

Culture and Communities Committee

10.00am, Tuesday, 17 November 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;
 - 1.1.2 approves that a Cemetery Tour Guide Operator Registration Scheme be introduced with a code of conduct; and
 - 1.1.3 approves that a review of the scheme and an update on progress will be submitted to this committee on an annual basis.

Paul Lawrence

Executive Director of Place

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Cemetery Tour Guide Operator Registration Scheme

2. Executive Summary

- 2.1 Council graveyards and 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, Old Calton and St Cuthbert's are Category A listed for the national significance of their monuments, memorials and walls. These graveyards require expensive ongoing conservation and maintenance to keep them safe. They are also popular with visitors with over 1 million people visiting Greyfriars Kirkyard 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 or more for private tours. 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.

3. Background

- 3.1 The council own and operate 39 cemeteries and burial grounds across the city.
 - 3.1.1 five historical city centre graveyards;
 - 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 Kirkyard 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 to Greyfriars Kirkyard 24 hours per day post-Covid19 lockdown was conducted between Thursday 13 and Monday 31 August 2020. The weather was a mixture of sunshine and showers and Scottish students had returned to school from summer holidays.
- 3.8 A chart at Figure 3.8 of Greyfriars Kirkyard 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 with visits continuing up to midnight as graveyard and ghost tours pass through. The peak hourly rate of visitors was 404 between noon and 1.00pm on Saturday 29 August.

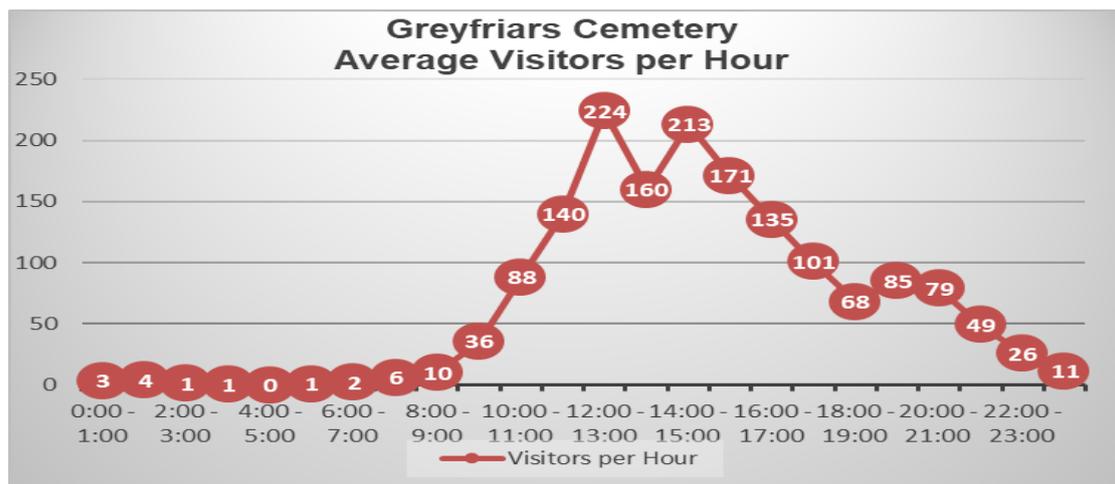


Figure 3.8 – Greyfriars Kirkyard Average Visitors

3.9 A chart at Figure 3.9 of Greyfriars Kirkyard visitors per day between Thursday 13 and Monday 31 August 2020 shows significant daily footfall with Saturday being the most popular day for a visit.

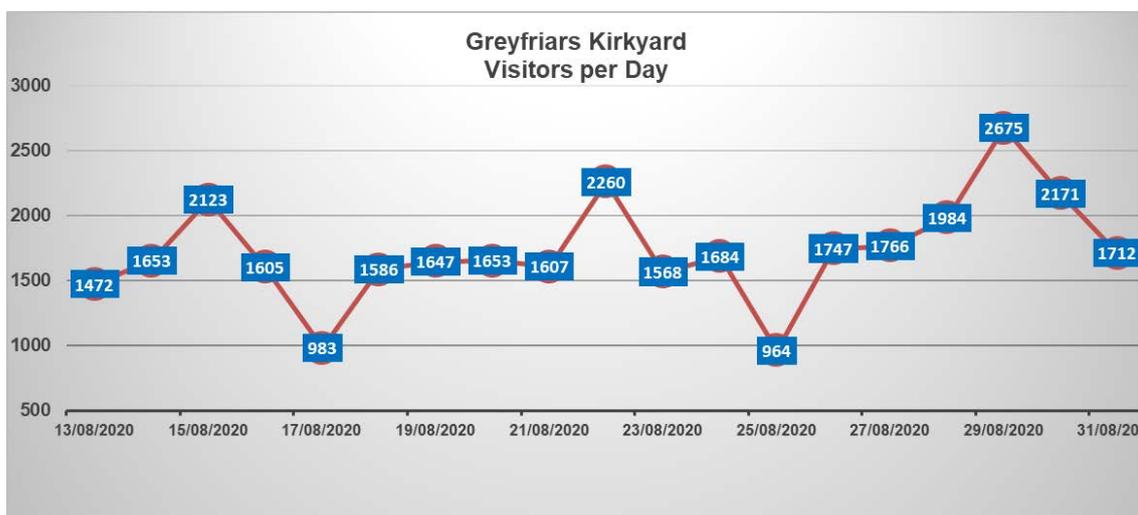


Figure 3.9 – Chart of Greyfriars Kirkyard Daily Visitors

- 3.10 The largest daily visitor count in this small Covid-19 affected snap shot was 2,675. Using the average daily footfall count across the period of 1,730 this would on a linear extrapolation translate to over 600,000 visitors per year.
- 3.11 A review of historical count data estimates that there were 1.3 million visitors to Greyfriars Kirkyard in 2019. According to Visit Scotland [visitor attraction statistics](#) compiled by the Moffat Centre this places Greyfriars Kirkyard in fifth position in Edinburgh behind National Museum of Scotland (2.2million), Edinburgh Castle (2.1million), Scottish National Gallery (1.7million) and St Giles Cathedral (1.3million).
- 3.12 In a Scottish context Greyfriars Kirkyard is placed as the eighth most visited attraction on the Visit Scotland list behind Strathclyde Country Park, Dean Castle Country Park and Glasgow Riverside Museum.
- 3.13 An automatic count of visitors to Old Calton Cemetery during September gave a daily average of 271 visitors with the peak day being Saturday 26 September (474 visitors). A linear extrapolation of this Covid-19 affected data would translate to around 100,000 visitors per year. This suggests a pre Covid-19 visitor number more than 200,000 per year.

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 graveyards.

Management of historic UNESCO world heritage site graveyards

- 4.2 This report seeks to address the strategic objective of management of the historic UNESCO world heritage site graveyards. There are five historic graveyards, namely Canongate Kirkyard, Greyfriars Kirkyard, St Cuthbert's Kirkyard, Old Calton Burial Ground and New Calton Burial Ground. Four of those at Canongate, Greyfriars, Old Calton and St Cuthbert's 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 that 1.3 million people visited Greyfriars Kirkyard for reasons that include Greyfriars Bobby, graves linked to Harry Potter characters, ghost tours and general historic interest.
- 4.4 Repairs at Old & New Calton recently cost more than £100,000 and it is anticipated that ongoing repairs at Greyfriars Kirkyard 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 graveyards and cemeteries of historical importance that the Council own.
- 4.5 The significant footfall through some graveyards such as Greyfriars Kirkyard is causing erosion of pathways and path edging which require regular repairs. Pre Covid-19 it was observed that some graveyard 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 graveyards, it is proposed that a Cemetery Tour Guide Operator Registration Scheme be introduced to provide a code of conduct to adhere to. We also intend to introduce a donation box 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 graveyard. 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.
- 4.10 The council plans to introduce contactless donation boxes that are vandal resistant (and contain no cash to avoid tampering) to encourage giving to support the maintenance of its graveyards and cemeteries. An online Gov.UK/Pay account will also be established and donation by SMS text will be trialled. Tour guides that take their customers to the historic graveyards are well placed to guide their customers to a donation point. It is suggested that a minimum donation of 50 pence per paying customer is appropriate. Since visitors typically visit in pairs or groups the donation points will be set up in increments of £1 to avoid having to transact more than once. We consider that 50 pence per person is a reasonable sum to donate compared to Highgate Cemetery which charges nine times that amount. Digital content including an online tour is being developed which may add value to the level of the donation.
- 4.11 Visitors to Greyfriars Kirkyard 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 Initial consultations were held in late 2019/early 2020 with groups 1 and 2. The general feedback 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 A meeting was held on 18 September 2020 with Mercat Tours and Scottish Tourist Guides Association (STGA). Further group meetings were held on 29 and 30 October with Visit Scotland, STGA Edinburgh Branch, Sandeman New Europe, City of the Dead Tours, Mercat Tours, Historic Edinburgh Tours, Potter Tours, Local Eyes Tours. Others such as Auld Reekie Tours are supportive but were not able to attend. Representatives of Friends of Newington and Warriston Cemeteries also participated fully in the discussions.
- 4.14 The overwhelming consensus from these three meetings was that a registration scheme with code of conduct was a good idea. Concerns were raised by some that £175 per year charge was too much whilst two companies submitted applications to pay £175 on the draft form circulated for comment. One company thought the timing of the introduction of the scheme was not ideal and support for the scheme was conditional on it being extended to regulation of all city tours not just those of historic cemeteries.
- 4.15 Group 4 which included Greyfriars Kirk minister and management team, George 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 graveyard maintenance. It was recognised there needed to be a balance between maintenance and protection of national heritage graveyards on the one hand and facilitating and improving the visitor experience.
- 4.16 Taking account of all the very useful feedback provided by stakeholders the following is proposed. The registration fee will be set at £90 per year or £25 per quarter. A third-tier monthly pass set at £10 per month is proposed which would be of benefit to foreign coach tours or self-employed tour guides that only occasionally conduct tours in the historic graveyards. It is anticipated that revenue from customer donations will exceed that raised from the registration fees which will be used to cover administration of the scheme.
- 4.17 The tour guide operator registration scheme will come into effect on 1 January 2021. Taking account of representations from stakeholders regarding the current position of the Covid-19 affected tourist industry registration charges would become due from 1 April 2021. In addition, the registration scheme charge would remain fixed until 1 April 2023.
- 4.18 Many stakeholders were keen to have further engagement as the scheme develops and contribute to the development of the graveyards and cemeteries. Therefore, it is proposed that a user's group will meet initially every three months and thereafter no less than annually. A report on progress will be submitted to committee on an annual basis.

- 4.19 The scheme will not be applicable to Friends of Cemeteries Group however constituted. The scheme scope will initially be restricted to the five historic city centre graveyards managed by the Council. Namely; Canongate, Greyfriars, New Calton, Old Calton and St Cuthbert's.
- 4.20 It is anticipated from stakeholder feedback 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.
- 4.21 If it is the case that a Cemetery Tour Guide Operator is undertaking a tour of a graveyard without being registered under the proposed Scheme then enforcement action would be pursued using the powers within the [Public Parks and Greenspace management rules](#).
- 4.22 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 graveyard 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.
 - 5.1.2 Work with Edinburgh World Heritage and other stakeholders to protect and enhance the historic city centre graveyards.

6. Financial impact

- 6.1 The introduction of a Cemetery Tour Guide Operator Registration Scheme donation set at 50 pence would, if 5% of the estimated 1.3million pre Covid-19 annual visitors contributed, raise £32,500 towards maintenance of the graveyards. 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 will participate in the scheme, but if twenty do then with an annual registration fee of £90 that would raise £1,800 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 noted at 4.13, Visit Scotland, Greyfriars Kirk, Edinburgh World Heritage,
- 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 shall require all tour guide operators who wish to carry out any tour which starts/finishes or visits Canongate, Greyfriars, New Calton, Old Calton or St Cuthbert’s graveyards abide by the Code of Conduct at Appendix A and request their customers make a donation described in Appendix B.

Cemetery Tour Guide Operator Registration Scheme Fee (choose one)

- | | | |
|---|-----|--------------------------|
| Registration Fee payable annually in advance | £90 | <input type="checkbox"/> |
| Registration Fee payable quarterly in advance | £25 | <input type="checkbox"/> |
| Registration Fee monthly pass | £10 | <input type="checkbox"/> |

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 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 a guided tour to visit any of the five historic city centre graveyards managed by the Council. Namely; Canongate, Greyfriars, New Calton, Old Calton and St Cuthbert's.
2. Cemetery Tour Guide Operators must have appropriate Public Liability Insurance and on request make it available for inspection by the Council.
3. A full and sufficient site Risk Assessment must be carried out by the Tour Guide Operator before conducting a tour of a graveyard or cemetery.
4. Tour groups visiting a graveyard listed at 1) must be limited to no more than 36 persons per guide or such other lower number set out in government guidance.
5. The starting and finishing points for graveyard 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 graveyard or cemetery.
8. Specific care must be taken within graveyards or 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 occurring 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 neighbouring residents.
10. Tour Guides must whilst in the graveyard or cemeteries 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 the Tour Guide Operator's 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.
13. A scheme users group including relevant stakeholders will be set up by the Council and meet at least annually.
14. This Tour Guide Operator Registration Scheme is not applicable to Friends of Cemeteries Groups however constituted.

Appendix 1 continued

APPENDIX B

Cemetery Tour Guide Operator Donation Scheme

The Council plans to introduce donation boxes to encourage giving to support the maintenance of its graveyards and cemeteries. Tour guides that take their customers to the historic graveyards are well placed to guide their customers to a donation point should they so wish. Initially boxes will be set up in Greyfriars Kirkyard and depending on success these will be expanded to other graveyards. Guidance is as follows.

1. Each Cemetery Tour Guide Operator shall ask their customers if they wish to make a donation. The initial suggested amount of a minimum 50 pence per each paying customer shall be varied by annual review of council charges. Since customers typically visit in pairs or groups the donation points will be set up in increments of £1 to minimise multiple transactions.
2. To encourage customers to participate the council shall use various methods including, but not limited to, donation boxes and text to donate options.
3. Donations made directly to the Council shall be transferred into the Gov.UK/Pay account of the City of Edinburgh Council Bereavement Services – account information available on request.
4. The income generated shall be used by the City of Edinburgh Council Bereavement Services to fund improvements to its graveyards and cemeteries.
5. The Council agrees to maintain confidentiality of commercially sensitive information such as tour group visitor numbers.
6. The Council will monitor success of the Scheme rules as it sees fit including but not limited to the introduction of electronic people counters and spot checks.

APPENDIX C

Frequently Asked Questions

Q1	I sometimes take walking tours thorough St Cuthbert's as a short cut from Lothian Road to The Mound. Does the scheme apply to me?
A1	No. The scheme applies to guides conducting tours not people passing through.
Q2	I'm a history teacher and take classes to historic cemeteries in Edinburgh as part of the curriculum. Does the scheme apply to me?
A2	No. The scheme applies to tour guide operators.
Q3	I lead school field trips as a paid tour guide with 32 students and six teachers and assistants which exceeds the 36 per tour guide limit in the scheme. Is this allowed?
A3	The objective of the scheme limit is to ensure suitable control of the group and that respect for the graveyard is maintained. A ratio of six teachers/assistants and a guide to supervise 32 students is fine and far exceed the required ratio of 1 to 36.
Q4	Does the scheme apply to tours from overseas?
A4	Yes. Visit Scotland will assist in identifying such tour operators.
Q5	I represent an umbrella group of tour guides, can I register one application on behalf of the registered members of the group?
A5	Yes.
Q6	How will the scheme be managed on day to day basis?
A6	With tours operating 12 hours per day and seven days per week through the five historic cemeteries it is not viable to maintain a consistent staff presence at all sites at all times. Management of the scheme will therefore be targeted.
Q7	Does the registration scheme apply to all 39 cemeteries?
A7	No not at this time, only the five city centre historic cemeteries are included. However, a tour of any other graveyard must be conducted in a dignified and respectful manner consistent with the scheme code of conduct.
Q8	We are a Friends of Cemetery Group does the scheme apply to us?
A8	No. However, a tour of the cemetery must be conducted in a dignified and respectful manner consistent with the scheme code of conduct.