

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 20 MAY 2025

AMENDMENT TO RULES AND REGULATIONS FOR BURIAL GROUNDS

REPORT BY GRAEME DAILLY, DIRECTOR OF INFRASTRUCTURE AND ENVIRONMENT

1. ABSTRACT

- 1.1 This report seeks approval to make a relatively minor amendment to our existing Rules and Regulations for Burial Grounds in relation to the control of dogs.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

- 2.1 This report aligns with the following priorities contained within the Council Plan 2023-2028
- We will protect and enhance our natural and built environment
 - We will maintain our roads, pavements, lighting, and other infrastructure efficiently and focus our resources on our priority routes and infrastructure.
 - We will deliver efficient services and encourage recycling and cleaner streets.

3. RECOMMENDATIONS

- 3.1 It is recommended that the Committee:
- (i) authorises an amendment to Burial Grounds Regulation (15) Conduct in relation to the control of dogs, as outlined in Section 6; and
 - (ii) notes that the revised Burial Ground Regulations will come into force on the date of their execution.

4. BACKGROUND

- 4.1 Management rules for burial grounds should be regularly reviewed to ensure they remain relative to current use and are in keeping with the requirements and demands of our communities. Our Burial Grounds Rules and Regulations apply to all burial grounds and churchyards owned or managed by The Council and were last updated in 2022. (Report 390/22).
- 4.2 Section 112 of the Civic Government (Scotland) Act 1982 gives local authorities the power to make Management Rules to regulate (a) the use of; and (b) the conduct of persons while in or on, any land or premises owned, occupied or managed by the local authority or otherwise under its control and to which the public have access.
- 4.3 The Land Reform (Scotland) Act 2003 and Scottish Outdoor Access Code introduced in 2005 established statutory access rights to land and water for recreational purposes. Under the terms of the Act a local authority can introduce byelaws over any land on which the access rights can be exercised to keep order, prevent damage, nuisance, or danger and for the conservation or enhancement of natural heritage. In doing so The Council is seeking to regulate any form of irresponsible behaviour.

5. CURRENT POSITION

- 5.1 Following complaints of irresponsible behaviour by owners allowing their dogs to roam unchecked and foul our burial grounds it was felt the existing regulations were not specific enough in relation to the control of dogs. Whilst we encourage visitors to our burial grounds a minority have allowed dogs to roam unchecked and we have received numerous reports of dogs fouling burial lairs and in headstone borders.

6. PROPOSALS

- 6.1 It is proposed the following amendment is made to our Burial Grounds Rules and Regulations.

Amend Regulation 15 (Conduct), Deleting: -

'no person shall cause any dog to be in a Burial Ground unless it is kept **under proper control**'

Thereafter Inserting: -

'no person shall cause any dog to be in a Burial Ground unless it is kept **on a short lead**'.

- 6.2 It is also proposed that additional signage is erected in all burgh cemeteries to inform visitors.

- 6.3 The revised version of the Management Rules for Burial Grounds, incorporating the amendment detailed in Section 6.1, is shown in Appendix 1. It is proposed that the agreed management rules and regulations are made available from the council web site and that the rules are communicated in a format that is easily accessible.

7. RISKS

- 7.1 There are no significant risks associated with this report.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no significant financial implications for the Council arising from this exercise. All associated costs can be met from existing revenue budgets.

9. ENVIRONMENTAL IMPLICATIONS

- 9.1 It is anticipated that amendments to the regulations concerning dogs in burial grounds will lead to an improvement in owner behaviour and less dog fouling.

10. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

- 10.1 An Equality Impact Assessment has been carried out and is attached.

11. CHILDRENS RIGHTS AND WELLBEING IMPACT ASSESSMENT

- 11.1 A Children's Rights and Wellbeing Impact Assessment has been undertaken and full assessment is not required as the "General Principles" do not apply to this proposal.

12. CONSULTATION

- 12.1 The Director of Finance and Acting Director of Legal, Governance and Change were consulted in the preparation of this report.

- 12.2 As the amendment is relatively minor no further public consultation was undertaken.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No. 390/22 – Management Rules for Parks and Rules and Regulations for Burial Grounds

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List of Appendices:

Appendix 1 - Revised Rules and Regulations for Burial Grounds

Equality Impact Assessment: Amendment to Rules and Regulations for Burial Grounds

Author : Kevin Robertson - Manager - Environmental Services

Date of Submission : 16/04/2025 15:06 - EIA-706571776

Is this proposal a high-level strategy? No

Type of proposal: policy;

What type of assessment is required? full

Overview

Directorate or service. If the proposal involves more than one directorate or service, name the lead one: Infrastructure & Environment.

Give details of any legislation relevant to this proposal: Civic Government (Scotland) Act 1982.

What is being proposed? Amendment to a regulation governing burial grounds.

Is this a new policy or a review of an existing policy? Review of existing proposal - Amendment to Regulation 15 (Conduct).

Impact

All the group(s) of people your proposal involves or affects: Members of the public.

What internal data, such as customer satisfaction surveys, equality monitoring data and customer complaints, have you gathered to discover what impact (positive or negative) your proposal will have on people? A number of complaints have been received regarding dogs being out of control in our cemeteries.

What internal consultation, for example with staff, trade unions and affected services, have you gathered to discover what impact (positive or negative) your proposal will have on people? There is no hard data other than reference to complaints received.

What external data, such as census data, equality reports, equality evidence finder, performance reports, research and statistics have you gathered to discover what impact (positive or negative) your proposal will have on people? No data exists.

What external consultation have you done, with partner organisations, national organisations, other councils, community groups and others, to discover what impact (positive or negative) your proposal will have on people? Other council's regulations have been checked and this rule applies to neighbouring authorities in Dundee and Aberdeen.

What other consultation (if any) has been conducted that was not included above? Local elected members views have been sought.

Gaps

Are there any gaps in the equality information you currently hold? No.

Groups

Are there potential differential impacts on particular age groups? Neutral.

Reason(s) for your answer: There are no differential impacts across groups, all will be similarly affected.

Are there potential differential impacts on people with a disability? Neutral

Reason(s) for your answer: There are no differential impacts across groups, all will be similarly affected.

Are there potential differential impacts on people with a gender reassignment? Neutral

Reason(s) for your answer: There are no differential impacts across groups, all will be similarly affected.

Are there potential differential impacts on people with a marriage or civil partnership status? Neutral.

Reason(s) for your answer: There are no differential impacts across groups, all will be similarly affected.

Are there potential differential impacts on people due to their race? Neutral.

Reason(s) for your answer: There are no differential impacts across groups, all will be similarly affected.

Are there potential differential impacts on people due to their sex? Neutral.

Reason(s) for your answer: There are no differential impacts across groups, all will be similarly affected.

Are there potential differential impacts on people due to pregnancy/maternity? Neutral.

Reason(s) for your answer: There are no differential impacts across groups, all will be similarly affected.

Are there potential differential impacts on people due to religion or belief? Neutral.

Reason(s) for your answer: There are no differential impacts across groups, all will be similarly affected.

Are potential differential impacts on people due to their sexual orientation? Neutral.

Reason(s) for your answer: There are no differential impacts across groups, all will be similarly affected.

UNCRC

Which of the general principles apply to your proposal? None.

Consultation

Have you consulted with any of the protected characteristic groups who are potentially negatively affected by the proposal? No.

What are your reasons for not consulting with any of the protected characteristic groups who are potentially negatively affected by the proposal?

How did you do this?

What were the results?

Negative Impacts

What steps will you take to reduce or remove potentially negative impacts? There are no negative impacts associated with the proposal.

Justification

If your proposal will have a negative impact, what is your justification for taking it forward? There are no negative impacts anticipated.

Public Sector Equality Duty

Does this proposal contribute to any, or all, of the public sector equality duty to? No.

We need to know how your proposal does this:

Is there anything that could be done to advance equalities in relation to this proposal? There are no negative impacts on any protected characteristics.

Fairer Scotland Duty: Not Applicable.

Monitoring

How will you monitor and review your assessment in line with your proposal? Monitoring will be undertaken by parks staff in line with current policy.

Will this equality impact/fairer Scotland Duty/Children's Rights assessment be included with a committee report? Published with committee report.

Approvers

Reviewer Approval : Fiona Thain - thainf@angus.gov.uk
Review Date : 17/04/2025 10:24

Manager Approval : Graeme Dailly - Director of Infrastructure & Environment
Approval Date : 17/04/2025 14:04