

REPORT TO ASSETS AND OPERATIONS COMMITTEE SURRENDER OF BURIAL RIGHTS POLICY

Report Reference A-20-08
Meeting Date 8th March 2021
Agenda Item 7
Prepared by Town Clerk



1.0 INTRODUCTION

1.1 PURPOSE OF REPORT

The Town Council has received a request to surrender burial rights to an unused grave. The council does not have a policy on this and is asked to set one to enable officers to respond to the customer.

This report contains four policy options for consideration.

1.2 BACKGROUND

Burial rights are held for a period of 99 years, during this time the holder has certain rights for a specific plot, namely, to use it for burial and to apply to install and maintain a memorial. In the event a right is unused for a period of 75 years there is a process through which the council can extinguish the rights to enable it to grant the rights to another.

During this period, the rights can be transferred to another by assignment; this includes assigning the rights back to the council. There is an administration fee for processing all transfers of ownership.

The council currently has a burial supply to 2039¹.

The request received is from a customer who purchased rights from Orbitas when the cemetery was under the management of Cheshire East Council. For any surrender of rights before 1st January 2020, it will not have been the Town Council which received the fee and there is no mechanism to recover the cost of any refund from Cheshire East Council. Whilst it would effectively 'lose' the fee, it would recover this when the rights are eventually resold.

2.0 POLICY OPTIONS

There are four policy options for the surrender of burial rights.

Option A No Refund

Under this option the council would accept a surrender but not provide a refund.

¹ Figure from the Cheshire East Council Cemetery Strategy which set out burial provision at its cemeteries, 2018.

This may dissuade rights holders from surrendering an unwanted grave which would then be unavailable for resale for 75 years.

Option B Full Refund

Under this option the council would provide a full refund of the fee paid for the rights, less the council's administration fee.

Option C Refund % of unexpired term

Under this option the council would provide a refund of the relevant percentage of the unexpired term. For example, where a rights holder has 94 years remaining of a 99-year term, they would receive a 95% refund of the fees paid at purchase less the council's administration fee.

Option D Refund Scale

Under this option the council would provide a refund at fixed percentages based on the unexpired term as follows:

Term Left	Refund %
90-99 years	90%
75-90 years	75%
0-75 years	50%

This provides a simpler refund mechanic; any refund would be less the council's administration fee.

3.0 DECISION REQUIRED

The committee should determine its policy on refunds for the surrender of exclusive rights of burial at Knutsford cemetery.