

CHIGWELL PARISH COUNCIL

REPORT TO FULL COUNCIL- CEMETERY MATTERS: REFUND OF RESERVED GRAVE PURCHASE AND REVIEW OF CEMETERY REGULATIONS

Following a recommendation from officers, the Finance and Governance Committee resolved to approve a refund relating to a previously purchased lawn grave held in reserve. To protect the identity of the owner, the grave is identified within this report only as Grave 1420.

The original purchase price of the reserved grave was £430. In accordance with the Committee's decision, an administration fee of £95 was retained to cover the costs incurred by the Council in processing the original purchase and subsequent refund request. The remaining £335 has now been refunded to the purchaser. As a result, Grave 1420 has reverted to Council stock and is now available for resale at the Council's prevailing cemetery fees and charges.

Members are asked to note that the refund has been completed and that the grave is available for future allocation.

Policy Considerations

This case has highlighted a wider issue regarding the purchase of graves in reserve and subsequent requests for refunds. The Council's current Cemetery Regulations do not specifically address the circumstances under which reserved graves may be surrendered back to the Council or whether refunds should be permitted.

Whilst each case submitted to date has been considered on its individual merits, officers have identified a potential financial and governance risk arising from the absence of a clear policy position. Where graves are purchased in reserve and the income generated from those sales is subsequently incorporated into the Council's budgets or expenditure plans, a later request for a refund may create an unplanned financial liability. In practice, this would require the Council either to maintain sufficient reserves to meet potential future refund requests or risk having to identify alternative funding sources should refunds be approved.

Although the sums involved in some cases may be relatively modest, certain grave purchases can amount to several thousand pounds. The Council has also received three requests for buy-back or refund arrangements in recent months. Whilst the circumstances of each request were different and have been considered on their own merits, the frequency of such requests demonstrates the need for a clear and consistent policy framework.

Review of Cemetery Regulations

In accordance with Appendix 8, members are requested to consider a further recommendation that the Cemetery Regulations be updated and maintained as a live, version-controlled document, with all amendments remaining subject to Full Council

approval prior to implementation. The updated regulations would be publicly available to ensure transparency and clarity for residents.

Officer recommendation is that, subject to legal review and member approval, the revised regulations should state that grave spaces purchased in reserve are generally non-refundable once the Exclusive Right of Burial has been granted, except where the Council is required to act otherwise by law or where exceptional circumstances are approved by the Council in accordance with its adopted policy.

As an alternative to refunds, members may wish to consider permitting the transfer of burial rights to another eligible person, subject to the completion of the appropriate legal documentation and any applicable administrative fees. This approach would provide flexibility for grave owners whose circumstances change, whilst reducing the Council's exposure to financial risk and ensuring consistency in the management of cemetery assets.

Recommendation

Members are requested to:

1. Note the refund of £335 in respect of Grave 1420 and the retention of a £95 administration fee.
2. Note that Grave 1420 has been returned to Council stock and is now available for resale at current fees.
3. Consider the proposed amendments to the Cemetery Regulations as set out in Appendix 8.
4. Support the introduction of a policy whereby reserved graves are generally non-refundable, save where required by law or approved in exceptional circumstances.
5. Consider permitting the transfer of burial rights, subject to the necessary legal processes, as an alternative to future refund requests.

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