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## **Economic Development and Infrastructure Services Committee**

Tuesday, 05 September 2023

The undernoted report(s) has been added to the agenda for the meeting of **Economic Development and Infrastructure Services Committee** at **09:30**, in terms of Section 50B (4)(b) of the Local Government (Access to Information) Act 1985 by reason of special circumstances on the Chair accepting the report as urgent business.

### **NOTE REFERRED TO:-**

8a. **Updated Management Rules for Cemeteries and Burial** 3 - 20

#### **Grounds**

Report by Depute Chief Executive (Economy, Environment and Finance)

8b. **Town Centre Improvement Plans Update and Funding** 21 - 32

#### **Opportunities**

Report by Depute Chief Executive (Economy, Environment and Finance)





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**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE ON 5 SEPTEMBER 2023**

**SUBJECT: UPDATED MANAGEMENT RULES FOR CEMETERIES AND BURIAL GROUNDS**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

**1. REASON FOR REPORT**

1.1 To inform the Committee of the proposed revised management rules for Council owned or controlled Cemeteries and Burial Grounds, incorporated under the Local Government (Scotland) Act 1994.

1.2 This report is submitted to Committee in terms of Section III (F) (14) of the Council's Scheme of Administration relating to the provision and maintenance of all burial grounds.

**2. REASON FOR URGENCY**

2.1.1 This report is submitted to Committee in terms of the Local Government (Access to Information) Act 1985, on the Chair certifying that, in his opinion it requires to be considered on the grounds of urgency as it is essential that policy context per the report is set before next stage of the 24/25 budget process where role of burial ground charges are likely to be considered within wider future charging approaches, with finalisation having been delayed by the involvement of officers in the budget briefing process with members

**3. RECOMMENDATION**

**3.1 It is recommended the Committee agree:**

- i) the revised Cemetery Management Rules as outlined at APPENDIX I and;**
- ii) that the revised Cemetery Management Rules supersede any previous management rules for cemetery and burial grounds.**

**4. BACKGROUND**

4.1 Under the Local Government (Scotland) Act 1994 the Council in exercise of the powers conferred on them by the Civic Government (Scotland) Act 1982, Section 112, have the authority to set management rules applicable to

Cemeteries and Burial Grounds managed, regulated or controlled by the Council.

- 4.2 Any management rules for Cemeteries and Burial Grounds must comply with any regulations introduced by Scottish Ministers by virtue of powers contained within the Burial and Cremation (Scotland) Act 2016. Whilst there are no Regulations published yet for burials these are anticipated to come forward in due course and therefore future revisions to these Rules will be required as these emerge
- 4.3 The Council currently manages and maintains 63 cemeteries and churchyards across Moray. The management rules currently in place to govern these sites have not been reviewed for a number of years.
- 4.4 The review of the management rules has presented an opportunity to revise some of the current practices to not only make the operational running of sites more streamlined and efficient, but also to enhance the customer experience and prolong the life expectancy of cemeteries and burial grounds. They will also provide a sound basis for any future modernisation and efficiencies.
- 4.5 The main proposed changes contained within the revised management rules outlined at **APPENDIX I** relate to:
- The removal of the ability to pre-purchase lairs.
  - The removal of the option for customers to select lairs within the cemetery or burials ground.
  - The provision of allocated burial times.
  - Specification for the size of headstones.
- 4.6 The current rules allow for the pre-purchasing of lairs by customers for future use. Around 69 lairs are pre-purchased each year which currently generates an annual income in the region of £63,000.
- 4.7 On 4 December 2018, this Committee approved a Future Cemetery Provision Strategy. The Committee Report can be viewed at <https://moray.cmis.uk.com/moray/CouncilandGovernance/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/231/Committee/9/SelectedTab/Documents/Default.aspx>. As well as detailing the life expectancy of the cemeteries (the life expectancies will have reduced by approximately 5 years from the dates shown within the report) the strategy provided a strategic vision for the more sustainable provision, development and efficient management and maintenance of cemeteries. Within this strategy it was agreed that where the availability of burial ground within a cemetery equates to less than ten years remaining capacity, the Council reserves the right to sell lairs for immediate use only.
- 4.8 If approved, the revised management rules for cemeteries and burial grounds will be publicised through the following means:
- Available on the website
  - Available through the Burial/Registration Service
  - Electronic copy sent to do all Funeral Directors and Memorialisation Masons

- Provision of the rules to the lair owner at the point lair sale

## **5. PROPOSED REVISIONS**

### **Pre Purchase of Lairs**

- 5.1 An unintended consequence of this rule is that either lairs remain empty within a cemetery or burial ground, as lair owners are buried or cremated at alternative sites, or, the excavation of the lair is made more difficult at the point of being dug. This is due to the fact that excavations occur in areas where burials have already taken place and so there is a need to manage and work sympathetically on top of existing lairs or around existing headstones.
- 5.2 A consequence of having unused lairs within cemeteries and burial grounds is that the life expectancy of the site is compromised. This is particularly pertinent when sites are nearing the end of their operational life, and lair space is at a premium, and empty lairs cannot be allocated to customers at the point of need (the Council has 11 cemeteries which are estimated to have less than 10 years burial capacity).
- 5.3 When lairs are pre-purchased the cost of the lair is in line with the fees and charges for the respective year. The price for lairs generally increases year on year in line with increased service delivery costs.
- 5.4 In most cases the use of a lair is many years later than the date of purchase. The result is that the payment received for the lair does not align to the cost to deliver the burial service, at the point of use, and so does not cover service costs.
- 5.5 Whilst immediate income generation would be lost through the withdrawal of a pre-purchasing system, the income is most likely to still be received, but at the time the burial is needed and at a point when fees are reflective of the current costs. Therefore as an operating model this creates a more efficient service. It should also be noted that an exercise is currently underway to review the full cost of the burial service. This information can then be used to inform the fees and charges for future years based on full cost recovery
- 5.6 If the withdrawal of the option to pre-purchase lairs is approved as proposed at Rule 3 (ii), the intention would be to still honour those lairs which have already been pre-purchased.

### **Selection of Lairs**

- 5.7 The location of lairs within a cemetery or burial ground can currently be selected on the basis of customer preference. The unintended consequences of this system are that, not only does it create operational difficulties with regards excavation, due to the reasons as previously outlined pertaining to pre-purchased lairs, but it compromises the number of potential lairs within a cemetery or burial ground.
- 5.8 All lairs currently work on the principle of 4 feet between the lairs. Whilst the excavation of a lair can be planned and measured on the basis of the above parameters, due to cemeteries and burial grounds not necessarily being uniform in their design, the ability to maximise lair capacity can be

compromised. The impact of this becomes particularly pertinent when lair spaces becomes a premium within the cemetery or burial ground.

- 5.9 It is proposed that under the revised management rules the option to choose a lair location will be withdrawn as outlined at Rule 3 (i), and all lair locations will be allocated by Council Officers at the time the lair is needed. This will create improved cemetery and burial ground management. Again this change will not affect those lairs which have been pre purchased.
- 5.10 In general terms families would be offered the lair which is the next in line within the operational row, but this approach also allows Officers the freedom to manage the cemetery or burial ground based on the working knowledge of ground conditions and suitability for burials, for example avoiding areas within a cemetery or burial ground which, in the winter months, are prone to water ingress within the lair.

### **Burial Times**

- 5.11 A small team comprising of one Cemeteries Team Leader and 6 grave digging staff work from depots across Moray to provide the burial service. Burials administration is currently provided by the Council's Registration Service.
- 5.12 Currently funeral directors are able to book service times during the working hours of, 7.30am – 4pm Monday and Tuesday and 7.30am - 3pm Wednesday to Friday.
- 5.13 On occasions this leads to operational difficulties with other crews from within the Open Spaces operations team needing to be deployed on burials. It is also sometimes necessary to deploy teams who ordinarily work in a different area. This issue is caused when funeral services are booked for a similar time but in different cemeteries across Moray.
- 5.14 The result of the above is that the work of the Open Spaces service, such as grass cutting or weed control, is then delayed due to a reprioritisation of resources. The redeployment of resources also increases the service costs for the Council due to the travelling distances and leads to inefficient use of resources.
- 5.15 The implementation of dedicated service times would improve service planning, allow for better use of resources and improve the overall productivity of the Open Spaces operational teams.
- 5.16 The exact times will be set following consultation with Funeral Directors, however it is proposed that there will be two bookings available each morning and two each afternoon, Monday to Friday, with weekends using current special arrangements. This provides capacity for 20 burials each week, totalling around 1,000 per annum. Over recent years there have been between around 600 and 670 burials each year in Moray.

### **Specification of Headstones**

- 5.17 Burial Authorities are required to have systems in place to control the risks from unstable headstones to their employees, contractors, volunteers and members of the public. Responsibility for the overall safety (duty of care)

within a Cemetery lies with the Burial Authority, which has responsibilities under the Health and Safety at Work Act 1974 to ensure that, as far as is reasonably practicable, their sites are maintained in a safe condition.

- 5.18 The owner of the headstone is responsible for maintaining the memorial in good condition.
- 5.19 In 2022/23 the Council commenced a programme of headstone stability inspections and has procedures in place to manage headstones found to be unstable and posing a risk to those visiting and working within cemeteries. These include contacting lair holders to notify them of any defect and to request that repairs are arranged as soon as possible by the lair holder or, if deemed urgent, by taking action to make the memorial safe by cordoning off the area of risk or by 'trenching' the headstone into the ground pending repair by the lair holder. In the event that a lair holder cannot be found the headstone will remain trenched in the ground in front of the headstone plinth as this provides the safest solution in the absence of any repair.
- 5.20 Memorial masons are legally liable for the work they carry out and should ensure that memorials are erected safely and in accordance with current standards (BS8415/2018). The Council's Cemetery Management Rules (Rule 7(v)) requires headstones to be erected in accordance with the code of working practice of the National Association of Memorial Masons. An addition is proposed to this rule to ensure that headstone work meets the British Standard, and to limit the size of headstones.

## **6. CONSULTATION WITH FUNERAL DIRECTORS AND MEMORIAL MASONS**

- 6.1 A consultation exercise on the proposed changes has been undertaken with the 12 Funeral Directors and 19 Memorial Masons which use the cemeteries and burial grounds in Moray. The consultation ran from 18 to 25 August 2023.
- 6.2 In general terms the responses to the consultation exercise were mixed, with some being supportive of the proposed changes and other being less so.
- 6.3 In relation to pre-purchase of lairs, 5 of the 8 funeral director responses indicated this would have a negative impact, citing family preferences as the reason to keep pre-purchase.
- 6.4 In relation to selection or allocation of lair, 4 of the 6 funeral director responses indicated allocation rather than selection would have an impact, again citing family preferences as the reason to keep site selection.
- 6.5 Regarding booking times for burials, 5 of the 7 responses indicated no impact by the introduction of fixed slots, although it should be noted that there were a variety of views about what appropriate booking times would be. As noted above, it is proposed that the final booking times are set following further dialogue with funeral directors to find the best balance for families, ministers/celebrants and the council as burial ground provider.
- 6.6 Only 3 responses were received from the memorial masons consulted

6.7 Whilst the concerns raised are worthy of noting, it is viewed that there were no issues raised which would prevent implementing the proposed changes and that there are greater benefits to the provision of the burial service from implementing the proposed changes.

6.8 A more detailed summary of the responses received are shown in **APPENDIX II**.

## **7. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The proposed changes to the Cemetery Management Rules contribute to the Council's Corporate Plan to ensure sustainable and efficient use of resources.

### **(b) Policy and Legal**

Legislation and policy for burial matters are fully devolved to the Scottish Government. Cemetery matters are covered in the Burial & Cremation (Scotland) Act 2016. The Civic Government (Scotland) Act 1982 (section 112) permits local authorities to "make regulations to regulate any land or premises which is owned, occupied or managed by the authority or is otherwise under their control and to which the public have access..." Cemetery management rules made under this act expire after ten years.

### **(c) Financial implications**

The Council currently receives an annual income of around £63,000 from the sale of pre-purchased lairs. The removal of the ability to pre-purchase a lair will create an immediate budget pressure. However, it is envisaged that receipt of the income would simply be deferred and received at the time the lair is needed rather than through an upfront payment. In the long term this not only results in the income stream being sustained, but in all likelihood increased, with lairs being purchased in accordance with the relevant cost at the time of purchase. The impact of this will be considered in terms of ongoing work on the costs of operation and income from burial fees.

When the Council approved the budget for 2023/24 on 1 March 2023 (paragraph 5 of the Minute refers) it balanced only by using reserves and one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make savings in the order of £20 million in the next two years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making this determination the committee should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section below and whether a decision on funding could reasonably be deferred until the budget for future years is approved.

### **(d) Risk Implications**



The risks associated with not implementing the proposed management rules is that the future need for lair spaces will be compromised and services will continue to operate inefficiently.

**(e) Staffing Implications**

The proposals will enable the burials team to operate more efficiently ensuring that available resources are optimised.

**(f) Property**

There are no property implications arising directly from this report.

**(g) Equalities/Socio Economic Impact**

There are no equality/socio economic impacts arising directly from this report.

**(h) Climate Change and Biodiversity Impacts**

There are no equality/socio economic impacts arising directly from this report.

**(i) Consultations**

The Depute Chief Executive (Economy, Environment and Finance), Head of Environmental and Commercial Services, Equal Opportunities Officer, Legal Services Manager, Chief Financial Officer and Committee Services Officer have been consulted and any comments taken into consideration.

**8. CONCLUSION**

**8.1 The current management rules for Cemeteries and Burials Grounds have not been reviewed for a number of years.**

**8.2 The revised management rules for Cemeteries and Burial Grounds will improve the management of Cemeteries and Burial Grounds, will improve service planning, allow for better use of resources and improve the overall productivity the Land and Open Spaces teams.**

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Background Papers:

Ref: SPMAN-524642768-948



**APPENDIX I**

**MORAY COUNCIL  
CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**MANAGEMENT RULES FOR ALL CEMETERIES AND BURIAL GROUNDS**

Moray Council incorporated under the Local Government etc. (Scotland) Act 1994 (hereinafter referred to as “the Council”) in exercise of the powers conferred on them by the Civic Government (Scotland) Act 1982, Section 112 hereby make the following Management Rules applicable to all Cemeteries and Burial Grounds managed, regulated or controlled by the Council.

These management rules shall be read in conjunction with any regulations introduced by Scottish Ministers by virtue of powers contained within the Burial & Cremation (Scotland) Act 2016.

**1. INTERPRETATION**

In these Management Rules the following expressions shall have the meanings hereby assigned to them, that is to say:-

- (i) “Burial Grounds Clerk” is the Officer employed by or authorised by the Council to issue Lair Certificates and to maintain the Register of Lairs and Lair Holders within the Cemeteries and Burial Grounds in Moray managed, regulated or controlled by the Council.
- (ii) “Cemeteries and Burial Grounds” are any area of ground within Moray acquired for, already or to be in use as a churchyard, cemetery or burial ground which have been, are or shall be managed, regulated and controlled by the Council under the Burial & Cremation (Scotland) Act 2016, the Church of Scotland (Property and Endowments) Acts 1925 and 1933 and any legislation amending or repealing the same.
- (iii) “The Lair” is the piece of ground within a particular Cemetery or Burial Ground in which the exclusive right of burial is granted by the Lair Certificate for the burial of coffins and/or cremation caskets.
- (iv) “The Lair Certificate” is the Certificate of Right of Burial granted by The Moray Council, or by their statutory predecessors.
- (v) “The Lair Holder” is the individual (or in the case of Trustees or Executors) the individuals in whose name the Lair Certificate is registered.
- (vi) “The Register” means the Register of Lairs and Lair Holders retained by the Burial Grounds Clerk.
- (vii) In these Management Rules the singular shall include the plural and vice versa. The masculine shall include the feminine and vice versa.
- (viii) “Memorial” means any commemorative marker placed over or upon a grave or lair (e.g. headstone).

**2. MANAGEMENT AND CONTROL OF CEMETERIES AND BURIAL GROUNDS**

(i) The overall responsibility for management and control of Cemeteries and Burial Grounds in Moray is delegated to the Head of Environmental & Commercial Services or to such other officer authorised or appointed by the Council for this purpose (hereinafter referred to as “the Director”).

(ii) Within any Cemetery or Burial Ground visitors should confine themselves to paths where provided and should not interfere with headstones, monuments, ornaments, floral tributes or plant material relating to a Lair which he/she/they are not visiting.

(iii) Within any Cemetery or Burial Ground visitors must not uproot, destroy or damage in any way, flowers, shrubs or trees. The Burial Grounds Clerk or the authorised member of the Council’s staff shall be entitled to require any person (a) having alcoholic liquor in his or her possession, (b) under or appearing to be under the influence of alcoholic liquor, drugs or toxic substances, (c) who misbehaves, conducts him or herself improperly or (d) who causes damage to all or any part of the Cemetery or Burial Ground to leave forthwith. “Alcoholic liquor” shall be as defined in the Licensing (Scotland) Act 1976 or in the legislation amending or repealing the same.

(iv) Visitors are not permitted to bring a dog into a Cemetery or Burial Ground except on a short leash and under close control.

(v) Children under 12 years of age are not permitted in a Cemetery or Burial Ground unless accompanied by an adult.

(vi) Apart from those vehicles belonging to Undertakers, Monumental Masons, those officiating at a burial and those belonging to or authorised by the Council to carry out maintenance of a Cemetery or Burial Ground, **only** disabled persons will be permitted vehicular access. All other vehicles must be parked outwith the Cemetery or Burial Ground or, where applicable, confined to designated parking areas within the Cemetery or Burial Ground.

### **3. EXCLUSIVE RIGHT OF BURIAL**

(i) The Council may sell a Right of Burial in a Lair in one of its burial grounds on the application of any person. Allocation of a Lair is made by an authorised member of the Council. The Council does not allow for families or third parties to select the location of a lair within a cemetery and allocations made by Funeral Directors or others persons will not be honoured.

(ii) Pre-purchasing of lairs is not permitted.

(iii) The Burial Grounds Clerk shall provide the Lair Holder with a Lair Certificate which describes the Lair and which, subject to these Management Rules, makes available to the Lair Holder an exclusive right of burial in the Lair. A Lair Holder shall also have the exclusive right to have or permit that Lair registered in their name to be opened. Production of the Lair Certificate will be sufficient for each of these rights. Except in the case of Trustees or Executors only one person shall be registered as the Lair Holder.

(iv) A Lair Holder shall not be entitled to sell an exclusive right of burial in a Lair other than to the Council who may purchase unused lairs back at 90% of the original purchase price. Other than as permitted by these Management Rules the Lair Holder shall not be entitled to transfer a Lair to a third party without an application to the Council who are responsible for issuing and transferring lairs.

(v) In the event of a Lair Certificate being lost or unavailable the Burial Grounds Clerk may, on application and after due enquiry, issue a duplicate Lair Certificate in the name of the registered Lair Holder on such terms and conditions as the Council deem fit.

(vi) On the death of a Lair Holder and notwithstanding the place of domicile at their death, the right of succession to the Lair will be governed by the Law of Scotland. The Lair is capable of bequest but if more than one beneficiary is entitled to claim it under the Will, the Executors appointed thereunder or, in the absence of any Executors, the beneficiaries, shall nominate one of the beneficiaries to be the Lair Holder. Within 28 days or at least as soon as practicable the name and address of the nominated beneficiary shall be intimated in writing to the Burial Grounds Clerk who will then issue a Lair Certificate in the name of the beneficiary. Where a registered Lair Holder and their spouse / civil partner have died, the Lair may only be opened for burial with the permission of all legal successors. Written permission of legal successors is preferred by the Council, however, if this is not appropriate or possible then a declaration may be made by the person applying to open the lair that all legal successors have been informed and no objections have been made. The Council shall not be responsible for accepting in good faith this claim if it is subsequently found that such a claim is unfounded. This approach also applies to applications for erections of Memorials.

(vii) If the Lair Holder dies intestate, the Lair will form part of their estate and will fall to such beneficiary entitled to it under the Succession (Scotland) Act 1964, as amended and any legislation amending, repealing or replacing the same in the following order of succession:

- The lair holder's spouse or civil partner
- The lair holder's children (biological or adopted but not step children)
- The lair holder's grandchildren
- The lair holder's great grandchildren
- The lair holder's parents (If still living)
- The lair holder's brothers or sisters
- The lair holder's Aunts and uncle
- The lair holder's cousins
- Remoter descendants in order of descent
- Ascendants in order of ascent.

(viii) In the event of there being more than one person in any class of relative, the exclusive right of burial will be shared equally and if one person wishes to exercise that right then written consent will be required from the remaining entitled lair holders. In the event of any dispute arising between entitled lair holders the Council will not get involved. Persons in dispute will need to obtain independent legal advice or access alternative dispute resolution/mediation services independently from the Council. The lair holder shall, be permitted to bequeath the lair to any member of his, her or their family or to a stranger. The Council shall not be responsible for any misunderstanding or error in the acceptance in good faith of any person claiming to be the legal lair holder, or to have a right of burial even though it should be ascertained subsequently that such a claim was unfounded.

(iv) Other than on death of the Lair Holder a transfer of the Lair can be made at any time by an Application from the Lair Holder to the Council. The Burial Grounds Clerk or other authorised officer will, if satisfied as regards entitlement, make the appropriate entry in the Register and then issue a new Lair Certificate to whoever is to be the new Lair Holder. The new Lair Holder will not have any right or interest in the Lair until (a) satisfactory evidence of entitlement is exhibited to the Burial Grounds Clerk and (b) all purchase and burial dues in relation to the Lair have been paid.

(x) For any burial within a Lair the individual instructing it shall be personally liable for all burial dues and fees.

(xii) Lair rights will be sold to accommodate two standard sized coffins (to a maximum of three where ground conditions allow). (Note- no reduction in charges will be made where the interment of three standard sized coffins cannot be accommodated)

#### **4. NOTICE OF BURIAL**

(i) Arrangements for burials can be made via the Notice of Burial form during normal office hours. Any arrangements outwith normal office hours and on public holidays shall be communicated in advance to local Funeral Directors.

(ii) The Council will communicate operational times available for booking burials and may alter these times at its discretion. Any request for burial booking made via a Notice of Burial form must include information deemed necessary by the Council. No Notice of Burial / booking time is accepted until confirmed by the Burials Clerk or other authorised officer. All burials must be authorised by the Burial Grounds Clerk prior to funeral arrangements being publicly announced, otherwise the Council shall have no responsibility for costs incurred as a consequence of any changes having to be made.

(iii) No burial shall take place outwith normal office hours except in the case of urgency and then only with the consent of the Burial Grounds Clerk or other authorised officer. Requests for burials received within the same hour (or digitally outwith normal office hours) will be given effect to in the order in which they are received.

(iv) Notice of a burial, whether of coffin or of cremated remains, must be given to the Burial Grounds Clerk on a form specified by or approved by the Council allowing not less than two clear working days between the receipt of the notification following the production of satisfactory evidence of title to the Lair and the burial.

(v) An application for the burial of cremated remains must be made to the Burial Grounds Clerk and the same information supplied as for burial of a coffin.

(vi) If the Certificate cannot be produced the Burial Grounds Clerk or other authorised officer may, at their sole discretion, allow the burial to take place on such terms and conditions as may seem appropriate, including the completion of an indemnity form and/or deposit of caution by the person instructing the burial. In that situation the Council and their officers shall have no liability whatsoever.

#### **5. BURIALS**

(i) Only a maximum of three coffin burials (in some cases only two where ground conditions may limit capacity) will be permitted at any time in any Lair, but any combination, subject to the maximum relating to the space available, of adult and child burials and cremation caskets may be permitted at the discretion of the Burial Grounds Clerk or other authorised officer. No burials shall be made without at least 914mm (3ft) of soil between the surface of the ground and a casket.

(ii) The Council shall have the sole authority to declare a Lair to be full. No further burials shall be permitted in any Lair declared to be full.

(iii) The digging of graves, the infilling of graves, and the preparation for the laying of foundations for monuments, shall only be carried out by employees of the Council.

(iv) The Council reserve the right to use the ground of an adjacent Lair for placing soil thereon when a burial is taking place within a particular Lair. Care will be taken to protect any flowers or tributes that may be on the adjacent Lair and returned to the lair afterwards should these need to be temporarily removed or placed behind the headstone.

(v) Memorial wreaths shall be removed from a Lair whenever the Council in its discretion considers appropriate (normally 14 days after the burial). Where wreaths are placed on lairs at Christmas and the Lair holder wishes to retain them, arrangements should be made to remove these from lairs by the end of January as these will normally be removed by the Council from the first day in February.

(vi) No burials will be permitted where the body has not been placed in a coffin.

(vii) No animals or pets will be buried in any Cemetery or Burial Ground.

(viii) The Funeral Director / Agent will be responsible for the provision of sufficient bearers to convey the coffin from the hearse to the graveside and for lowering the coffin into the grave.

(viii) The Council will check Lairs within 4 weeks following an interment and arrange to fix any sunken ground where required. After this time the Council may repair sunken lairs at its discretion and if resources allow.

## **6. BURIAL OF CREMATED REMAINS**

(i) Cremated remains shall not be scattered in any part of a Cemetery or Burial Ground without the prior consent of the Burial Grounds Clerk, and without the presence of a member of staff authorised by the Council.

(ii) A maximum of two caskets of cremated remains shall be allowed in every Garden of Remembrance plot.

## **7. MEMORIALS, MONUMENTS AND PLAQUES**

(i) Any plant, bush, or memorial wreath, if considered unsuitable, may be removed by the Council's Burials staff or by a member of staff authorised by the Council.

(ii) Lair Holders will be permitted to place such vases, and/or a number of suitable containers for flowers as the Council may permit in the headstone area. Any vase or container of a material considered to be unsuitable may be removed.

(iii) Lairs laid out in turf shall be maintained by, and at the expense of, the Council, except that, vases or flowers, or other items of memorialisation placed within the permitted space (headstone area) shall continue to be the responsibility of the Lair Holder. The Council shall cut grass as close as possible to decorations placed within the permitted area on a lair and may cease grass cutting if access is obstructed. No capital payments for future maintenance of any Lair will be accepted by the Council.

(iv) Headstones shall not be erected on a Lair until all outstanding invoices issued by the Council in relation to a burial within it are settled or 50% of payments due on a payment plan have been made.

(v) A Lair Holder shall be entitled to have a headstone erected. Such a headstone shall be erected centrally and shall not protrude in any way over the part of the Lair to be opened for burial or any adjacent lair. The maximum width of the headstone and its base shall be at

least 150mm (6") less than the width of the lair and shall not exceed 1200mm (4ft) in total height above ground when erected, including the exposed base. The maximum thickness of the headstone shall not exceed 300mm (1ft). Headstones shall not protrude in any way over a lair, including those behind or adjacent.

Any monument shall be erected in accordance with the Code of Working Practice of the National Association of Memorial Masons and British Standards – BS8415. The section and lair number must be cut plainly on the side of the headstone at the expense of the Lair holder.

(vi) No erection or inscription on any monument shall be permitted without the approval of the Burial Grounds Clerk or other authorised officer, to whom a specific written statement with a drawing of what is proposed is submitted. Kerbs, copes, corner stones, fences or railings shall be confined to the headstone area and only with the prior written consent of the Council. Monuments may be erected only at such times as are permitted by the Council.

(vii) The Lair Holder shall have the primary responsibility for keeping a headstone or monument on a Lair in a vertical and safe condition in relation to which the Council shall be the sole judge. Except in emergency, where the safety of the public and Council employees is paramount and the Council take appropriate steps to make a particular headstone or monument safe, the Council will be entitled to repair the headstone or monument in question, or to have it made safe in accordance with its headstone stability procedure. In either event the works done will be at the expense of the Lair Holder and until the cost of such repairs or removal is paid the right under the Lair Certificate shall be withdrawn.

(viii) Where, after enquiry, the address of the Lair Holder remains unknown, the Council shall give notice of their intentions to make the headstone safe by placing a small notice adjacent to the headstone. Where a headstone or monument which has fallen or assumed a dangerous position, it shall be possible for the Council to have such monument or headstone made safe (usually by 'trenching in' the headstone adjacent to the plinth on the Lair in question), to facilitate maintenance of the Cemetery or Burial Ground. The Council is not bound to re-erect any Memorial.

(ix) Where a Garden of Remembrance exists with a memorial wall within a Cemetery or Burial Ground, wall mounted monuments and plaques will be permitted within it. Where such a Garden of Remembrance does not exist, wall mounted monuments and plaques will not be permitted.

(x) The Lair Holder shall be liable for any damage to or by any monument or memorial on the Lair. Excavation work for a new headstone foundation must be carried out by employees of the Council and charges therefore shall be made according to rates to be fixed from time to time by the Council.

(xi) The Council will not accept liability for loss or damage to any headstone, monuments, plants, bushes, memorial wreath, vase, or container which they remove under (i) to (x) above or which are lost or damaged as a result of actions or omissions by an unauthorised third party.

(xii) The Council reserve the right from time to time to repair any subsidence in Lairs without prior notification to Lair Holders.

(xiii) Herbicides will be applied to unplanted open ground around the headstones and monuments to control seasonal weed growth and the council will not be liable for loss or damage to any planted material..



## **8. GENERAL**

(i) The Council will maintain cemeteries using the limited resources available to it for grounds maintenance and other maintenance works within cemeteries. Information on the level of grounds maintenance services that can be provided will be published on the Council's website, including any service disruptions or delays to the delivery of routine maintenance works.

(ii) The Burial Grounds Clerk will be responsible for the maintenance of the Registers in which will be entered details of every burial which will include the name of the Burial Ground or Cemetery reference number of the Lair, the depth of the grave(s) within it, the date of burial, the name and age of the person buried, and all other necessary information. The Registers will be available for public inspection during normal office hours and without any payment being made therefor.

(iii) All Cemeteries and Burial Grounds shall be open to the public on such days and during such hours as the Council may from time to time determine.

(iv) The Council reserves the right from time to time to amend, alter or replace these Rules with such others as they may consider appropriate for the proper or better management of the Cemeteries and Burial Grounds.

(v) The Council reserves the right from time to time to vary the charges made for Burials and other services.

(vi) These Rules supersede any Rules and Regulations however described previously issued by the Council and its predecessors in relation to any of the Cemeteries and Burial Grounds under their control. All former Rules and Regulations in respect of Cemeteries and Burial Grounds within Moray are hereby revoked.

(vii) Should any question arise as to the meaning and interpretation or in relation to what is needed to satisfy any requirement or requirements of these Management Rules the point or points at issue will be referred to the Head of Environmental and Commercial Services in the first instance and then on appeal to the Council whose decision will be final.

(viii) These Rules shall be known as the Moray Council (Cemeteries and Burial Grounds) Management Rules 2023 and shall come into force on 5 September 2023



**Appendix II****Summary of consultation responses**

The results from the Funeral Director consultation exercise are shown below. The response rate from Funeral Directors was 66.66% (8 from 12).

**Q1. Would the removal of the option to pre-purchase a lair affect you?**

A total of 8 responses were received. A total of 62.50% (5) of responders indicated that the change would impact on them with 37.50% (3) stating there was no impact. Of the 5 comments received 2 related to not allowing people to be buried where they wanted to be, or near to their families, 1 agreed with the approach, 1 made no comment and 1 saw no impact but suggested a reservation fee for the cemetery rather than the lair.

**Q2. Would the removal of the ability to select a lair location within a cemetery or burial ground affect you?**

A total of 6 responses were received. A total of 66.67% (4) of responders indicated that the change would impact on them with 33.33% (2) stating there was no impact. Of the 6 comments received 4 related to not allowing people to be buried where they wanted to be, or near to their families, 1 related to allowing families with existing lairs to pre-purchase lairs and 1 answered with no comment.

**Q3. Do you have any concerns about the introduction of a new e-form for notice of burials?**

A total of 6 responses were received. A total of 33.33% (2) of responders indicated that they concerns with 66.67% (4) stating they didn't have concerns. Of the 4 comments received 1 related to customers potentially not having access to the internet, 1 referenced still having the ability to hand deliver the paperwork as a choice, 2 indicated this would be an improvement (1 also referenced the ability to print the e-form in the response).

**Q4. Would the introduction of fixed bookings times for burials affect you? (proposed times of 10.40am and 1.10pm were provided in the consultation)**

A total of 7 responses were received. A total of 28.57% (2) of responders indicated that the change would affect them with 71.43% (5) stating there was no affect. Of the 6 comments received, 4 related to receiving complaints and the proposed times potentially causing issues with regards service times and 2 enquired whether there would be any flexibility within the proposed times.

**Q5.** Do you have any concerns regarding the proposed dimensions? (this question related to the size of headstones. Maximum dimensions are height (1200mm), width (150mm less than the width of the lair) and depth (300mm).

A total of 6 responses were received. A total of 33.33% (2) of responders indicated that they had concerns with 66.67% (4) stating they had no concerns. Of the 4 comments received 1 related to complaints due to larger headstones already being in the cemetery, 1 related to allowing larger headstones to reflect a persons' status in the community. The remaining 2 responses did not raised concerns regarding the proposal.

**Q6.** Are there any other areas you feel would improve the management of the cemeteries and burial grounds?

A total of 4 comments were received. Of the responses received 1 related to the provision of larger budgets, 1 related to the response time to address issues with sunken lair, 1 related to the provision of double fees for Sunday as fishing communities by tradition preferred this day and 1 gave no response.

The results from the Memorial Mason's consultation exercise are shown below. The response rate from Memorial Masons was 15.78% (3 from 19).

**Q1.** Do you have any concerns regarding the proposed dimensions? (this question related to the size of headstones). Maximum dimensions are height (1200mm), width (150mm less than the width of the lair) and depth (300mm).

A total of 3 responses were received. A total of 66.67% (2) of responders indicated that they had concerns with 33.33% (1) stating they had no concerns. Of the 3 comments received 1 related to the fact that if headstones are fitted in accordance with the approved fixing method there should be no health and safety issues, 1 queried whether kerbing would still be allowed and 1 queried whether the overall height included the concrete bases and referenced the dimensions within other local authorities in the north of Scotland.

**Q2.** Are there any other areas you feel would improve the management of the cemeteries and burial grounds?

A total of 3 comments were received. Of the responses received 1 related to improving the foundations, 1 referenced emailing strip foundation permits and 1 gave no response.




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**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE ON 5 SEPTEMBER 2023**

**SUBJECT: TOWN CENTRE IMPROVEMENT PLANS UPDATE AND FUNDING OPPORTUNITIES**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To update the Committee on the establishment of a Town Centre Taskforce and to ask Committee to approve a number of actions to support town centre regeneration using external funding already secured, note work being undertaken to address feedback on the unsuccessful Levelling Up Fund bid and agree to further investigate the feasibility of a heat network for the centre of Elgin.
- 1.2 This report is submitted to Committee in terms of Section III (F) (2) of the Council's Scheme of Delegation relating to exercising the statutory function of the Council in relation to economic development in terms of paragraph 171 of the Local Government (Scotland) Act 1994.

**2. RESON FOR URGENCY**

- 2.1 This report is submitted to Committee in terms of the Local Government (Access to Information) Act 1985, on the Chair certifying that, in his opinion it requires to be considered on the grounds of urgency in order to give early consideration as delay will delay grant applications and much needed town centre works and delays in finalising the report were caused by the involvement of officers in the budget briefing process with members.

**3. RECOMMENDATION**

- 3.1 **It is recommended that the Committee;**
- (i) **Note the setting up of a Town Centre Taskforce to support town centre regeneration across Moray;**
  - (ii) **Note the external funding secured towards town centre regeneration;**

- (iii) **Approve spend of this year's allocation for the Place Based Investment Programme for town centre improvements as proposed;**
- (iv) **Note proposals for future years of the Placed Based Investment Fund set out in section 6.**
- (v) **Note the external funding for town centre projects secured through UKSPF as set out in para 6.2;**
- (vi) **Delegate authority to the Head of Economic Growth and Development in liaison with the Chief Financial officer to vire (or transfer) money between the projects within the Place Based Investment Programme to ensure they can be delivered and minimise risk of underspend;**
- (vii) **Note the work being undertaken to address feedback received on the Council's Levelling Up Fund bid;**
- (viii) **Agree that an annual report on TCIP progress and the work of the Taskforce is presented to this Committee;**
- (ix) **Agree to investigate the feasibility of a heat network for the centre of Elgin and apply for external funding for the feasibility study subject to no additional costs being incurred by the Council; and**
- (x) **Agree that a copy of this report be considered at Planning and Regulatory Services Committee as an update on the Town Centre Improvement Plan work.**

#### **4. BACKGROUND**

- 4.1 National Planning Framework 4 (NPF4) was published by the Scottish Government earlier this year and reinforced the importance of taking a town centre first approach and the role of planning authorities in supporting town centre regeneration, re-use of vacant and derelict properties, reducing carbon, promoting biodiversity and active travel.
- 4.2 The Council has a suite of approved plans to support town centre regeneration in the form of the Elgin City Centre (ECC) Masterplan and Town Centre Improvement Plans (TCIPs) for Forres, Buckie, Lossiemouth, Keith, Aberlour and Dufftown. These Plans all reflect the key themes emphasised in NPF4.
- 4.3 A Town Centre Summit, organised by the Chamber of Commerce, was held on 4 May 2023 with over 80 representatives from businesses, community groups and the public sector in Elgin Town Hall to discuss the future of Moray's Town Centres. The need for partnership working, better communication and momentum were key outcomes from the day.

- 4.4 To build and maintain momentum, the Chamber of Commerce is leading on establishing a Moray Town Centre Taskforce bringing a range of stakeholders together to support regeneration projects set out in the ECC Masterplan and TCIPs and other projects emerging from consultations with communities and other key stakeholders.
- 4.5 The Council has secured external funding from a number of sources which can be directed towards supporting town centre regeneration.
- 4.6 A report on Strategic funding priorities and opportunities was agreed at the meeting of Moray Council on 29 June 2022 (paragraph 19 of the minute refers). The Planning and Regulatory Services on 25 October 2022 (para 8 of minute refers) agreed the Town Centre Improvement Plan projects to be funded through the Economic Recovery Fund for the financial year 2023/24.
- 4.7 The Council approved a bid to the 2<sup>nd</sup> round of the UK Levelling Up Fund on 29 June 2022 (paragraph 36 of minute refers) which was unsuccessful. Verbal and written feedback has been received which is summarised in paragraph 6.2.
- 4.8 NPF4 also requires planning authorities to explore the potential of establishing heat networks and this is a key piece of work within the Local Heat and Energy Efficiency Strategy (LHEES) which will inform the new Local Development Plan (LDP).

## **5. TOWN CENTRE TASKFORCE**

- 5.1 The Chamber of Commerce is now setting up the Taskforce with a range of community representatives from across Moray and representatives from the public, private and third sector. The objectives of the Task force are;
- To bring together representatives from the local public, private and third sectors to promote the development of a new vision for the town centres.
  - Briefly evaluate the current state of the town centres, including its infrastructure, amenities, and public spaces.
  - Identify opportunities for regeneration, enhancement, and development within the town centres.
  - Engage with stakeholders, including local residents, business owners, community organisations, and relevant authorities, to gather input, feedback, and ideas.
  - Work in synergy with the current TCIPs and other strategic plans outlining key initiatives, projects, and recommendations for improving the town centres.
  - Ensure that proposed improvements align with local policies, regulations, and development plans.
  - Consider environmental sustainability, accessibility, inclusivity, and long-term economic viability in all proposed improvements.

- Liaise with relevant government departments, agencies, and other stakeholders to coordinate efforts and secure necessary approvals, permits, and funding where required.
- Monitor and evaluate the implementation of approved projects and initiatives to ensure their successful completion.

## 6. FUNDING SOURCES

6.1 The Council has secured external funding from a number of sources which will support delivery of the Elgin City Centre Masterplan and TCIPs;

- The Scottish Government Place Based Investment Programme (PBIP) allocation - linking and aligning place based funding initiatives with a key theme of town centre revitalisation
- UK Shared Prosperity Fund (UKSPF)

6.2 The table below sets out the funding secured and the proposed uses. A high level Investment Plan was agreed at Moray Economic Partnership (MEP) and a comprehensive list of projects were then developed through sub groups and then again agreed by MEP. This process was approved by Committee as part of the UKSPF submission to meet the guidelines of the funding. The revenue element of the UK Shared Prosperity Fund is being used towards recruitment of a 12 month town centre officer post to support the Taskforce and early implementation of actions, due to the extreme workload pressures on planning officers progressing the Local Development Plan and associated work.

2023/24			
Fund	Budget	Proposals	Lead
UKSPF  Approved through Moray Economic Partnership in accordance with the approach approved by Council Min ref 29/06/22 Para 18	£50k	12 month Town Centre Officer post to be employed by Moray Chamber of Commerce	Moray Chamber of Commerce/ Strategic Planning and Development
	£97k capital	Grant scheme across Moray to support Town Centre Taskforce, grants aimed at town centre business start ups, bringing vacant/ derelict property back into suitable use and sub-division of premises. This is targeted at centres outwith Elgin.	Strategic Planning and Development
	£28,000 capital	Elgin TC Fountain restoration	Strategic Planning and Development
	£20k revenue	Development phase for Forres Town Centre Improvement Plan via	Economic Growth and Regeneration



		Forres Conservation and Heritage Scheme and Delivery Scheme	
Town Centre Capital Fund Approved Min ref Full council 8 May 2019 para 13 delegation to Head of Economic Growth and Development to invest remaining sums in public realm, transport or digital investments which can be delivered in the grant conditions.	£35k capital	£35k Forres	Economic Growth and Regeneration
Economic Recovery Fund (Approved Planning and Regulatory Services Committee Min ref 25/10/2022 item 8.	£200k capital	<p>£10k Aberlour refurbishment of Alice Littler toilets</p> <p>£35k to match fund the Town Centre Capital Fund for public realm improvements at Museum Square/ Tolbooth Stret, Forres</p> <p>£75k signage, street furniture and small scale environmental improvements in Buckie</p> <p>£80k towards public realm and other small scale environmental improvements in Reidhaven Square, Keith and the Square, Dufftown.</p>	
Place Based Improvement Fund (Approval sought in this report)	£466k	£171k Grant scheme across Moray to support Town Centre Taskforce, grants aimed at town centre business start-ups, bringing vacant/ derelict property back into suitable use and sub-division of premises.	Strategic Planning and Development

		<p>£210k towards South Street, Elgin regeneration project towards early site acquisition.</p> <p>£25k towards new/replacement signage in town centres.</p> <p>.</p> <p>The remaining £60k is proposed to be used towards a Conservation Area grant scheme across Moray. This follows on from the success of the scheme delivered in 2022/23 with grant assistance provided to 8 properties within Conservation Areas to replace windows.</p>	
<b>2024/25</b>			
<p>UKSPF Approved through Moray Economic Partnership in accordance with the approach approved by Council Min ref 29/06/22 Para 18</p>	£390k capital	<p>Grant schemes to support Town Centre Taskforce, grants aimed at supporting town centre business start-ups, bringing vacant/ derelict property back into use and sub-division of premises. Also small scale public realm and partnership projects. This is targeted at centres outwith Forres.</p>	<p>Strategic Planning and Development</p>
	£280k revenue.	<p>Development phase for Forres Town Centre Improvement Plan via Forres Conservation and Heritage Scheme and Delivery Scheme, subject to MEP approval.</p>	<p>Economic Growth and Regeneration</p>
<p>Place Based Improvement Fund (For noting, will be reported to Committee for</p>	£466k capital – in principle allocation	<p>£200k Forres Town Centre £200k Grant Scheme across Moray to support Town Centre Taskforce,</p>	<p>Economic Growth and Regeneration</p>

approval when Grant offer received in 24/25)		grants aimed at town centre business start-ups, bringing vacant/ derelict property back into suitable use and sub-division of premises and further phases if required of work at the Square, Dufftown, Reidhaven Square, Keith and Buckie Town Centre.. The remaining £66k is proposed to be used towards a Conservation Area grant scheme across Moray.	Strategic Planning and Development
<b>2025/26</b>			
Place Based Improvement Fund (For noting, will be reported to Committee for approval when Grant offer received in 25/26)	£466k – in principle allocation	£200k Forres Town Centre £266k Grant schemes to support Town Centre Taskforce, grants aimed at supporting town centre business start-ups, bringing vacant/ derelict property back into use and sub-division of premises. Also small scale public realm and partnership projects. This is targeted at centres outwith Forres.	Economic Growth and Regeneration  Strategic Planning and Development

## **7. LEVELLING UP FUND**

7.1 The Council's bid to round 2 of the UK Levelling Up Fund was unsuccessful. Feedback has been received through;

- A formal written response
- A meeting with UK government officials, and
- A meeting with Michael Gove MP, Douglas Ross MP and UK government officials

7.2 The feedback can be broadly summarised as;

- The bid represented a coherent, well linked package of projects. Elements of the bid were good but there were some areas of weaknesses which could be strengthened.
- In terms of strategic fit, the bid displayed robust and wide ranging stakeholder engagement. The bid provided a coherent, straight forward and well defined package of projects, evidence was clear and strong that the proposed interventions would have meaningful and impactful outputs and outcomes and

have a transformative effect on the city of Elgin, with wider regional benefits. The contribution to LUF missions would be extremely positive, with potential to be an exemplar of the LUF agenda.

- Economic case- overall presented a good case. Bid demonstrated a clear need for investment, however more evidence across a wider range of socio economic issues could have been provided. Some of the benefits could have been appraised over a longer period. The optimism bias applied did not seem appropriate and additionality assumptions were considered to be high, which may have resulted in overstated benefits.
- Deliverability- The cost and funding profile lacked detail. Some uncertainty that the LUF funding could be delivered by the required timeframes, the risk register lacked detail and additional detail would have strengthened the application. More detail is required on the legal and governance structures to be put in place with project partners.
- The bid clarified milestones and resources and it appeared that these were realistic and achievable.
- Procurement strategy was compliant and proportionate, demonstrating an understanding of the local market.
- Monitoring and evaluation- this could have gone into more detail, with no budget set aside specifically for it. Resourcing and governance arrangements could have been clearer. The monitoring metrics identified are well thought through, extensive and seem sensible.

7.3 The feedback has been very useful and encouraging. The third round is yet to be announced and there is no guarantee that it will follow the same bid format. However, given the feedback, officers with some minimal consultancy support to provide expertise on economic impact and subsidy control, are addressing the feedback and updating the bid. The economists have also been commissioned to carry out an Economic Impact Assessment of the Moray Leisure Centre proposal and this will be reported back to a future meeting of the Council.

7.4 An annual report will be submitted to this Committee on progress with the TCIPs and the work of the Taskforce. The information included within the town centre health checks will be reviewed to ensure outcomes can be measured more readily.

## **8. HEAT NETWORKS**

8.1 The ongoing development of the Local Heat and Energy Efficiency Strategy (LHEES), and discussions with partners as part of the delivery of Moray Growth Deal projects, has identified the centre of Elgin as a potential area for a Heat Network Zone. The creation of a heat network in the centre of Elgin is an opportunity to use the Growth Deal as a catalyst to deliver additional benefits for the town centre and act as a learning resource for elsewhere. As the Growth Deal includes buildings which are in close proximity, it is an opportunity to explore the potential to install the infrastructure required. This will allow the buildings to be utilised as anchor loads for a network which could include other buildings such as the Council HQ, UHI Moray campus, Elgin Library, Grant Lodge, businesses, and Dr Grays Hospital. A decarbonised heat network would be an opportunity for public and private buildings to share the cost of moving away from fossil fuel heating. The heat network would be

a major innovation to Elgin and the Growth Deal projects would be at the heart of this.

- 8.2 The [Scottish Government Heat Network Support Unit](#) (HNSU) can offer 100% of funding for a feasibility study. The capital required and financial viability of the heat network will be addressed by the feasibility study. If the project is viable, the HNSU can fund up to 50% of capital costs with the intention to source investment funding for the remaining 50%. In order to attract external investment the project will have to be a large enough scale to make it financially viable. If there is a viable project, the intention would be to create a partnership organisation to drive the project forward and to operate the network. Further update reports will be provided to this Committee.

## 9. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Town centre regeneration is a key element of economic development, which is a priority in the Corporate Plan.

(b) **Policy and Legal**

The proposals support delivery of the statutory Moray Local Development Plan 2020 and National Planning Framework 4.

(c) **Financial implications**

The additional work to address feedback on the unsuccessful bid to the UK LUF will cost in the region of £ 50,000 to cover consultancy support on subsidy control and economic impact, business case. This will be met from the remaining £221,000 budget approved to support development of a LUF bid.

(d) **Risk Implications**

Staffing resources are stretched across these areas of work and there will be a conflict of priorities with work on the Local Development Plan. Appointment of a 12 month officer post will help with initial setup processes for the Taskforce, grants and projects.

There is a risk that if the Council do not apply for Levelling Up Fund round 3 then circa £18M investment and £78.3 million GVA would be lost to the Moray economy. However, there is no guarantee of success.

There is a risk that decisions in the budget process may impact on the ability to implement the actions set out in this report, particularly where future year commitments are concerned.

Authority to vire sums between projects will minimise the risk of underspend of grants.

(e) **Staffing Implications**

Most of the work to address feedback and update the bid will be carried out by officers within Strategic Planning and Development, Transportation, Consultancy and Legal services, which will create a

significant workload peak over a short period of time. If the LUF bid is successful, funding will cover project management staff resources.

As indicated under risk implications, staff resources are stretched and appointment of a town centre officer employed by Chamber of Commerce will help to progress the actions and support the Taskforce.

Staffing across the Council will be subject to review as part of the budget planning process and impacts will be set out as savings proposals are considered moving forward. As the actions commit the teams to significant work over the next 3 financial years, if savings affect the ability to deliver work planned and approved, funding will have to be returned.

**(f) Property**

The Council owns property within town centres which would be eligible for financial assistance.

**(g) Equalities/Socio Economic Impact**

The funding aims to support town centre regeneration and address economic disadvantage and in doing so, provide safer, more inclusive and accessible places.

**(h) Climate Change and Biodiversity Impacts**

The proposals support delivery of the TCIP which include broad objectives intended to reduce carbon, by re-using vacant and derelict premises, promoting active travel, greening town centres and investigating a potential heat network.

There is an opportunity to link funding from the Nature Restoration Fund with delivery of TCIP in future years.

**(i) Consultations**

The Depute Chief Executive (Economy, Environment and Finance), the Legal Services Manager, the Head of Financial Services, Lindsey Robinson, Committee Services Officer, the Economic Growth and Regeneration Manager, the Principal Climate Change Officer, the Consultancy Manager, the Senior Engineer (Transportation) and the Equalities Officer have been consulted and comments received have been incorporated into the report.

**10. CONCLUSION**

**10.1 A Town Centre Taskforce has been set to support delivery of the TCIP. The Council has secured external funding towards town centre regeneration and proposes to use the funding to support delivery of the TCIP.**

**10.2 The Council has received positive feedback on the unsuccessful bid to the UK Levelling Up Fund and is working to address the areas of weakness.**

**10.3 There is an opportunity for the Council to work with partners to explore the feasibility of creating a heat network in the centre of Elgin.**

Author of Report: Gary Templeton, Strategic Planning and Development Manager  
and Eily Webster, Principal Planning Officer

Background Papers:

Ref:[http://spman.moray.gov.uk/MANComRepDraftSite/\\_layouts/15/DocIdRedir.aspx?ID=SPMAN-813460984-415](http://spman.moray.gov.uk/MANComRepDraftSite/_layouts/15/DocIdRedir.aspx?ID=SPMAN-813460984-415)

