

**Policy and Resources Committee
Monday, 13 November 2023**

PART I

**Exclusive Rights of Burial Extension Policy
(DCES)**

1 Summary

- 1.1 To introduce a new policy to allow for the extension of the Exclusive Right of Burial for a further 50 years, once the original 100-year Exclusive Right of Burial has lapsed.

2 Details

- 2.1 Currently, when a burial takes place an Exclusive Right of Burial (ERoB) is issued to a family member for a 100-year lease, which gives them the right to be buried in that plot, if there is a space, or to place a memorial.
- 2.2 At the current time, once the 100 years has lapsed there is no policy to cover any form of extension.
- 2.3 Once the 100 years has lapsed the ownership and responsibility of the grave passes back to the Council. The Council is then responsible for ensuring the safety of any memorial, including the costs of any work needed to make memorials safe.
- 2.4 Once the last ERoB issued in the relevant cemetery has lapsed the Council could reuse the land. However, clearly this is a sensitive issue.
- 2.5 At Chorleywood Road cemetery (which is closed for new ERoB, however internments can still take place if there is space in existing graves) the last ERoB was issued in 1994 and therefore in 2094 this land would, in the absence of a new extension policy, revert to the Council at that time. Chorleywood Road has a total of 4,590 used plots.
- 2.6 Woodcock Hill cemetery is the cemetery the Council currently uses for new internments. The first ERoB was issued in 1951, but obviously at this point there is no way of knowing when the last 100 lease ERoB will be issued. Woodcock Hill has a total of 5,396 plots, of which 3,259 have been used, with 2,137 remaining across the various sections.
- 2.7 The Council has recently received an enquiry from a grave owner whose ERoB, at Chorleywood Road, lapses this year and who would like to extend the lease. Therefore, a ERoB extension policy and relating fees needs to be considered by Members.

3 Options and Reasons for Recommendations

- 3.1 It is proposed that a 50-year extension to the ERoB is approved. This will allow families who wish to extend their ERoB to do so, and also encourage other families to keep a vested interest in their graves.

3.2 If the 50-year extension is agreed the EROB Deed (Appendix A) would be issued accordingly.

3.3 It is proposed that the fee for the 50-year extension is set annually through the fees and charges budget setting process, at 50% of the full EROB resident fee at the time it is required. It is not proposed to have a different price for non-residents for the extension. This is to encourage families to extend the EROB and take on-going responsibility for their grave.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are not within the Council's agreed policy and budgets as they constitute a new policy.

5 Financial Implications

5.1 Given EROB expire at different times throughout the year and across many different years it is difficult to predict how much income this will generate and if it will make a substantial difference to budgets at any given time. Budgets will be monitored via the budget monitoring process.

6 Equal Opportunities Implications

6.1 A short Impact Assessment was carried out and established that a full EIA is not required.

7 Staffing Implications / Environmental Implications / Community Safety Implications / Public Health Implications / Customer Service Centre Implications / Communications and Website Implications / Legal Implications

7.1 None specific

8 Risk and Health & Safety Implications

8.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

8.2 The subject of this report is covered by the Community Services service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
The Council becomes responsible for safety and maintenance of graves and	There is a cost implication to the Council in maintaining graves and memorials to	By extending the EROB more grave owners will be responsible	Treat – by agreeing the recommendations. And by carrying out Memorial	8

memorials once the ERoB lapses	ensure they are safe.	for graves. Memorial testing needs to be undertaken for any graves where ownership has reverted to the Council.	testing.	
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8.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
Impact Low -----▶ Unacceptable				

Impact Score

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 (Remote (≤5%))

8.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

9 Recommendation

9.1 That a 50-year extension to the ERoB is approved and that a Deed would be issued accordingly.

9.2 That the fee for the 50-year extension is set annually through the fees and charges budget setting process, at 50% of the full ERoB resident fee, at the time it is required.

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APPENDICES / ATTACHMENTS

Appendix A – Exclusive Right of Burial