of key stakeholders, such as:

- Residents and grave owners affected by the issue and with a range of views
- The Leader of the Council, Cllr Milan Radulovic MBE
- The Portfolio Holder for Environment and Climate Change, Cllr Helen Skinner
- Key heads of service:
 - Richard Mott, Strategic and Business Development Manager - Bereavement Services
 - Emma Georgiou, Assistant Director of Environment – Environment
 - Tuesday Hanley, Head of Health, Safety, Compliance and Emergency Planning
- Broxtowe funeral directors (*by email only*)
- Bereavement Officers at other local authorities (*by email only*)

These were interview sessions, held variously in person or via Microsoft Teams, in which participants were asked about their views on the matter. Sessions were recorded for subsequent review by the group and the Officers helping to compile the report.

Members of the group and Officers from Democratic Services also conducted extensive review of previous Broxtowe Borough Council Committee papers relating to cemetery memorials, present and previous rules and regulations, interment forms, sector guidance from government and industry bodies such as the ICCM (as well as other publications from central government), Ombudsmen reports, and reports of other local authorities. The group is grateful for all of those that have cooperated with its work to make it possible to conduct this review.

Views of residents

The views of grave owners at Borough cemeteries, and residents more broadly, have been considered as part of this review, via witness sessions held with grave owners at Borough cemeteries, written submissions and previously available public comment.⁵

Firstly, it is important to state that there appears to be no unanimity among visitors to the cemeteries in Broxtowe – residents hold a range of views on the memorials. In conducting its research for this report, members of the task and finish group spoke to

⁵ The views of a range of other interested parties were also sought, as will be referenced later in the report.

local residents who want to be able to keep their memorials, and those who supported the Council's suggested action to clear them.

Residents with memorials

As has previously been referenced - in meeting papers and the local and national press – there are some grave owners with extensive unauthorised memorials who have lobbied proactively to be able to keep them and against any Council removal action. The memorials in question range from some more modest constructions that remain outside of the rules, to some that are much more substantial and thus present greater health and safety and accessibility concerns. Though rules prohibiting unauthorised items in grave surrounds have always been in place, some cemetery visitors have constructed graveside memorials to which they have since become very personally attached. As mentioned previously, several of these feel that they were unaware of, or did not fully appreciate, the rules that were in place when they purchased their grave plot and thus feel that rules suddenly changed without adequate explanation, hence their confusion.

Several residents who visit the graves of their loved ones at Beeston Cemetery have formed a community group (mentioned above) to protest Council removal action and received coverage in the local and national press. In the witness sessions held with members of the group, residents in favour of keeping the memorials said the following:

“Rules and regulations that have never been enforced before have all of a sudden tried to be enforced[...] problem is with that is that anyone that [has] buried or interred anyone in the cemeteries have had decorations and gardens for many years. They purchased plots and buried people in particular cemeteries with the assumed understanding that they have the flexibility to decorate the graves, so that's left us with the problem.”

“One person will tell you one thing, and another person, like [at the] crematorium will tell you something different, [so] I do think there needs to be like a set of rules that everyone that everybody sticks to.”

This group held witness sessions with three grave owners from Beeston Cemetery who have made public statements about their disapproval of Council plans under present policies to remove memorial items, as well as their desire to keep the items they have brought to the graveside that they visit. They also spoke of their difficulties with what they felt was inconsistent communications and application of Council policies in other areas in addition to on unofficial memorials, such as concerning the allowability of certain headstones, among other areas. Frustration and confusion resulting from their experience of inconsistency in the application of policies and procedures emerged strongly as a theme; while it was repeatedly acknowledged that the time of burial is a highly emotive and distressing time for those laying a loved one to rest, members felt that additional efforts towards ensuring clear and emphatic, though sensitive, communications in this area would be beneficial.

Whilst documentation demonstrates that Council Rules and Regulations have always been in place in this area, these have been displayed at Borough cemeteries and reference is made to them on signatories' interment forms, the number of unofficial memorials observed due to low levels of removal has created confusion that has potentially been compounded by communication issues. The fact that grave owners will likely communicate with funeral directors, Council Officers from the Cemeteries Team and also grounds maintenance staff at the cemetery could be a source of potential confusion.

If so, work should be done between these parties to ensure that they are all in alignment with the communications that they have with grave owners.

Residents without memorials

The group also spoke to a grave owner from Beeston Cemetery who has experienced difficulties with graveside memorials. This resident spoke of being in favour of the Council removing unauthorised items, as they are defined by the current Rules and Regulations, as they and their family have always obeyed the regulations, preventing themselves from decorating the grave of their loved one in a manner that they would like. They therefore felt that the lack of enforcement and communication regarding the present Rules and Regulations and how they would be enforced has created an environment in which some visitors that do not follow the regulations are permitted to by the Council's delay in clearing them, with others therefore feeling aggravated when they do follow the rules. In the witness sessions held with this grave owner, they said the following:

"My little boy often would say[...].When you do that meeting, please can you tell them it's not fair... He wants to put things on that other people have put on. I'm quite a person that we stick to the rules. Those rules were there when [my husband] was put in [his] grave because I remember being given them..."

"My dad couldn't get to the grave anymore because the memorials[...] he struggles with his mobility[...] then, obviously, [my mother] had to be put somewhere else, which always upsets me a little bit because she wanted to be with [my husband].

I say she's in the same graveyard, but it's not quite the same, and my dad often gets upset because he can't get to [my husband's] grave anymore. And the other thing is, I've got a little boy [...] I like him to be able to go to his dad's grave without having to say, be careful what you stand on and the grave in front has put wine glasses, wine bottles"

The Council is appreciative to this resident and their family for adhering to the Cemetery Rules and Regulations, and is sensitive to the fact that they may have been upset by these circumstances. In line with the resident's comments, the group agrees that any future Rules and Regulations should work to ensure that Borough cemeteries are accessible for all in the future, and try to work towards enforcing clear rules fairly and consistently for all grave owners. The Group heard how the resident was advised to inter their loved one in a plot different to the one that their deceased relative had wanted – not in their family plot – because of the latter's inaccessibility due to unauthorised memorials for a family members with mobility issues. The Group considers this inappropriate and hopes that processes around this will be reviewed. It was also noted that, despite the fact that they had followed the present Rules and Regulations in not constructing an unauthorised memorial, the fact that members of their family did desire some memorial features may indicate that there is a desire for more options among Broxtowe residents.

Views of Officers

The group also held witness sessions with numerous key Officers in Bereavement Services, Environment, and Health and Safety, at director level, manager level, and below. All Officers spoke of their understanding of the highly personal nature of grief and the sensitivity that they work to exhibit towards grave owners in carrying out their work.

Themes that emerged from witness sessions with Officers included their responsibility to meet the statutory requirements of their roles, the potential risk to the Council from liabilities (such as in health and safety and accessibility), and the need to find policies that balance the desires of all residents with the Council's responsibilities as a local and a burial authority.

Officers were able to clarify to members of the task and finish group the problems that are caused to the Council by unofficial memorials, in grounds maintenance, management of cemeteries, health and safety compliance, and around accessibility.

Grounds maintenance

The group heard testimony about the problems encountered for grounds maintenance staff, who find the maintenance of grounds much more difficult due to the presence of unofficial memorials which are often blocking staff access to areas of lawn that need to be maintained. This means that grounds maintenance staff are forced (when cutting grass, pruning bushes, etc.) to consider either moving memorial items in order to mow lawn areas properly before then replacing the items where they found them, or be prevented from carrying out their duties to ensure that the cemetery grounds are well maintained. This is an unnecessary and added challenge for grounds maintenance workers when undertaking an already long and difficult job, and it would not be viable for them to move and replace all of the memorials they encounter across their shift, especially given that any one of the Borough's cemeteries may include hundreds of memorials that may therefore be encountered across any one shift. The necessity for the grounds maintenance workers to need to move or work around extensive graveside memorials has also exposed the Council to the risk of accusations of deliberately moving, damaging, or removing without notice grave owners' possessions where they perceive these to have moved or become damaged, including in numerous cases where damage has been inflicted by weather, wildlife, someone not affiliated with the Council, or some other external factor not under the Council's control.

In cases where grave owners have constructed – and in some cases, planted – gardens of plants, flowers, shrubs and/or small trees around the grave, grounds maintenance issues are often observed and are typically more impactful. While some grave owners likely tend these gardens attentively after they are first constructed, there have been many observed cases where their maintenance eventually falls to Council staff due to neglect, the family perhaps forgetting that such features were planted, etc. This is more burdensome for Council staff, who may feel that they therefore need to undertake this extra work to avoid upsetting the family or allowing the grounds to fall into poor condition, and can create the same problems with grass mowing as detailed above. Small trees and shrubs are also capable of causing damage to grass mowing equipment used by Council employees, and cases of their roots unsettling/destabilising headstones have been observed.

Officers detailed how wildlife is another issue that is implicated in the maintenance of unofficial memorials. Wildlife can be attracted, in some cases, by items left by grave owners, with shiny objects, foodstuffs, drinks and some plants/vegetation if in sufficient quantities. This can sometimes lead to damage to memorial items and increase maintenance requirements.

Cemetery management

Members also heard how the presence of unofficial memorials affects the management of cemetery policies more generally. With extensive memorial items seen across many of the Borough's cemeteries, new grave owners at Borough cemeteries are likely to experience considerable confusion when reading the Rules and Regulations and seeing that such memorials are not permitted. While clearing memorial items, even after extensive contact with the grave owners in question, may appear insensitive to some and lead to criticism of the Council, not clearing items has precipitated the present confusion. The management of adjacent burials and re-openings⁶ are also affected, with standing room for attendees at a burial and where to locate soil boxes being restricted.

Health and safety

The group also heard about the health and safety concerns created. These will be covered in specific detail in a subsequent section, but must be a key concern for the Council as a local authority with responsibilities to treat all residents fairly and equally, ensuring that it takes seriously the requirement not to expose residents to undue risk of harm. They are also described in extensive detail in the health and safety management statement tabled at the 3 June 2025 meeting of Cabinet.⁷

Accessibility

Accessibility is another area where Officers have raised concerns. As a local authority, the Council is bound under the Equality Act 2010 and resultant Public Sector Equality Duty to eliminate discrimination and advance equal opportunities for those with a protected characteristic. Disability is one such protected characteristic, meaning that the Council has a duty not to discriminate against people on this basis – while cemeteries' footpaths and paved areas can be designed so as to be accessible for people who experience limited mobility, it may be the case that there will inevitably be some accessibility challenges for some on lawned areas and especially in a graveyard's older sections. The Council must work to mitigate these challenges where it is able to, and work is carried out with this aim in mind. Because of this, the Council has a responsibility not to create new challenges to accessibility where this can be prevented, and must therefore make efforts to ensure that its Cemetery Rules and Regulations do not permit memorials that bar access to those with a disability and therefore holding a protected characteristic. The group heard testimony regarding at least two specific, known cases of visitors to Borough cemeteries that are unable to or face significant difficulties accessing the graves of their loved ones due to accessibility restrictions imposed by unofficial memorial items⁸, each of which have then raised the issue with Council staff in a state of some distress.

The task and finish group feels that the Council should be cautious in altering and implementing its policies in this area so as not to potentially create (or continue to allow) the circumstances for trips, injury or exclusion/discrimination against residents who face challenges with accessibility, in such a way that is not appropriately managed. The implementation of a policy without sufficient controls in this area may open the Council to a claim that it has failed in its duties under the Public Sector Equality Duty, which may

⁶ A burial in which a grave is re-opened and another person's remains buried within the same plot.

⁷ This document will appear in the agenda pack alongside this paper.

⁸ These cases have been referenced previously, in Committee reports from June 2025 and July 2024.

make the Council vulnerable to findings against it by the Local Government and Social Care Ombudsman (LGSCO) and possible negative press. Any alteration to the Cemetery Rules and Regulations that is considered must therefore be comprehensively consulted upon and have adequate controls in place to mitigate and negotiate any challenges that arise.

The Rules and Regulations

The present Broxtowe Borough Council Cemetery Rules and Regulations were passed in 2023 and constitute the standards and conditions that all grave owners agree to uphold and abide by when signing the interment form for the grave that they own. To quote the present Regulations:

“All local authority managed cemeteries are subject to standards and conditions known as Cemetery Rules and Regulations. These are designed to inform all cemetery users about the management of the cemeteries and the reasonable requirements applicable to them.

The regulations include the statutory requirements contained within the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977, together with any other relevant legislation that governs this service.”

-Broxtowe Borough Council Cemetery Rules and Regulations (2023)

Background

All burial authorities maintain some form of Rules and Regulations that detail how its cemeteries will be managed as per the authority's statutory requirements. While there is a considerable degree of difference in enforcement of Cemetery Rules and Regulations across different cemeteries and differing authorities, it appears that there is a considerable degree of uniformity on the written Rules and Regulations burial authorities maintain in this area (though this can naturally appear different in practice). The Council's 2019 and 2023 Rules and Regulations can be found in the list of background papers to this report.

The exact rules that burial authorities maintain come from these regulations and which are set by them, rather than directly from primary legislation. The Local Government Act 1972 designates specific authorities as burial authorities *“with the power to provide and maintain cemeteries, whether inside or outside their area.”*⁹, while the Local Authorities' Cemeteries Order 1977 empowers local authorities to maintain cemeteries however they see fit, such as by regulating memorials and any items placed on graves. Individual burial authorities then decide upon and implement their own sets of Rules and Regulations to meet these requirements.

As mentioned above, the Council's present Rules and Regulations date from 2023, while the previous iteration of the rules was written in June 2019.

Both sets of rules are largely similar, with only minor changes between the 2019 and 2023 versions, and not in areas that impacted whether memorial items were permitted –

⁹ Local Government Act 1972, Section 214.

Section 16, covering what items may and may not be left on a burial area, is identical across both versions. The 2019 version of the rules added a specific mention regarding the fact that “[.] *items made from glass and any alcohol left on graves [would be] removed*”, though otherwise prohibited any unauthorised memorial items, as had the 2014 version of the rules¹⁰.

The section updated between the 2019 and 2023 rules concerned ‘Maximum permissible memorial sizes’, i.e. the *official* memorial masonry, constituting the foundation, headstone and base, and not any unofficial memorial constructed outside of this. This updated section is therefore not directly relevant here.

In conducting its witness sessions and reviewing extensive amounts of material for this review, the group felt that there appeared to be some confusion regarding whether the rules regarding the permissibility of unofficial memorials had changed between these two documents. The text regarding unofficial memorial items from the 2019 and 2023 documents is reproduced below:

<i>Cemetery Rules and Regulations (2019)</i>	<i>Cemetery Rules and Regulations (2023)</i>
<i>It is Council policy that no item of whatever description is allowed to be placed upon the actual grave space in a lawned area. These items include fencing, kerbing, bedding plants, vases, flower displays, windmills, any item made from glass and any alcohol found to be left on a grave will be removed and disposed of immediately. Wooden crosses or any other equivalent religious symbols may only be left as a temporary measure but must be removed once a permanent memorial is erected.</i> <i>The Council will not provide maintenance to any grave which has prohibited items on it and will neither provide the maintenance nor excavate a grave for any interment until all items have been removed.</i>	<i>It is Council policy that no item of whatever description is allowed to be placed upon the actual grave space in a lawned area. These items include fencing, kerbing, bedding plants, vases, flower displays, windmills, any item made from glass and any alcohol found to be left on a grave will be removed and disposed of immediately. Wooden crosses or any other equivalent religious symbols may only be left as a temporary measure but must be removed once a permanent memorial is erected.</i> <i>The Council will not provide maintenance to any grave which has prohibited items on it and will neither provide the maintenance nor excavate a grave for any interment until all items have been removed.</i>

¹⁰ A prohibitory clause appears to be essentially universal across all authorities’ Rules and Regulations.

<i>The Council reserves the right at any time to remove any unauthorised item placed upon the grave space.</i> <i>Personal items left on any grave area are the sole responsibility of the grave owner. The Council is not responsible for the loss or damage of such items.</i> <i>The Council reserves the right to take over the grave maintenance within a burial area without notice to the grave owner where it has been determined that the grave has not been suitably maintained by the grave owner and is unsightly or dangerous.</i>	<i>The Council reserves the right at any time to remove any unauthorised item placed upon the grave space.</i> <i>Personal items left on any grave area are the sole responsibility of the grave owner. The Council is not responsible for the loss or damage of such items.</i> <i>The Council reserves the right to take over the grave maintenance within a burial area without notice to the grave owner where it has been determined that the grave has not been suitably maintained by the grave owner and is unsightly or dangerous.</i>
--	--

These sections are identical, meaning that the rules therefore did not change over this period and that, whichever version of the interment form any grave owner signed, the conditions that they agreed to abide by are the same. This is relevant in conjunction with the fact that, in the submission of alternative proposals for Cemetery Rules and Regulations, the working group of grave owners from Beeston Cemetery referred to the time that “[..] *the interment forms were amended.*” While there have been some changes to these forms, they have not been made in the passages that relate to this issue.

Importance of Rules and Regulations

Cemetery Rules and Regulations are an essential instrument in place to clarify and make public the Council’s policies as they relate to cemetery management, something which is essential when dealing with such a subject. They are there to facilitate the Council in doing its job for residents in an open and transparent manner by reference to a public set of standards and conditions. Nevertheless, it is of course the case that the period of low enforcement of these rules – as they relate to the clearance of unofficial memorials – due to Covid and, at other times, deliberation regarding the best way forward, has led to the present confusion about what rules are, in fact, in place.

The Council requires a clear and consistent set of Rules and Regulations so that it can treat all visitors to Borough cemeteries equally. Any possible alteration to these rules should be carried out in a fair manner on which Council Officers - who are experts in their area - have been adequately consulted and had their views heard, and should be done in such a manner as to best facilitate them being able to carry out their jobs as best they can for the residents of Broxtowe. Consultation over potential changes to the regulations must not lead to a period in which the Rules and Regulations are disregarded more widely or treated as malleable by grave owners and cemetery visitors simply because the Council has agreed to consult on the rules that relate to unofficial memorials as a means of facilitating dialogue and collaboration.

Awareness

Some grave owners from Borough cemeteries have claimed that they were not provided a copy of the Rules and Regulations at the point of signing their interment form (though they may have been instructed where they could access one). While the group is confident that Council Officers maintain appropriate contact with the funeral directors with which the Council works, it appears that it would be beneficial if grave owners were, at the point of signing their interment form/s, provided with a paper and/or electronic copy of the Cemetery Rules and Regulations as a matter of policy. The group feels that a desktop audit of the processes of different funeral directors (as resources allow and as appropriate) and a review of the Council's interment forms by Legal Services would also be beneficial.¹¹

Alternative proposals

Given the feedback from some grave owners at Borough cemeteries, numerous amendments to the present Cemetery Rules and Regulations have been suggested – one by grave owners from Beeston Cemetery, and two as a response to these from the Council's Bereavement Services department and intended as a compromise solution.

The Council has a responsibility “[.] *to maintain a safe environment for both employees of the Council and visitors to the cemeteries*”¹² and, as was referenced in a statement by the Leader of the Council, it must uphold “[.] *the duty and responsibility that the Council has to maintain a tasteful and safe environment.*”¹³ Any Cemetery Rules and Regulations adopted by the Council must therefore necessarily meet these obligations in order to keep Borough cemeteries in proper order. This task and finish group has reviewed the alternative sets of proposals as part of this scrutiny review.

Residents' proposals

The alternative proposals submitted by families from Beeston Cemetery were considered at the 3 June 2025 meeting of Cabinet after being passed to the Leader of the Council at a meeting of the Bramcote Bereavement Services Joint Committee. Their key proposals are to detail that:

- Decorations and memorial gardens already in place may remain there, as long as the grave was purchased before August 2023;
- Memorial gardens and decorations may extend to 2.5ft from the front edge of the headstone plinth and to the width of the headstone.
- Any decorations from a list of prohibited items may be removed.
- Gravediggers are to take precautions around the placing of soilboxes and moving/replacing memorial items.

¹¹ The group feels that, despite the fact that they refer to the Rules and Regulations, the Council's interment forms could benefit from modernisation to ensure that they remain clear, accessible and fit for purpose.

¹² Decision details – Cabinet – 16 July 2024.

¹³ Statement by Leader of the Council, Cllr Milan Radulovic MBE, following the above Cabinet decision and commencement of works in 2024.

- Memorial items are to be temporarily moved, then replaced, by Council staff when required for adjacent interments and this is not done in adequate time by the grave owner.
- Various suggestions relating to communications with grave owners and cemetery visitors.

A detailed response to each of the proposals from the grave owners at Beeston Cemetery was provided by the Council's Bereavement Services. The response detailed how Officers felt that many of the proposals were unworkable in that form, as they would likely lead to the continuation or worsening of challenges to health and safety, accessibility and grounds maintenance due to their suggestion that memorial items and gardens be permitted at a larger distance than is already the case. It also stated that the suggestion to communicate at least a given number of times with the owners of graves adjacent to one in which there will be an interment and whose decorations therefore need to be cleared would be difficult due to the typical amount of time between booking and burial.

Bereavement Services' June 2025 alternative proposal

As a response to these proposals, an alternative was prepared by Bereavement Services at the 3 June 2025 Cabinet meeting, as they felt that those suggested by the families would continue to create difficulties for Council works. Reiterating that the full extent of the families' proposals would be difficult to achieve for Council Officers given the challenges they would create, Bereavement Services' proposed that the Rules and Regulations be amended to allow for grave owners to place personal items on a grave's memorial plinth, as this would *"[...] not impact the operational, health and safety, and accessibility arrangements within the five Broxtowe cemeteries. Items excluded from this proposal will include glass, alcohol, illuminated items (for example, candles, solar lighting) and any item which does not fit in its entirety on the plinth. No item is to exceed the width and height of the memorial."* As with all other proposals, this one also maintains the idea that there should be a list of prohibited items, though offers much less personal customisation than that submitted by some of the families.

Bereavement Services' November 2025 alternative proposal

Following a visit of members and Officers to Beeston Cemetery on Wednesday, 5 November 2025, the Head of Bereavement Services prepared another alternative proposal: to permit a memorialisation/memorial garden up to 12" (or one foot) from the headstone and at the same width as the headstone, if within an appropriate and properly-installed kerbset. Grave owners would, as normal, be required to sign Rules and Regulations stating that they agree not to place any objects from a list of prohibited items within their memorial and consenting to the removal by Council Officers of anything outside of the perimeter of their 12" kerbset.

There is therefore significant variance between the different proposals that have been made over this period, with maintaining the present Rules and Regulations representing a 'no change' option, the alternative to allow items on the memorial plinth, the greater compromise of the 12" memorial garden space, and finally the families' proposals representing the most significant change from present regulations. The task and finish group feels that it is important that the views of Officers are heard and incorporated into any recommendation that it may make in this area, and significant professional instruction

has been received from Officers in a number of areas. The task and finish group also identifies the issue of cemetery memorials as one that has attracted significant local attention and strength of feeling among some residents, and recognises the importance of representing local residents who wish to lobby for a policy change, if those outcomes can be achieved in a proportionate manner.

As detailed earlier in this report, the group acknowledges Officer advice that a transitional period in which different graves are subject to different rules may create a difficulty in implementation for some Council staff, but feels that this transitional arrangement could be beneficial in sensitively helping all graves in Borough cemeteries to be brought into line along an appropriate timeline. As detailed earlier, the suggestion that there were ever previously differing sets of Rules and Regulations is, in fact, a misnomer, as changes to the interment forms and Rules and Regulations from the 2019 to 2023 versions did not alter the relevant section, meaning that Council policy relating to unofficial memorials never altered over this period. It should be highlighted that the suggestion that the owners of older graves where memorials are already in place are not asked to abide by the new one meter restriction immediately, but rather only after the next time that the grave is re-opened, is to give them adequate time to be supported through the transition and the changes made at a more suitable time.

Other considerations

It should also be noted that there were several other points of agreement between the families' proposals and those from Bereavement Services, such as regarding the need for a list of prohibited items and the requirement to clear memorial items for adjacent interments (though by differing processes). The Council response also detailed how it remains "[...] *happy to consider any improvement suggestion in respect to its communications*" and that proposal 6 (relating to precautions taken by gravediggers to prevent damage to memorials) had already been implemented following earlier dialogue.

As well as the potential solutions suggested elsewhere in this report (such as grave owners being provided with copies of the Rules and Regulations when signing their forms), the task and finish group considers several other suggestions to be worthy of consideration. These often emerged through conversations with the range of stakeholders interviewed for this report, and included the idea of investigating how the Council might support bereaved residents with the cost of purchasing headstones (perhaps in collaboration with community groups), how it may contribute or signpost to bereavement counselling for cemetery visitors struggling with grief, and the notion of having central areas in Borough cemeteries in which greater degrees of cemetery memorials were permitted. Suggestions to explore the use of interactive digital memorials and alter messaging to visitors were also discussed.

Risk to the Council

Throughout the history of this issue, the Council has received a considerable deal of negative local and national press coverage. The possibility of reputational damage to the Council persists if a solution that is agreeable to all parties is not found – the Council may continue to be portrayed negatively if grave owners who maintain unofficial memorials have their items cleared, despite the fact that considerable unofficial memorials have

become a nationwide phenomenon and many Councils find dealing with them highly difficult (and often do not receive the degree of press scrutiny on the issue that Broxtowe has).

Significance of health and safety policies

Health and safety liability is another source of risk to the Council. As is covered more extensively elsewhere in this report, the Council has extensive health and safety responsibilities to its residents visiting the graveyards it maintains in its capacity as the burial authority. Were the Rules and Regulations relating to graveside memorials to be altered so as to permit memorial gardens and items at a further distance from the headstone, this would likely create hazards for cemetery visitors that would require adequate controls. Were someone to trip and hurt themselves on or due to memorial items that would not have been permitted under previous rules, professional instruction received has informed the group that the Council could be held liable for their injury. In this situation, members were advised that vicarious liability of Councillors is a possibility.

While this could happen now due to the number of unofficial memorials seen in Borough cemeteries and low enforcement of the present policy to remove them, the Council is at present at least maintaining a policy that these items are not permitted and can give an account for the period of lower enforcement. A change to the policy that these items are explicitly permitted could mean that that the Council may be held liable, with potentially significant financial repercussions. It has been demonstrated that accidents in cemeteries do continue to occur, with a small number being serious. Any settlement for damages from the Council following a claim resulting from a serious injury could be substantial and therefore could conceivably impact on the Council's financial reserves, thereby potentially affecting budgets and hence possibly the delivery of Council services.

Health and Safety Officers provide sound advice as part of their role to help protect the Council from prosecution. Given the possibility of liabilities and the risk to Council Officers who provide this advice should someone come to harm, the task and finish group feels that any changes to the Rules and Regulations that may be considered should be the result of extensive consultation with the Council's health and safety Officers, after which all parties should agree upon suitable mitigations for any hazards that may arise. This is necessary to ensure that any changes remain manageable and safe.

Insurance

Permitting memorials to remain in Borough cemeteries may also have implications on the Council's insurance, given that the Council would have to pay any successful personal injury claims made against it and that insurers may raise premiums for this reason. Asked about this matter, the Council's Chief Audit & Control Officer commented that in relation to claims for personal injury, the permissibility of memorials could lead to an increased risk of members of the public suffering a fall or tripping on memorials. The Council may not be able to defend from a claim relating to a known hazard on Council-owned land. There is also the potential increased risk of claims from the owners of memorial items which may be damaged in the course of maintenance work undertaken by Council employees.

Members may also wish to consider that where the Council adopts a course of action which is contrary to the regulatory environment and/or professionally advised best practice, it may be more difficult to successfully defend claims for injury or damage to

property arising out of negligent acts or omissions of the Council. Members may also note that the liability of the Council is, under the terms of its current insurance policies, limited to £15,000 per individual claim.

Health and safety concerns

Health and safety regulations are perhaps the most central in determining a Council's responsibilities, as burial authority, in the matter of cemetery memorials. Taken together with the Local Authorities' Cemeteries Order 1977, it is clear that Officers working in this area have a direct responsibility to ensure that graveside memorials are safe to help protect the health and safety of the public. This responsibility cannot be ignored.

Regarding health and safety of cemetery memorials, it is important to note the distinction between the health and safety concerns posed by unsafe tombstones or other forms of masonry, and those posed by unsanctioned adornment or decoration of otherwise safe lawn memorial graves. Much of the publicly available material on the subject of cemetery memorial safety – such as government legislation and guidance, government and ombudsman reports, industry and sector publications, and press reports – also focuses on the safety concerns posed by masonry features, usually lawn memorial tombstones, that have become unstable and thus pose a risk to members of the public from falling onto someone. It is important to distinguish these as two somewhat separate issues.

Legislation

The Council holds statutory duties 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.
- Provision and Use of Work Equipment Regulations (Northern Ireland) 1999.
- Manual Handling Operations Regulations 1992

Excessive and non-compliant graveside decorations can constitute a health and safety concern to cemetery visitors, members of the public, employees and contractors given their status as a potential trip hazard and object/s onto which someone may fall, a hazard that is more severe for visitors with accessibility issues such as mobility challenges, vision impairment, etc. This is likely to be lesser than the danger posed by unsteady and unsafe headstones. As much of the discussion and writing about cemetery memorials focusses on the issue of unsteady tombstones, it is important not to conflate the two, and to recognise that it could be somewhat spurious to use as an evidentiary basis for the risks

posed by memorials a series of accidents that were in fact largely (or even in part) due to unsafe *official* memorials (i.e. headstones, etc.,)

The issue of what we refer to in this report as ‘cemetery memorials’ in Broxtowe has related chiefly not to unsafe tombstones, but levels of external decoration, customisation and adornment with flags, banners, ornaments, flowers, fencing, etc., to the degree that they could represent a hazard to visitors if not adequately managed.

The Council’s responsibilities and the recommended response

It is the view of this group that health and safety considerations from the relevant regulations and legislation are activated. The Council must therefore have due regard to its health and safety obligations under the legislation listed above. Nevertheless, it is not the case that any such features as are proposed for more modest unofficial cemetery memorials are explicitly prohibited by their nature, i.e. small windmills, signs, modest forms of fencing, etc., as it is possible for any such feature to be acceptable and comply with health and safety requirements if adequately controlled for. If this were not the case, many features of the natural and built environment would not be acceptable but, for example, steep stone steps can be a permitted feature of a Council-maintained environment as long as they are adequately signposted, lit, and so forth. While the task and finish group feels that it is vital that a list of strictly prohibited items (sharp hazardous fencing, alcohol, any glass items, etc.,) should be agreed upon by all parties (including the community group ‘Friends of Broxtowe Cemeteries’) and strongly enforced in the management of all Borough cemeteries, the group also feels that other features observed as part of unofficial memorials do not represent a disproportionate or insurmountable health and safety risk if properly addressed and controlled. **The Council has a responsibility under the Health and Safety at Work Act 1974 to ensure that any risks are adequately controlled or removed – the task and finish group feels that it is possible to work to control the health and safety risks of unofficial memorials without only enforcing total removal.**

As is the case in cemeteries across the country, many unofficial memorials are already in place and are only one set of potential hazards that can be observed in Borough cemeteries, alongside the memorials from older graves, shrubs, trees, gardening features & equipment, etc., though these are adequately managed by Council staff, who ensure that any risks are sensibly controlled and mitigated. In making its recommendation that unofficial memorials be permitted in Borough cemeteries up to a distance of **one metre** from the headstone plinth and of equivalent width as the headstone, **the task and finish group recommends that this should be conditional on the agreement of a suite of health and safety mitigations that must be implemented by any grave owner who wishes to maintain one.** These may include measures to increase visibility, such as lighting and signage, reporting and agreement to removal of anything from an agreed list of prohibited items, etc.

Position of Council Officers

It should be clearly reiterated here that Council Officers have been clear in providing their advice that the Rules and Regulations are not altered from their present form, citing health and safety, grounds maintenance, and cemetery management concerns.

Other concerns

Accessibility and equalities

Numerous residents have contacted the Council with concerns about unofficial memorials creating accessibility issues in Borough cemeteries. Equalities issues that arise from how some graveside memorials may impact accessibility for some cemetery visitors is also a highly important concern, the failure to attend to which will cause significant, genuine and justifiable distress to mourners for whom access to the grave/s they wish to visit may be impaired or prevented.

Representativeness

While the issue of unofficial memorials has gathered some considerable local attention in the press and been discussed at a range of meetings - both public and internal -, no reliable data has been made available to this group which illustrates the number of local residents that have identified unauthorised cemetery memorials as a key issue around which they would like to see a policy change.

The Council received 12 official complaints from residents that were unhappy with planned works to clear memorial items, and 3-4 individuals are in regular contact with the Council regarding the issue and attend meetings on the subject. Beyond this, various local press articles feature extensive 'under-the-line' comment on the matter (though, it should be stated, considerable numbers of comments can be found both for and against unauthorised memorials), and there is a somewhat active local Facebook group where most posts appear to be in favour of keeping memorials and against Council clearance action.

Residents' interests and Council responses

It is the responsibility of local authorities to serve their residents by delivering services in a fair and responsive manner, and of Councillors to represent and advocate for the interests of residents in their ward when issues are brought to their attention. Deliberative local democracy allows for issues affecting the local area and residents to be debated thoroughly and thoughtfully, with changes to policies and practices secured if there is sufficient consensus among elected representatives. Nevertheless, this naturally has to be balanced with statutory responsibilities and legal frameworks. For example, no amount of resident lobbying or local press coverage might induce a Council to pass a policy permitting fly-tipping or to reduce its Home to School Transport expenditure to zero, as all Councils must abide by legal requirements of it that originate in law, and risks huge reputational and financial damage by defaulting on these responsibilities.

While it is vital that local authorities are responsive to local need and actively engaged in dialogue with their local community, the Council should also be cautious about giving undue weight to reporting mechanisms such as social media attention and personal accounts. While these are useful and entirely valid means by which issues are brought to Councillors' attention and by which they can gain an approximation of local interest in an issue, they are not equivalent to more reliable forms of data such as properly conducted polling. It should be recognised that the process of posting on, for example, a local Facebook group about a local issue is very likely to be 'self-selecting' in this context, i.e., those posting there are overwhelmingly more likely to have an interest in the issue, while

those not interested in it are likely to simply 'scroll past' and not post. This might mean that a very high proportion of visible comments are in support of the point made by the original poster and therefore give the impression that there is unanimity on the issue among local people, while it may be the case that only a small proportion who saw the original statement replied to it in support. This 'sampling problem' applies similarly to comments below local press articles – data that demonstrates what proportion of all readers actually commented in support of any given statement is not available to us. This could lead to a 'cognitive bias' in those reading these comments or social media posts, where some degree of self-selecting support for an issue is taken to indicate local unanimity.

Similarly, it should also be noted that online commenters may not have an unauthorised memorial on a grave that they own in the Borough, may not own a grave in Broxtowe, may not be a Broxtowe resident at all nor understand the distinction between items that are allowed and disallowed. The Council should therefore exercise its discretion regarding whether to consider online commentary and personal reporting as a robust evidence base for potential policy changes, especially given the fact that data collected by the Council's Bereavement Services department shows that only 6% of graves in the Borough are out of compliance with the Rules and Regulations, with 94% abiding by them.

Conclusions

This task and finish group has been asked to undertake a review into a difficult area, one surrounding which there is a significant degree of local interest, local and national press attention, and deep emotional feeling. The members of the task and finish group would like to recognise the emotional state and difficulties faced by those in a state of grief when negotiating on matters covered by this report, and to commend them and its Officers – and all other contributors – for their input, advice, and assistance.

As referenced earlier in this report, previous years saw interruptions to planned enforcement due to the Covid-19 pandemic lockdowns, during which detailed implementation plans had to be paused. This understandably created confusion among visitors to the Borough's cemeteries who continue to observe large numbers of unauthorised memorials and therefore may assume that they are permitted by Council policy. The plan of works that was halted due to lockdown restrictions followed a period of generally lower enforcement, with papers on the subject being tabled before Council Committees in 2014, 2017 and 2019, and Ward Members expressing concern about planned clearances on several occasions.

Since these works to clear memorials were halted due to Covid lockdowns, local resident interest and political engagement with the subject precipitated a period of review and reconsideration of which this scrutiny exercise is intended to be the culmination, and during this time it remains the case that no works have been undertaken. While this is appropriate when the policies have been undergoing review, it should be noted that this has lengthened the period during which no action has been taken and therefore likely deepened the confusion of visitors who continue to see unauthorised memorials throughout Borough cemeteries. National events, local interest and member query of

planned works to clear memorials – both before and after the Covid lockdowns – has therefore been instrumental in stopping or delaying plans to clear unofficial memorials and thus in creating the confusion that we now observe.

This task and finish group acknowledges the confusion that has been created through the inconsistent application of Rules and Regulations and the lack of consistent enforcement that cemetery visitors have experienced over this period, and **recommends** that the Overview and Scrutiny Committee (and, in turn, Cabinet) acknowledge this fact. Nevertheless, there is a distinction between a corporate body not consistently enforcing its policies and procedures during a period of review, and not having any policies and procedures at all. It is a documented fact that the Council has always had Rules and Regulations in this area and, despite the fact that many unofficial memorials can be observed in cemeteries across the Borough, Officers have often been working to apply these regulations and clear unauthorised memorials across the time period discussed in this report, at least outside of the periods in which these works were paused. When Council Officers have not been able to complete these works as they would like, it has often been due to factors outside of their control and not because they themselves have failed to discharge an aspect of their role, in any sense. The Council would like to commend the works of its Officers, who have worked hard to reconcile a difficult range of requirements throughout this period.

As the Council attempts to improve its procedures and ensure that enforcement is more consistent, it has a responsibility to state clearly its policies to its residents and apply them as required. While there has been regrettable confusion over this period, it is demonstrable that the Council has always maintained the appropriate policies and procedures across this period, has been attempting to apply them (often in the face of adverse external events, such as the Covid lockdowns), and that grave owners signed documents demonstrating that they would abide by these regulations.

This group feels that the Council must acknowledge its role in precipitating the confusion among grave owners regarding the policies and procedures in this area and makes several recommendations about how Council practice should be improved to prevent future failings. A period of low enforcement of the Rules and Regulations across previous years, exacerbated by the Covid-19 lockdowns and a subsequent period of policy review has meant that any clearance of unauthorised memorials has been delayed for a matter of years. Many of the reasons for this have been outside of the Council's control, and its Officers have worked hard to clarify policies and reduce confusion in this area after having been handed the difficult job of removing memorials which, in many cases, have been in place for a significant period of time. Members of the task and finish group recognise the work and input of the residents that it has spoken to as part of this review and is grateful to all of those interviewed for this report.

It also feels that grave owners who are unhappy with the Council's attempts to enforce the Rules and Regulations in this area should acknowledge that the Council has, as burial authority, a statutory responsibility to discharge its responsibilities in this area, to abide by health and safety and environmental standards, to ensure that areas of the Borough's cemeteries are not rendered inaccessible due to unauthorised memorial items, and to allow all visitors to Borough cemeteries a space to experience grief in a dignified and appropriate manner. While the group acknowledges the confusion that differing levels

of enforcement and the visibility of cemetery memorials has created, the Council is bound by a range of responsibilities to all of its residents, and must balance the interests of multiple different groups as fairly and equitably as possible.

Despite these responsibilities, the task and finish group feels a responsibility to represent the interests of residents that have brought their concerns and proposals to the group. There has emerged in recent years, what appears to be a strong national trend towards the construction of unauthorised cemetery memorials and for the adornment of graves with greater amounts of decoration than in previous generations, and opinions differ within the industry as to the best approach – an issue that many Councils have and continue to face. The members of the group spoke about their feeling a strong desire not to restrict or remove the personal choice of grave owners in wishing to decorate their graves however they would like, subject to a list of prohibited items, mutually agreed health and safety and accessibility restrictions, and any other conditions that the Overview and Scrutiny Committee and Cabinet find appropriate.
