

OPEN

Environment and Communities Committee

25 September 2025

Bereavement Services Policy Amendments

Report of: Phil Cresswell, Executive Director of Place

Report Reference No: EC/21/25-26

Ward(s) Affected: All Wards

For Decision

Purpose of Report

- 1 To seek approval from the committee to amend our pre-need sale of grave policy, whereby the option for the public to purchase graves at pre-need is suspended when a cemetery reaches a 5-year capacity rather than a 20-year capacity.
- 2 To implement a new memorial safety testing policy- see Appendix A.
- 3 To note Bereavement Services' approach to unauthorised memorials.

Executive Summary

- 4 This report seeks approval from the Environment and Communities Committee for key amendments to Bereavement Services policies aimed at improving operational efficiency, safety, compliance and economic return.
- 5 The proposed changes include: Revision of the pre-need grave sale policy, reducing the suspension threshold from 20 years to 5 years of remaining capacity. This adjustment will enable broader availability of pre-need sales, generating additional income while maintaining long-term burial capacity.
- 6 Implementation of a Memorial Safety Testing Policy to ensure structural integrity of memorials and mitigate health and safety risks, in line with best practice and legal obligations.

- 7 Adoption of a standardised approach to managing unauthorised memorials, providing a fair and transparent process for removal while maintaining dignity and tidiness of cemetery grounds.
- 8 These amendments align with the Council's strategic commitments to financial sustainability, public safety, and community wellbeing. The report recommends delegating operational decisions related to these changes to the Head of Environmental Services.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. To give approval for pre-need sale of graves to be suspended when a cemetery reaches 5-year capacity remaining rather than 20 years.
2. To approve the Memorial Safety Policy in Appendix A.
3. To note the Council's approach to unauthorised memorials.

Background

- 9 Following approval of the latest [Cemetery Strategy](#) and [Cemetery Regulations](#) by Environment and Communities committee on the 1st of February 2024. The strategy presented the Authority's current burial provision and capacity and outlined a series of short, medium and long term actions.
- 10 Of these, it was recommended to review periods of exclusive rights, extension periods and pricing structures. Currently, pre-need sale of graves is suspended once a cemetery reaches 20 years capacity a decision made by Cabinet on 2nd February 2021 to protect them from becoming full and no longer able to serve residents demands. This time period has been reviewed and a new period of 5 years is being recommended to this Committee.
- 11 Pre-need sales are currently suspended at Weston, Wilmslow, and Sandbach Cemetery. Nantwich, Alderley Edge, and Macclesfield Cemetery is estimated to be reaching or past the 20-year capacity remaining. This leaves Congleton and Meadow Brook as the only cemeteries with pre-need availability.
- 12 The latest [Cemetery Regulations](#) refers to the Council having authority to examine and test memorials for safety. The proposed Memorial Safety Policy outlines how the authority will carry out its testing and tackling unsafe memorials.

- 13 Also included in the latest [Cemetery Regulations](#), are the specific standards for memorials. Following publication of the approved memorial standards, the authority must standardise the process for addressing unauthorised memorials.
- 14 The process will involve-
- 1: Establishing the registered owner of the grave.
 - 2: Checking burial and crematorium records to see if registered owner is deceased. If the owner is deceased contact the applicant for the registered owner. If not, contact the registered owner.
 - 3: First letter would be sent to the contact giving a 3-month timescale to remove the unauthorised memorial.
 - 4: Second letter would grant the contact a short extension and it will outline the consequences of not removing the memorial.
 - 5: If unauthorised memorial remains, an appropriate 3rd party under the supervision of CEC officers will remove the unauthorised memorial and store safely in appropriate location for 3 months.
 - 6: The contact will have the opportunity to collect the items from the relevant Cemetery Office before it is safely and sensitively disposed.
- 15 These steps give residents multiple opportunities to remove any unauthorised memorials allowing for a tidy cemetery.
- 16 To further ensure our cemetery regulations are being enforced we will ensure our current charging structure relating to late paperwork, late arrival and service overruns is applied.

Consultation and Engagement

- 17 The Cemetery Strategy and Regulations documents were created in consultation with the Cemeteries Advisory Group and the contents based on previous resident consultation exercises referenced in the documents and the EIA in Appendix B.

Reasons for Recommendations

- 18 Pre-need Sales: Amending the suspension of pre-need sales to 5 years will initially make pre-need sale available across all our cemeteries, except Weston cemetery, bringing in a significant additional income as pre-need sales account for approximately 25% of all grave purchases and incur a 10% premium compared to at-need sales. A 5-year pre-need suspension rule will allow enough time for the authority to deliver a solution to increase burial capacity. Suspending pre-need sales at 5-

year capacity will give the Authority a minimum of 7-8 years of at-need capacity before capacity is reached. Increases in capacity are delivered through cemetery extensions or procuring a new site for burial.

- 19 Memorial Safety Policy: The authority has a duty to keep residents safe and unsafe memorials are a risk for cemetery users. To mitigate this risk and be able to answer to legal challenge, we propose to implement a formal memorial safety policy, see Appendix A.
- 20 Unauthorised Memorials: This standardised process will ensure residents have an opportunity to collect and remove unauthorised memorials before they are removed. It will ensure our cemeteries remain safe, tidy, and compliant with our regulations.

Other Options Considered

- 21 Pre-need sales- Do nothing: allow the suspension period of pre-need sales to remain at 20 years meaning only two cemeteries can offer pre-need sales and the authority does not maximise income potential from the 10% premium of pre-need purchases.
- 22 Pre-need sales option 1. Fully eliminate the suspension of pre-need sales. This will maximise income but put pressure on cemeteries which are reaching capacity. If a cemetery reaches capacity the authority may lose more income than it gained through not suspending pre-need sales. The option of suspending pre-need sales at 5-year capacity is a positive compromise which will increase income as all cemeteries will be able to offer pre-need sales while protecting cemeteries from reaching capacity.
- 23 Memorial Safety Testing- Do nothing: Do not implement the policy which will result in non-compliance with HSE guidelines and industry best practice and increase the risk of health and safety incidents caused by unsafe memorials.
- 24 Unauthorised memorials- Do nothing: allow unauthorised memorials to be present which negatively impact the look of our cemeteries, the quality of our Bereavement Services, cause health and safety issues caused by unauthorised memorials, and go against our published cemetery regulations.

Policy for Pre-Need Sale of Graves

Option	Impact	Risk
Do Nothing- keep suspension of pre-need sales at 20-year capacity.	Pre-need sales continue to be suspended once a cemetery reaches 20 years capacity.	Authority loses 10% additional income generated from the pre-need sale premiums.
Option 1- Eliminate the suspension of pre-need sales policy	Maximise income from burials and purchase of cremated remain plots by offering pre-need sales.	CEC Cemeteries become full leading to lost income, negative reputation and going against Commitment 3 in the Corporate plan- an effective and enabling council
Option 2 (Recommended)- reduce the pre-sale policy from 20 years to 5 years.	Bring in additional income by being able to offer pre-need sales at all cemeteries (except Weston due to the limited number of graves remaining)	The authority does not fully maximise income from pre-need sales due to pre-need being suspended once a cemetery reaches 5-year capacity.

Memorial Safety Policy

Option	Impact	Risk
Do Nothing- Do not implement a memorial safety policy.	Council continues without testing potentially dangerous memorials.	Increases the risk of H&S incidents relating to memorial failure and potential legal claims.
Option 1 (Recommended)- Implement Memorial Safety Policy	Council follows a formalised process for testing memorials across all cemeteries	Reduces the risk of memorial failure and H&S incidents. Mitigates potential legal claims.

Unauthorised Memorials

Option	Impact	Risk
Do Nothing- allow unauthorised memorials to continue	Untidy cemeteries with health and safety and environmental risks with unauthorised memorials being present. Also generates customer complaints.	Negative customer feedback from unauthorised memorials being present.
Option 1 (Recommended) – implement a fair approach to unauthorised memorials.	Allows residents to remove and collect their unauthorised memorials. Keeps the cemetery looking tidy and removes health and safety and environmental risks.	Sensitive topic where officers who remove unauthorised memorials may face opposition.

Implications and Comments

Monitoring Officer/Legal/Governance

- 25 Cheshire East Council is a burial authority by virtue of the Local Government Act 1972, as amended. The Council provides and manages its cemeteries within the framework of the Local Authorities' Cemeteries Order 1977 (LACO), as amended.
- 26 The provision of cemeteries is not a statutory duty. However, LACO places various statutory duties upon local authorities in relation to cemeteries that they already provide, include the duty to "keep the cemetery in good order and repair, together with all buildings, walls and fences thereon and other buildings provided for use therewith" under the Local Authorities' Cemeteries Order 1977 article 4 .
- 27 The decision to amend the pre-need sale of grave policy to a 20-year capacity was made by Cabinet on 2nd February 2021 and was based on protecting burial provision and this report is to provide evidence and assurance to satisfy Members that the measures taken since that decision mean that this can be adjusted to a 5 year capacity.

- 28 The Council maintains a Cemeteries Strategy which outlines the approach to burial provision within the Authority and underpins the cemetery investment programme.
- 29 The authority has duty to keep residents safe and implementing a memorial safety policy contributes to this.
- 30 The cemeteries are owned by Cheshire East Council which means that unauthorised memorials can be removed. The operation of consistent adopted set of Cemetery Regulations ensures that the Council's approach is open, transparent and fair.

Section 151 Officer/Finance

- 33 Changes to our pre-need sales policy will increase our Bereavement services budget as all cemeteries, except Weston, will be able to offer pre-need services which are 10% more expensive than at-need services. This is a requirement in order for the council to meet its agreed income targets as stating in the Medium-Term Financial Strategy.
- 34 Memorial safety testing is currently completed in house through the bereavement services team, funded through the service budget managed by Mark Darbyshire. Any memorial remedial work will fall under the Bereavement Services investment plan which was approved at Environment and Communities committee on the 27th of March 2025. This will be funded by prudential borrowing, the cost of borrowing will be funded by the Mercury Abatement Fund which generates income each year through collecting a fee from burials and cremations. The proposal therefore does not require a virement or supplementary capital estimate. The proposal is cost avoidance through memorial failure costs or costs of legal challenges caused by health and safety incidents.
- 35 The Mercury Abatement Fund is being utilised to fund the borrowing costs of the memorial remedial works, this needs to be carefully managed to avoid unnecessary borrowing costs and ensure in the first instance capital works are funded outright from the Mercury Abatement Fund to avoid the costs associated with borrowing over the lifetime of the capital works.
- 36 There are no financial implications associated with our approach to removing unauthorised memorials.

Human Resources

- 37 There are no human resource implications of this report.

Risk Management

- 38 Not amending the pre-need sale policy will result in the authority not maximising its income potential through offering pre-need at all of our cemeteries.
- 39 Not implementing a memorial safety policy could result in health and safety incidents which the authority may be prosecuted for.
- 40 Not tackling unauthorised memorials will result in health and safety issues and a non compliant cemetery according to our own Cemetery regulations.

Impact on other Committees

- 41 This report does not impact on other committees.

Policy

Commitment 1: Unlocking prosperity for all	Commitment 2: Improving health and wellbeing	Commitment 3: An effective and enabling council
Opening pre-need sales across all our cemeteries provides opportunities for all communities to pre-purchase graves for their family and loves ones.	Early prevention measures being implemented through the memorial safety policy to reduce the risk of memorial related health and safety incidents.	Creating a financially stable council by looking at ways to maximise income by amending the pre-need sale policy. Implementing a fair collaboriative approach to tackle unauthorised memorials allowing residents opportunities to collect memorials.

Equality, Diversity, and Inclusion

- 42 An updated version of the Cemeteries Strategy and Regulations EIA has been completed, see Appendix B. The EIA applies for tackling unauthorised memorials and shows how we are not discriminating against any one group or communtiy within or around CEC.

Other Implications

- 43 No other implications.

Consultation

Name of Consultee	Post held	Date sent	Date returned
<i>Statutory Officer (or deputy):</i>			
Ashley Hughes	S151 Officer	21/08/25	17/09/25
Julie Gregory	Acting Monitoring Officer	20/08/25	26/08/25
<i>Legal and Finance</i>			
Helen Green	Principal Accountant	06/08/25	11/08/25
<i>Other Consultees:</i>			
<i>Executive Directors/Directors</i>			
Chris Allman	Director of Planning and Environment	12/08/25	12/08/25
Access to Information			
Contact Officer:	Ralph Kemp, Head of Environmental Services Ralph.Kemp@cheshireeast.gov.uk Mark Darbyshire, Bereavement Services Manager Paul Brightwell, Green Spaces Manager James Miller, Green Spaces Project Officer		
Appendices:	Appendix A- Memorial Safety Testing Policy Appendix B- Cemeteries Strategy and Regulations EIA.		
Background Papers:	2024 Cemetery Strategy 2024 Cemetery Regulations		

	<u>Cemeteries Investment Programme Report</u> <u>Cemeteries Investment Programme</u>
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