Our responses to your specific questions in the Questionnaire are as follows:

**Consultation**

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

YES.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

YES.

3. Did you have sufficient time to contribute to the consultation exercise?

YES.

**Costs**

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

The costs of inspecting headstones and ensuring that Local Authorities comply with their duty of care for public safety are not captured in the FM.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

YES.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

YES (except for making headstones safe). If there are more applications for private burial than anticipated, then there should be provision for a charge for applications which reflects the additional costs.
7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

YES.

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

As per Question 4 (above) the costs of inspecting headstones and ensuring that Local Authorities comply with their duty of care for public safety are not captured in the FM.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

NOT KNOWN.

Our observations relating to the specific contents of the Bill are as follows:

Burial Grounds
Sections 1 to 4. No comments.
Section 5. Not required, as there have been no recent instances where bodies are kept by the Local Authorities before burial. If there was a stipulation that authorities should provide an appropriate place in which human remains may be kept before burial this would have a cost implication for authorities.
Sections 6 to 7. No comments.

Burial in Burial Ground
Sections 8 to 9. No comments.
Sections 10, Clause (4). Copies of the register should be available in response to written application, or in a way which would avoid vexatious or mischievous approaches to cemetery office staff.
Sections 11 to 14. No comments.
Section 15. The bill should make it clear that the lair lease holder is fully responsible for the safety of the headstone or other memorial for the duration of the lair. Any damage or injury to a member of the public should be the responsibility of the lair holder. Authorities have a duty of care to ensure public safety, but implementation of actions arising from a Headstones Inspection regime is likely to be expensive to carry out, and lair owners rarely carry out remedial safety work. The Bill should confirm that Burial Authorities have the right to address unsafe, damaged and abandoned lairs and memorials, and where possible to recover costs from lair owners.

Private Burial
Sections 16 to 19 No comments. There may be minor costs associated with assessing and recording applications for private burials.
Burial Fees and Offences
Sections 22 to 23. No comments.

Lair: Restoration to use of lair: Consultation
Sections 24-35. Falkirk Council supports these provisions to restore lairs for re-use, which would be required when existing cemeteries approach their capacity. Restoration of lairs is likely to be expensive, so fees must be adjusted to reflect these increased costs. Revised SEPA Assessments and mitigation measures for creating additional cemetery capacity (Guidance on Assessing the Impacts of Cemeteries on Groundwater, May 2015) are likely to increase the cost of future cemetery provision, and this will be reflected in future burial costs.

Cremation
Sections 36 to 44. No comments.
Section 45. At present Falkirk Council charges no fees for children under-16. However Falkirk Council reserves the right to introduce fees if required to remain competitive with private crematoriums.

Arrangements
Sections 46 to 49. No comments.

Losses During Pregnancy
Sections 50 to 55. These are provisions which will be implemented through Health Authorities. Falkirk Council has a revised contract with NHS Forth Valley to cremate shared pregnancy losses, and these provisions are helpful in implementing this contract. At present there is no charge for this service, but Falkirk Council reserves the right to introduce fees if required to remain competitive with private crematoriums. Falkirk Council have revised their protocols for shared pregnancy losses in accordance with the revised Scottish Government guidelines. This has incurred additional expenses in materials (baby trays) and in staff time.

Local Authority functions
Sections 56 to 58. No comments. If arrangements under existing regulations continue there will be no additional costs for local authorities.

Inspection
Sections 59 to 64. No comments.

Funeral Directors Premises
Sections 65 to 66. Falkirk Council supports the provisions to license funeral director premises. Many local authorities have introduced (or are introducing) registration of Memorial Masons who may be permitted to carry out work within cemeteries which are under their jurisdiction. It would be useful if this registration applied nationally, through a national registration scheme. The existing Scottish Government guidelines stipulate that work should be carried out to NAMM standards, but in Falkirk Council’s view a registration process would ensure that these guidelines are adhered to. A Scotland-wide Memorial Mason Registration Scheme would save on administrative costs.
**Codes of Practice**
Sections 67 to 68 No comments.

**Powers to modify enactments**
Sections 69 to 70 No comments.

**Acquisition of Land**
Section 71 Falkirk Council supports this provision.

**General**
Sections 72 to 81 No comments.

I hope that these comments are useful.
Please let me know if you require further information.

Yours sincerely,

Carl Bullough,
Estates Services Manager