

**CHIGWELL PARISH COUNCIL
FULL COUNCIL OFFICER REPORT
CREMATED REMAINS PLOT RENEWALS AND EXPIRED EXCLUSIVE RIGHTS OF BURIAL**

Date: 24 September 2026

Purpose of Report

To update Members on the ongoing cemetery records review and digitisation project, advise on issues arising from historic expired Exclusive Rights of Burial, outline professional advice received from the Institute of Cemetery and Crematorium Management (ICCM), and seek Council approval of a formal policy position to ensure a fair, consistent and legally robust approach to future cases.

Background

Members will recall that significant work is currently underway to implement the recommendations arising from the Cemetery Audit undertaken in October 2025.

Following my appointment as Clerk, a Cemetery Action Plan was developed to address the audit findings through a structured programme of improvements. A key element of this work involves reviewing historic cemetery records and transferring legacy information to the Council's cemetery management system.

This process includes the verification of burial registers, ownership records, cemetery deeds and Exclusive Rights of Burial documentation. Whilst progressing this work, officers have identified a number of historic issues and inconsistencies which pre-date the Council's recently adopted Cemetery Regulations and administrative procedures.

The overall objective remains to ensure that cemetery records are accurate, complete and capable of being managed efficiently and transparently in the future.

Current Position

During the review, officers identified two cremated remains plots where the Exclusive Rights of Burial had expired and had not been renewed.

In one case, the rights expired approximately one year ago and, in the second case, approximately two years ago.

Under normal circumstances, once Exclusive Rights of Burial expire, ownership of the plot automatically reverts to the Burial Authority. In both cases, no action had been taken by the Council to reclaim the plots and no further interments had taken place.

Recognising the sensitive nature of these matters, officers chose not to exercise the Council's rights immediately. Instead, the registered owners were contacted and invited to renew the Exclusive Rights of Burial for a further period.

The intention was to adopt a practical and compassionate approach which sought to preserve families' rights wherever possible rather than relying solely upon the Council's legal entitlement to reclaim the plots.

Complaints Received

Both owners subsequently submitted complaints on the basis that they had not been contacted prior to the expiry of the Exclusive Rights of Burial and therefore believed renewal fees should not apply.

A considerable amount of officer time has been spent investigating and responding to these complaints.

In seeking to protect the interests of the plot owners, officers have adopted a flexible approach whereby any renewed term would commence from the date of renewal rather than being backdated to the date the rights originally expired.

Consequently, in the case where rights expired two years ago, the owner has effectively retained the benefit of those rights for an additional two-year period without charge.

Officers considered this to be a fair and proportionate means of balancing the interests of the Council with those of the rights holder whilst preserving the opportunity for families to retain ownership.

Professional Advice Received

Given the complexity of the issues identified through the cemetery records review and the Council's desire to ensure its approach aligns with recognised best practice, advice was sought from the Institute of Cemetery and Crematorium Management (ICCM), the professional body for the cemetery sector and the organisation that undertook the Council's Cemetery Audit.

The Clerk discussed the matter directly with the ICCM Managing Director and sought advice on:

- Whether the Council's current approach is reasonable and proportionate.
- Best practice where Exclusive Rights of Burial have expired but plots have not yet been reclaimed by the Burial Authority.
- How other burial authorities administer similar situations.
- Whether renewal fees should be waived where no reminder was issued prior to expiry.
- How burial authorities can balance fairness, consistency and effective cemetery management.

The advice received was clear.

The ICCM confirmed that responsibility for monitoring the expiry date of an Exclusive Right of Burial and applying for any extension or renewal rests solely with the registered owner of those rights and not with the Burial Authority.

The ICCM further advised that there is no legal requirement for a burial authority to notify owners that Exclusive Rights of Burial are approaching expiry, nor is there any obligation to contact owners after the rights have expired. Upon expiry, the rights lapse and the grave space may revert to the Burial Authority in accordance with the relevant legislation and cemetery regulations.

The ICCM advised that Chigwell Parish Council's current practice exceeds the standard expectations placed upon a burial authority. By proactively identifying expired rights and seeking to contact owners before exercising the Council's entitlement to reclaim plots, officers are providing a discretionary service intended to assist families and preserve ownership wherever possible.

The ICCM's view was that the Council's current approach is fair, proportionate, compassionate and capable of withstanding scrutiny. The ICCM also advised that there would be no expectation for renewal fees to be waived solely because a reminder was not issued prior to the expiry of the rights.

Future Management

The primary objective of officers remains to assist families in retaining Exclusive Rights of Burial wherever reasonably practicable whilst ensuring the Cemetery is administered fairly, consistently and in accordance with the Council's adopted regulations.

Members should note that responsibility for monitoring and renewing Exclusive Rights of Burial remains with the registered owner. However, where officers identify expired or expiring rights through the ongoing cemetery records review and digitisation programme, reasonable efforts will continue to be made to contact owners or their successors and provide an opportunity to renew those rights before any plot is formally returned to Council ownership.

This approach is not a statutory requirement but represents an enhanced level of customer service which officers believe is appropriate, proportionate and in the interests of residents. The continued review and digitisation of cemetery records will also improve the Council's ability to identify ownership issues at an early stage and reduce the likelihood of similar situations arising in the future.

Officer Recommendation

Having considered the professional advice received from the ICCM and the Council's commitment to supporting bereaved families wherever possible, officers recommend that Full Council formally adopts the current approach as the Council's policy position.

The proposed policy recognises that responsibility for maintaining and renewing Exclusive Rights of Burial rests with the rights holder and not the Council. At the same time, it formalises the Council's commitment, where reasonably practicable, to contact owners whose rights have expired and provide an opportunity to renew before the Council exercises its entitlement to reclaim the plot.

Officers consider that this approach strikes an appropriate balance between legal compliance, consistency, customer service and the efficient management of cemetery records, whilst ensuring all plot owners are treated fairly and in accordance with the Council's adopted fees and charges.

Suggested Cemetery Regulation Wording

Renewal of Exclusive Rights of Burial

The responsibility for monitoring the expiry date of an Exclusive Right of Burial and applying for any extension or renewal rests solely with the registered owner of those rights.

Chigwell Parish Council, as Burial Authority, is under no obligation to issue reminders, notifications or correspondence regarding the impending expiry or expiry of Exclusive Rights of Burial.

Where reasonably practicable, the Council may, at its absolute discretion, seek to contact owners of expired or expiring rights and provide an opportunity to renew those rights. Such contact is undertaken as a goodwill measure and an enhanced customer service provision only and shall not create any expectation, entitlement or obligation on the Council to issue reminders in any individual case.

Upon expiry, Exclusive Rights of Burial may revert to the Council in accordance with the relevant legislation and the Council's Cemetery Regulations.

Any renewal shall be granted from the date of renewal and shall be subject to the Council's approved Fees and Charges Schedule in force at the time the renewal is processed.

Prepared by:

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Clerk and Proper Officer