

## **Argyll and Bute Cemetery Consultation Survey Update**

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### **1.0 EXECUTIVE SUMMARY**

- 1.1 On 5 December 2019 a Cemetery Asset Report was presented to the Environment Development and Infrastructure (ED&I) Committee outlining the current information on the condition of Argyll and Bute cemeteries including available lair space. The report highlighted the need for a decision to either reduce the active (live) cemeteries or prioritise funding for cemeteries from the Capital Budget and extend the cemeteries providing more lair space.
- 1.2 The ED&I Committee agreed that a Community Consultation is undertaken seeking views on the draft policies detailed in paragraphs 4.10 to 4.15 of the submitted report.
- 1.3 Due to the Coronavirus Pandemic the Consultation Survey was delayed. It is now felt that this should not be delayed any further and the consultation survey should be sent out to our communities to engage and gather information regarding our cemetery infrastructure and the needs of our local communities.
- 1.4 Appendix 1 contains the suggested consultation survey questions which will be circulated to our local communities.
- 1.5 It is recommended that Members note the survey was delayed due to COVID-19 and the survey will now be sent out in December 2020. An update will be provided to a future meeting of the EDI Committee.

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**2.0 INTRODUCTION**

- 2.1 On 5 December 2019 a Cemetery Asset Report was presented to the Environment Development and Infrastructure (ED&I) Committee outlining the current information on the condition of Argyll and Bute cemeteries including available lair space. The report highlighted the need for a decision to either reduce the active (live) cemeteries or prioritise funding for cemeteries from the Capital Budget and extend the cemeteries providing more lair space.
- 2.2 The ED&I Committee agreed that a Community Consultation is undertaken seeking views on the draft policies detailed in paragraphs 4.10 to 4.15 of the submitted report.
- 2.3 They further noted that a report would be presented to Members detailing the consultation feedback and proposing a set of cemetery policies. This will be brought to the EDI Committee after the results of the survey.

**3.0 RECOMMENDATIONS**

- 3.1 It is recommended that Members note the survey was delayed due to COVID-19 and the survey will now be sent out in December 2020. An update will be provided to a future meeting of the EDI Committee.

**4.0 DETAIL**

- 4.1 The sale of burial lairs in perpetuity has been allowed in Scotland for many years. This means that the descendants of those people who bought the lair originally still have exclusive rights of use, but are also responsible for the upkeep and maintenance of the lair, including any headstones or other

memorials. In practice, it can be difficult to trace the owners of such lairs after the first two generations. As such, burial lairs may remain unused or fall into disrepair while the care of the lair defaults to the local authority. This has an added cost to the Council which if not managed appropriately will grow over time.

- 4.2 The Burial and Cremation Scotland Act 2016 provides: A right of burial is extinguished at the end of the period of 25 years beginning with the day on which the right was sold. Argyll and Bute Council as The Burial Authority may, on the application of a person in whom the right of burial is vested, extend the period for which the right subsists on more than one occasion. Where an extension is granted, the right is extinguished at the end of the period of 10 years beginning with the day on which the right would, but for the extension, otherwise be extinguished.
- 4.3 In order to maintain their interest at the end of the initial 25 year period, we as the burial authority, will contact the owner of the lair (or his/her representative) to extend his/her ownership. We as the burial authority, would also be required to maintain an up to date register of lairs and their owners, but having received our communication regarding extension, the responsibility for taking action to extend any further ownership at the end of the initial 25 year period or any subsequent 10 year period would fall to the owner or the owners representative. If the original ownership is not extended at the end of the period, ownership would then revert to the burial authority. The cost of both the original purchase and any subsequent extension of the interest would be set by Argyll and Bute Council as the Burial Authority.
- 4.4 This proposal would reduce the current risk that Argyll and Bute Council as the Burial Authority lose contact with the owner of a lair, and would place the responsibility of maintaining an interest in the lair on both the Council and the owner, whether the original owner or someone to whom ownership has passed. This should help to ensure that an active interest in a lair was maintained, helping to prevent memorials falling into disrepair.
- 4.5 During these periods of tenure, the owner of the lair would have the sole right to apply for the erection of a headstone or memorial on the lair, and would also be responsible for the upkeep of the memorial. As the Burial Authority we would be able to place restrictions and conditions on the size and type of headstone or memorial.
- 4.6 Argyll and Bute Council currently sell burial lairs for open cemeteries only, however we forecast in the next five years we will have closed 12 cemeteries and in ten years another 9 cemeteries. Action is needed now to allow a planned and sustainable cemetery portfolio which delivers best value.

#### 4.7 Key aims of the consultation:

We need to take steps now to ensure that options are available for people when they need available lairs in the future. We have identified various options, and would like to find out what our communities think before developing plans for Argyll and Bute in the longer term. We anticipate options would take 10 years to develop and implement, so things would not change quickly. The draft options included in the consultation include:

- Over the next 10 years we would like all open cemeteries to have a target of at least 10 years burial capacity based on a rolling 5 year average of previous interment numbers. The policy is caveated based on the deliverability of additional lairs at any particular burial site, which will be assessed on a case by case basis.
- We will stop developing and extending 57 of our current 64 remaining sites ONLY once all of the available lair space is exhausted.
- Future Development of Cemeteries will only be carried out in Helensburgh, Dunoon, Oban, Campbeltown, Lochgilphead, Islay and Mull main cemeteries.
- New lairs are now sold in line with the Burial and Cremations Scotland Act 2016 which means burial rights are no longer indefinite. Therefore the Council has the ability to reclaim the lair if not used in 50 years after the date of purchase.
- If there are areas where Community Groups would like to work with us to provide partnership maintenance works within burial grounds, we would welcome the opportunity to discuss that.

## 5.0 CONCLUSION

- 5.1 This report provides an update on the cemetery consultation and advises that a further report on the results of the consultation will be brought back to a future EDI Committee.

## 6.0 IMPLICATIONS

- 6.1 Policy - This report is an update to a previous paper which sought to establish a policy position for burial space.
- 6.2 Financial - Current investment levels do not support the need to extend cemeteries which will require closure to new burials if funding is not prioritised in line with officer's previous recommendations.
- 6.3 Legal – The council is the burial authority and as such has a duty to ensure burial ground(s) are available in the council area.

- 6.4 HR – None Known
- 6.5 Fairer Scotland Duty – None Known
  - 6.5.1 Equalities – None Known
  - 6.5.2 Socio-economic Duty – None Known
  - 6.5.3 Islands - If future funding is not agreed, we may have to close island cemeteries, with the result that island communities will be adversely affected as they will have to bury their dead on mainland cemeteries.
- 6.6 Risk – Cemeteries and associated infrastructure will continue to deteriorate. Lairs may not be available for burials in some communities.
- 6.7 Customer Service – Lack of Cemetery spaces may result in families having to bury deceased family members away from their local area.

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**For further information contact:**

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## **APPENDICES**

Appendix 1 – Cemetery Consultation