

Report

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Report to:	Community Services Committee
Date of Meeting:	19 March 2013
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Review of Operating Procedures and Management Rules for Cemeteries
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ inform Committee of the outcome of the consultation exercise on behalf of the Operating Procedures and Management Rules for Cemeteries.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the results of the consultation exercise is noted.
- (2) that an amendment to clause 14.1 of the Management Rules for Cemeteries be approved.
- (3) that the Operating Procedures and Management Rules for Cemeteries, as amended, be approved.

3. Background

3.1. The Community Services Committee considered the provision of Operating Procedures and Management Rules for Cemeteries on 30 October 2012. Contained within the report was the acknowledgement that the general public required to be consulted in order to gather their views on the proposals.

3.2. From 1 December to 31 December 2012 the proposals were made available for comment at various locations including:-

- Council's Website
- Libraries
- Council Headquarter
- South Lanarkshire Crematorium

4. Consultation Results

4.1. Only two sets of responses were received on the review of Operating Procedures and Management Rules for Cemeteries. Neither materially affect the proposed Operating Procedures and Management Rules for Cemeteries. Details relating to the enquiries are available within Appendix 1 of the report.

5. Employee Implications

5.1. There are no employee implications relative to this report.

6. Financial Implications

- 6.1. There are no financial implications relative to this report.

7. Other Implications

- 7.1. There are no other implications relative to this report.

8. Equality Impact Assessment and Consultation Arrangements

- 8.1. There is no requirement to carry out an Impact Assessment in terms of the proposals contained within the report.
- 8.2. Consultation with the general public has already taken place as identified in 3.2.

Colin McDowall
Executive Director (Community and Resources)

21 February 2013

Link(s) to Council Values/Objectives

- Improve Community Safety

Previous References

- None.

List of Background Papers

- “Review of Operating Procedures and Management Rules for Cemeteries” – report to Community Services Committee – 30 October 2012.

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:- Ian Guild, Grounds Services Manager

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Proposed Operating Procedures and Management Rules for Cemeteries

Results of Public Consultation

1. The first enquiry related to the termination of burial rights. Clarification, in particular, was sought on clauses 9.1 and 9.3 i.e.

Clause 9.1

- “Where all burial rights in respect of all of the lairs within a cemetery have been sold and the lair holder has not exercised the right of burial for a period of more than 40 years from the date of the original purchase, then the Council may terminate these rights of burial”.

Reply: The enquirer was advised that the termination of burial rights could only be used by the Council where the lair had never been used. That said, the Council, in practice, has chosen not to enact termination rights preferring alternatively to develop new burial grounds.

Clause 9.3

- “If as a result of the termination of these burial rights any headstone or other monument will require to be removed, the Council will remove the headstone or other monument and store the headstone or monument.”

Reply: Yes, the Council would remove the headstone or other monument and safely place it in storage should such a termination of burial right occur.

2. The second enquiry related to the register of burials.

Clause 10.1

- “The Council will keep a register detailing the name, age, date of death and last residence of all persons buried in the cemetery and will also detail the lair in which the persons have been buried”.

Reply: The Council has a statutory obligation to retain a register of all those interred in South Lanarkshire Cemeteries.

3. The second set of comments related to a range of issues i.e.

- “Concern was raised into the opening and Closing of cemetery gates (Rutherglen Cemetery)”.

Reply: The Council has a set framework which it operates to in regard to the opening and closing of cemetery gates.

- “People are not allowed to remove plants planted by the Council. What about plants planted by relatives?”

Reply: Yes it is correct in that plants planted by the Council should not be removed and, equally, plants planted by relatives should not be removed either.

- “Dogs should be on leads. That’s fine but the modern leads are those that can extend to great lengths to the extent that the dog can be some distance from its owner”.

Reply: It was explained to the enquirer that any purpose built dog lead would be considered acceptable.

- “Planting is permitted at the head of the lair but shall not infringe over the part to be opened for burial. Does this mean that if the lair has not to be reopened the people can plant over the entire length?”

Reply: No, planting should occur at the head of the lair in the headstone soil border. It is recognised however that a degree of discretion is required when dealing with the sensitive process of bereavement and, to this effect, an amendment to clause 14.1 of the proposed Management of Cemeteries rules is proposed i.e.

14. Amendment

14.1. The Council shall be at liberty to alter these Rules and Regulations or any part of them, at any time as they may see fit and may enforce (or decline to enforce) such Rules as they think fit for the proper or better management of the Council.

- There is no mention of flags, helium balloons, windmills, scarecrows, football shirts, tee shirts, scarves, or other items of a sectarian nature, rosary beads, trees, bushes being disallowed”.

Reply: The enquirer was advised that the description of specific items of memorialisation which was acceptable or not acceptable would have been too extensive to prescribe.