

**To:** Cabinet  
**Date:** 29 May 2019  
**Report of:** Head of Community Services  
**Title of Report:** Grave Reclamation within Oxford City Council Cemeteries

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	By circa 2021 all Oxford City Council Cemeteries will be full and closed to new burials leaving Oxford City without any new space to bury Oxford residents.  This report is to approve reclaiming grave plots. Potentially providing burial space for an additional two years.
<b>Key decision:</b>	Yes
<b>Cabinet Member:</b>	Healthy Oxford.
<b>Corporate Priority:</b>	Oxford City Council Corporate Plan, 2016–2020 – Active Communities
<b>Policy Framework:</b>	Green Spaces Strategy 2013-2027
<b>Recommendations:</b> That Cabinet resolves to:	
<ol style="list-style-type: none"> <li>1. <b>Grant</b> project approval to the grave plot reclamation proposal as set out in this report;</li> <li>2. <b>Agree</b> that Wolvercote &amp; Botley will be the first cemeteries where reclaimed graves will be made available. (Botley is still open to new burials and Wolvercote has only recently closed to new burials.);</li> <li>3. <b>Agree</b> that graves available through grave reclamation would only be made available to Oxford City residents (residents would be classed as people paying Council tax to Oxford City Council);</li> <li>4. <b>Agree</b> that graves where the deeds have never been purchased and have interments (commonly known as unpurchased graves) may be sold at a lower cost; and</li> <li>5. <b>Agree</b> to delegate to the Head of Community Services the ability to deal with the design and detail of the Scheme</li> </ol>	

<b>Appendices</b>	
Appendix 1	Cemetery Project Summary
Appendix 2	Grave Reclamation

## **Introduction and background**

1. The Council's current estimate of when all cemeteries will be closed to new graves is 2021. Botley is the only one of our four cemeteries available to new graves.
2. With this in mind, the Oxford Direct Services Limited (ODSL) Cemeteries Service has been looking at ways in which a burial option could be provided taking into consideration the sensitivities of the issue, without altering the current aesthetics of the four cemeteries. Over the past few months the Council has looked into the process of grave reclamation. This scheme could potentially provide burial space for an additional two years until 2023.
3. Grave Reclamation is the process of using the free space within graves. There are two types of grave which fall in to this category:
  - i. Graves where burial rights have been purchased but no burial has taken place so the grave stands empty. These graves can be reclaimed if they were purchased pre 1974 and have not been used after 75 years since the purchase date.
  - ii. Graves where interments have taken place but the burial rights have never been purchased (unpurchased graves) so the Council has the right to re-bury in the grave. It is important to note that this does not disturb human remains – as would be the case with grave re-use. The grave is re-opened to the deepest available depth leaving the legal requirement of 6" of soil between the last interment and the new interment.
4. These practices have been legally allowed since 1977 and are outlined in the 1977 Local Authorities Cemeteries Order (LACO). Appendix (2) illustrates the process of identifying graves available to be reclaimed.
5. There is an urgency to start this process so the public can be informed and the concept has an opportunity to embed before the cemeteries run out of space. By starting the scheme as soon as possible the Council is still able to offer new graves to residents that would never opt for a reclaimed grave. The Reclamation scheme is expected to extend the operation of the current cemeteries by around two years, by maximising their use. In parallel, work will continue on identifying new burial sites for Oxford, which will still be required in the medium to longer term.

## **Other implications**

### *Consultation and communications*

6. A number of local authorities have been consulted that already carry out the process. Bournemouth Borough Council has been carrying out grave reclamation for over 50 years. Two councils that have recently started grave reclamation (within the last 5 years) are Wandsworth and Croydon. They both found the key part of the success of introducing grave reclamation was communication.
7. The Council would undertake the grave reclamation scheme in two phases. As it is simpler to communicate and less likely to lead to confusion, the initial focus will

be on reclaimed graves where burial rights have expired, and no burial has taken place. The process is outlined in Appendix 2.

8. The second phase of selling unpurchased graves (where burials have already taken place) would follow on.
9. At both stages comprehensive proactive communications would be needed. In doing this the Council has an opportunity to assess the level of public acceptance of the scheme.
10. A key stakeholder is funeral directors as the main contact with families; the success of both parts of the project would depend on their approach. A thorough briefing of all the city's funeral directors will be undertaken.

#### *Financial implications*

11. There will be a loss of revenue to the Cemeteries Service over the next two years as the number of new graves declines. At the moment a new grave on average costs £1,579. New graves contribute on average 36% to the overall Cemeteries Service income per year. As the number of burials declines, this percentage will decrease and the income gap will need to be filled.
12. In the Medium Term Financial Plan (MTFP) cemeteries income over financial years 2021/22 & 2022/23 is set to decline by £205,000. This will result in an increased cost to the Council to subsidise the service.

#### *Legal Implications*

13. There is no statutory duty on a local authority to provide burial facilities, but if it does so, the management is governed by the Local Authorities' Cemeteries Order 1977 which gives burial authorities wide ranging powers. Oxford City Council as a district council is defined as a burial authority and given the power to provide cemeteries by virtue of Section 214 (1) of the Local Government Act 1972 (the Act) and Schedule 26 of the Act. Under Section 214(2) of the Act a burial authority may provide and maintain cemeteries whether in or outside its area.

#### *Level of risk*

14. The only other option available is to not carry out this process. This would result in an increasing pressure to find suitable land for a new cemetery. Even if suitable land was found it would take 4-5 years for it to be developed. There would be a gap of at least 2 years where there would be no burial provision for Oxford residents within the area of the City's boundaries.

#### *Equalities impact*

15. Within Wolvercote cemetery the Jewish community has burial space provided due to a covenant signed in 1896. Botley cemetery is where all Muslim burials take place and there is burial space for the community. However the burial space for these two communities is finite and it is a religious requirement for the deceased practising these religions to be buried. The Muslim and Jewish communities do not support the cremation of human remains. The Catholic faith over the past two years has relaxed this ruling but traditionally will still opt for burial.

16. Although religion is an important factor, religious alignment has been declining for a number of years. It is important to highlight being buried is also a personal preference that the Council has accommodated for a number of years.
17. Funeral poverty is now a widely publicised issue. Under the Reclamation scheme, there will be an option to purchase previously excavated graves at a lower cost (the actual cost to be charged per plot being subject to approval by full Council through the budget process).

## Conclusion

18. With current cemeteries closing, new grave space declining rapidly and no land being developed for a new cemetery, The Council is entering a challenging period for burial provision. Without this immediate action, in two years' time Oxford could potentially be the first authority to have no place for their residents to be buried within its administrative boundaries. The Council will continue to work towards a long term solution for burial and will provide an update to the Cabinet in the next six months.

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<b>Background Papers:</b> None	
1	1977 Local Authorities Cemeteries Order
2	London Borough of Croydon – Reclaimed Graves 18/19