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<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>30 August 2018</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>ENV027/18/RD</b>
<b>Contact Officer:</b>	<b>Roisin Dillon</b>	<b>Contact No:</b>	<b>01475 714214</b>
<b>Subject:</b>	<b>Public Health Funerals</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to update the Committee on the statutory duties placed on the Council in relation to Public Health Funerals.

## 2.0 SUMMARY

- 2.1 The Burial and Cremation (Scotland) Act 2016 places a duty on Local Authorities in Scotland to arrange a funeral where the remains of a person who has died in the area require to be disposed of in circumstances where no one else has made, or appears to be making, suitable arrangements. Public Health Funerals in Inverclyde are dealt with by Environmental Health Officers from the Public Protection Service.
- 2.2 The provisions of the Act apply only in specific circumstances:
- i. The police have notified the Local Authority of an unclaimed body.
  - ii. There is no next of kin, or there are exceptional circumstances where the next of kin will not be responsible for the funeral arrangements or costs.
- The Council will where possible reclaim the costs incurred.
- 2.3 Public Health Funerals are not available to address situations where family members are unable to meet the financial commitments of the funeral. There are a number of Funeral Benefits available to those applicants who meet the criteria. The proposed additional service of a "Simple Funeral" at Greenock Crematorium will go some way to reducing the financial burden of those who require this option.

## 3.0 RECOMMENDATIONS

- 3.1 That the Committee note the extent of the statutory duty placed on the Council to deal with Public Health Funerals and the specific circumstances where they are available.

**Martin McNab**  
**Head of Environmental & Public Protection**

## 4.0 BACKGROUND

- 4.1 The Burial and Cremation (Scotland) Act 2016 places a Statutory Duty on Scottish Local Authorities to provide Public Health funerals where the remains of a person who has died in the area require to be disposed of in circumstances where no one else has made, or appears to be making, suitable arrangements.
- 4.2 Once established that funeral arrangements have been relinquished to Environmental Health, arrangements are made with an undertaker. A burial is arranged in common ground at a local cemetery. There is no funeral service and only the undertaker is present at the burial. Environmental Health will not keep interested parties advised about arrangements, although we will notify them once the burial has taken place if they wish to visit the common grave. There have been 10 Public Health Funerals in Inverclyde in the past three years, at an average cost of £527.70.
- 4.3 Where a person who is domiciled in Scotland dies without leaving a will and has no known and traceable blood relatives, spouse or civil partner who would be entitled by law to succeed to his/her property, or cohabitant who would be entitled to make a claim under section 29 of the Family Law (Scotland) Act 2006, then the property in their estate, both heritable and moveable, falls to the Crown as *ultimus haeres* (literally meaning Last Heir).
- 4.4 NUHU will make preliminary enquiries as regards a deceased's estate and where the estate is likely to be solvent but no relatives can be traced the Unit will pass information regarding the estate to the office of the Queen's and Lord Treasurer's Remembrancer (QLTR) who will administer any estate which has fallen to the Crown as *ultimus haeres*. After the completion of these enquiries, the Council should be reimbursed for the funeral costs from the deceased's estate.

## 5.0 IMPLICATIONS

### 5.1 Finance

Wherever possible the costs of public health funerals are reclaimed from any residual estate.

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/(savings)

Cost Centre	Budget Heading	With effect from	Annual net impact £000	Virement From	Other Comments
N/A					

### 5.2 Legal

There are no legal implications.

### 5.3 Human Resources

This report does not impact on Human Resources.

## 5.4 Equalities

Has an Equality Impact Assessment been carried out?

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YES (see attached appendix)

X
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NO - This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

## 5.5 Repopulation

There are no implications for repopulation.

## 6.0 CONSULTATIONS

6.1 N/A.

## 7.0 BACKGROUND PAPERS

7.1 There are no background papers.