

Citizen Participation and Public Petitions Committee

6th Meeting, 2023 (Session 6), Wednesday
19 April 2023

PE1941: Stop the destruction of headstones within community cemeteries

Petitioner	Cllr Andrew Stuart Wood
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to monitor and regulate actions taken by Local Authorities when undertaking their statutory duty of ensuring Health & Safety within our cemeteries.
Webpage	https://petitions.parliament.scot/petitions/PE1941

Introduction

1. The Committee last considered this petition at its meeting on [8 February 2023](#). At that meeting, the Committee took evidence from Councillor Andrew Stuart Wood, Dumfries and Galloway Council, and Desmond Barr, Friends of Hawkhead Cemetery.
2. The Committee agreed to consider the evidence heard at a future meeting.
3. The petition summary can be found at **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

Action

7. The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE1941: Stop the destruction of headstones within community cemeteries

Petitioner

Cllr Andrew Stuart Wood

Date lodged

30 May 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to monitor and regulate actions taken by Local Authorities when undertaking their statutory duty of ensuring Health & Safety within our cemeteries.

Previous action

Oliver Mundell MSP has been contacted. We have also highlighted the overzealous actions taken by sub contractors acting on behalf of our Local Authority. We have brought this destruction to the attention of the Ombudsman and lodged small claims seeking the cost of repair and reinstatement of damaged headstones.

Background information

As an elected member to the local authority, I have been approached by many family members regarding headstones that have now been dismantled and either left lying on the ground or dug into the lair, leaving many names unreadable and exposed to erosion from the grounds' moisture. I have challenged the council officers, who claim that this is Scottish Government policy that they are carrying out. I am now told the council intends to continue with the unlawful destruction of headstones within a B-listed cemetery without planning consent, community consent, and family members' consent, all of which is emotionally distressing for the 14 families affected.

The Scottish Government should ensure a properly funded maintenance and repair policy is in place and is carried out instead of the present destruction of headstones left lying on the ground or dug into the lair.

Annexe B

Extract from the Official Report of last consideration of PE1896 on 8th February 2023

The Convener: That brings us to item 3, which is consideration of continued petitions. We have two continued petitions on which we intend to hear evidence. The first is petition PE1941, on stopping destruction of headstones in community cemeteries, which was lodged by Councillor Andrew Stuart Wood. The petition calls on the Scottish Parliament to urge the Scottish Government to monitor and regulate actions that are taken by local authorities when undertaking their statutory duty of ensuring health and safety within our cemeteries.

We are joined this morning by the petitioner, Councillor Andrew Stuart Wood, and by Desmond Barr from the Friends of Hawkhead Cemetery. Good morning to you both. Thank you for coming to give us evidence on this petition. We are also joined by Paul O’Kane MSP, who will be sharing his comments and reflections once we have heard from our witnesses.

Members have a number of questions that they would like to explore. Is there anything either of you would like to say in advance of members kicking off, or are you happy for us just to move to questions?

Councillor Andrew Wood (Friends of Hawkhead Cemetery): I would just like to thank you for allowing the petition to come here and for asking to hear from us. I have in my possession photographs from which you can, if you would like me to share them with you, get a flavour of what has been happening. Is that acceptable, convener?

The Convener: Yes. Are the photographs in hard copy or digital?

Councillor Wood: Look at my age. [Laughter.]

The Convener: I assume that that is to suggest that they are hard copies, but I do not like to presume. If you could pass the photographs to the clerks, that would be helpful. We had a recent inquiry into natural woodlands, and photographs were very helpful to the committee in understanding the issue. Of course, sadly, we have all from time to time had to visit cemeteries, so we are from our own experience, aware of some of the issues.

I will ask a question to try to set the discussion in context. As I said, in the past few years we will all probably have had occasion to visit a cemetery, and not necessarily one with which we would be familiar. That said, I am familiar with the cemetery with which you are concerned. The natural question that occurred to me in visiting it on my own account is this: has this started to happen recently? I presume that maintenance of cemeteries and graveyards will historically have been an issue that has had to be handled and progressed. Is it the case that the golden age of established upright headstones was so long ago that the infrastructure of those headstones is now showing its age, and the headstones are sinking or falling? What

do you think has happened, in this context, to make the issue of greater public concern now than it has been?

Councillor Wood: I think that the issue stems from a knee-jerk reaction to the unfortunate death of a young lad in Glasgow. Following that, the Scottish Government put out very good guidance on health and safety in graveyards. Council budgets are squeezed so tight that they want to deal with the issue in the most cost-effective long-term way that will see as small a cost as possible being incurred. In doing that, Dumfries and Galloway Council, certainly initially, did not follow the Scottish Government guidance, which is why we are where we are.

The situation has been on-going for some 18 months. I put forward a motion to Dumfries and Galloway Council at one of its full council meetings and we got a respite, during which the council went back to look at what it was doing right and what it was doing wrong. It took on board everything that I said about the guidance that was set out and has made some improvements. However, as I say, now, 18 months after the situation began, it is talking about resuming working as it was before.

The Scottish Government guidance clearly states that every headstone should be treated individually and should have its own file. However, to date that has not happened. We are concerned about the contractor that is undertaking the work and about the training and certification of competence to carry out that work. My sources tell me that certification is in-house and is not a nationally recognised accreditation.

That just gives you a—

The Convener: That does not explain to me how stones and lairs were maintained historically. What has changed? Have family lines simply run out, or are people now much more transient and have moved away, so there is nobody left to accept responsibility for such things? Is it that families have inherited the responsibility for maintenance of headstones, which is now quite a costly exercise? I understand that there was a fatality, but was that the first time that that had happened? Had headstones not been toppling over before that, or was it that there was a fatality that brought it forward as something that is of considerable public concern, which led the Government to introduce regulations?

Councillor Wood: Yes—it was because there was a fatality. Subsequently, the Government brought forward guidance and wanted action to be taken by local authorities. That is what has happened. To date, all the owners of lairs have assumed that their headstones were in fit order and saw no reason to doubt the quality of the structure. A lot of the headstones that have been dismantled have been dismantled for no just cause because modern headstones have, I think, 9-inch pins that go from the base up into the headstone. There is no way that they can fall over: that is the view of a recognised undertaker.

The Convener: Are those steel rods?

Councillor Wood: Yes.

That leads me to the other part of the issue. Dumfries and Galloway Council removed headstones and left the steel rods sticking up, even though the measures are supposed to be to do with health and safety. I brought that issue to the attention of the council, which then cut the steel rods off, which means that, if somebody wants to put the headstone back correctly, there will be an additional cost. If the council had been smart, it would have assessed the cost of maintenance of headstones and would have found that there would have been very little additional cost in making things right by lifting a headstone off and using sealant to secure it and stop it wobbling.

The Convener: What should be the main consideration for a local authority in considering whether memorials are safe? What should be the criteria based on which they set that standard?

Councillor Wood: Consideration should be exactly as the Scottish Government guidance sets out. A professional person should undertake the test from the word go. If a flaw or fault is identified, that should be brought to the attention of the lair owner—if the lair owner can be found because, as you rightly pointed out, some are no longer known. Dumfries and Galloway Council could also have consulted community councils, which know many of the families within their areas, but it did not. It could also have contacted elected members, but it never bothered to do that, either.

The Convener: Forgive me—I do not know a lot about this—but is a routine test done? Is there an inspection?

Councillor Wood: Yes—although I do not, to be fair, know what the routine is.

The Convener: So, it is not done by exception; a cemetery would be assessed by somebody who goes around and identifies issues. In some cases, it seems that a blanket approach has been taken and they have just knocked all the headstones flat. However, it should be that the council establishes, on a bespoke basis, what is necessary on a particular plot.

Councillor Wood: You are absolutely correct.

David Torrance (Kirkcaldy) (SNP): Good morning, everyone. Councils have various ways of dealing with unsafe memorials. What good practice would you like to see from councils?

Councillor Wood: I would like to see proper auditing. I would like an independent auditor to check that local authorities have followed the guidance that the Government has set out. I would also like proper monitoring of the policies of every local authority. Furthermore, because of the damage that has taken place to date, I ask for the restoration of all works done to date, because the guidance has clearly not been followed. People have breached a B-listed cemetery by going into it without having permission from their own planning department. I find that to be totally unacceptable.

The Convener: Maybe Desmond Barr would like to say something. I apologise for not bringing you in sooner. Please just flag up at any time that you want to contribute.

Desmond Barr (Friends of Hawkhead Cemetery): Thanks very much, convener. I, too, thank the committee for allowing us to be here to speak about the subject.

Renfrewshire Council's overall view is very much in line with the guidelines that were produced. They were in the first instance produced on the recommendation of the sheriff who held the fatal accident inquiry. As Andrew Stuart Wood has said, one of the recommendations was that the Scottish Government should produce guidelines.

Renfrewshire Council put a lot of consideration into what would happen and how it would monitor the situation with regard to headstones. It put in a five-year rolling programme, which continues to this day—it started in 2020. Obviously, we then went into the pandemic and the programme was suspended. The programme was started again on a smaller scale probably around 18 months ago, and has now rolled fairly rapidly around all nine cemeteries that Renfrewshire Council is responsible for—not just Hawkhead cemetery—and other burial grounds.

Our biggest concern is about anxiety, anguish and distress—people have used many adjectives to describe their feelings to me. It is most distressing for people to turn up to visit a grave and see the headstone lying flat. People simply cannot believe that that has happened to a member of their family and they have not had any direct communication from the council.

Signs are placed within the cemetery, but none of the signs has been permanent. They are A-boards that the council tends to move around. There are a couple of them at the entrance to the cemetery. However, anybody who knows Hawkhead cemetery knows that, if you are driving in, you have to drive in immediately and go past everything because the road is busy. Communication should definitely be considered.

When work has been completed, the grave is staked. There is an advisory notice to say that the headstone has had work carried out on it to review safety. If the headstone has been dropped, there will be a second advisory notice to say that it had to come down because it was unsafe.

We would like a first advisory notice that is a stake in the ground at the headstone with a notice that says that the site will be subject to review in the next six weeks, for example. That would give people the opportunity to get in touch with the council or their own memorial mason to see whether work is required, rather than the headstone being dropped and them being distressed.

David Torrance: On the point about communication, surely there must be records of the people who have the plots whom the council could contact.

Desmond Barr: In its recommendation to the policy board, Renfrewshire Council stated clearly that it is not able to contact the current lair holders. I can probably accept that in terms of going back in time; the cemetery opened in 1891, so we accept that there will be no record of the holder in most cases. However, the modern-day records exist. Renfrewshire Council should be praised for the fact that it maintains them. The biggest concern relates to not using them. If somebody's parent died when they were young and they are now in their 60s or 70s, we accept that the

lair will be around 70 years old. However, people have come to us with cases in which the lair is only 12 years old. It is clear, as Andrew Stuart Wood has said, that that work was not completed properly.

We have written to the council again to ask it more about prevention and about whether trading standards officers are monitoring new headstones and are monitoring the work that has been done. Obviously, people are now encountering quite high costs—it costs £600 and upwards for a headstone to be put up.

Councillor Wood: A lot of records relating to headstones and ownership can be found with undertakers and stonemasons. Councils also have records. There is no lack of records. Some headstones go back to the 18th and 19th centuries, however, so it is clear that it is difficult to get records for them.

I will pick up on what Desmond Barr said about communication. There were two headstones on the graves of veterans in the Sanquhar graveyard. They have been restored because people are not supposed to touch or damage them in any way. However, the council did not even bother to contact the Commonwealth War Graves Commission about that. That was another failing on its part.

I emphasise that this is not just about the Sanquhar graveyard. I am here because, since I started on the issue, I have been contacted by people from throughout Scotland. I have heard about the same destruction taking place in either Orkney or Shetland, but the council there quite rightly restored the damage that had been done.

I think that one of the photos that has gone around the committee—the photocopied one—shows a graveyard in Peebles that a chap from Peebles contacted me about. All the headstones were made out of sandstone. As most members will know, if sandstone is left lying on the ground with water sitting in all the inscribing, frost will blow the inscribing. It defaces everything.

The Convener: The committee considered having the Convention of Scottish Local Authorities with us this morning. However, we will probably ask it to respond to issues that arise from the petition.

David Torrance: The practices of laying headstones down flat and digging trenches around them have been heavily criticised. Is it feasible to ban or restrict those practices?

Councillor Wood: I am sorry, but I missed that.

David Torrance: Is it feasible to ban or restrict the practices of laying headstones down flat and digging trenches around them?

Councillor Wood: I see no reason why not, if that is the policy. There could be alteration of the Scottish Government's guidance. It could state quite clearly that it does not want headstones to be destroyed in any manner.

The Convener: I suppose that there could be a dangerous headstone. Depending on the complexity or style of the particular memorial, it could be dangerous. Dealing with it could also be a very costly undertaking and not necessarily something that the council will immediately think it can accommodate.

Councillor Wood: I will let Desmond Barr in. I will come in after him.

Desmond Barr: This all results from the death in Craigton cemetery. That incident involved a headstone that was just under 7 feet tall and weighed 2.5 tonnes. I am not talking about a normal headstone that we would see in a more modern cemetery. I accept that there are some large and very heavy stones in Hawkhead cemetery—I think that they would probably be considered to be memorials as opposed to headstones. Renfrewshire Council has a separate contractor for dealing with them; that has not been undertaken yet. The idea that headstones that are 2 feet high are being knocked down is—

The Convener: Can I cut in? In part, your concern is that a policy that was established as a consequence of a fatality from a headstone memorial that was some 7 feet tall and of heavy construction has led to regulations being applied now to much smaller and, frankly, less dangerous headstones, and in a highly destructive way without notice. That is causing distress and is causing sometimes irreparable damage to the stones themselves.

Alexander Stewart (Mid Scotland and Fife) (Con): The witnesses have made some very valid points about where we are and how we have ended up in this situation. It is primarily health and safety considerations that have created this situation.

There are guidelines and standards, but what are your views on the Scottish Government introducing a national standard to ensure that processes are followed and that there is communication with families who have memorials? As you have explained, standards have been in place for one type of headstone, but they are now being used for something very different. If a national standard was introduced, would that be of benefit in resolving some of these situations?

Councillor Wood: Yes, that would be of great assistance. I want to make a point—this goes back to what the convener was talking about—about restoration of dangerous headstones. Councils also have to deal with dangerous buildings; they have a statutory obligation to ensure that buildings are safe. The same should apply to large memorials. I have a large memorial in my ward—the Grierson of Lag memorial—and I have been on to the council to repair it. I would classify it as being extremely dangerous, but the council has gone ahead and taken down gravestones that might not be much more than 10 years old.

Alexander Stewart: That is the issue. There are historical headstones that have stayed where they are for generations; there has been very little movement in any way, shape or form. However, there are more modern ones that are much more at risk of being targeted and knocked down. That becomes a problem.

Councillor Wood: There is also a commercial issue. If a contractor is going into a graveyard and is getting paid per headstone, what do you think the contractor might do? I will leave that in your hands.

Alexander Stewart: I go back to my original question about the Scottish Government introducing a national standard to try to placate people about some working practices. As you have identified, this is taking place not just within your

council area but across a number of graveyards in various locations at different times.

Councillor Wood: I do not know what Desmond Barr's position is, but I totally agree that there should be a national standard. I am asking for a halt to all such works and that, as an interim measure, headstones that appear to be unsafe should just be staked.

Desmond Barr: I printed out a summary of the replies from local authorities that you posted. A number of local authorities do not lie headstones flat on the ground. I think that two local authorities have suspended all works, as Andrew Stuart Wood has asked for, because of the distress that has been caused. After two years, we might have looked at the ones that could cause most danger. Renfrewshire Council has looked at the bigger headstones that might have been a danger if they fell. It is not for anybody to say, "We'll not classify that as a danger," but reason should be applied.

We endorse what has been suggested. The scheme should certainly be suspended until such time as the committee or Parliament has had a chance to review the guidance. We are two years down the line; I do not think that anybody realised what would happen and the distress that would be caused.

The Convener: Thank you for the photographs that you have given us. One shows a very good example of trenching, with a headstone literally having been halved. In essence, a hole has been dug, the stone has been inserted in that hole and all the details on the stone of the recently deceased person are buried beneath the ground—along with, unfortunately, the deceased—so one no longer has any idea whom the stone is commemorating. It looks quite crass.

Carol Mochan: I am interested in whether the witnesses have specific recommendations from the groups to which they have spoken. Are there two or three specific points that everybody agrees would be helpful?

Desmond Barr: In the first instance, there should be better communication. I am thinking about the person who turns up and sees a headstone laid flat. We accept that there are signs up but, as with everything in life, people think that they apply to somebody else; they do not think that they apply to them because they are there every week or every month and see the headstone standing.

We accept that some headstones might be cause for concern and that health and safety policies are necessary. We do not want to kid on that there are no issues, but prevention is probably the biggest issue. In relation to communication, it is important that we utilise the records that we have, especially when they are up to date, and that we invite people to ensure that the records are as accurate as possible.

Councillor Wood: A constituent of mine asked why, when headstones are erected, a plan is not put in place whereby the family continues to contribute a set amount for maintenance of the headstone. Another suggestion was that people could take out insurance on a headstone so that, if it had to be repaired, the insurer would pick up the tab. There are lots of options.

David Torrance: I am looking at the size of the metal rods in the pictures. Mr Barr, how hard would it be for a headstone to fall over if the rods had been inserted but the cement base had still gone round a bit?

Desmond Barr: The straightforward answer is that we look fortnightly at maintenance of the cemetery in relation to grass cutting, for example. Most of that is now done by vehicular machinery. There is quite a considerable amount of movement across the ground, and the headstones are standing after that. We have questioned the design of the headstones. Andrew Stuart Wood touched on that. At the weekend, somebody said that they had gone back to their monumental mason after 12 years to say, "This was never constructed properly."

On the question about the effectiveness of the rods and the concrete that is used to secure them, that goes back to the local authority in relation to trading standards. There are a number of issues. It is not just that the headstone might be old; it might not have been put together properly in the first place. I hope that that answers your question. There are, obviously, other issues, but I do not think that it would be easy for a headstone to fall over if someone walked by it, brushed by it or fell on it.

David Torrance: It looks as though you would have to physically lift it out for it to come out. That is what I was trying to get at.

The Convener: Fergus Ewing, do you have any questions that you want to ask?

Fergus Ewing (Inverness and Nairn) (SNP): I do not, at the moment.

The Convener: Paul O'Kane, would you like to comment on what we have heard this morning?

Paul O'Kane (West Scotland) (Lab): Thank you, convener. I am very grateful to the committee for permitting me to attend this morning.

I have an interest in the matter as a result of meeting Mr Barr, who is a constituent, and taking some time to tour Hawkhead cemetery with him. I have seen at first hand the impact that the policy has had on many of the graves of people whose families are still living and visit the cemetery regularly. I am also very conscious of the work of "friends of" groups that care for cemeteries, which are, of course, very important places for people who have been bereaved.

From my 10 years as a local councillor, I am very aware of the challenges that Councillor Wood outlined. On the whole, councils are genuinely concerned about upkeep of our burial grounds and cemeteries to ensure that they are respectful and dignified places in which we can take pride.

However, councils have also been very conscious of the health and safety implications that arose from the tragic fatality at Craigton cemetery in Glasgow, although I feel that a blanket approach, rather than a more nuanced approach, has been taken. Councils are very keen to comply with guidance that is issued by the Government.

Councils are required to ensure that they stress test and monitor headstones, but the challenge for them often relates to finance. It can be very difficult for local authorities

to maintain the standards that we would expect in cemeteries without additional burdens being placed on them, given the local government financial settlement.

I recognise much of what the petitioners have said about the blanket approach of laying stones on the ground not being the best way to proceed. That can lead to bereaved families coming to a grave and finding that their stone has been lowered. There is a lack of communication, and communities in different areas interpret the guidance in different ways. That causes great distress.

It is clear to me that there is a cost impact, so we have to look at how we properly fund local government to do the more detailed and considered work that Mr Torrance referred to.

From a public health angle, I asked Maree Todd, the Minister for Public Health, Women's Health and Sport, in a written question, whether there was any intention to provide a fund for local authorities to access in order that they can deliver what Mr Barr described as a rolling programme of making historical stones and larger stones safe. Unfortunately, the Government said in its response that there are no plans to provide such a fund. That might be useful information for the committee.

I am concerned that the issue is not just for local authorities. We have a number of private cemeteries in Scotland. Across the country, the Roman Catholic Church, the Jewish community and the Muslim community maintain their own cemeteries. For example, St Conval's cemetery in Barrhead—one of the largest Catholic cemeteries in the country—is in my region. There might be cost implications, so we have to consider how the costs will be borne not only by local authorities but by religious groups.

If the Government wants councils to meet their obligations, it needs to be clearer about what the national standards should be. It is clear that the current blanket approach is not working. The Government has to provide funding for councils to maintain our cemeteries with the dignity and respect that we would all hope for.

The Convener: The evidence session has been very helpful. Are colleagues content for us to reflect on the evidence that we have heard and consider it at a future meeting of the committee?

Members *indicated agreement.*

The Convener: I thank both witnesses very much for taking the time to join us this morning. Your evidence has been very helpful for our consideration of the petition. I also thank Paul O'Kane for joining us.

Councillor Wood: Can I ask that I get the photos back, if you do not mind?

I will make a final point. This is a very emotional issue for families, but it also reflects on Scotland as a nation. Do we want to lose our heritage, our history and our culture by damaging such places? There are also what I believe are called graveyard warriors, who come from abroad to find their families in Scotland. I do not want that to be lost, and I am sure that you do not want that, either.

The Convener: Thank you very much. I will now suspend the meeting.