
Subject:	EXCLUSIVE RIGHT OF BURIAL
Meeting and Date:	Cabinet – 4 December 2023
Report of:	Roger Walton, Strategic Director (Place and Environment)
Portfolio Holder:	Councillor Charlotte Zosseder, Portfolio Holder for Community and Corporate Property
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report:	To seek approval for a reduction in the period for which Exclusive Right of Burial is granted at Council-owned cemeteries.
Recommendation:	To change the period for Exclusive Right of Burial from 100 to 50 years.

1. Summary

- 1.1 The Council currently offers Exclusive Right of Burial for a period of 100 years in graves at DDC-owned cemeteries. This is the maximum period as set out in legislation, but many authorities offer a shorter period. It is proposed that the number of years be reduced to a period more closely aligned with that used in neighbouring authorities.

2. Introduction and Background

- 2.1 By virtue of section 214 of the Local Government Act 1972, district councils are defined as burial authorities. The Act confers a power (but not a duty) to provide cemeteries either within or outside of the district. Where councils do provide cemeteries, management is governed by the Local Authorities' Cemeteries Order 1977 ("the Order").
- 2.2 Article 10 of the Order allows Councils to grant exclusive rights of burial, up to a maximum of 100 years. Under Dover District Council's current arrangements, a Deed of Grant of Exclusive Right of Burial ("ERB") can be purchased at the time of burial, or later, for a period of 100 years.
- 2.3 Cemetery space is limited, particularly in the Dover urban area, therefore consideration should be given to changing practices, where possible, to make best use of the existing provision. In the past people have purchased ERB in Council-owned cemeteries, then they or their beneficiaries have moved away from the area, without providing the Council with a forwarding address. This has resulted in valuable burial spaces remaining unusable for an excessive period of time.
- 2.4 It proposed that ERB be reduced to a period of 50 years. At the end of that time the owner or their beneficiaries, if they can be contacted, would be offered a further 50 years. For context, Canterbury City Council offers 50 years of ERB, while Thanet District Council offers 50 or 75 years, Gravesham offers 60 years and Folkestone and Hythe Council offers 100 years.
- 2.5 In the past, residents were able to pre-purchase ERB in empty graves. Pre-purchase requests are still received, even though this service ceased more than 15 years ago. No further change is recommended. On a few occasions, owners who no longer wish to use their pre-purchased empty space have sold it back to the Council for the original

sum paid. But, overall, pre-purchasing resulted in a higher proportion of graves remaining unused.

3. Identification of Options

- 3.1 Option 1: The Deed of Grant of Exclusive Right of Burial to be reduced to 50 years with an option to renew after 50 years. This would only be applied to new plots sold.
- 3.2 Option 2: No change and the Deed of Grant of Exclusive Right of Burial would remain at 100 years.

4. Evaluation of Options

- 4.1 Option 1: This is the preferred option because it would enable better use of existing cemetery provision.
- 4.2 Option 2: This is not recommended because valuable grave space will continue to be left unused for 100 years.

5. Resource Implications

- 5.1 If Option 1 is selected the Council will be able to make better use of existing resources, without incurring any additional expense.

6. Climate Change and Environmental Implications

- 6.1 If Option 1 is selected the Council will be able to make better use of existing resources. Where possible cemeteries are managed in a way that balances maintaining access for relatives with promoting biodiversity and moderating the use of fuel for mowing.

7. Corporate Implications

- 7.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted and has no further comments. (JS)
- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 7.3 Comment from the Equalities Officer: This report seeking approval for a reduction in the period for which Exclusive Right of Burial is granted at Council owned cemeteries, does not specifically highlight any equality implications. However in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>
- 7.4 Other Officers (as appropriate):

8. Background Papers

Burial records

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