

Report on	Update Report on Old Burial Grounds Maintenance Agreement
Date of Meeting	Tuesday 12 th November 2019
Reporting Officer	Terry Scullion, Head of Property Services
Contact Officer	Terry Scullion, Head of Property Services

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	This report is to provide an update to members on the maintenance agreement for eight Old Burial Grounds in Mid Ulster District Council with the Church representatives that appear to exercise control over the sites in question.
2.0	Background
2.1	As members will be aware notice was issued in 2018 to the representative Church Bodies of eight old graveyards that Council maintenance would cease. This applied to any old grounds in the district being maintained, but not listed on the Schedule of Old Burial Grounds included in an appendix to the Report of the Commissioners of Church of Temporalities in Ireland for the period 1869-80; or in the absence of an alternative legal agreement or deed.
2.2	<p>The affected graveyards are listed below:</p> <ul style="list-style-type: none"> • Killelagh Old Church and Graveyard • Granaghan Penal Chapel & Graveyard • Ballymaguigan Old Graveyard • Eglish Old Graveyard • Donaghmore Independent Old Graveyard • Killeeshil (Old Section) • Killyman (Old) Graveyard • Clogher Cathedral Old Graveyard
2.3	Following the Council decision in September 2018 Council agreed to enter into a maintenance agreement for grass cutting for the old burial grounds listed.
3.0	Main Report
3.1	<p>Following assistance from Council's Legal Services a comprehensive maintenance agreement for the the eight old burial grounds has been developed. The proposed agreement is between Council and the respective representative Church body. The salient points of the agreement include:</p> <ul style="list-style-type: none"> • Commencement and Duration, • Council responsibilities and works location,

	<ul style="list-style-type: none"> • Church Obligations, • Liability, • Termination, and • Dispute Resolution.
3.2	Council responsibilities will extend to cutting the grass areas seven times a year, between the months of March and October to maintain a grass height of 75mm. Grass will not be removed/lifted from the burial ground. Work is to be carried out between 08:00 and 17:00 Monday to Friday, not to include bank/public holidays.
3.3	Engage with the representation Church bodies will be undertaken to put agreements in place with each body for the commencement of the 2020 grounds maintenance season. Entering into a maintenance agreement will regularise maintenance at these sites for grass cutting only. Failure to enter into agreement for any site will mean Council will not undertake maintenance in this location from the commencement of the 2020 grounds maintenance season.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	<p>Financial:</p> <p>Grass cutting at these sites will be included with existing Property Service provision.</p>
	<p>Human:</p> <p>Staff time from legal services to finalise the agreements with the Council seal once signed. Staff time with Property Services engaging with the representative Church bodies, coordinating annual maintenance of the old burial grounds, and management of any third party grass cutting services.</p>
	<p>Risk Management:</p> <p>This is a risk of injury to staff, contractors or visitors should an unstable headstone or memorial fall, or injury from access to a site, including liability issues associated with maintaining a work area not under the responsibility of Council, or were a maintenance agreement does not exist.</p>
4.2	Screening & Impact Assessments
	<p>Equality & Good Relations Implications:</p> <p>Equality screening would be required if the eight old burial grounds detailed continue to be maintained as they are not listed on the schedule of Old Burial Grounds, and if a legally binding maintenance agreement isn't put in place.</p>
	<p>Rural Needs Implications:</p> <p>N/A</p>
5.0	Recommendation(s)

5.1	Members are requested to note the content of this report.
6.0	Documents Attached & References
6.1	None