

EAST RENFREWSHIRE COUNCIL26 April 2023Report by Director of EnvironmentMANAGEMENT RULES – CEMETERIES AND BURIAL GROUNDS**PURPOSE OF REPORT**

1. To seek permission from Council to advertise the proposed Cemetery/Burial Ground Management Rules and thereby consult with and seek the views of members of the public thereon.

**RECOMMENDATIONS**

2. It is recommended that:

- a) By virtue of the powers conferred on it by the Civic Government (Scotland) Act 1982, the Council introduces Management Rules for East Renfrewshire Cemeteries/Burial Grounds, as set out in Appendix A;
- b) The Council's proposals to make the rules are advertised in accordance with the provisions of said Act, and if no objections are received, authority is given to the Director of Environment to proceed to make said rules; and
- c) The Council notes that if objections are received then a further report containing details of the objections will be made which will allow the Council an opportunity to consider the objections and to allow the objector the opportunity to be heard by the Council before authority is given to make the rules.

**BACKGROUND**

3. Local Authorities are empowered to introduce management rules for their facilities under the terms of the Civic Government (Scotland) Act 1982.

4. In addition it is considered good practice to do so as it provides clarity and a solid basis for the rules which shape the operation of the facility/asset.

5. The purpose of the Management Rules are to regulate the conduct/behaviour of persons attending East Renfrewshire facilities. As such, conditions relating to the purchase/sale of lairs are not appropriate to be contained within this document, therefore, these are contained within a separate Terms and Conditions document.

6. These Management Rules will replace the previous Management Rules which will now expire. The Burial Grounds are listed in Appendix B.

## REPORT

7. The Management Rules, as shown in Appendix A, are intended to provide a clear set of rules for users of Council Cemeteries/Burial Grounds to abide by. The updates include:

- An update on rules surrounding dog walking
- The removal of terms and conditions of burial ground services (now a separate document)
- A new list of excluded activities

8. The approval of Management Rules will allow the facilities concerned to operate effectively and safely for those who access them and ensure that East Renfrewshire's burial grounds, are respected by users in the most appropriate manner.

9. Should it be required, the enforcement of these Rules will be undertaken by the Council's nominated Authorised Officer.

## FINANCE AND EFFICIENCY

10. The Rules will ensure the regulation of behaviour and conduct with the areas concerned and should lead to less officer time being spent on dealing with issues of antisocial behaviour and poor conduct. It is hoped that the Rules will also have a deterrent effect and increase patterns of good behaviour and respect within the facilities resulting in a reduction in manpower required to deal with incidents and complaints.

## CONSULTATION

11. Public advertisement of the rules will take place, which will be at least one month before the making of the Rules. The public will have the opportunity to object and any objections will be taken into account before making the Rules.

## PARTNERSHIP WORKING

12. In order to ensure the effective implementation and application of the Rules, there will be a sharing of the approved Rules with relevant internal teams such as colleagues within Business Operations and Partnerships and within the wider Environment Department, where relevant.

## IMPLICATIONS OF THE PROPOSALS

13. The formalisation of management rules will provide clarity and a solid basis for the rules which will shape the operation of the facility and the experience of those who access said facilities. The management rules will have no negative impact on staffing, finance, legal, IT or equalities.

## CONCLUSIONS

14. East Renfrewshire Council wishes its Cemeteries/Burial Grounds to be facilities for users to respect and feel safe when visiting. The introduction of the Rules will ensure that expectations are clear to those visiting such areas and provide the Council with suitable recourse should those Rules be breached.

## RECOMMENDATIONS

15. It is recommended that:

- a) By virtue of the powers conferred on it by the Civic Government (Scotland) Act 1982, the Council introduces Management Rules for East Renfrewshire Cemeteries/Burial Grounds, as set out in Appendix A;
- b) The Council's proposals to make the rules are advertised in accordance with the provisions of said Act, and if no objections are received, authority is given to the Director of Environment to proceed to make said rules; and
- c) The Council notes that if objections are received then a further report containing details of the objections will be made which will allow the Council an opportunity to consider the objections and to allow the objector the opportunity to be heard by the Council before authority is given to make the rules.

Director of Environment

Further information can be obtained from Andrew Corry, Head of Service, [andrew.corry@eastrenfrewshire.gov.uk](mailto:andrew.corry@eastrenfrewshire.gov.uk)

April 2023

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**EAST RENFREWSHIRE COUNCIL  
MANAGEMENT RULES  
CEMETERIES AND BURIAL GROUNDS**

East Renfrewshire Council by virtue of the powers conferred by the Civic Government (Scotland) Act 1982 and of all other powers authorising or empowering them in that behalf do hereby make the following Management Rules for the regulation of all burial grounds under the control of East Renfrewshire Council.

**1 INTERPRETATION**

Throughout these Management Rules:-

- a) "The Council" means East Renfrewshire Council, constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its Headquarters at Council Offices, Rouken Glen Road, Giffnock, G46 6UG, and its statutory successors
- b) "Burial Grounds"\* ( also referred to in these rules as "cemetery" or "churchyard" when used as burial grounds) are any area of ground within or within the control of East Renfrewshire Council acquired for, already or to be in use as a burial ground (as defined in the Acts below) which has been, are or shall be managed, regulated and controlled by the Council under the Burial and Cremation (Scotland) Act 2016 ("the Act"), the Church of Scotland (Property and Endowments) Acts 1925 and 1933 and any legislation amending or repealing the same;
- c) "Authorised Officer" means the Council officer from time to time duly authorised by the Council to have responsibility for the management of cemeteries in East Renfrewshire or any officer of the Council acting on behalf of the Authorised Officer. Any such Officer with the authority to exercise such power, will be identifiable by means of a formal identification badge.
- d) "Lair" is the piece of ground within a particular Burial Ground in which the exclusive right of burial is granted by the Lair Certificate.
- e) "Lair Certificate" is the Certificate of Right of Burial granted by The East Renfrewshire Council, or by their statutory predecessors
- f) "Lair holder" is the individual (or in the case of Trustees or Executors) the individuals in whose name the Lair Certificate is issued.
- g) "Register" means the Register of Lairs and Lair Holders retained by the Council.
- h) The provision of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to the interpretation of an Act of Parliament.

**2 PREVIOUS MANAGEMENT RULES**

Any existing Management Rules are hereby revoked.

3 GENERAL

- a) A cemetery shall be open to the public during such hours as may be agreed by the Council from time to time and intimated by notices displayed at or near the principal entrances.
- b) The Council may by a notice placed at or near the place to which it refers, close all or any part of the cemetery for such period of time as they consider necessary.
- c) No person shall enter or leave any cemetery except by the entrance and exits provided for that purpose.
- d) No person shall enter or wilfully remain in a cemetery without a reasonable reason to be there. The Authorised Officer shall be sole judge of this.

4 CONTROL OF ANIMALS

No person shall:-

- a) Allow any dog (or any other animal) belonging to them or in their charge to enter into any area of a cemetery where animals are prohibited.
- b) Specifically, animals should not be allowed onto grass areas including lairs and should be kept on main pathways. Any further prohibited areas will be notified to the public by a notice erected at or near the prohibited area;
- c) Allow any dog or other animal belonging to them or in their charge to foul in any cemetery unless they immediately uplift said fouling and remove it from the cemetery, place it in a receptacle approved or provided by the Council or remove it from the cemetery;
- d) Allow a dog belonging to them or in their charge to be in a cemetery without being under their control on a short lead;
- e) Allow a dog or animal belonging to them or in their charge to be a persistent nuisance to any other person or dog in the cemetery. The Council's Authorised Officer will be the sole judge as to whether any such dog is a persistent nuisance in their opinion;
- f) In the opinion of the Authorised Officer, contravene any terms of legislation in force from time to time in respect of the ownership, control or behaviour of any dog (or any other animal, if consent has been granted for it to enter the cemetery).

5 ACTIVITY WITHIN BURIAL GROUNDS

- a) No persons shall carry on any business/commercial activity within burial grounds other than those relating to burial or memorial/headstone repairs/installation. This includes

operating commercial dog walking services or organised tours or events for profit and without seeking approval of the Authorised Officer.

- b) No persons shall undertake any works (including voluntary works/activities and those connected to burials/headstone installation/repair) within any area of the cemetery without seeking the prior approval from Neighbourhood Services, Environment Department, East Renfrewshire Council.

Prior approval from Neighbourhood Services will be assessed in each case and may also require the submission of relevant documentation including Risk Assessments;

- c) Any person/organisations who fail to seek the relevant approvals for works/activities and/or who fail to provide the relevant requested documentation to the Council will be banned from entering and/or operating within the Council's cemeteries. This also includes any documentation as per the relevant Terms and Conditions relating to cemeteries, a copy of which can be made available upon request to East Renfrewshire Council;
- d) Any persons/organisations carrying out memorial works within the cemetery have to have approval and must adhere to the Council's Terms and Conditions in carrying out this work. Failure to do so will result in the banning of the person/and or the organisation from the Council's cemetery.
- e) Any person or organisation who carries out specific works in a cemetery and causes damage to any ground, planting, trees, shrubs, wall, fence, railing, monument, fountain, statue, building or other structure shall be liable for the full cost of the repair or, at the Authorised Officer's sole discretion, the reinstatement of the item damaged to the Authorised Officer's reasonable satisfaction;
- f) No person shall interfere or tamper with any work designed to ensure the safety of those persons visiting the cemetery. This includes interfering with work to stabilise or make safe memorials or headstones without prior approval from the Authorised Officer. In the event that such interference does occur the person shall be required to reinstate the relevant safety solution immediately;
- g) No person shall place kerbstones, footstones, copes, railings, fences, gravel, corner stones, wind chimes etc. or any other object on or around a lair;
- h) The grassed area or surface of any lair must be kept clear at all times. In particular, the planting of any trees or flowers or vegetation of any kind shall not be allowed on or at the lair space. No fencing, walls or boundary features of any kind shall be erected on or surrounding the lair space at any time.

The lair owner will be advised to remove such items by the Council and any failure to do so will result in them being removed by the Council and the lair owner charged for any cost incurred to the Council;

- i) Only one flower vase shall be permitted on each lair and such vase shall be placed in the space provided at the head of each lair i.e. the crown head or on the base of the memorial and under no circumstances on the grassed area of the lair. Glass or pottery containers shall not be allowed. Flowers/wreathes will be removed in time from the lair at the discretion of the Authorised Officer;
- j) Under no circumstances should any persons attempt to undertake a burial within an East Renfrewshire Council burial ground without the Council's approval and any

relevant charges as outlined within the relevant terms and conditions being paid. This also includes the burial of cremated remains within a lair, or the scattering of ashes;

6 VEHICLES

- a) Car parking facilities provided by the Council for the convenience of patrons shall only be available to patrons during such times as they are using the facilities of the cemetery. Under no circumstances shall cars be parked on or driven over grassed areas or on lairs;
- b) Whilst vehicles are in the cemetery grounds, the directions of the Authorised Officer must be followed and all vehicles within the cemetery grounds must be driven at a respectful speed and with due care and attention;
- c) The Council shall not be responsible for any damage to or theft from vehicles or other property left in the car parking facilities regardless of how such damage or theft may be caused. Vehicles conveying memorials or goods into the cemetery grounds will be allowed access only with the consent of the Authorised Officer;
- d) The person or persons in charge of such a vehicle must comply with the directions of the Authorised Officer as to the route to be followed within the grounds;

7 BEHAVIOUR WITHIN BURIAL GROUNDS

No persons shall whilst in a burial ground:-

- a) Use any profane, sectarian, racist, sexist or offensive language or behave in an offensive, disorderly or insulting manner;
- b) Enter or remain in the cemetery or church yard whilst they are, in the opinion of the Authorised Officer, in a state of intoxication through alcohol or drugs;
- c) Wilfully or carelessly obstruct, disturb or interrupt any officer or employee of the Council in the exercise of their duties or in the execution or any work associated therewith;
- d) Wilfully or improperly interfere with any other person using the facilities provided by the Council or behave in such a manner as to endanger their own or other persons safety;
- e) Cause any music or sound to be emitted on any device or equipment, to the annoyance of any other person using the facilities provided by the Council;
- f) Disobey any instructions given by any member of the Council's staff to ensure the safety and comfort of all persons using the cemetery;
- g) Bring into a cemetery any object or objects considered dangerous or offensive in the opinion of any member of the cemetery staff;
- h) Climb any tree, shrub, wall, fence, railing, monument, fountain, statue, building, headstone or other structure;



- i) Wilfully or carelessly break, damage, deface, disfigure, tamper with or improperly spoil any tree, shrub, wall, fence, railing, monument, fountain, statue, building or other structure or property;
- j) Wilfully or carelessly damage, destroy or improperly spoil any article supplied for use by the Council;
- k) Retain or remove any article supplied for use by the Council after the purpose for which the same was issued has been served;
- l) Erect or display any poster, sign or advertisement of any kind without the prior written consent of the Council;
- m) Drop any litter or fly tip within the Cemetery grounds;
- n) Cycle, skateboard, or conduct any similar activity within the Cemetery grounds;

8 EMPLOYEES IN THE PERFORMANCE OF THEIR DUTIES.

Any act necessary for the proper execution of their duty in the cemetery by the manager or by any person employed by the Council shall not be deemed an offence against these management rules;

9 ARBITRATION

Any difference or dispute arising as to the true intent, meaning or interpretation of these Rules adjudicated by the Council's Chief Officer – Legal and Procurement or other person appointed by them to do so.

The Authorised Officer and any other party disputing the matter shall be invited to make oral or written submissions which shall be considered in reaching a decision and the decision of said officer or person so appointed shall be final.

This is without prejudice to the right of any Authorised Officer of the Council to ask a person to leave a cemetery, burial ground or churchyard, or expel or exclude that person from any cemetery, burial ground or churchyard in exercise of these Rules,

10 EXPULSION OR EXCLUSION FOR BREACH OF MANAGEMENT RULES

- a) If the Authorised Officer of the Council has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of these rules he may expel that person from the cemetery or church yard;
- b) If the Authorised Officer of the Council has reasonable grounds for believing that a person is about to contravene any of these rules he may exclude that person from the cemetery or church yard;

11 EXCLUSION ORDERS

In terms of Section 117 of the Civic Government (Scotland) Act 1982 the Council may decide that a person/organisation who has persistently contravened or attempted to

contravene these management rules and is, in their opinion, likely to contravene them again shall be made subject to an Exclusion Order.

This decision will only be implemented after having given the person/organisation an opportunity to make written or oral representations to the Council. An Exclusion Order shall have effect for such a period not exceeding one year as the Council may determine and the Council may at any time reduce that period or revoke an Exclusion Order made by them.

12 OFFENCES

In terms of Section 118 of the Civic Government (Scotland) Act 1982, any person who:-

- a) On being required to leave any cemetery, burial ground or churchyard by the Authorised Officer of the Council who has reasonable grounds for believing that the person has contravened, is contravening, or is about to contravene any of these rules fails to leave; or
- b) On being informed by the Authorised Officer who has reasonable grounds for believing that the person is about to contravene or has contravened any of these rules that he is excluded from any cemetery, burial ground or churchyard, enters or attempts to enter the cemetery or church yard; or
- c) Being a person subject to an Exclusion Order under Management Rule 11 above, enters or attempts to enter any cemetery or church yard to which the Exclusion Order relates;

Shall be guilty of an offence and liable on Summary Conviction to a fine not exceeding Level 1 under S225 of the Criminal Justice (Scotland) Act 1995, which is presently £200.00.

13 ALTERATION OF RULES

The Council shall be entitled to alter these rules or any part of them from time to time as they see fit and make and enforce such other rules as they consider necessary for the proper or better management of the cemeteries.

Made by The East Renfrewshire Council on the day of XXXX 2023.

Signed:

Chief Officer – Legal & Procurement – Authorised Signatory

**EAST RENFREWSHIRE COUNCIL  
ENVIRONMENT DEPARTMENT  
MANAGEMENT RULES**

**Appendix B - List of Cemeteries and Kirkyards**

1. Neilston Cemetery
2. Mearns Cemetery
3. Eaglesham Cemetery
4. Cathcart Cemetery
5. Eaglesham Kirkyard
6. Mearns Kirkyard
7. Neilston Kirkyard

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