

Culture and Communities Committee

10.00am, Tuesday, 15 September 2020

Cemetery Tour Guide Operator Registration Scheme

Executive/routine Wards Council Commitments	Executive All
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1. Recommendations

- 1.1 It is recommended that the Culture and Communities Committee:
 - 1.1.1 notes the contents of this report; and
 - 1.1.2 approves that a Cemetery Tour Guide Operator Registration Scheme be introduced with a code of conduct and request for a donated contribution to cemetery maintenance.

Paul Lawrence

Executive Director of Place

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Cemetery Tour Guide Operator Registration Scheme

2. Executive Summary

- 2.1 Council cemeteries are poignant places of reflection and remembrance. But they also offer a haven for wildlife and fauna as part of our green environment which many have discovered using their greenspace for exercise during Covid-19 restrictions.
- 2.2 The city has five wonderful historic city centre graveyards in the UNESCO World Heritage area. Three of those at Canongate, Greyfriars and Old Calton are Category A listed for the national significance of their monuments, memorials and walls. These cemeteries require expensive ongoing conservation and maintenance to keep them safe. They are also popular with visitors with around 600,000 to 700,000 people visiting Greyfriars Cemetery annually.
- 2.3 Organised walking tours, which include a visit to one of the historic cemeteries as part of the itinerary, charge between £10 to £20 per person. Currently there is no contribution by these commercial enterprises to the maintenance of the cemeteries visited as part of their business.
- 2.4 It is proposed in this report that a Cemetery Tour Guide Operator Registration Scheme be introduced which includes a donation towards the maintenance of cemeteries.

3. Background

- 3.1 The council own and operate 39 cemeteries across the city.
 - 3.1.1 five historical city centre cemeteries;
 - 3.1.2 20 non-operational cemeteries; and
 - 3.1.3 14 operational cemeteries where coffin burials still take place.
- 3.2 As a consequence of section 32 of the Church of Scotland (Property and Endowments) Act 1925 a number of churchyards became the responsibility of the council to maintain. Section 33 of the Act allows for families that own monuments within the churchyards to continue to pay for their maintenance.

- 3.3 Due to the passage of time the Council does not have contact details for most of the monument owners making it difficult to apportion costs.
- 3.4 Pre Covid-19, the death rate in Edinburgh had fallen in the last 20 years from around 5,000 to 4,200 per annum. In addition, of those dying more were choosing cremation rather than burial with only around 15% of funerals conducted by the Council being burials (there are also private crematoria and cemeteries in Edinburgh).
- 3.5 This demographic change has reduced the relative income generated by the cemetery service which has 39 cemeteries to maintain including the five historic city centre graveyards.
- 3.6 A manual count of visitors to Greyfriars Cemetery pre-Covid19 was conducted on Thursday 20 and Friday 21 February 2020. The weather was cool, wet and windy and outside the main festival periods, so could be considered low season for tourist activity. The average footfall count across both days was 1,600, which on a linear extrapolation would translate to around 600,000 visitors per year.
- 3.7 An automatic count of visitors 24 hours per day to Greyfriars Cemetery post-Covid19 lockdown was conducted between Thursday 13 and Saturday 22 August 2020. The weather was a mixture of sunshine and showers and Scottish students had returned to school from summer holidays.
- 3.8 The average daily footfall in this snap shot was 1,548 with a peak hourly rate of 330 visitors on Saturday 22 August between Noon and 1.00pm.
- 3.9 A chart at Figure 3.9 of Greyfriars Cemetery average visitors per hour shows distinct visitor peaks between Noon to 1.00pm and 2.00pm to 3.00pm. There is a small rise in visitor numbers between 7.00pm to 9.00pm and continues up to midnight as graveyard and ghost tours pass through the cemetery.

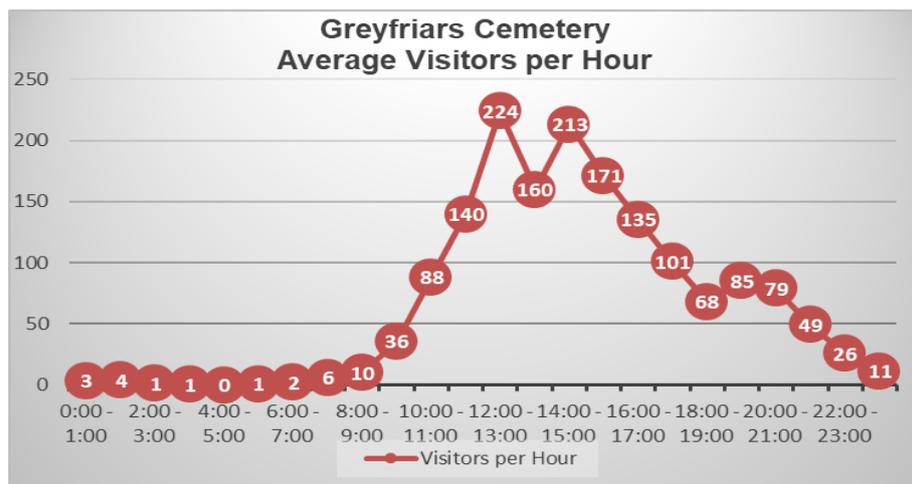


Figure 3.9 – Greyfriars Cemetery Average Visitors

- 3.10 A chart at Figure 3.10 of Greyfriars Cemetery visitors per day between Thursday 13 and Saturday 22 August 2020 shows significant daily footfall with Saturday being the most popular day for a visit.

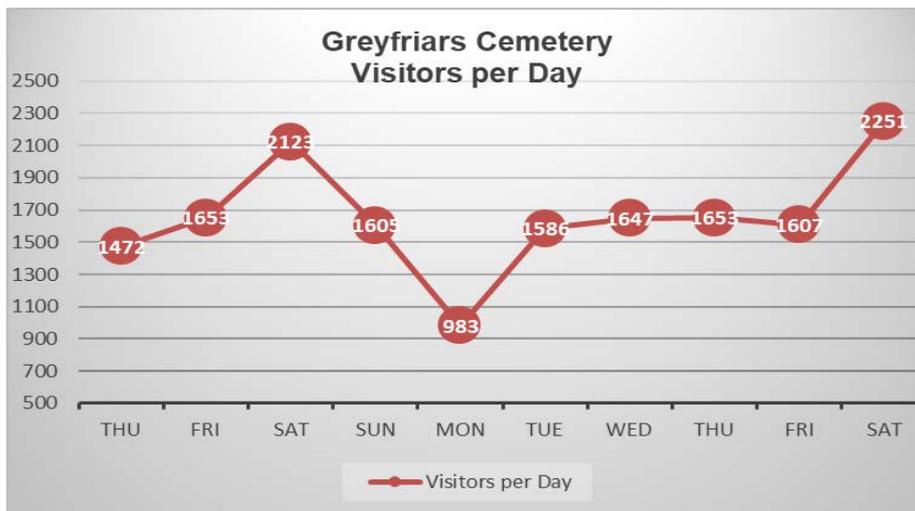


Figure 3.10 – Chart of Greyfriars Cemetery Daily Visitors

- 3.11 The largest daily visitor count in this small snap shot was 2,251. Using the average daily footfall count across the period of 1,548 this would on a linear extrapolation translate to around 565,000 visitors per year.
- 3.12 Both the manual and automatic snap shot counts suggest an annual foot fall of around 600,000 per year. However, both measurements were taken outside the peaks of the normal summer and winter festivals so actual visitor numbers are likely to be higher.

4. Main report

- 4.1 The six key strategic objectives of the cemetery service are provision of:
- 4.1.1 safe spaces;
 - 4.1.2 poignant places of remembrance and reflection;
 - 4.1.3 cemeteries managed in compliance with Burials and Cremations (Scotland) Act;
 - 4.1.4 sufficient space to bury the dead;
 - 4.1.5 environmental greenspace linked to Thriving Green Spaces Project; and
 - 4.1.6 managed historic world heritage site cemeteries.

Management of historic UNESCO world heritage site cemeteries

- 4.2 This report seeks to address the strategic objective of management of the historic UNESCO world heritage site cemeteries. There are five historic cemeteries, namely Canongate, Greyfriars, St Cuthbert's, Old Calton and New Calton. Three of those at Canongate, Greyfriars and Old Calton are Category A listed. In 2010 they were placed on the [World Monuments Watch list](#). In 2013 Dr Susan Buckham, an expert on graveyards at Edinburgh World Heritage, published a detailed [49 page report](#).

- 4.3 It is estimated from snap shot counts that around 600,000 to 700,000 people visit Greyfriars Cemetery for reasons that include Greyfriars Bobby, graves linked to Harry Potter characters and Ghost Tours.
- 4.4 Repairs at Old Calton Cemetery recently cost more than £100,000 and it is anticipated that ongoing repairs at Greyfriars Cemetery will cost a similar amount. The cemetery service has an annual non-staff budget of around £15,000 to improve cemeteries which is insufficient to maintain the number of aging cemeteries of historical importance that the Council own.
- 4.5 The significant footfall through some cemeteries such as Greyfriars is causing erosion of pathways and path edging which require regular repairs. Pre Covid-19 it was observed that some cemetery tours had around 50 people in the group with only one tour guide, thus making it difficult to ensure that a reasonable and respectful code of conduct was maintained.
- 4.6 To better manage the historic cemeteries, it is proposed that a Cemetery Tour Guide Operator Registration Scheme be introduced to provide a code of conduct to adhere to along with a donation contribution to help fund the maintenance of the historic cemeteries.
- 4.7 Using powers under The Civic Government (Scotland) Act, the City of Edinburgh Council can implement management rules to regulate areas to help improve the quality of the visitor experience and reduce any harmful impact on the location or on other visitors, users and local businesses or residents. The Parks Greenspace and Cemetery Rules under section 4 state that the following acts are prohibited unless the Council's written permission has been obtained first:
- 4.7.1 selling, hiring or offering for sale or hire any items or goods or services;
 - 4.7.2 displaying or handing out advertisements, conducting surveys or giving any displays or performances; or
 - 4.7.3 engaging in any commercial activity whatsoever (including, without limitation, dog walking services, photography, filming and fitness training services).
- 4.8 There is precedent for charging to visit a cemetery. Highgate Cemetery in London is managed by a trust which charges £4.50 to enter the free to roam east cemetery and £12 to visit the west cemetery, which is by guided tour only.
- 4.9 The proposed Cemetery Tour Guide Operator Registration Scheme is set out at Appendix 1. This scheme will include a code of conduct to better regulate the conduct of tour guide operators and their customers. It was considered whether the registration scheme should apply to each individual tour guide or the tour guide operator as an entity. It is proposed the Scheme applies to the operator making it easier to administer and deliver the scheme objectives of introducing a code of conduct and raising donations towards cemetery maintenance.
- 4.10 It is also proposed that tour guide operators donate 50 pence per paying customer as part of the Cemetery Tour Guide Operator Registration Scheme described in Appendix 1. It is thought 50 pence is a reasonable sum to donate compared to Highgate Cemetery which charges nine times that amount. To assist with

compliance with the Scheme the Council will introduce contactless donation boxes for tour guides and the public that are vandal resistant and contain no cash to avoid tampering.

- 4.11 Visitors to Greyfriars Cemetery can be broken down roughly into four groups:
 - 4.11.1 organised tour groups for Ghost or Harry Potter experiences that charge customers £10 to £20 each;
 - 4.11.2 organised tour groups that advertise as “free tours” but request a “donation” at the end of the tour;
 - 4.11.3 ad hoc tours from bus trips; and
 - 4.11.4 visitors to the church, other cemetery visitors and other stakeholders.
- 4.12 Consultation has been held with groups 1, 2 and 4. Feedback from group 1 was that some form of tour guide code of conduct was essential and would be supported and that a donation contribution towards maintenance was also a reasonable request for the Council to make.
- 4.13 Group 2, in the form of the Edinburgh Tour Guide Collective, also thought a tour guide code of conduct was essential but balked at the initial suggestion of a £1 per customer donation which would be a significant chunk of their profits. Therefore, a donation of 50 pence is proposed which is lower than this group were expecting to be introduced.
- 4.14 Group 4 which included Greyfriars Kirk minister and management team, Heriots School and Edinburgh World Heritage came together under the Chair of the Lord Provost Councillor Ross. This group supported the introduction of a cemetery tour guide operator registration scheme with a donation towards cemetery maintenance. It was recognised there needed to be a balance between maintenance and protection of national heritage cemeteries on the one hand and facilitating and improving the visitor experience.
- 4.15 It is anticipated that Scheme compliance will be high. However, the Council will monitor compliance of Cemetery Tour Guide Operators with the Scheme rules as it sees fit including but not limited to the introduction of electronic people counters and spot checks by Council staff. The Council, at its sole discretion in compliance with [Public Parks and Greenspace management rules](#) introduced under The Civic Government (Scotland) Act 1982, may revoke the Scheme registration of a tour guide operator not complying with the terms of the Scheme.
- 4.16 If it is the case that a Cemetery Tour Guide Operator is undertaking a tour of a cemetery without being registered under the proposed Scheme then enforcement action would be pursued using the powers within the [Public Parks and Greenspace management rules](#).
- 4.17 Committee are requested to approve that a Cemetery Tour Guide Operator Registration Scheme, as described in Appendix 1, be introduced with a code of conduct and request for a donated contribution towards cemetery maintenance.

5. Next Steps

- 5.1 If Committee approve the proposals outlined above:
 - 5.1.1 Take necessary steps without delay to introduce a Cemetery Tour Guide Operator Registration Scheme varying the initial registration fee in the first year to take account of part year and to encourage participation.
 - 5.1.2 Work with Edinburgh World Heritage and other stakeholders to protect and enhance the historic city centre cemeteries.

6. Financial impact

- 6.1 The introduction of a Cemetery Tour Guide Operator Registration Scheme donation set at 50 pence would, if 20% of the estimated 600,000 annual visitors contributed, raise £60,000 towards maintenance of the cemetery. The introduction of people counters at a cost of £705 will provide data to better model the predicted income.
- 6.2 Post Covid-19 it is not known how many cemetery tour guide organisations remain. If it is assumed that ten remain the annual registration fee of £175 will raise £1,750 gross income in a full year.

7. Stakeholder/Community Impact

- 7.1 During preparation of this report there has been consultation with various tour guide companies, Greyfriars Kirk, Edinburgh World Heritage, National Association of Funeral Directors Scottish (NAFD), Society of Allied and Independent Funeral Directors (SSAIF)
- 7.2 There are no equalities implications arising from these proposals. The proposals are intended to maintain good health and safety, governance and regulatory compliance.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 - Cemetery Tour Guide Operator Registration Scheme.

Appendix 1

Cemetery Tour Guide Operator Registration Scheme

Introduction

Graveyards and cemeteries in Edinburgh are popular destinations for tour operators. Using powers under The Civic Government (Scotland) Act, the City of Edinburgh Council can implement management rules to regulate these areas to help improve the quality of the visitor experience and reduce any harmful impact on the location or on other visitors, users and local businesses or residents.

The Public Parks Greenspace and Cemetery Rules under section 4 read:

“The following acts are prohibited unless the Council’s written permission has been obtained first:

- 4.10 Selling, hiring or offering for sale or hire any items or goods or services.
- 4.11 Displaying or handing out advertisements, conducting surveys or giving any displays or performances
- 4.12 Begging or busking
- 4.13 Engaging in any commercial activity whatsoever (including, without limitation, dog walking services, photography, filming and fitness training services).”

The introduction of this Tour Guide Operator Registration Scheme under rules 4.10, 4.11 and 4.13 will require all tour guide operators who wish to carry out any tour which starts/finishes or visits a cemetery owned and managed by the City of Edinburgh Council to abide by the Code of Conduct at Appendix A and make the per customer donation described in Appendix B.

Cemetery Tour Guide Operator Registration Scheme Fee (choose one)

- Registration Fee payable annually in advance £175
- Registration Fee payable quarterly in advance £50

Please sign below to indicate your agreement to these conditions:

Name Representing

Address

Agrees to pay the above fee, abide by the Cemetery Tour Guide Code of Conduct at appendix A and Cemetery Tour Guide Donation Scheme Rules at appendix B.

Signed Date

Please return to: Bereavement Services, City of Edinburgh Council, 30b Howdenhall Road, Edinburgh, EH16 6TX Email bereavement@edinburgh.gov.uk Tel 0131 664 4314

Appendix 1 continued

APPENDIX A

Cemetery Tour Guide Operator Code of Conduct

1. Written permission must be requested and given by The City of Edinburgh Council to permit any guided tour to visit any cemetery managed by the Council.
2. Cemetery Tour Guide operators must have appropriate Public Liability Insurance and make it available for inspection by the Council on demand.
3. A full and sufficient site Risk Assessment must be carried out by the Tour Guide Operator for any location before conducting a tour of a cemetery.
4. Tour groups visiting a cemetery must be limited to no more than 36 persons or such other lower number set out in government guidance.
5. The starting and finishing points for cemetery tours must take account of pedestrian flow and any local restrictions.
6. Tour routes must utilise any existing pathway systems to minimise any potential damage to non-protected areas i.e. grass or non-hard-standing areas.
7. Stopping points for the tour must be carefully selected to minimise disruption to other visitors / users of the cemetery.
8. Specific care must be taken within cemeteries to ensure tours are carried out in a respectful manner and any routes or stopping points should ensure customers do not congregate on any grave areas.
9. Tours between the hours of 9.00pm and 7.00am must be conducted in such a way to keep noise levels to a reasonable level to avoid disturbing local residents.
10. Tour Guides must whilst in the cemetery abide by any reasonable instruction given by a Council employee.
11. Failure to comply with this Code of Conduct may result in suspension of permission and/or costs for any damage caused being recharged. Any complaints or evidence of damage being caused will be investigated and may result in suspension of your permission.
12. The Council at its sole discretion may revoke the registration of a tour guide operator not complying with the terms of this Code of Conduct.

Appendix 1 continued

APPENDIX B

Cemetery Tour Guide Operator Donation Scheme Rules

1. Each Cemetery Tour Guide Operator, at their discretion, shall either
 - a) make a 50 pence donation, varied by annual review, per each paying customer to the City of Edinburgh Council Bereavement Services.
 - or
 - b) encourage their customers to utilise the proposed contactless donation boxes placed in the cemetery.
2. Donations made directly by Cemetery Tour Guides Operator shall be transferred to the Council monthly in arrears.
3. Donations shall be paid into the bank account of City of Edinburgh Council Bereavement Services – account information available on request.
4. The Council agrees to maintain confidentiality of commercially sensitive information such as tour group visitor numbers.
5. The Council will monitor compliance with the Scheme rules as it sees fit including but not limited to the introduction of electronic people counters and spot checks.
6. The Council at its sole discretion may revoke the Scheme registration of a tour guide not complying with the terms of the Scheme.