
MONUMENTAL MASONS REGISTRATION SCHEME

**Responsible Cabinet Member(s) -Councillor Chris McEwan,
Community Protection Portfolio**

Responsible Director(s) - John Buxton, Director of Development and Environment

Purpose of Report

1. To propose the adoption of a Monumental Masons Registration Scheme to maintain uniform standards of workmanship and working practice where memorials are erected in the Council's cemeteries.

Background

2. Currently there are few controls about the standard of erection of memorials and this has led over the years to issues of memorial disrepair, appearance and safety.
3. The Institute of Burials and Cremations, The Association of Burial Authorities, The Health and Safety Executive, The Association of Monumental Masons and the Council's Insurers, Zurich are all promoting as good practice the adoption of such a scheme and many authorities have adopted such a scheme.
4. Such a scheme, if adopted, will reduce the liability on the Council and the applicant for inspection and remediation of memorials.

Information and Analysis

5. The scheme will address the standards required for the installation, repair and maintenance of memorials, both new and existing, insurance cover, health and safety requirements and administrative requirements with a view to producing a common approach at every Cemetery under the Council's management.
6. The Council is presently conducting an inspection of all memorial currently fixed in the Council's Cemeteries. The registration scheme will support this initiative by ensuring that Monumental Masons working within Council Cemeteries will operate to the highest standards of workmanship and competence.
7. The scheme will be compulsory to any memorial mason who presently carries out work, or intends to work, within the Council's Cemeteries. Many of the Monumental Masons work in other nearby Local Authority areas where such schemes operate and already operate to the

standards which will apply and to their own professional standards.

8. Following the implementation of the scheme, those Monumental Masons not registered under this scheme will not be permitted to work within any Cemetery under the management of this Council. The proposed scheme is attached as **Appendix 1** and will complement the proposed revision of the Cemeteries and Crematoria Regulations. Such schemes are increasingly being introduced by Councils with Cemeteries and work is progressing on a National Scheme. Monumental Masons have generally welcomed the scheme as it drives up standards.

Outcome of Consultation

9. Funeral Directors have been consulted on this at the regular Liaison Meeting.
10. Monumental Masons working in Darlington's Cemeteries were invited to a meeting to discuss this. Several of the Monumental Masons carry out work in other Local Authorities where such schemes operate and some are Members of the National Association of Monumental Masons, who produced a Code of Practice on which the scheme is based.

Legal Implications

11. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

12. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Financial Implications

13. There will be some costs involved in setting up the scheme – preparatory paperwork etc, but this can be absorbed within existing budgets. Similarly there will be costs associated with the administration of the scheme, but again these can be met within budget.
14. Some additional resource will be required to carry out random checks on installation both during and after, but it is envisaged that this will be mainly self-regulating.
15. Overall, there should be benefit to the Council in that improved standards should lead to few complaints for staff to deal with and less resources spent on inspections.

Council Policy Framework

16. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

Decision Deadline

17. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

Recommendation

18. It is recommended that :-

- (a) The Monumental Masons Registration Scheme be approved.
- (b) The scheme comes into operation on 1 August 2004.

Reasons

19. The recommendations are supported by the following reasons :-

- (a) The Scheme will improve standards for the erection and safety of memorials.
- (b) Will reduce future liability to the Council and the person commissioning the memorial.

John Buxton
Director of Development and Environment

Background Papers

National Association of Monumental Masons – Recommended Code of Practice

Julie Cooper Extension 388581
BAH

Administration of the Scheme

1. The Council's Crematoria and Burials Manager will administer the scheme.

Requirements of the Scheme

2. All registered participants to the scheme will be required to adhere to the following basic requirements. These are the minimum acceptable requirements of the Council and may be up-dated from time to time.

Eligibility

3. Monumental Masons who have been barred from performing work in any cemetery, whether in the Council's area or elsewhere, within the previous two years (2 years) may be ineligible to join the scheme. In these circumstances each case will be considered individually and membership offered, or withheld, at the discretion of the Crematoria and Burials Manager.

Insurance Requirements

4. Every member of the Registration Scheme will be insured for Public Liability to the value of five million pounds (£5,000,000) for any one incident.

Workmanship, Materials and Construction

5. Every member of the scheme will guarantee each memorial they fix in respect of safety and stability for a period of 30 years. The Council will issue the right to erect a memorial for the same period.
6. All Monumental Masons registering on the scheme must be able to demonstrate an acceptable standard of workmanship. Monumental Masons and their staff shall be suitably qualified, experienced and competent to perform all works necessary when erecting, dismantling and repairing memorials to meet current industry and statutory Health and Safety requirements and guidelines.
7. The standard of workmanship will be evidenced by qualifications obtained from an accreditation scheme operated by a recognised industry body, for example the National Association of Memorial Mason (NAMM), although in-house company schemes will be recognised if meeting the required standards. A letter detailing the qualification and experience of each contractor must accompany the application for Registration.

Registration Scheme Compliance

8. Every member of the scheme will sign to confirm they agree to comply with:
 - a. Local Authorities Cemeteries Order 1977
 - b. Darlington Borough Council's Cemetery Rules and Regulations
 - c. NAMM Code of Working Practice (latest edition)
 - d. Health and Safety at Work Act 1974

- e. Darlington Borough Council's Monumental Masons Registration Scheme
- f. All other relevant statutory requirements

Procedures for the Erection of Memorials

- 9. All memorials installed by members of the scheme must fully comply with all of the Council's standard administration and operational procedures.

Application to Erect a Memorial

- 10. The Council's Crematoria and Burials Manager must first approve all memorials installed within the Council's cemeteries.
- 11. Applications must be submitted on the Council's Application to Erect a Memorial form, which must be received at least fourteen days before any work requiring approval, is carried out. A drawing showing the form and dimensions of any memorial proposed to be erected and a copy of any proposed inscription must be attached. The drawing shall consist of a plan with front and side elevations and show the base, ground line, foundation and fixing methods. Ornamentation and inscriptions etc. Dimensions of all parts shall be marked in legible figures on the plan. Isometric projections, photographs or prints may be accepted, if suitable, but shall have detailed dimensions.
- 12. In the event of any inscription in a foreign language, this must be accompanied by a translation in English and countersigned by a responsible person of the same faith.

Erection of Memorials

- 13. No memorial shall be erected, nor any additional work carried out to the memorial (including cleaning or renovation work), unless the Application to Erect a Memorial form has been approved. A permit to carry out work will be produced on completion of all paperwork and payment of all required fees and no work will be undertaken until this permit is issued.
- 14. All memorials will be erected to conform to the most recent edition of the National Association of Memorial Mason's Recommended Code of Working Practice.
- 15. Following the erection of a memorial, it will be required to be inspected every five years to ensure its stability. Monumental Masons should take this into consideration in their guarantee. The guarantee should include all joints. All repairs required will be carried out within one month of detection.

Inspection of Memorials

- 16. Council staff may inspect the erection of a memorial, either as the work proceeds, or shortly after the work is completed. Where work is found to be unacceptable, either not conforming to the NAMM Recommended Code of Working Practice or any other reason, the Crematoria and Burials Manager will instruct the memorial mason to return and rectify the work to meet the Council's standards. The standard of works must comply with the attached inspection procedures and withstand a combined manual and mechanical test.

17. If, for any reason, the memorial mason refuses to co-operate in rectifying the problem, the Council shall have the right to employ a third party (a qualified memorial mason registered under this Scheme) to perform the required work. In these circumstances, all related costs will be the responsibility of the mason originally installing the memorial. Where a mason refuses to co-operate, they will become eligible for action under stage 2 of the Disciplinary Procedures of the scheme.

Tendering

18. From time to time the Council may require tenders to be submitted for a range of memorial work, including inspection, repair, removal and replacement of memorials. Monumental Masons registered under this scheme shall be eligible for inclusion on all such lists.

Disciplinary Procedures

19. To ensure that the Council standards are maintained and that all members of the Registration Scheme are operating uniformly to these standards the Council will operate a disciplinary procedure that shall be applied fairly to all members of the scheme.

20. The disciplinary procedures will take the following form:

a. Stage 1

Any breach of the rules will result in a first written warning, issued to the memorial mason concerned. The written warning will remain on record for a period of 18 months. Assuming the breach is corrected and if no further breach of the rules occurs during this time the warning will be removed from the records.

b. Stage 2

If during the course of the 18-month period there is a further breach of the rules a final written warning will then be issued, this will remain on record for a period of three years. Once again, assuring the breach is corrected and if no further breach of the rules occurs during this time, the warning will be removed from the records.

c. Stage 3

If during the course of the three years following a final written warning, there is a further breach of the rules the memorial mason concerned will be forbidden to carry out any work within the Council's Cemeteries for a period of two years.

d. Stage 4

If a memorial mason, who has returned from a period of exclusion, breached the rules in any way during the 18 months following his return, the mason shall be banned from the carrying out any work within the Council's Cemeteries for a minimum period of three years after which they may re-apply.

21. Dependant on the seriousness of the breach of rules, the Council will retain the ability to miss any stage of the penalty procedure, going directly to further stages. For instance, if the first breach of rules is serious enough the memorial mason involved may immediately receive a final written warning that will remain on record for a period of three years. More

serious breaches will be considered as gross misconduct and may result in an immediate ban from the Council's Cemeteries.

Gross Misconduct

22. Certain circumstances shall be considered as gross misconduct, which will result in the memorial mason being immediately banned from the Council's Cemeteries for a period of two years. Consideration could be given to advising other local authorities within the area of any gross misconduct by a memorial mason.
23. The following are examples of situations that will be considered as gross misconduct. This is not an exhaustive list and the Head of Service will make a final decision on gross misconduct:
 - a. Installation of a memorial that had not been approved by the Crematoria and Burials Manager.
 - b. Refusal to rectify an error in the installation or erection of a memorial, when instructed to do so by the Crematoria and Burials Manager.
 - c. Abusive or aggressive behaviour to any member of Council staff or members of the public.
 - d. Failure to adhere to the Council's cemetery regulations or the conditions of the Monumental Masons registration scheme.

Appeals

24. Any memorial mason unhappy at the decision taken against them will be entitled to appeal against the decision by placing his appeal in writing addressed to the Head of Service. A hearing will then be arranged in order that a final decision can be made.