

## HALLS, CEMETERIES & ALLOTMENTS



---

**Agenda Item:** Cemetery & Burial Regulations Review

**Meeting Date:** 17<sup>th</sup> of March 2025

**Contact Officer:** Operations Manager – Angus Whitburn

---

### Background

The cemetery regulations outline the processes and rules Witney Town Council follow as the Burial authority in Witney. These regulations are written in accordance with rules, acts and legislations for the management of burial grounds and guidance from The Institute of Cemetery and Crematorium Management.

Witney Town Council cemetery regulations were overhauled in July 2022. The large rework of the document and reaffirmation of rules, regulations and processes has helped to better manage the cemeteries, administration and management of contractors.

### Current Situation

The review of the cemetery regulations has mainly been limited to rewording and reformatting certain sections of the document so it can be better interpreted. However, 3 major additions and amendments have been made to the document as listed and explained below. The document still needs to undergo reformatting so it reads more coherently.

#### Proof of Identity and Address

This addition is a requirement to ensure the council doesn't face a legal challenge with the administration of its cemeteries. Those entering the offices should present identification with their applications so officers can be confident they are dealing with who is listed on the exclusive right of burial.

#### Transfers of Exclusive Rights of Burial

As the burial authority, the council has a responsibility to ensure all due diligence investigations have been carried out before transferring an EROB to a new grantee. Currently, some of that process is with undertakers and it has created issues when council officers have requested evidence to complete the transfer. To help this process and to ensure the council is meeting its responsibility as the burial authority in Witney all EROB transfers will be managed by the council.

#### Vaults

Historically the interment into vaults and construction of vaults has been the responsibility of the burial manager (usually an undertaker). However, breaching policy the council have reopened a vault, installed a vault liner and overseen the construction of a vault in the last 2 years. Each of these has been done against policy and has been completed by the council to ensure the family request is met.

With the knowledge gained by council officers and research into the process, we can now start managing vault interments and installations.

## **Impact Assessments**

The Town Council has a duty to consider the effects of its decisions, functions and activities on equality, biodiversity, and crime & disorder. Consideration should also be given to effects on the environment, given the Council's Climate Emergency declaration in 2019.

- a) Equality – The Cemeteries are options to all religious beliefs and burial practices found in Witney. My managing vault interment the council will be offering a service normally requested by the traveller community.
- b) Biodiversity – There is a wildflower meadow at Windrush Cemetary and the middle section of Tower Hill is on a rewilding maintenance programme.
- c) Crime & Disorder – Rules are in place at cemeteries and supported by signage. When any social behaviour or acts are reported council staff will forward these to the police.

## **Risk**

In decision making Councillors should give consideration to any risks to the Council and any action it can take to limit or negate its liability.

As the burial authority, the council has a duty to ensure it is managing its burial ground in line with acts, laws and legislation relating to burial grounds. The review of the Cemetery regulation has been made in line with these requirements.

The changes to the transfers of EROBs could cause complaints from undertakers, as the current process helps undertakers process a new EROB grantee quickly. However, they pressure council staff to process statutory declarations which should not be used, claiming deceased EROB holders left no will and there are no transfer rights of the EROB in existence.

## **Financial implications**

- There are no additional financial implications to the council from the review of the Cemetery regulations.

## **Recommendations**

Member are invited to note the report and

1. Approve the reviewed cemetery regulations.
2. Delegate to officers to complete the formatting of the cemetery regulations.