

SPSO decision report



Case: 201003444, South Lanarkshire Council
Sector: local government
Subject: cemeteries; burial; purchase of lair
Outcome: not upheld, action taken by body to remedy, no recommendations

Summary

Mrs C complained that she was unfairly prevented from purchasing a lair in a cemetery where deceased relatives were buried, and that this caused her considerable distress.

While we recognised that Mrs C was clearly upset about the council's decision, we explained that our role is to check that proper procedures and policies are in place and that these are being followed properly by public services. If we find that that a council followed the proper procedure and policies when making their decision we cannot take the complaint further.

On investigating this complaint, we asked the council to send us copies of the relevant policies and procedures. We were referred to their 'Operating procedures and conditions on interments and cemeteries', which came into force in 2001. This confirms that the council have the discretion to allow or refuse the purchase of lairs.

In response to Mrs C's initial complaint, the council's chief executive wrote to explain that at the time of her request restrictions to the pre-purchasing of lairs were in place. They said that a decision was taken in 2009, based on the Operating Procedures, not to sell burial rights without a burial taking place, to ensure sustainability of the cemetery.

The council apologised to Mrs C for the delays in responding to her complaint and that the information on their website had not been updated. The council said that they would make the information publicly available and that a letter would be circulated to funeral directors and the clergy in the event of restrictions being placed on the advance sale of lairs in other cemeteries.