

PERTH AND KINROSS COUNCIL**Environment Committee****20 November 2013****CHANGES TO ADVANCE BURIAL LAIR PURCHASE****Depute Director (Environment)**

This report outlines changes to Advance Burial Lair Purchase in public cemeteries and recommends a change in policy to ensure the equitable allocation and best use of available lair space within public cemeteries, for the overall benefit of communities in Perth and Kinross.

1. BACKGROUND / MAIN ISSUES**1.1 Advance Lair Purchase**

- 1.1.1 With an increasing older population in Perth & Kinross there will be a commensurate increase in pressure on lair space in public cemeteries. All cemeteries have a finite area of burial space available and as such, unrestricted advance lair purchase by individuals or families would put undue pressure on available lair space. In some cases, where family members or individuals move out of an area or change their wishes, lairs may rarely or never get used, thus unnecessarily taking up valuable space.
- 1.1.2 In the five years since 2008, 182 full coffin lairs and 35 half casket of ashes lairs have been pre-sold, giving an annual average of 36 and 7 sales respectively. Of these total sales of 217 sales, 45 lairs have been used for interments in a variety of burial grounds. The option to pre-purchase coffin lairs in six smaller burial grounds has had to be removed where future extension is unlikely or not possible.
- 1.1.3 Ultimately the Council has the ability to take back, into its ownership, lairs which remain unused for over 35 years and for which no contact can be made with the lair owner or their family. This approach was approved at the Environment Committee on 29 August 2007 (report 07/566) and has been carried out on occasion to allow lairs to be re-allocated.
- 1.1.4 In order to control and manage the number of lairs being pre-purchased, it is Council practice to require a formal 'Funeral Plan' to be put in place as a condition of any advance lair purchase. These Funeral Plans are quite expensive (approximately £1,500 or more), as they involve paying for many aspects of the funeral in advance, and therefore indicate a degree of commitment to use the lair.

- 1.1.5 This requirement can be prohibitively expensive for some families and may be perceived as being unfair. It also appears not to be common practice, following discussions with other local authorities and the external consultant who undertook the Bereavement Review for the Council in 2009.
- 1.1.6 An alternative approach is therefore required which is more equitable, whilst ensuring the most effective use of the land available in public burial grounds for future generations.

2. PROPOSALS

- 2.1 It is proposed that rather than require a Funeral Plan to be in place, Bereavement Services staff will monitor the demand for pre-purchased lairs and where required, restrict their sale in burial grounds.
- 2.2 For burial grounds with more than 10 years supply an individual will be able to pre-purchase one lair which has a capacity of at least two coffins.
- 2.3 Where there is less than 10 years capacity (see Appendix 1), the pre-purchase of lairs will not be permitted. In this way the immediate future burial requirements of a community can be protected.
- 2.4 Where a lair is pre-purchased but ultimately not used by the individual who originally purchased it, the Council will take it back into its ownership, in line with the current policy.
- 2.5 In exceptional circumstances, where the lair is not used upon the purchaser's death, the lair can still be transferred to another family member or nominated individual, on application to and approval by the Council.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The proposed changes to the advance burial lair purchase are to ensure the equitable allocation and best use of available lair space within public cemeteries, for the overall benefit of communities in Perth and Kinross.
- 3.2 The Committee is asked to agree to:
- Limit the pre-purchase of lairs in public cemeteries to one lair per person where there is 10 years capacity or more.
 - Where there is less than 10 years capacity in burial grounds then the pre-purchase of lairs will not be permitted.

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Not required
Strategic Environmental Assessment	Not required
Sustainability (community, economic, environmental)	None
Legal and Governance	No
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 This section should set out how the proposals relate to the delivery of the Perth and Kinross Community Plan / Single Outcome Agreement in terms of the following priorities:

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

1.2 This report supports the Community Plan 2013-2023 objective of:

- Creating a safe and sustainable place for future generations

2. Resource Implications

Financial

2.1 There are no financial implications arising from this report.

Workforce

- 2.2 There are no workforce issues arising from this report.

Asset Management (Land, Property and IST)

- 2.3 The Council is preserving its grounds maintenance assets by utilising available lair space as effectively as possible.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- i) Assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The proposals have been assessed in terms of the requirements to manage the Council's Greenspace assets in a sustainable long term way.

Legal and Governance

- 3.6 The Head of Finance and the Head of Legal Services have been consulted on the content on the report.

Risks

- 3.7 There is a risk that individuals will continue to wish to pre - purchase lairs outwith Council policy but the policy would be consistently applied to all applicants.

4. Consultation

Internal

- 4.1 The Head of Finance, the Head of Legal Services and the Head of Planning and Regeneration have been consulted in the preparation of this report.

External

- 4.2 All Funeral Directors who use our burial grounds have been contacted and no negative responses have been received in relation to the proposed changes. One Funeral Director asked if a person could buy more than one lair but the reasons for not allowing this has been set out in this report.

An external consultant carried out a Review of Bereavement Services in 2009 which was used in the preparation of this report.

5. Communication

- 5.1 The policy will be explained to individuals who request pre – purchase. Updated information will also be provided on the Bereavement Services web page.

2. BACKGROUND PAPERS

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report;

- Report to the Environment Committee on 28 August 2013, report number: 13/417
- Report to the Environment Committee on 19 January 2005, report number 05/15
- Report to the Environment Committee on 29 August 2007, report number 07/566

3. APPENDICES

List of Cemeteries with less than 10 year's capacity.

**CEMETERIES WHERE THERE IS LESS THAN 10 YEAR'S CAPACITY
FOR NEW LAIR SALES**

- Abernyte Churchyard Extension
- St Madoes Churchyard Extension
- Portmoak Churchyard Extension
- Fowles Wester Churchyard Extension
- Madderty Churchyard Extension
- Clunie Churchyard Extension
- Kilmaveonaig Churchyard Extension (Blair Atholl)
- Kinclaven Churchyard Extension
- Kenmore Churchyard Extension

