



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

LOCAL GOVERNMENT AND REGENERATION COMMITTEE

Wednesday 6 January 2016

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BURIAL AND CREMATION (SCOTLAND) BILL: STAGE 1 1

LOCAL GOVERNMENT AND REGENERATION COMMITTEE
1st Meeting 2016, Session 4

CONVENER

*Kevin Stewart (Aberdeen Central) (SNP)

DEPUTY CONVENER

*John Wilson (Central Scotland) (Ind)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

*Jayne Baxter (Mid Scotland and Fife) (Lab)

*Cameron Buchanan (Lothian) (Con)

*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

*Cara Hilton (Dunfermline) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Dr Salah Beltagui (Muslim Council of Scotland)

Gerard Hannah (Renfrewshire Council)

Stirling Marcus (Commonwealth War Graves Commission)

Audrey Hardie (East Dunbartonshire Council)

Ian Kearns (Inverclyde Council)

Jim Nickerson (Edinburgh Crematorium Ltd)

Bruce Reekie (Perth and Kinross Council)

Willie Rennie (Inverclyde Council)

Kevin Robertson (Angus Council)

Fraser Sutherland (Citizens Advice Scotland)

Bill Taylor (Scottish Prison Service)

CLERK TO THE COMMITTEE

David Cullum

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Local Government and Regeneration Committee

Wednesday 6 January 2016

[The Convener opened the meeting at 10:00]

Burial and Cremation (Scotland) Bill: Stage 1

The Convener (Kevin Stewart): Good morning, happy new year and welcome to the first meeting in 2016 of the Local Government and Regeneration Committee. Everyone present is asked to switch off mobile phones and other electronic equipment because they affect the broadcasting system. Some committee members will refer to tablets during the meeting, as we provide meeting papers in a digital format.

No apologies have been received, so we move straight on to agenda item 1, which is evidence on the Burial and Cremation (Scotland) Bill. We will take evidence from two panels of witnesses as part of our stage 1 consideration. Our first panel consists of representatives from local authorities and our second panel consists of representatives from organisations that have an interest in the bill.

I welcome Gerard Hannah, who is the strategic change manager for Renfrewshire Council; Audrey Hardie, who is the cemeteries officer for East Dunbartonshire Council; Ian Kearns, who is the team leader in burial grounds and registrars at Inverclyde Council; Willie Rennie, who is the environmental and commercial services manager at Inverclyde Council; Bruce Reekie, who is the waste service and community green space manager at Perth and Kinross Council; and Kevin Robertson, who is the service manager for parks and burial grounds in the communities directorate of Angus Council.

If the witnesses do not wish to make brief opening statements, we will move straight on to questions. One of the issues that we have come across is the differences in prices for burial lairs and interment and for cremations. I will start with the cost of a lair and interment. The cheapest that we have come across is £694 from Western Isles Council and the priciest is £2,785 from East Dunbartonshire Council. Ms Hardie, will you comment on why a burial lair and interment are so costly in East Dunbartonshire?

Audrey Hardie (East Dunbartonshire Council): I cannot really comment on the cost. Land is at a premium and lair space is at a premium. The cost is set at committee and the

revenue that we receive from the charges that we make is directly set against different budget lines, so the money that we receive does not come directly into our service. That is all that I can say about the cost.

The Convener: So, the money that you take in goes into the general pot rather than back into the service that you work for.

Audrey Hardie: Yes, it does.

The Convener: Do you have any idea how profitable those charges are for East Dunbartonshire Council?

Audrey Hardie: I have no idea.

The Convener: It would be interesting for the committee if the panel could provide us with details of the profitability and where the revenue from lairs and interments goes—if it goes into a specific service or the general pot.

Audrey Hardie: Okay.

The Convener: For cremation and the scattering of ashes, the cheapest local authority is Inverclyde Council at £512 and the priciest is Perth and Kinross Council at £749. I ask the gentlemen from Inverclyde Council how it manages to deal with that service at such a low cost.

Ian Kearns (Inverclyde Council): The pricing structure is set at committee. We have one of the lowest costs for cremation, which has an impact, depending on the budget that is set. Inverclyde Council has increased its costs over the past few years, but it has maintained one of the lowest prices in the industry.

The Convener: Is there a different price range for non-Inverclyde residents who use the crematorium in Inverclyde?

Ian Kearns: No. We do not have a non-resident surcharge—it is all the same.

The Convener: Thank you. Why is cremation priciest in Perth and Kinross?

Bruce Reekie (Perth and Kinross Council): Our charges are set by committee. A number of years ago, we applied a mercury abatement levy to our cremation charge. Our cremation charge sits at £649 but the addition of the abatement levy brings it up to £749.

The Convener: What is that abatement levy for?

Bruce Reekie: Mercury abatement equipment has had to be installed at the crematorium. The £100 charge is put into a sinking fund, which will allow us to invest in mercury abatement equipment, renewal of the cremators and

refurbishment of the crematorium. That is why the charge is applied.

The Convener: I do not think that the general public will really care what that extra £100 is for—they will simply see it as a cost to them. Is there an additional charge for people from outwith Perth and Kinross who use the service?

Bruce Reekie: No. There is a set rate for everyone who uses the crematorium.

The Convener: Okay. Does anyone else want to comment on the price differences that exist among local authorities?

Cameron Buchanan (Lothian) (Con): Good morning. Does any other council have a mercury abatement charge?

Ian Kearns: Yes. Inverclyde Council also charges for mercury abatement. We do not have our own mercury abatement equipment; we buy spare capacity, having joined the Crematoria Abatement of Mercury Emissions Organisation, or CAMEO. Because the industry has, these days, to remove mercury from 50 per cent of cremations, we also have a charge for abatement on top of our fee.

Cameron Buchanan: Is that charged separately?

Ian Kearns: No, it is included in the cost.

Cameron Buchanan: Perth and Kinross Council charges separately for mercury abatement.

Bruce Reekie: Yes—that is absolutely right. We currently pay into the CAMEO system, which is a sort of trade-off scheme for mercury abatement. However, we took the decision that, to stop that on-going revenue cost, we are going to invest in our own mercury abatement equipment. That is why we have applied the £100 levy on top of our cremation charge.

John Wilson (Central Scotland) (Ind): One of the reasons that the Government has given for introducing the bill is reduction of costs. I note from the convener's questions on cremation costs that Inverclyde Council has one of the lowest cremation prices. It would be useful if we could get some background to the decisions that have been made by local authorities to see whether a like-for-like comparison is being made when committees make their decisions regarding cost. Inverclyde is one of the most deprived local authority areas in Scotland, so it would be interesting to find out whether, in setting their rates, local authorities take account of what the residents in their areas can afford. Does the panel think that the bill will lead to cost savings for local authorities?

Kevin Robertson (Angus Council): The main area of interest for Angus Council is the reclaiming

of lairs in our burial grounds. We estimate that between 25 and 30 per cent of the lairs that have been sold have never been used—they just sit in our burial grounds. If we could use the lairs that are free of burials, that may allow us to reduce the cost of lairs.

The other issue that we are considering is exhumation of remains, which is a difficult issue for us because it is more expensive than a burial. Therefore, the revenue that we would get back from that would mean that there would be a loss to the council.

We support one aspect 100 per cent, but we are not so sure about what the costs of the other aspect would be.

Bruce Reekie: I agree with Kevin Robertson. In addition, reuse of lairs may still not mitigate our having to develop new cemeteries or to extend cemeteries, so there may still be costs associated with that.

Willie Rennie (Inverclyde Council): The burial service in Inverclyde is subsidised and the cremation service makes a surplus. Both services together are subsidised to the tune of £214,000 a year.

A big part of the cost of burials results from the cemeteries being old—they may have been there since the 1850s—so it is about the grounds and about maintenance of large cemeteries when lairs have been sold in perpetuity. When we sell a lair, we sell with it the maintenance of the cemetery, whether that be for the roads, the walls or all the establishments in it. Therefore, there is a large cost that is not only for the burial element, but is for maintenance of the cemeteries.

It is for the council committee to decide whether to add charges when large investments are made in new crematorium plant or in expanding cemeteries, which we do because we need to. The charges in most local authorities—certainly in the case of Inverclyde Council—relate to the revenue costs as opposed to any major capital costs. Committees can decide on that year on year, depending on what the capital costs may be.

The service is subsidised, and it looks like it will always be subsidised, unless the prices go up very much higher.

Gerard Hannah (Renfrewshire Council): I reiterate what my colleague from Inverclyde Council said. The service in Renfrewshire is subsidised, as well. Renfrewshire Council is one of the lower-priced local authorities. We do not operate our own crematorium, so I suppose that we have an interest only in the burial costs.

On the average cost of a funeral in Renfrewshire, the burial costs account for only around 20 per cent of the overall cost of a funeral.

I am a bit unclear about how the bill will address the other 80 per cent of the costs that families have to incur.

John Wilson: I want to go back to Mr Robertson's response. Did I pick up correctly what you said, Mr Robertson? Did you say that 25 per cent of the lairs in Angus currently lie unused?

Kevin Robertson: Yes. We did a quick survey in the past week. In some of our larger cemeteries, that figure is up to 30 per cent. Overall, we estimate that 25 per cent of lairs lie unused.

John Wilson: How does that compare with the figures for the other local authorities that are here? Can they give a figure for unused lairs? There is quite clearly a difference between an unused lair and a lair that has been opened where a burial has taken place. There may be other capacity in that lair. Does anybody else know what the current situation is in relation to unused lairs?

Bruce Reekie: We do not have an exact figure for unused lairs at the moment. We are currently carrying out survey work. We are aware that we have a number of unused lairs in a number of cemeteries in Perth and Kinross, but we do not have an exact figure yet. That will come later this year.

Willie Rennie: We do not have an exact figure, but the council stopped selling lairs for future use in the mid-1990s and we now sell lairs only for immediate use. We did an audit at that time; there were a lot of unused lairs, but I cannot say exactly how many. We would need to do another audit. However, we do not really see unused lairs as having a major influence—certainly in the next decade or more, or even in the next half century. We still expect to have to expand cemeteries to meet burial use. Unused lairs are dotted around all the cemeteries. There are no banks of lairs that are unused.

10:15

Audrey Hardie: Eight years ago, East Dunbartonshire had a scheme to reclaim unused lairs, which took two and a half to three years. We reclaimed about 50 or 60 lairs in three cemeteries, which exhausted the lair space in those cemeteries; they are full to capacity and there is no available lair space in them at all. We have vacant lair space in a couple of cemeteries, but we do not have a figure for how many lairs are available.

Gerard Hannah: I do not know the exact percentage of unused lairs. The last survey was five years ago and I assume that the position has changed significantly since then.

The Convener: The committee would be grateful if those who have been unable to give an answer could write to the clerks with a figure.

John Wilson: Ms Hardie said that her local authority reclaimed lairs that had not been used. Could you give us an indication of how you identified the lairs and went about reclaiming them? Mr Robertson or Mr Rennie said that, normally, lairs are sold in perpetuity.

Audrey Hardie: East Dunbartonshire does not sell lairs in perpetuity. Our management rules say that they are sold for 40 years. As I said, eight years or so ago, we performed a trawl of some of our cemeteries where lair space was becoming limited. That was done by manually going through the ledgers and then conducting a physical inspection to ensure that there were no double headstones over the lairs, followed by a double-check of our books in the office and the cemetery books. Further, we took out advertising nationally and locally over a two-year period. Following that process, we came up with a list of vacant lairs. Those lair numbers were also advertised in the local papers. Once the period had been exhausted, we could resell the lairs on an interment-only basis.

John Wilson: For clarification, are you talking about lairs that had passed the 40-year timespan?

Audrey Hardie: The lairs were probably older than that, because we were a bit wary of ones that were just on the 40-year threshold. The ones that we identified were ones that had been pre-purchased but had never been used—there had been no lair transfers and there was no interest at all in them.

John Wilson: You mentioned transfers, which involves family members or estates transferring the title to the lairs. How do the local authorities manage that? How do you notify potential lair holders that there is a family lair in existence, or whatever?

Audrey Hardie: We wrote to every lair holder on our list. In about 99 per cent of the cases, we found that the person was not known at that address. Obviously, the lairs are old and, most of the time, the person has passed away and their family has dispersed or has moved to other areas and might have no interest in the lair or have totally forgotten that it exists. We went down the appropriate routes to establish ownership but, in those cases, we got no feedback at all.

John Wilson: What do other panel members think about the 40-year time period? The bill recommends a length of time for which the lairs can be held on to. Do you think that 40 years is sufficient or should it be reduced to 25 years or whatever? Alternatively, one local authority sells lairs as they are required rather than allowing

people to purchase lairs well in advance of their use. What are your views on that option?

The Convener: For clarification, the bill defines the period that we are talking about as

“the period of 50 years beginning with the day on which the right of burial in the lair was last sold”,

in cases in which the lair does not contain any human remains, and as

“the period of 100 years beginning with the day on which the last burial took place”,

in cases in which the lair contains human remains.

Ian Kearns: The bill says:

“A right of burial is extinguished at the end of the period of 25 years beginning with the day on which the right was sold.”

That is reasonable, and it gives a chance for the title holder to be contacted, whether or not a change of address is involved, to update them on the information and let them renew the right of burial.

Kevin Robertson: I agree. The important thing for us is to keep in touch with our lair holders and to keep accurate records. As time goes on, people move away, people die, people change addresses and so on. I think that a 25-year period would be a lot more manageable.

The Convener: Does anyone have a different view to that of Mr Robertson or Mr Kearns? No.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To return to the cost issue, before we jump on East Dunbartonshire for having excessively high costs, could the other councils give us a clue as to what the cost of purchasing a lair is in their areas?

Gerard Hannah: The purchase of a new lair in Renfrewshire costs £437. The interment fee is £456. We do not operate a crematorium, but if someone wishes to inter cremated remains into a lair, the cost is £100.45.

The Convener: Ms Hardie, we have a figure for East Dunbartonshire of £2,785.

Audrey Hardie: Yes. That incorporates the purchase of a lair, which is £1,527, and the interment fee, which is £1,258.

The Convener: What about Inverclyde?

Willie Rennie: The purchase of a lair is £492.50 and the interment fee for the burial of an adult is £579.70.

Bruce Reekie: The purchase of a full lair in Perth and Kinross costs £855 and the interment fee is £891.

Kevin Robertson: The prices that we gave for Angus Council were last year's prices. Currently

the purchase of a new lair is £559 for a resident and £839 for a non-resident of the area. The interment fee is currently £601.

Willie Coffey: So there is quite a difference for East Dunbartonshire.

Audrey Hardie: There is.

Willie Coffey: I do not expect it now, but would you have any data that shows the number of burials and cremations in your authority? I imagine that with that kind of price charging system, there might be more cremations in your authority than in other authorities, because that is a huge cost.

Audrey Hardie: Of the total number of burials and cremations in our area, about 75 per cent are cremations and 25 per cent are burials.

Willie Coffey: Mr Hannah told us earlier that the burial costs account for only around 20 per cent of the overall cost of a funeral but certainly in East Dunbartonshire the burial costs are huge.

Audrey Hardie: They are.

Willie Coffey: I am quite surprised that anyone can afford to be buried in East Dunbartonshire, to be perfectly honest.

Audrey Hardie: Three years ago, the council increased the prices by 25 per cent and then two years ago it increased them by 50 per cent. There was a huge jump in cost over two years. Last year, the cost went up by the rate of inflation. I do not know what the council is going to set the prices at this year. Obviously, councils' budgets are financially tight and they all need to make savings. I do not know what the cost is going to be this year, but I am hoping that the council freezes the prices because it has come to saturation point with a lot of families and they just cannot afford it.

The Convener: Can we get this absolutely right for the record? You are saying that, over two years, there was an increase of 25 per cent in the first year and then an increase of 50 per cent in the second year. Those increases were clearly not just to cover the costs of the service. There is a level of profit there.

Audrey Hardie: I do not think that it is profit. I think that other services within our directorate may run at a loss and it is to—

The Convener: What other services lie within the directorate that you operate in?

Audrey Hardie: The other services include property maintenance and facilities management along with green space as a whole, which covers street cleaning, parks maintenance and cemeteries.

Willie Coffey: Clearly the bill's intention is to try to help, not to expose areas where there is

overcharging or cross-subsidy to the general services fund. Do you think that the bill could ultimately assist East Dunbartonshire to look at that issue, because it is extremely expensive?

Audrey Hardie: It can. I am probably speaking out of turn, but I think that the costs are ridiculous. I am the public face of the cemeteries, so I am on the front line and deal with most of the people who phone in or complain about the costs. I get all the complaints about the costs, although I do not set them—that is done at a far higher level. I have no control over what the costs are, but I have to try and justify them.

It would help if we could cap the costs in some way, although I do not know whether we can. Obviously, all councils are under financial constraints. I am not saying that it is a money-making exercise, but the money feeds into different services, to try to reduce financial burdens.

Willie Coffey: This follows on from John Wilson's question. The intention is to try to make it easier for local authorities to deliver this service in a way that is more affordable for people. Will the bill help local authorities to bring prices down?

Willie Rennie: In Inverclyde, it is good that the surplus that cremations create can offset the costs of burials. To date, we have kept cremation charges down. I mentioned that what we are talking about is mostly revenue money from year to year; the capital that the council invests is probably not factored in.

In our written evidence, we said that we were a wee bit concerned that some of the costs of cremation could increase, especially with the proposals on the return of ashes from funeral directors. The issue is not really about when the bill comes into force; it is about whether the retrospective part of it could increase the cost of administration and what we do in the crematorium. We would seek to address that issue at some point in the consultations.

Audrey Hardie: A lot of cemeteries in East Dunbartonshire are old, and the cost of infrastructure maintenance to keep them safe is very high. Headstone maintenance is another issue, as is keeping roadways and buildings up to standard. The on-going costs of running a cemetery are very high. That is done through revenue, but there is also the capital side, which Mr Rennie spoke about.

East Dunbartonshire, as a burial authority, tries to develop its cemeteries to a high standard. We opened a new cemetery two years ago, at a cost of £1.9 million. We have just extended another cemetery, at the cost of £0.5 million, and this financial year we are procuring land to build another cemetery, probably at the cost of another

£3 million or £4 million. We are trying to keep land for burials, which costs a lot of money in the long term. We maintain cemeteries in perpetuity. That is an on-going cost for the council, but there is no other cost to families.

Bruce Reekie: The charges that we are talking about go to revenue. The levy of £100 for mercury abatement that I mentioned is funding capital investment in our crematorium. As Audrey Hardie said, capital investment is required for extending existing cemeteries and establishing new ones.

Gerard Hannah: I have a concern about addressing the costs. In Renfrewshire we looked at operating a full cost recovery model. If we did that, our costs would rise by about 120 per cent. If the bill specified that councils could not operate a profit and could only recover their costs, we would have to increase our costs by about 100 per cent. We have not done that to date and we would not look to do that in the future. The issue is how we would be able to interpret what the bill said about how local authorities address their costs.

Willie Coffey: I do not want to pick on East Dunbartonshire, but are you finding that people are choosing to have burials outwith your authority because of the price that they are being asked to pay?

10:30

Audrey Hardie: Surprisingly, not as many as I thought there would be. There is a double charge for the burial in our cemeteries of anybody from outside East Dunbartonshire. The cost in such cases is double the interment fee. However, that is the choice that people make if they want someone buried in our cemeteries. There is no issue with that in the majority of cases, and the double charge is paid. Undertakers are advised of all the costs. They are set at committee in February and lettered out in March, and are also shown on our website, so everybody is advised of the costs and is aware of them prior to a funeral taking place.

Willie Coffey: It would be interesting to see the numbers for burials versus cremations in the other local authorities. I suspect that in East Dunbartonshire people are taking the cheaper and more affordable option, because the cremation rate is 75 per cent in your local authority. I do not know whether the cremation rates in other local authorities are similar.

The Convener: Does anyone have that information?

Ian Kearns: I think that the proportion in our authority is 70:30 in favour of cremation. Between 20 and 25 per cent of cremations are for people from outwith Inverclyde.

The Convener: Does anyone else have that kind of information at their fingertips just now?

Kevin Robertson: I do not have accurate information about that, because Angus does not operate a crematorium. However, we estimate that we do 25 per cent of funerals.

The Convener: Is there not a private crematorium in Angus?

Kevin Robertson: Yes.

The Convener: There is also a private crematorium in Renfrewshire, Mr Hannah.

Gerard Hannah: Yes, but we believe the figures to be about the same as those for Angus, as we cater for about 25 per cent of the burials.

Cameron Buchanan: I note from Ms Hardie's submission on behalf of East Dunbartonshire Council that the council is against

"the removal of the existing provisions restricting the proximity"

of new housing. Is it the same for every local authority? Does none of you want the restrictions lifted?

The Convener: That is about housing near a crematorium.

Cameron Buchanan: Yes.

The Convener: We have had quite a lot of correspondence on that issue.

Audrey Hardie: I think that we should keep the existing distance restrictions. We need to keep crematoriums away from housing. I know that modern cremators give off fewer gases, but I think that, for the sake of peace and tranquillity, we cannot have a crematorium directly next to a busy housing scheme. We need to keep the distance restrictions.

Kevin Robertson: It is not really an issue for us. We have only one crematorium in Angus, which is quite rural and in the centre of Angus.

The Convener: In terms of the bill, we want to consider not just the present situation but what might happen in the future. We have had correspondence of late that has stated that having housing in close proximity to a crematorium would cause a fair amount of grief, while others have argued that that is not the case. Rather than just think about what the situation is today, we should think about what might happen in the future.

Mr Reekie, does Perth and Kinross Council have a view on this issue?

Bruce Reekie: I very much agree with Audrey Hardie's view that the minimum distance should remain at 200 yards. One of the reasons for that is to take into account the gardens of remembrance

that surround crematoria. I certainly think that 200 yards should be a minimum. Obviously, planning conditions would be applied in that regard for any new crematorium.

The Convener: What is Inverclyde Council's view?

Ian Kearns: We also think that the 200-yard restriction should remain.

Gerard Hannah: I echo others' comments about that. One of the main points to consider is that cemeteries tend to be visited on weekends, Christmas day and new year's day, which are times when households are generally at their busiest. It is about maintaining the respectful quiet and peaceful surrounds of a cemetery or, for that matter, of a crematorium's grounds.

The Convener: Where local authorities have their own crematoria, are there houses within their grounds? I am thinking of Aberdeen, for example. The crematorium there has a house right next door.

Bruce Reekie: We have houses adjacent to the crematorium but, if my memory serves me right, they are more than 200 yards away, so they meet the condition.

Willie Rennie: The current rule does not work both ways. I think that that is stated in the documentation. We would like to continue to have a buffer zone. Greenock crematorium is in the heart of Greenock cemetery, so it is well away from housing. I am more concerned about future developments encroaching on the crematorium. As I understand it, the rule prevents crematoria from being built close to houses. I would like the bill to reaffirm that there must be a buffer zone—200 yards seems reasonable to me—between houses and crematoria, and for that to apply both ways.

Cameron Buchanan: That is fine. Everybody seems to agree on that point. Thank you.

The Convener: We have talked a fair bit about the reuse of lairs. The bill also mentions the reuse of headstones. What are your feelings about that?

Gerard Hannah: The reuse of headstones is slightly more complex than the reuse of lairs. With a lair, the person is just buying the right to be interred in the lair and they are not buying the piece of ground as such, whereas people go and pay maybe £1,200 or £1,300 to get a headstone and have it installed. It might be more complex for us to reclaim that property than for us to reclaim a lair.

The issue is how we can proceed sensitively when dealing with these things, particularly given the difficulties that we have mentioned, such as

how we go about making contact with people after 30, 40 or 50 years.

Audrey Hardie: I agree with the reuse of lairs. The reuse of headstones is a different issue. Headstones are visible, they are historic and we can see people's names on them. When people buy the right to burial in an existing lair, will they own the headstone or does the council own it? If the council owns it, what will happen? Could the council decide to keep it where it is or will it need to be removed, with the resulting cost? Will the headstone be stored or destroyed? I presume that there would need to be photographic evidence.

If lairs are claimed and reused, what will happen with the headstones is a grey area. They are historical monuments and we will need clearer guidance on what should be done with them.

The Convener: What is Inverclyde Council's view?

Willie Rennie: It would be difficult to retain older headstones given the practicalities. If a lair has not been used, there will not be a headstone, but we are talking about reusing lairs that are 100 years old, and presumably the headstones will be the same age. In our experience, it would not be practical to reinstate many headstones of that age, especially given their design. There are also issues to do with sensitivity and historic value, and photographic evidence of headstones will need to be retained. Ultimately, I do not think that the reuse of headstones will be feasible for practical reasons.

Bruce Reekie: Again, I agree. One of the issues is that the council does not own the headstone, so the question arises whether we have the right to move it. Another issue is the historic significance of some headstones and the information that they contain, and we need to consider where the headstone should be sited if it is to be retained. Should it be reversed with the new headstone adjacent to it? Should it be laid flat or taken away? Is a photograph sufficient? I dare say that Historic Environment Scotland will have a view on some of those issues in relation to some older headstones.

Kevin Robertson: In principle, we would love to reuse as many lairs as possible in our cemeteries. Unfortunately, however, it is not really practical. As other witnesses have mentioned, there is the issue of what to do with the old headstones. Many headstones are not readable any more and we would love to be able to remove a lot of them. They are also dangerous, and it costs a lot of money every year to keep headstones safe. However, the sheer practicalities make things difficult. For example, we might have a really old headstone but quite a recent burial. I would like as many lairs as possible to be reused, but that is not

cost effective. Exhumations are expensive and removing headstones can be expensive. There is also the issue of what to do with the headstones. We would have to dispose of them completely to make it cost effective.

The Convener: I turn to burial and cremation records. The bill places a duty on all parties that are required to maintain records under the bill to do so indefinitely, although it enables the retention to be done electronically. What do you feel about the retention of records? Do you have a view, Mr Robertson?

Kevin Robertson: In Angus, we keep very good records, although some of the records for our rural churchyards are quite basic. We keep records of all our burials, electronically and in the old books, which we keep up to date. We do not see any issue with the bill on the keeping of records.

The Convener: Would it be worth while to have a consistent approach across Scotland?

Kevin Robertson: From what I know of other authorities, we have a fairly consistent approach across Scotland. Some authorities have moved to electronic records, which we have not done completely, but I think that that is the way forward.

Bruce Reekie: It is certainly worth while to keep records and to have a consistent approach across Scotland. Obviously, we keep burial and cremation records. Some of our burial records are now being placed on an electronic system, so we have no issues with that.

Ian Kearns: We keep burial records electronically and we keep them in ledgers. We keep cremation records electronically and we keep the paper records. We agree that they should be stored both ways.

Audrey Hardie: I agree that the records should be kept indefinitely.

Gerard Hannah: If nothing else, a consistent approach helps with lair capacity planning. Obviously, keeping hold of the records electronically helps with accuracy, but it also makes it much easier to do space planning and to consider future requirements.

John Wilson: As a follow-up, at present does any of the local authorities charge for a search of the records?

Kevin Robertson: Yes, we have a tie-in with Deceased Online, through which all of our cemetery records are available online. Obviously, there is a cost for that, and there is a very small income to the council from making those records available. At present, we do not allow people to view our cemetery ledgers, other than by appointment, because of the time and

administration implications of that. We need to make staff available to fetch the books and, on some occasions, to find them. All our records are available online, but there is a charge.

John Wilson: You said that there is a charge to use Deceased Online. Is there a charge for an individual who phones the office and wants to come in to have a look at the hard copy of the records?

Kevin Robertson: No. We make allowances for scholars and for research purposes for educational establishments. That is done by appointment. However, private individuals are directed to Deceased Online.

Ian Kearns: We charge for doing family tree searches, but we do not charge for locating a lair for a member of the public who wants to visit a grave.

10:45

Audrey Hardie: We do not charge at all for any searches.

Gerard Hannah: Our approach is similar to that of Inverclyde. If a family member wishes to locate a particular lair, we would do that for free, but a charge of £15 is applied for family tree searches.

Bruce Reekie: We do not currently charge for searches.

Willie Coffey: I want to ask the question on record keeping that I asked at our previous meeting. As I understand it, a person's death record in the National Records of Scotland contains no information on where they were buried or cremated. Would it be of value to the public to have that? For example, if somebody goes to a cemetery and sees that a John Smith is buried there, there is no way of identifying that John Smith in the national records. There is no backwards method of establishing who that person was. Are you familiar with that issue? Might it be of use to the public to establish a system for that?

Ian Kearns: I believe that that happens in England. If we get a cremation from England, we have to sign a form to say that the person was cremated at Greenock crematorium. However, it does not work the other way, in that we do not send something back to our registrar. I am sure that something simple could be put in place and that there could be a tie-up.

Willie Coffey: The issue is that there is no connection between the two. If you find a grave in a cemetery, you just would not know where the person's record was in the national records. You would be guessing, would you not?

Audrey Hardie: Yes—you would not know.

Kevin Robertson: I have no knowledge of that. I do not think that there is any link between the two.

Willie Coffey: For people like me who are interested in family history and genealogy and who occasionally have a wee look to see where their relatives are buried, it is often difficult to establish whether someone is a relative, because there is no connection between the burial record and the national record of death.

Ian Kearns: You would tie that back to the National Records of Scotland and give it all the details so that it has that on its ledgers.

Willie Coffey: How would you know that it is the same person who is buried and is on the national record?

Ian Kearns: The date of death and the age would give you that.

Willie Coffey: Okay, but you would be guessing.

The Convener: I do not want to go into that issue in too much depth, because we are straying a little.

I thank the witnesses very much for their evidence. I suspend the meeting for a few minutes to allow for a change of witnesses.

10:47

Meeting suspended.

10:53

On resuming—

The Convener: We move to our second panel of witnesses from relevant organisations that have submitted written evidence to the committee. I welcome Dr Salah Beltagui, director, Muslim Council of Scotland; Stirling Harcus, legal adviser, Commonwealth War Graves Commission; Jim Nickerson, general manager, Edinburgh Crematorium Ltd; Fraser Sutherland, policy officer, Citizens Advice Scotland; and Bill Taylor, chaplaincy adviser, Scottish Prison Service. Does anyone wish to make a brief opening statement?

Bill Taylor (Scottish Prison Service): I would like to say a few words, if I may. The SPS seeks some clarity as to which is the responsible authority when a person dies in prison. We feel that the bill does not yet provide that clarity, and I would like to speak to that issue this morning.

The Convener: You can perhaps explain that to us a little bit more. Obviously, a prison is in a certain local authority area, while the prisoners within may be deemed to be from another local

authority area. Has that caused conflict in the past? Is that the difficulty?

Bill Taylor: Yes, we have found that to be the case. Occasionally, there are disagreements between two local authorities—typically, the authority in which the prison is situated and the authority in which a prisoner may have had family ties or which may have been involved in the care, or the prospective care following release, of a person who then died in prison.

We have found that sometimes the dilemma continues, and it can take a while to reach a resolution. We propose that there should be a means of dispute resolution to allow for a shorter period in which to determine which authority is responsible and will therefore make funeral arrangements and provide funding for the funeral.

The Convener: That is not in the bill, although it may be covered in guidance at a later point. It is certainly something that we will look at and try to clarify with the Government. Do you know whether any of that is covered in guidance at present, or has the issue just been ignored completely?

Bill Taylor: I do not know whether it is covered in guidance at present, although I think that it could be. My concern is that the language in section 56, concerning the disposal of remains and the duty of a local authority, is permissive and to some extent leaves it to the good will of local authorities to choose to offer that kind of care. The bill builds on the preceding legislation. The Social Work (Scotland) Act 1968 states:

“A local authority may cause to be buried ... the body of any deceased person who immediately before his death was in the care of, or receiving assistance from, the authority”.

That is what I mean by permissive language, the difficulty being that local authorities may choose not to exercise that responsibility. It would then fall to the other local authority, which may decide that it ought to have been the responsibility of the first local authority—you can see how the dilemma continues, and one or two families who have found themselves in the middle of such situations have faced an extended period of grief. We feel that the language in the bill does not help to prevent such dilemmas.

The Convener: We will certainly take those comments on board. Dr Beltagui can go next.

11:00

Dr Salah Beltagui (Muslim Council of Scotland): I make some comments in our submission about the difference between burial and cremation and the fact that Muslims—and some other faiths—do not accept cremation.

I also talk a lot about how stillbirths, pregnancy loss and the death of children are dealt with by the bill. I want to extend my comments on their treatment to adults who are to be interred by a public body because they have no family and no one else to give instructions. When an adult dies and there are no such instructions, we should always question whether their preferred choice would be burial or cremation. The answer could be gathered from the community or its leaders, for example. Cremation should not be the default position. My reading of the part of the bill that covers children is that it gives the impression that cremation is the only option, and the chief medical officer's letter clearly says that cremation will be free of charge—therefore, if there is no cremation, the family must pay. In cases when a child has died, there has been a pregnancy loss or someone has no family, the position must be clear.

Cremation is not acceptable to everyone. There is a problem if there is no one to give clear instructions, but we must try to find out as much as we can about someone's wishes. I make the point because there have been cases when the requirement for burial was caught only at the last minute. For example, there was the case of the people whose bodies were found in a container. It was not known what their religion or faith was, and they were ready to be cremated when someone discovered that they were Muslims and that they should not be cremated.

Stirling Harcus (Commonwealth War Graves Commission): I will make a general point rather than a specific point about the bill. The Commonwealth War Graves Commission has the care of war graves in 152 countries around the world, so we see a wide range of practices in cemeteries in relation to the treatment of graves, particularly war graves.

I encourage and welcome the changes that are to be introduced in Scotland, which bring the situation up to a level where practices are talked about, particularly in respect of the reuse of graves. That is a worldwide problem, but it is particularly a problem for the United Kingdom and I know from a lot of our work in England that it must be addressed.

To pick up the point about different faiths and approaches, there is a wide range of views. It is excellent to see that action is being taken, but we must ensure that this consultation is the first step, because the issue is sensitive and requires consultation rather than blanket rules that apply to everyone.

Jim Nickerson (Edinburgh Crematorium Ltd): Good morning and thank you for inviting me to give evidence. First, I agree with what has been said so far. We welcome the changes—burial and

cremation in Scotland are quite out of date and need to be pulled together.

I will give a bit of background to explain where I am coming from. Edinburgh Crematorium owns Warriston and Seafield crematoria. Seafield has a cemetery with more than 300 war graves, which places it in the top 10 war grave cemeteries in Scotland. Warriston crematorium has carried out more cremations than any other crematorium in Scotland.

Fraser Sutherland (Citizens Advice Scotland): Our clients' experience over the past couple of years is that funeral costs are increasing, which is giving many of them problems, with some unable to service those costs. In the past year, we have seen a 35 per cent increase in the number of clients coming to talk to us about funeral issues and affordability. That is separate from issues around funeral payments from the social fund—people are coming to us to talk just about the costs. The main concern that we are here to raise today is about people being able to afford a funeral for their loved one that is dignified and respectful.

The Convener: Let us stick with that issue to begin with. The witnesses probably heard us question the previous panel about funeral costs. I know that recently Citizens Advice Scotland did a fairly substantial piece of work on that issue.

What do you think of the comments that were made and the lack of justification for some of those costs that was given this morning? The representative from East Dunbartonshire Council has to do what her committee tells her to do, but we are talking about costs of £2,785 in East Dunbartonshire—and the costs double if you want to be buried there but are not from that community—in comparison with costs of £694 in the Western Isles. What does Citizens Advice Scotland have to say about that?

Fraser Sutherland: I would struggle to put it any better than the representative from East Dunbartonshire Council put it. She said that the increases were ridiculous. If someone says that increases in their own local authority of 50 per cent in one year are ridiculous, how can I put it any better?

Last year, we saw another council increase its charges by 42 per cent. There is now an increasing variation across Scotland. One council charges almost £3,000 and another charges £700. Our clients do not necessarily have any more money because they live in a particular council area, but they are expected to pay that additional money.

The introduction of a cap was raised earlier, but I am concerned about the danger that, if a cap is introduced, everybody will move to the cap and a

load of councils that are charging less will begin to charge much more expensive fees. A cap on the amount of in-year increases could be looked at. Families might simply not be able to afford year-on-year increases of 25 or 50 per cent.

I would also like to raise a point that has been raised with us by some of our clients, such as those who are planning their own funeral because they have a terminal illness. It is very stressful if someone who might have only a few months to live is suddenly told that their funeral is going to cost 25 per cent more than what they had planned to pay.

The Convener: Today we heard Perth and Kinross Council talk about their cremation costs. It admitted that it is currently the priciest local authority—that is in your report. However, there was some justification for those costs in terms of future capital spend and ensuring that the council can deal with all the environmental aspects of cremating folks. If local authorities were to spell out their reasoning for some of their charges, would it make those charges a little bit more palatable?

Fraser Sutherland: It could do. At the moment, a lot of people arrange funerals through funeral directors, who will say how much the council charges but might not give an explanation beyond that about what the person is getting for that money.

You have mentioned issues such as mercury abatement and the installation of new cremators. Some councils are going through big regeneration projects. Falkirk Council is currently going through a big project to update its crematorium facilities. That will cost money, and the council obviously wants to see money come in so that it can afford to update its facilities and give bereaved families the experience that they want. Some of the facilities are obviously starting to date and people want good facilities to go to.

However, people might not necessarily understand what the money is being used for. They just compare the costs to what they see over the wall in another council and ask why they are paying twice as much. The difference might not be quite as big for the crematorium but they might still ask why they have to pay so much more than someone who lives only 10 miles away.

The Convener: Your submission says:

"In order to allow for consumers to make informed choices, we believe that the funeral director code of practice as allowed for in the act should stipulate clarity and transparency of charges freely and publicly available."

Should councils be required to show such transparency in their charges?

Fraser Sutherland: When we started on this work a few years ago, one of our first recommendations was to encourage all local authorities to make information about their charges freely available on their websites. Most of them did that—they already put all their fees up on their websites and made information available in council offices.

However, some of the big local authorities, such as Glasgow City Council, still have not put their charges online. There are a few others, but I will not name them because I cannot quite remember which they are and I do not want to accuse an authority that has put the information up of not having done so. Nevertheless, four or five councils in Scotland still have not put all their charges online.

Incidentally, we would like all funeral directors to put at least an indication of a package price online so that, before consumers walk through the door, they have some idea of how much a funeral from a certain funeral director is going to cost. The research that we have done shows that the price of exactly the same service can double within the same town, such are the differences between funeral directors.

Cameron Buchanan: Do you think that, at the time of a death, people compare funeral directors and crematoria?

Fraser Sutherland: No. Currently, there is very little appetite for shopping around. That is partly because it is difficult, but it is also down to the fact that people are bereaved. Who wants to go into a funeral director's and go through the whole list, and then go down the street and do it all again? People are just not going to do that. If someone has the opportunity to make the comparisons at home, before they go to a funeral director's, that might start to make them think a wee bit about it.

It would also make it easier for someone to plan their own funeral. I would strongly encourage more people to think about their own funeral plans and pre-pay if they can afford to do that. They could pick the director and the options that they wanted. They might want a burial in a place that they know they or their family can afford.

The Convener: Let us move on. We asked the other panel for their views on the reuse of lairs, and I am keen to ask this panel the same question. Dr Beltagui, what is your view on the reuse of lairs?

Dr Beltagui: It is difficult to talk about the issue for the Muslim community because Muslims do not all come from one place and there are a lot of background cultures. Worldwide, there are countries where things happen that could not be imagined here. In my view, it needs a lot of consultation and thinking outside the usual

situation so that we can make better use of land. For example, in many countries throughout the world, lairs are used more than once even within a short period of time—not necessarily after 25 years—but that is confined to the family rather than everyone else reusing the lair. The same could happen here but it would need consultation, because it would be difficult to find a solution that could be accepted by everyone, and cultures change.

Muslim communities insist on burial—that is the main thing—but many options can be used. That is all that I can say, because there are lots of different cultures to be accommodated within the same community. Generally, the things that are mentioned in the bill are a step forward, but some of it does not go far enough and we need to open up the thinking a bit more.

The Convener: In Aberdeen, for a while, there was difficulty in finding an area within a cemetery for Muslim burials mainly because there was so little cemetery space left. My colleagues have come across that issue, too. You are saying that people will be quite pragmatic about some aspects of burial as long as there can continue to be burials.

Dr Beltagui: The same happened in Glasgow, where there is a high percentage of ethnic minorities. The cemetery was quickly filled and it took years to find another piece of land to use. Part of the problem was the unpopularity among people of having those of a certain other faith or belief buried beside them. We had a lot of trouble resolving the problem with the council. I am surprised that there is no one from Glasgow City Council here, as it is the biggest council.

The Convener: When we select panellists, we are careful to ensure that councils appear for their fair share of meetings, and Glasgow City Council has been here for a lot of other things of late. It may have liked to have given evidence—we will not be unfair to it.

11:15

Stirling Marcus: In general, we appreciate the need to reuse grave space, particularly unused space, which is just space. We appreciate that there is pressure on burial grounds across the country. However, the commission is opposed to any reuse of graves that have war casualties in them, whether it is a single war casualty in a grave space in a service plot or a war casualty who is buried in a family plot, regardless of whether the family members with whom they are buried died before or after them. There is a range of instances in which a war casualty might be found.

As has been mentioned, many countries look at death and the provision after death in different

ways. The reuse of grave space is not uncommon on the continent, in Asia and elsewhere, but we have secured exemptions for war graves almost everywhere that we operate. There is a general recognition and acceptance that war graves are a particular class apart and that they should be given exemption and protection from disturbance, and that is what we would seek.

Jim Nickerson: We are in favour of the reuse of graves. Our cemetery is 130 years old and the older graves are never visited nowadays, but there is still a need to make sure that the cemetery is well kept throughout. People tend to visit newer graves on special occasions, but it tends to be just the next generation, so, after about 25 years, the graves are no longer visited.

Edinburgh used to be full of private cemeteries. However, as they have filled up, they have become unviable and the local authority has taken them on as a burden. Therefore, it is in everyone's interests to keep those cemeteries going, and the reuse of graves is really the only way of doing that.

We have a number of Commonwealth war graves at Seafield, and I completely agree with Mr Marcus that they should be a special case.

Fraser Sutherland: I echo what Mr Nickerson says. Reusing graves would allow a large number of cemeteries to be brought back into use and would mean that the large maintenance costs could be offset. Large rural local authorities can have a huge number of different cemeteries spread out across their areas, and the cost of maintaining them is quite high. People in the local communities might quite like the idea of opening up some of the unused space in those cemeteries, where lairs have been sold but not used, as it would mean that they could be buried in a village cemetery, which has not previously been an option.

The bill talks about how people will be told that a reuse is being thought of and allowed to object. However, as a previous witness said, 99 per cent of letters came back marked "Addressee unknown". We would be keen for a notice to be put on the graveside in case family members visited the grave; otherwise, they might not know that it was proposed that the grave be reused. They might visit every month or so, and it would be good if they knew about that before they came back and found that the grave had been used for someone else without their prior knowledge.

Bill Taylor: I do not think that the Scottish Prison Service would have a specific view on the matter, but, as someone who is involved in chaplaincy, I echo what Dr Salah Beltagui said. In my view, it would be important that people's religious faith and belief sensitivities were taken into account and that there were consultations with

such bodies about the reuse of lairs, because different faiths and beliefs would have a multiplicity of perspectives on that.

The Convener: Let us move on from the reuse of lairs to the reuse of headstones. What is your feeling on that, Mr Taylor?

Bill Taylor: I like the idea of a historical record being made of a gravestone, which was suggested in the previous evidence session. That record could consist of a photograph, for example. It is vital that we retain the information that is on many of the headstones, but I do not have a specific view on behalf of my organisation.

Fraser Sutherland: CAS does not really have anything specific to say on the subject. I came across a large cemetery in London that has reused lairs and headstones. It turns the headstone round, polishes the back and puts the new name on that side so that the old face is maintained but the other side is used for the new burial.

Jim Nickerson: We have mixed feelings on the matter. Frequently, older headstones are simply illegible and there is often no historical significance to them, so there is no real reason for reusing them other than just to keep them. It would not be possible to polish up and use the back of an old sandstone headstone anyway. The family of the new lair would want their own headstone and it would be impractical to have two headstones on it.

We have had every one of our Commonwealth war grave headstones photographed and put on our website so that, if somebody wants to view one, they can do so. I suggest that that is a way forward. Any old, historical headstone could be photographed and put on a website so that it could be viewed, but we would not agree with legislating to keep such headstones as a matter of course.

The Convener: Mr Marcus, you are in a somewhat different situation.

Stirling Marcus: Yes. A few issues come out of the reuse of headstones. The first is the practical question whether we should turn a headstone round and use it for another family. We would be opposed to the reuse of headstones from any Commonwealth war graves, because they would mark a recent casualty or death and we would not like anything to be added. That happens when extra family members are buried in a grave, but we would be opposed to the concept of reusing a headstone for an entirely new set of remains—an entirely new grant of a right of burial. We would consider that to be counterintuitive, as if we were re-granting the burial rights and starting afresh.

On the historical record, the burial record should already contain information on the remains that are kept in the grave, and making those records

more uniformly available would address the question of who is in the grave space. The first port of call would be the burial record rather than the headstone. The information can be dealt with without headstones being reused physically.

That leaves just the historical and aesthetic considerations—the archaeological, Historic Environment Scotland view. If a headstone were a listed monument, there would be questions about whether it could be taken down. Would a photographic record be good enough? It possibly would be. We do not have a strong view on that because we would strongly advocate keeping our headstones in place with our brand, as it were, as war graves headstones.

Dr Beltagui: I agree that historical and war graves must stay as they are and should not be changed. Those graves have bodies to look after them.

When I go to cemeteries, I find that some of the huge old headstones have become hazards. The council is not responsible for them, as was mentioned, but it has to deal with them to ensure people's safety. If it gets to that stage and the family is not caring for the grave, we can have a photographic or electronic record of it and deal with it safely.

If more than one person is buried in a lair, there is no problem with having more than one name put on the gravestone if that is done with agreement from the beginning.

John Wilson: I will take up the cost issue again. I am intrigued by the Citizens Advice Scotland submission, which lists what CAS considers to be a minimum requirement for a funeral. It goes on to discuss funeral costs and says that the average funeral cost is roughly £3,500. It then starts to attribute different average percentages of the cost:

“71% of the costs of a cremation service and 57% of the cost of a burial”

is the director's fees.

Does the panel wish to comment on directors' fees? If more than 70 per cent of the costs of a cremation and 43 per cent of burial costs is the director's fees, do you think that those fees are proportionate to the overall costs?

I also have a specific question for Mr Sutherland: does the £3,550 that you cite in your submission as the average cost of a funeral include or exclude the cost of a headstone? The issue of headstones might come up—it has come up in the past—because, as you rightly say, if a headstone is sandstone it is likely to deteriorate over a period of time whereas a marble headstone is likely to last longer.

I want to get under some of the figures and find out more. The bill is about trying to cap or reduce the cost of funeral arrangements. How can we do that if we limit the fees that can be charged by local authorities but do not limit the fees that can be charged by the main providers of funeral services?

Fraser Sutherland: The figures that we have supplied come from market research that was carried out by YouGov on behalf of the insurance companies SunLife and Royal London, and the figures are from people who were self-reporting. YouGov asked people who had recently arranged a funeral how much the funeral had cost. They reported the total cost of a recent funeral that they had arranged, which would include the cost of a headstone if the person had a headstone. That is probably why the average cost was £3,550. That is quite a lot for a cremation in some areas, but it is probably less than the cost of a burial in other areas. After the costs of a hearse, a funeral tea afterwards and everything else are added, the total could be more than £3,550, which is why the average is that amount.

We would be really keen for the costs of the fees, including the funeral directors' fees, to be stated up front in order to allow people to shop around. We are disappointed that the National Association of Funeral Directors has withdrawn from providing a simple funeral from all its outlets. That used to be in its code of practice, following a finding by the Office of Fair Trading that suggested that it should supply that option. That allowed people to go to different funeral directors and ask, “How much is a simple funeral?”, and there was a set list of what would be included. We would like that to be an option for people again. It is not a disrespectful funeral or a funeral on the cheap. It is nothing like that. It is still respectful but is a more affordable funeral for a family who may be looking for a cheaper option. It allows them to go around different funeral directors, get different prices and then go with the option that they feel gives them the best service and the best value for money.

The Convener: Does anyone else want to comment?

Dr Beltagui: I am a member of the Faith in Community Scotland group, and we have looked at funeral poverty because it is becoming more and more of an issue. We looked at the CAS report on it, and a group of Quakers in London has started a project to look at how the issue can be addressed.

We found that there is very little awareness among the general public about what happens when there is a bereavement. People just go to the nearest place or the most famous funeral directors and follow what they say. We suggest that there should be much more awareness and

community education through faith groups, community groups and civil groups telling people that bereavement is something that they will have to face, that there is information available and so on. In general terms, that needs to be done all the time, but the competition that exists within the market is not made very clear especially when there is time pressure to consider as well as people's wishes, which are part of it. People should be told how to make funeral arrangements and talk about it in advance, as that will make them more aware of the issues.

People could also learn lessons from communities in which funerals are carried out by the community rather than as a business. In small communities with special requirements, funerals are conducted by one community organisation, in-house and with volunteers working on them. That could be an improvement.

11:30

The Convener: An issue that came up at the Welfare Reform Committee recently was the fact that, in many smaller places, a lot of family-run funeral directors whose names have been on the go sometimes for centuries have been bought up by big multinational companies so that, in many cases, folk are not fully aware whom they are buying from. Does anyone have anything to say about that?

Bill Taylor: I welcome Mr Sutherland's comments about the simple and dignified funeral. Many prisoners' families are economically challenged, and such options would make it more feasible for them to afford the kind of funeral that they would like to provide. It is important that costs are as transparent as possible every step of the way.

There are issues around the depth of involvement that a family may have following the death of a loved one in prison. There might have been years of estrangement on account of the offence that has led to a person's being imprisoned so that, when that person dies in prison, there is no relationship. At that stage, the family might find it unnatural that they are expected to meet the costs of the funeral.

On the other hand, it sometimes seems that the more interested families who are liable for the costs are likely to be unable to meet those costs because of a lack of means. We hear that. Some prisoners' families seek support from the social fund but find themselves ineligible because of other benefits that they are receiving, so they do not get that support. Families can feel isolated and alone with the burden of meeting the costs.

We would support anything that would keep costs to a minimum and provide a dignified ceremony at the end of a person's life.

The Convener: Mr Nickerson, you are from the private sector. What do you have to say about costs from Edinburgh Crematorium Ltd's point of view?

Jim Nickerson: We provide a public service. We have to make a profit in order to stay in business, but we make a profit in order to provide a service as opposed to providing a service in order to make a profit. We did not raise our prices in 2010 or 2011, and we have not raised them for 2016 because we feel that, given the savings that we have made in the administration of the business, we do not need to do that.

We are very much aware that costs are an issue for lots of people because they have not prepared ahead of time, so we keep our costs as keen as we can.

I cannot possibly comment on funeral directors' charges.

John Wilson: I am sorry to put a question to Mr Sutherland again, but perhaps Mr Taylor can also respond. What are the criteria for social fund applications for families who have to rely on such applications to help with funeral costs? What are the current limits?

Fraser Sutherland: People have to be on qualifying benefits; I do not quite remember them all off the top of my head, but they include benefits such as pension credit, jobseekers allowance and some tax credits.

The difficult part is not establishing whether someone is on a qualifying benefit but considering the relationship with the deceased and whether another next of kin can pay for the funeral. That is where the social fund comes into play, especially for prisoners.

If the deceased person had a brother or a sister but another sibling was seen by the Department for Work and Pensions as being the one who should pay for the funeral, that might exclude the family who wished to organise the funeral from getting any money at all. It would then be up to one sibling to chase the other brother or sister for the money, although that person might not wish to pay for the funeral. That might be especially the case in situations concerning prisoners because, as Mr Taylor said, some people are estranged from family members who ended up in prison and do not want to take part in their funeral service. That makes the situation difficult for family who might otherwise have qualified for money from the social fund.

Such a situation does not affect only prisoners, of course. Other people are estranged from other family members and might also not qualify.

If someone qualifies, the social fund pays the full cost of the cheapest burial or cremation in their area. That is not a huge issue in Scotland, but it is an issue in England, where crematoria can compete on price. Essentially, the cost of disposal of the body is covered. There is a capped fee of £700, which has not changed in a significant number of years, and that pays for everything else—the funeral director's fees and the transport to and from the cemetery as well as optional things such as the funeral tea, the orders of service, a notice in the newspaper and so on. All that must come out of the £700, but that does not go any way towards covering the cost, which leaves a lot of people who succeed in getting money from the social fund with a large shortfall that they must cover themselves.

The Convener: Does Mr Taylor have any comments?

Bill Taylor: I do not have much more to add. I do not know the specifics of the criteria for the social fund, but I know that difficulties can arise when family members find themselves almost competing with one another on who might be able to assist at such a time. From our perspective, there is a sense that there is almost an incentive—although I do not think that it would be put in this way—for a family to be less interested. The more interested they are, the more liable they are to face costs. That militates against the positive grief outcome that might be wanted. To avoid costs, people might step back from the experience of the funeral and making the necessary arrangements, but that might deny them part of the healing process of grief, which includes the funeral and so on.

The Convener: We will move on to the parts of the bill that cover registers, which you heard me asking the previous panel about. What are your views on the requirement for registration?

Dr Beltagui: The bill mentions a form that must be filled in to ask for a plot of land for burial. That happens already, through each council's cemetery department. We should not complicate such matters, as that will cause delay, and it is important that burials happen as soon as possible. The new death registration system requires registration to be completed before burial, and registration should be easier to do, because it is done before a place is asked for.

You have talked about the keeping of records about where people are buried. Under the new system, when registration happens, it can be linked to the birth and death records that NRS holds. I do not see much difficulty with that. We

have spent a lot of time discussing the death notification system, and those links can be made for the future.

Stirling Harcus: We have dealings with all the local authorities across Scotland and we know that the registers are in a pretty good state. War graves are still being found. When new casualties are identified, we go out to the cemetery, track down the location, verify it and add it to our records. In doing that, we deal with 100-year-old or 75-year-old first or second world war casualties, and the records from that era are patchy—they can be excellent or non-existent. We might have to rely on newspaper reports, or there might be a ledger. Historical records are patchy, whereas modern records are much more up to date.

When we want to register casualties and have plots marked out, councils do that quite easily and have good systems in place for it. However, a uniform system would be welcome. For us as a third party that deals with many local authorities, it would be easier to have just one application form and one system to deal with, and in that way consistent information could be captured.

Obviously, I would like war graves to be marked. We do registrations with each local authority, but to have a field for such information to be captured would be useful to us and for historical interest. There is a lot of interest in the area from genealogists. If people want to know how many war graves there are, they can look at our website or ask councils directly, but it would be useful to have a field for the information. Record keeping is important and it has certainly improved, but let us have more consistency.

Jim Nickerson: Our records have all been kept electronically for the past seven or eight years—we scan the forms that come in for cremations so that we can keep them electronically. The older records were available only in ledgers, but we became members of Deceased Online because it scans them, which puts them in the public domain immediately. Sensitive information such as the names of applicants for funerals and information on medical personnel is blocked out in the Deceased Online records, so that is not freely available.

We have some reservations about making all the information freely available, because we have had people coming to us who are looking for information about somebody who has died. Maybe they saw a death notice in the newspaper, so they know that we cremated the person. We have had landlords coming to us and asking who a person's next of kin was because they are looking for back rent. In such situations, we would not pass the information on, but if it was publicly available and we had to provide it, it would be passed on.

We have had people who claim to be someone's long-lost relatives wanting to know who their next of kin was. Maybe they are relatives and maybe they are not—we do not know. In such cases, we pass the information on to the next of kin and say, "This person is trying to get in touch with you," and then they can make the decision.

We have some reservations about making all the information publicly available, but we have no query at all with having it kept electronically.

The Convener: So you have no problem with electronic records, but you have some data protection concerns.

Jim Nickerson: Yes.

Fraser Sutherland: My view is much the same. I do not really have concerns about proper record keeping on burial or cremation activities.

In our response to the Government's consultation, we raised record keeping on national assistance funerals—that is when a local authority carries out a funeral for someone who has no family to carry it out. We submitted a freedom of information request to all 32 local authorities and we found that such records vary massively. Some local authorities provided us with names and addresses, the last known address of the deceased, their date of birth, their next of kin details and even their next of kin's address, which I thought was a bit of an overprovision. However, others could not tell us even how many national assistance funerals they had carried out in the past year or how much they had spent on those funerals. It was concerning that they did not have those records, and there is a question about that.

Under the bill, there will be the new provision to take over from national assistance funerals. The record keeping on that might be much more streamlined and common across the country.

11:45

The Convener: I call Mr Taylor, please.

Bill Taylor: I have no specific comments on the issue.

The Convener: You will have heard us ask about the 200-yard limit around crematoria. What is Mr Nickerson's view on that?

Jim Nickerson: We think that the limit should be kept. Housing has been built up to us at both Warriston and Seafield, although it is not a major issue at either place. There are allotments on two sides of Warriston crematorium and a third side is a road, so we do not really have an issue, except at one side, where we occasionally have problems.

At Seafield, there is housing on two sides, which becomes a problem if somebody comes to visit a grave or memorial and people are out playing music in the back garden. That is not a good atmosphere.

In planning, the issue tends to be looked at from the point of view of people getting a crematorium built next to their houses. The visitors to the crematorium—the mourners—are never considered. Not only should the limit be kept but there should be something to stop housing creeping up next to crematoria and cemeteries.

The Convener: Does anyone else have a different view?

Dr Beltagui: I have what is really a question, not an answer. The reason that was mentioned previously was that the quality of the space, thinking and recollection can be disturbed. Does the same consideration apply to cemeteries? Will the approach be extended to new sites? I am not talking about old ones, of course, which have houses inside.

The Convener: That is not in the bill. We are looking at whether historical legislation that is in place should be modernised. Does anyone else have a view on the limit?

Fraser Sutherland: Although the limit exists, it can be really difficult to enforce. In the Scottish Borders, a new crematorium was opened within 200 yards of housing and a home owner objected. However, if they were to have any success in that, they would need to take lengthy legal action at their own cost.

There is a question about how enforceable the current law is. That crematorium is now operating, despite an objection to its being built within 200 yards.

The Convener: We will take cognisance of that. Thank you very much, gentlemen, for your evidence.

11:48

Meeting continued in private until 12:04.

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