

<b>Report on</b>	Update Report on Old Burial Grounds
<b>Reporting Officer</b>	Terry Scullion, Head of Property Services
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<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	This report is to provide an update to members on the Old Burial Grounds in Mid Ulster District.
<b>2.0</b>	<b>Background</b>
2.1	Council currently maintain thirty six old or historic burial grounds throughout the district. Following a recent review these range from inactive historical burial grounds, to old burial grounds with evidence of burials in the past 10 years, to cemeteries that are adjacent to current places of worship.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>Old Burial Grounds</p> <p>A full schedule of old graveyards is listed under Appendix No 7 of the Report of the Commissioners of Church of Temporalities in Ireland for the period 1869-80. The appendix covers the whole of Ireland and the graveyards are shown under the relevant 'Poor Law Unions' of the time. At the time of Disestablishment in 1869 there were a large number of old graveyards which were never taken into ownership of the Representative Church body. The Commission of Church Temporalities in Ireland, under the 'The Irish Church Act 1869' and the 'The Public Health (Ireland) Act 1878', vested these grounds in the 'Burial Boards' of several Sanitary Districts in Ireland, of which the various different District Councils are the modern day successors. In effect under the Public Health (Ireland) Act 1878 the management was vested in burial boards (i.e. the Council). This covered the general management, regulation and control of the various grounds. Please refer to Appendix 1 for the detail and location of old burial grounds in the Mid Ulster Area that Council current maintain.</p>
3.2	<p>Maintenance</p> <p>Under the Public Health (Ireland) Act 1878 the burial board shall maintain such churchyard or burial ground in decent order, and also do the necessary repair of the walls and other fences thereof. Council is therefore empowered to maintain boundaries and the grounds of the graveyard. As part of Council's grounds maintenance delivery outcome standards a minimum of eight cuts per year are carried out in season, but its site dependant. There is an inspection programme in place carried out monthly to inspect maintenance standards.</p>

3.3	<p>It has also become clear that the Council may be cutting grass and/or maintaining areas that are neither owned nor leased by the Council or fall within the remit of public open space maintained by the Council. Such anomalies identified are a result of legacy Council practices on property that Council don't own or have no legal obligation to maintain, such as those not listed on the Appendix 7 schedule of Old Burial Grounds, or where a legal agreement or deed exists.</p> <p>Historical Environment Division (HED), Department for Communities</p> <p>Many of the old graveyards are scheduled monuments with Church ruins present on a number of sites. A Scheduled Monument is an archaeological site or monument that has been given statutory protection under Article 3 of The Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995. Once a site has been included in the Schedule, the Department requires that any activity on it be controlled through Scheduled Monument Consent (SMC) to protect it from damage whether deliberate or unintentional.</p> <p>Scheduling of a monument does not alter its ownership nor does it permit public rights of access, the Department do not own or directly manage scheduled sites. Scheduling brings the monument into an inspection regime by the department through Field Monument Wardens to monitor condition and engage with owners to advise on positive management of the site.</p>
3.4	<p>Health and Safety Considerations</p> <p>The majority of old burial grounds can be described as inactive where burials have ceased. However there are a small number that are active grounds and where grave re-opens occur for burials. For these active sites, Council has no input into the burial arrangements.</p> <p>For all sites members of the public can gain access burial grounds. Some sites can be accessed from the immediate roadside or active Church grounds, while others are accessed through open countryside or lanes. Access to some of the sites could pose a risk to the public due to the presence of cattle, or poor ground conditions increases the risk of injury for members of the public, staff and contractors.</p> <p>A number of the burial grounds listed have old ruins located near them. It is not clear on the structural safety of these ruins and if people can be in close proximity to these. In the past HED have expressed concern of the condition of some church ruins and have previously engaged with the Church owners requesting co-ordination for the potential to undertake conservation works at this site. This unfortunately has not come to fruition.</p> <p>The visibility and quality of signage on the sites varies from site to site. Further work is required with both legal services and health and safety teams regarding responsibility and duty of care Council has in terms of the safety of users and staff.</p>
F4.0	<p><b>Other Considerations</b></p>
4.1	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: A limited budget is available for annual maintenance.</p>

	Human: Staff in the safety and management of old burial grounds.
<b>4.2</b>	<b><u>Equality and Good Relations Implications</u></b>  N/A
<b>4.3</b>	<b><u>Risk Management Implications</u></b>  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.
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are requested to note the content of this report and to agree to cease the maintenance of old burial grounds which the Council doesn't own or have a legal obligation to maintain.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Detail and location of old burial grounds currently maintained