

Burial and Cremation (Scotland) Bill – Call for Evidence by the Local Government and Regeneration Committee's of the Scottish Parliament

SOUTH AYRSHIRE COUNCIL (SAC) RESPONSE

The Local Government and Regeneration Committee invite all interested parties to submit written evidence on the Bill. In particular they have requested answers to the following questions:

1. Whether proposals for the restoration of lairs are appropriate (sections 25-37)?

South Ayrshire is faced with a challenge of available grave space within two of our major town cemeteries, Ayr and Troon, resulting in a life expectancy issue at these locations at this time. As a result of objections from the Scottish Environmental Protection Agency (SEPA) the Council has not been able to use the identified existing cemetery extension land for traditional earthen burials in these cemeteries. SEPA's objections are based on The EU Water Framework Directive 2000 and amendments. This leaves the Council with land it cannot use for conventional burials and alternative burial techniques that satisfy SEPA requirements are being considered. As a direct consequence of this, it is expected that SEPA will object to any possible restoration of lairs within the Ayr and Troon cemeteries and the Council further anticipates that SEPA are likely to take a similar stance in many others cemeteries within SAC that have similar ground water issues.

However, the Council considers that the proposed regulations set out a sensible way forward for many Local Authorities with suitable land, given the shortage of cemetery space within towns and cities in Scotland.

2. Whether provisions on the reuse of headstones would be appropriate?

It is unlikely that SAC will support the re-use of headstones given the limitations on available lairs suitable for restoration / reuse. Additionally, SAC will wish to preserve the integrity of headstones for family history/ tourist and genealogy purposes.

However, the Council considers that in principal, the reuse of headstones to be a proportionate and sensible part of the reuse of lairs policy where family history/tourist and genealogy are not such a high priority.

3. The appropriateness and extent of the roles which should be undertaken by inspectors of burial, crematorium and funeral directors (primarily Part 4)?

SAC considers the proposed roles as outlined in Part 4 of the Bill to be timely, appropriate and proportionate.

4. The appropriateness and extent of the proposed regulation of funeral directors (primarily Part 5)?

SAC considers this proposed regulation to be a useful step for the industry as a whole. At present there are no statutory requirements for funeral directors to adhere to, nor any statutory bodies overseeing the operation of them, so this proposed regulation seems timely and proportionate.

5. The extent to which the Bill will address funeral costs and what, if any, further measures the Bill could contain?

South Ayrshire is experiencing a growing uptake by families of the National Assistance Scheme. But with no increase in the grant provided for this by the Scottish Government, the Council's Environmental Health Section is struggling to fund all requests. It is unclear whether this Bill will address the increase in this funding or allow for further legislation surrounding the granting of these funds, which SAC would support. SAC would further support the statutory publication of funeral costs of both Local Authority and Funeral Directors, thereby allowing for greater transparency of costs and more meaningful benchmarking.

6. The appropriateness of the removal of existing provisions restricting the proximity of new crematorium to housing?

SAC disagrees with the proposal to remove the provisions restricting the proximity of new crematoria to housing. In addition, the Council recommends the retention of the current provision that exists to ensure that there is a minimum distance requirement for the location of new crematoria in relation to a highway.

SAC believes that the positioning of crematoria is of vital importance, so that bereaved families are not subjected to any conflict from the day to day activities that take place in residential and recreational areas and believes that it is relevant to restrict the proximity of crematoria to housing to ensure crematorium services can be delivered in tranquil and respectful surroundings.

SAC has discussed the full extent of the Bill with local Federation of Burial and Cremation Authorities (FBCA) members and fully supports the FBCA's detailed submission on the implications in the Bill for the provision of Bereavement Services in Scotland.

Approved on behalf of South Ayrshire Council by:

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Mike Newall

Head of Neighbourhood Services

South Ayrshire Council