

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Infrastructure
DATE	20th January 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Aberdeen Crematorium and Hall of Remembrance Management Rules
REPORT NUMBER:	CHI/15/316
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report seeks approval to make new Management Rules for Aberdeen Crematorium and Hall of Remembrance within the remit of Aberdeen City Council as the existing Management Rules have expired.

2. RECOMMENDATION(S)

That the Committee:

- i) Approve the form of the draft Aberdeen City Council (Aberdeen Crematorium and Hall of Remembrance) Management Rules 2016 as set out in Appendix 2 to allow officers to proceed with a public consultation on these proposed draft Management Rules.
- ii) Instruct Officers to carry out a public consultation on the draft Aberdeen City Council (Aberdeen Crematorium and Hall of Remembrance) Management Rules 2016
- iii) Instruct Officers to report back to committee with: (a) the results of the public consultation; and (b) with a recommendation as to the form the Management Rules should take following the public consultation.

3. FINANCIAL IMPLICATIONS

There are no financial implications in this report.

4. OTHER IMPLICATIONS

It is considered that the Management Rules support the use of the city's Crematorium, Hall of Remembrance and their associated grounds.

5. BACKGROUND/MAIN ISSUES

The making of Management Rules is not a mandatory requirement. Section 112 of the Civic Government (Scotland) Act 1982 details the process by which local authorities can make Management Rules.

Making Management Rules

- 5.1 To summarise the procedure, the Draft Management Rules will need to be made available for inspection for at least a month to comply with the requirements set out in the Civic Government (Scotland) Act 1982. Members of the public will require to be notified by way of a newspaper advertisement where the Draft Management Rule may be inspected and the address to which objections may be sent. Once the notified period for inspection and objection (which cannot be less than a month) is up the Communities, Housing and Infrastructure Service will consider (in consultation with officers from Legal and Democratic Services) whether any changes to the Draft Management Rules are required and these findings will be presented to committee. If Committee approve the Draft Management Rules they will not become effective until they are signed by a Proper Officer and sealed with the Common Seal of Aberdeen City Council. Once made Management Rules remain in force for a period of ten years unless revoked or amended.

Management Rules - Draft Proposals

- 5.2 The new draft management rules are included in Appendix 2.

6. IMPACT

Improving Customer Experience –

The Management Rules will provide clear guidance to our Customers.

Improving Staff Experience –

The Management Rules will provide our staff with clear guidance in carrying out their duties.

Improving our use of Resources –

The Management Rules sets out how the Council's resources will be used.

Corporate -

The report relates to the Single Outcome Agreement and the Council's policy statement, Aberdeen: The Smarter City.

Our Vision is for Aberdeen to be an ambitious, achieving, smart city. We will ensure all citizens are encouraged and supported appropriately to make their full contribution.

Public –

This report will be of interest to the public and seeks the public's views through a consultation exercise.

The content of this report is not relevant to the Equality Act 2010 public sector general duty as completing the recommendations is considered to impact all.

7. MANAGEMENT OF RISK

Following through the recommendations set out in this report should ensure that any risk associated with Aberdeen Crematorium and Hall of Remembrance remains at an absolute minimal level and that there is an improved service provided to our customers.

8. BACKGROUND PAPERS

Aberdeen City Council (Aberdeen Crematorium and the Hall of Remembrance) Management Rules 2000 (Appendix 1 – Current Management Rules)

Aberdeen City Council (Aberdeen Crematorium and Hall of Remembrance) Management Rules 2016 (Appendix 2 – Proposed draft Management Rules)

9. REPORT AUTHOR DETAILS

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APPENDIX 1 (Current Management Rules)

**ABERDEEN CITY COUNCIL
(ABERDEEN CREMATORIUM AND THE HALL OF REMEMBRANCE)**

MANAGEMENT RULES 2000

Aberdeen City Council (“the Council”) in exercise of the powers conferred on them by Section 112 of The Civic Government (Scotland) Act 1982 hereby make the following Management Rules which shall apply to Aberdeen Crematorium and the Hall of Remembrance and their grounds.

1. Interpretation

- 1.1 In these Rules: “**Council**” includes any authorised Council employee; “**Crematorium**” means the Aberdeen Crematorium owned and operated by the Council at Hazlehead, Aberdeen; “**Hall of Remembrance**” means the former crematorium at Kaimhill, Aberdeen; “**Viewing Room**” means the area containing the Books of Remembrance at the Crematorium; “**Memorial Garden**” means the garden areas at the Crematorium in which memorial plaques are displayed; “**Gardens of Remembrance**” means the gardens attached to the Crematorium and the Hall of Remembrance; “**Registrar**” means the Registrar of Burials and Cremations appointed by the Council; “**Superintendent**” means the Manager of the Crematorium or any members of staff acting on his behalf; “**Funeral Director**” means the person employed as a funeral director by a person instructing a cremation.
- 1.2 The Interpretation Act 1978 shall apply to the interpretation of these Management Rules as it applies to an Act of Parliament.

2. Responsibility for Charges

The person instructing a cremation is personally liable for all cremation dues and fees. Prepayment of such dues and fees may be requested at the discretion of the Registrar.

3. Notice of Cremation and Receipt of Documents

- 3.1 The Chapels at the Crematorium will be available for services of cremation during such hours as may be laid down from time to time by the Council. A booking for a cremation cannot be accepted if both of the chapels are already booked for the time in question.
- 3.2 To make a booking Notice of Cremation must be given to the Registrar, on the approved application form accompanied by all the necessary documents, to allow not less than 24 hours between the receipt of the notification and cremation. Saturday, Sunday or a Public Holiday cannot be included in the 24 hour period.
- 3.3 If all the necessary documents have not been received by the Registrar at the time specified in paragraph 3.2 it may prove necessary to postpone the

service. In any event the Registrar may refuse an application for a cremation at his discretion.

- 3.4** All cremations must be authorised by the Registrar prior to the arrangements being publicly announced.

4. Acceptance of Coffin

- 4.1** The Funeral Director is responsible for the provision of sufficient bearers to convey the coffin reverently from the hearse to the catafalque. When the coffin is in position on the catafalque or deposited in the restroom at the Crematorium as agreed in advance with the Superintendent, the Funeral Director's responsibility towards it ceases and that of the Council begins.
- 4.2** No coffin will be accepted within the Crematorium unless the lid is secured down, and it is not permissible to open the coffin within the premises.
- 4.3** No coffin will be accepted at the Crematorium unless it bears adequate particulars of the identity of the deceased person therein.
- 4.4** No coffin can be removed from the Crematorium after the service except for a lawful purpose.

5. Floral Tributes

Floral tributes shall be placed at the appropriate place during each service under the direction of the Superintendent. It will be the duty of a florist or the Funeral Director to liaise with the Superintendent to ensure that the floral tributes are identified to the correct service and are in the correct location.

6. Construction of the Coffin

The construction of the coffin must be in all respects in compliance with the "Instructions for Funeral Directors" as laid down from time to time by the Federation of British Cremation Authorities, or to such specification as may be defined by the Council from time to time.

7. Services

A period of time is allotted for each service and the officiating clergyman or person in charge of the service must ensure that this timescale is adhered to.

8. Disposal of Ashes

- 8.1** Ashes will be retained free of charge for one month following the date of the cremation. At the end of the first month unless arrangements have been made for the disposal or retention of the ashes notice shall be given by recorded delivery mail to the person who made application for the service. This notice will be to the effect that the ashes will be strewn at the expiry of 2 weeks from the date of the letter unless other arrangements are made.
- 8.2** Ashes may be strewn in the Gardens of Remembrance by the relatives, or by the Superintendent or may be removed from the Crematorium by the applicant for the service or the applicant's Funeral Director.

9. Availability to the Public

The Crematorium, the Hall of Remembrance, the Gardens of Remembrance, the Viewing Room and the Memorial Garden shall be open to the public daily, during such hours and subject to such restrictions as the Council may fix.

10. Gardens of Remembrance

- 10.1** The placing of commemorative benches, plants or trees is only permitted at the discretion of the Council. Application must be made to the Registrar and in considering an application, the Council will take into account the style of bench or type of tree and the proposed location. The Council will not undertake any responsibility for these items, and cannot be liable for any subsequent damage, but may undertake certain aspects of routine maintenance subject to charges which may be set from time to time.
- 10.2** No memorials, vases or any other types of flower containers are permitted to be placed in the Gardens of Remembrance. Flowers may be placed in the Gardens of Remembrance and these shall be cleared away when they become unsightly, of which the Superintendent shall be the sole judge.

11. Books of Remembrance

- 11.1** Entries may be requested in the Book of Remembrance on the approved application form, subject to the payment of the fee set down by the Council from time to time. Each entry must comply with the conditions laid down on the application form and entries may be refused at the discretion of the Registrar.
- 11.2** The Books of Remembrance will be on display during hours which will be set from time to time by the Council. Outwith those hours it may be possible under specific circumstance to have books made available by prior arrangement with the Registrar.

11.3 The Books of Remembrance will display the page relating to the current date, but where it is desired to see another page, staff on duty will display the requested one.

12. Hall of Remembrance

12.1 The Council undertake to continue to store the caskets of ashes currently in the Hall of Remembrance but no further caskets will be permitted to be stored there.

12.2 No new flower vases or containers can be placed within the Hall of Remembrance, and where a vase or container appears not to be in use, the Superintendent shall remove it and keep it in store pending its being claimed. Flowers shall be removed when they become unsightly, of which the Superintendent shall be the sole judge.

12.3 The Council shall continue to display the commemorative plaques on the walls of the Hall of Remembrance. Plaque reservations will only be valid where the applicant can produce evidence of the title to such space either by registration from the Council or its predecessors in title. Any reservation must be renewed every 5 years, or will cease to be valid.

12.4 The Council will undertake the placing of new inscriptions on plaques on written request from the registered applicant. Inscriptions may be refused at the discretion of the Registrar. Inscriptions will be subject to charges laid down from time to time by the Council.

12.5 The Council will take all reasonable steps to protect the urns, commemorative plaques and vases or flower containers in the Hall of Remembrance, but shall have no duty of care to the people who put them there.

13. Memorials

13.1 The Council, exercising its absolute discretion, will make available facilities at the Crematorium for the display of memorials. Such memorials shall only be available from the Council and any memorial plaque may be suitably inscribed by the Council upon request. Inscriptions may be refused at the discretion of the Registrar. The cost of memorials and any inscription, which will be deemed to include the cost of display, will be determined from time to time by the Council.

13.2 The choice of a 10 years or a 20 years display period for the memorials will be offered by the Council. The chosen period may be extended for any number of further periods of 10 years upon payment to the Council at the commencement of each extension of a charge not exceeding one-third of the charge then prevailing for a 10 year display period.

- 13.3** At the expiry of the display period and in the event that no request has been made to extend that period, the Council shall be entitled, upon giving not less than one month's written notice served by the recorded delivery mail procedure to the person who last paid the charge at the latest address provided to the Registrar, to remove the memorial from the display and reallocate the display space.
- 13.4** Space for a second memorial plaque inscription may be reserved by written agreement with the Registrar. When this space has been reserved such reservation will only be valid where the applicant can produce evidence of the title to such space. An additional charge, not exceeding one-fifth of the existing cost of the plaque, will be incurred when applying for an inscription at the reserved space.

14. General

- 14.1** In the Crematorium, the Hall of Remembrance, the Gardens of Remembrance, the Viewing Room and the Memorial Garden:
- (a) Children under 12 years of age must be accompanied by an adult.
 - (b) Members of the public must not pull flowers, or in any way damage shrubs or trees.
 - (b) No animals shall be permitted, except for guide dogs.
 - (d) No person shall conduct himself in a manner likely to cause alarm, distress, nuisance or annoyance to any other person.
- 14.2** No collection of donations for charitable or other bodies are permitted within the Crematorium or its grounds.
- 14.3** The Council shall be at liberty to alter the charges made for cremations and allied services from time to time.

15. Contravention of the Rules

- 15.1** Any authorised Council employee may:
- (a) if he/she has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of these Management Rules, expel that person from the Crematorium or the Hall of Remembrance or their grounds.

(b) if he/she has reasonable grounds for believing that a person is about to contravene any of these Management Rules, exclude that person from the Crematorium or the Hall of Remembrance or their grounds.

15.2 The Council, may decide that a person who has, in respect of the Crematorium or the Hall of Remembrance or their grounds, persistently contravened or attempted to contravene any of these Management Rules and is, in their opinion, likely to contravene them again, shall be made subject to an Exclusion Order, all in terms of Section 117 of the Act.

15.3 **Any person who fails to comply with an expulsion, an exclusion or an Exclusion Order as set out at 15.1 and 15.2 above, shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale.**

16. Citation and Operation

16.1 These Management Rules shall be cited as the Aberdeen City Council (Aberdeen Crematorium & Hall of Remembrance) Management Rules 2016.

16.2 These Management Rules come into force on the date of their execution and shall remain in force for a period of 10 years thereafter unless earlier revoked or amended.

CRAWFORD J LANGLEY
DIRECTOR OF LEGAL AND CORPORATE SERVICES
_____ 2000

CIVIC GOVERNMENT (SCOTLAND) ACT

1982

ABERDEEN CITY COUNCIL

(ABERDEEN CREMATORIUM AND THE
HALL OF REMEMBRANCE)

MANAGEMENT RULES 2000

2000

Director of Legal and Corporate
Services

APPENDIX 2 (Proposed draft Management Rules)

**ABERDEEN CITY COUNCIL
(ABERDEEN CREMATORIUM AND HALL OF REMEMBRANCE)
MANAGEMENT RULES 2016**

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1. Interpretation

- 1.1** In these Rules: “**Council**” includes any authorised Council employee; “**Crematorium**” means the Aberdeen Crematorium owned and operated by

the Council at Hazlehead, Aberdeen; **“Hall of Remembrance”** means the former crematorium at Kaimhill, Aberdeen; **“Viewing Room”** means the area containing the Books of Remembrance at the Crematorium; **“Memorial Garden”** means the garden areas at the Crematorium in which memorial plaques are displayed; **“Gardens of Remembrance”** means the gardens attached to the Crematorium and the Hall of Remembrance; **“Registrar”** means the Registrar of Burials and Cremations appointed by the Council or any members of staff acting on his/her behalf; **“Crematorium Manager”** means the Manager of the Crematorium or any members of staff acting on his/her behalf; **“Funeral Director”** means the person employed as a funeral director by a person instructing a cremation.

- 1.2 The Interpretation Act 1978 shall apply to the interpretation of these Management Rules as it applies to an Act of Parliament.

2. **Responsibility for Charges**

The person instructing a cremation is personally liable for all cremation dues and fees. Prepayment of such dues and fees may be requested at the discretion of the Registrar.

3. **Notice of Cremation and Receipt of Documents**

- 3.1 The Chapels at the Crematorium will be available for services of cremation during such hours as may be laid down from time to time by the Council. A booking for a cremation cannot be accepted if both of the chapels are already booked for the time in question.
- 3.2 To make a booking Notice of Cremation must be given to the Registrar, on the approved application form accompanied by all the necessary documents, to allow not less than 24 hours between the receipt of the notification and cremation. Saturday, Sunday or a Public Holiday cannot be included in the 24 hour period.
- 3.3 If all the necessary documents have not been received by the Registrar at the time specified in paragraph 3.2 it may prove necessary to postpone the service. In any event the Registrar may refuse an application for a cremation at his/her discretion.
- 3.4 All cremations must be authorised by the Registrar prior to the arrangements being publicly announced.

4. **Acceptance of Coffin**

- 4.1 The Funeral Director is responsible for the provision of sufficient bearers to convey the coffin reverently from the hearse to the catafalque. When the coffin is in position on the catafalque or deposited in the restroom at the

Crematorium as agreed in advance with the Crematorium Manager, the Funeral Director's responsibility towards it ceases and that of the Council begins.

- 4.2 No coffin will be accepted at the Crematorium unless the lid is secured down. It is only permissible to open the coffin within the premises where prior agreement has been made with the Crematorium Manager and the Crematorium's procedures are adhered to
- 4.3 No coffin will be accepted at the Crematorium unless it bears adequate particulars of the identity of the deceased person therein.
- 4.4 No coffin can be removed from the Crematorium after the service except for a lawful purpose.

5. Floral Tributes

Floral tributes shall be placed at the appropriate place during each service under the direction of the Crematorium Manager. It will be the duty of a florist or the Funeral Director to liaise with the Crematorium Manager to ensure that the floral tributes are identified to the correct service and are in the correct location.

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The construction of the coffin must be in all respects in compliance with the "Instructions for Funeral Directors" as laid down from time to time by the Federation of British Cremation Authorities, or to such specification as may be defined by the Council from time to time.

7. Services

A period of time is allotted for each service and the officiating clergyman or person in charge of the service must ensure that this timescale is adhered to.

8. Disposal of Ashes

- 8.1 Ashes will be retained free of charge for eight weeks following the date of the cremation. At the end of this period unless arrangements have been made for the disposal or retention of the ashes notice shall be given by recorded delivery mail to the person who made application for the service. This notice will be to the effect that the ashes will be scattered at the expiry of 2 weeks from the date of the letter unless other arrangements are made.
- 8.2 Ashes may be scattered in the Gardens of Remembrance by the relatives/applicant, or by the Crematorium Manager or may be removed from

the Crematorium by the applicant for the service or the applicant's Funeral Director/nominated person.

9. Availability to the Public

The Crematorium, the Hall of Remembrance, the Gardens of Remembrance, the Viewing Room and the Memorial Garden shall be open to the public daily, during such hours and subject to such restrictions as the Council may fix.

10. Gardens of Remembrance

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10.2 No memorials, vases or any other types of flower containers are permitted to be placed in the Gardens of Remembrance. Flowers may be placed in the Gardens of Remembrance and these shall be cleared away when they become unsightly, of which the Crematorium Manager shall be the sole judge.

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- 13.3** At the expiry of the display period and in the event that no request has been made to extend that period, the Council shall be entitled, upon giving not less than one month's written notice served by the recorded delivery mail procedure to the person who last paid the charge at the latest address provided to the Registrar, to remove the memorial from the display and reallocate the display space.
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- (b) Members of the public must not pull flowers, or in any way damage shrubs or trees.
- (d) No animals shall be permitted, except for guide dogs.
- (d) No person shall conduct himself in a manner likely to cause alarm, distress, nuisance or annoyance to any other person.

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15.3 Any person who fails to comply with an expulsion, an exclusion or an Exclusion Order as set out at 15.1 and 15.2 above, shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale.

16. Citation and Operation

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FRASER BELL

HEAD OF LEGAL AND DEMOCRATIC SERVICES

_____ 2016

CIVIC GOVERNMENT (SCOTLAND) ACT

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ABERDEEN CITY COUNCIL

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Head of Legal and Democratic Services