Saxilby with Ingleby Parish Council

Non-confidential

Risk Assessment of Pre-Purchased Double Burial Plots

Report to: Full Council

Meeting Date: 04 November 2026

Report by: Assistant Clerk

Power/duty which decision falls under:
Public Health Act 1875, S64-168 and Local Government Act 1972

Which council objective(s) it falls under:

- Maintain and improve community facilities and amenities
- Protect and enhance our green spaces and street scene

SUMMARY:

The Parish Council no longer sells double depth burial plots due to health and safety concerns but has identified existing plots with previously granted burial rights. A review has categorised these plots as: fully used plots, plots with one burial and one remaining space, and unused reserved plots.

The Council is asked to consider how to manage these plots going forwards. Concern exists where existing graves may not be deep enough to safely allow a second interment or where water table levels may affect the plot. Councillors are asked to decide on future management arrangements.

RECOMMENDATION(S):

1. **Note the contents of the report.**
2. **Consider the risks associated with purchased double depth burial plots.**
3. **To authorise the administration officers to seek to contact holders of partially and unused double burial plots to advise them of the risk assessment and the potential situation. Existing Exclusive Rights of Burial will be honoured wherever possible. Each future second burial will be subject to a site-specific risk assessment and grave depth assessment at the time of need. Where a second burial cannot safely proceed, alternative options will be explored with the rights holder.**

Public Sector Equality Duty:

Consider how policies/decisions affect those protected under the Equality Act)

No implications identified.

Duty to conserve and enhance biodiversity:

No implications identified.

Consideration on carbon reduction:

No implications identified.

Impact on staff:

Officer time will be required to complete the review of burial records, correspond with rights holders where appropriate, and administer the processes agreed by councillors.

Does the report consider any new activity? If 'Yes', has a risk assessment, including risk management proposals, been included for consideration and adoption by the council?

(Financial Regulation 17b)

No.

Consideration of risk management in relation to the proposal[1]

It is impossible to list every risk faced by a local council. Risk, in the general sense, means the likelihood of an event happening, and the severity of the negative consequences. The insurance industry regards risk as representing loss or damage. Risk always involves uncertainty. When protecting a local council effectively, it is important to consider if risk is present in the following areas:

Risk Area	Risk Present/ Description?	Likelihood	Impact	Risk Rating	Mitigation & Contingency
Decision Making / Strategic	Historic double burial rights conflict with current council practice.	Med	Med	High	Maintain a clear policy that existing Exclusive Rights of Burial will be honoured where possible. Undertake a site-specific risk and depth assessment before any second burial. Record decisions and rationale to ensure consistency and transparency.
Finances	Potential legal costs or compensation claims if rights holders challenge Council decisions.	Medium	Low	Low	Seek legal advice where necessary. Maintain accurate records of burial rights and decisions. Ensure any financial implications are considered before refusing a burial request.
Property	Excavation for second-depth burials may affect neighbouring graves, memorials or ground stability.	Medium	High	High	Carry out ground condition, depth and stability assessments prior to excavation. Use experienced contractors and implement safe systems of work to protect adjacent graves and memorials.

[1] *Risk areas to consider - strategic/operational, likelihood/impact, add to risk register? Any contingency planning needed?*

Staff / Operational	Increased officer workload reviewing records and managing enquiries.	Med	Low	Low	Allocate officer time for records review and correspondence. Maintain clear procedures and guidance for handling future enquiries and burial requests.
Legal	Existing Exclusive Rights of Burial may limit the Council's ability to restrict future burials.	Med	Med	High	Retain complete burial records and rights documentation. Obtain legal advice if disputes arise. Ensure all decisions are proportionate, evidence-based and compliant with burial legislation.
Written/Verbal Communication	Rights holders may misunderstand their rights or expectations	Med	Med	Med	Communicate clearly and sensitively with rights holders regarding potential risks and limitations. Provide written explanations of the Council's policy and decision-making process.
Insurance	Potential liability arising from burial ground operations.	Low	Low	Med	Regularly review insurance arrangements to ensure cemetery operations and excavation activities are adequately covered. Report incidents promptly in accordance with policy requirements.
Inspection / Events	Risks associated with excavation works and burial activity.	Medium	High	High	Require contractors to provide risk assessments and safe working methods. Conduct site inspections before excavation and monitor works throughout the burial process. Shuttering should be used for double depth burials.

Report

The Parish Council no longer sells double burial plots rights because of the risks associated with double-depth burials and water table levels and being unable to meet the rights issued.

Historically, however, double depth burial plots were sold and Exclusive Rights of Burial granted. These rights remain valid and may create a reasonable expectation that a second burial can take place where a plot has been purchased for that purpose.

A review of cemetery records has been undertaken to identify all double burial plots and assess any associated risks.

Current Position

The review has identified the following double burial plots:

Plot Type	Number
Double depth graves with one burial space remaining	36
Empty reserved double graves	55
Total double depth graves	**91**

There may also be other double plots which have not been historically identified on the burial map.

The review has identified three categories of double burial plots:

1. Full Double Depth Graves Two interments have already taken place. No further burial space remains.	No action required.
2. Partially Used Double Depth Graves One interment has taken place. One burial space remains.	Potential risk that the original grave may not have historically been excavated deeply enough to safely allow a second burial. Health and safety concerns may arise during future excavations.
3. Reserved but Unused Double Graves No interments have taken place.	Potential risks may include ground conditions and water table levels. These plots offer the greatest opportunity for proactive management. Councillors may wish to consider approaching rights holders of unused double plots on a voluntary basis to discuss transferring their rights to an alternative location within the cemetery. However, this will use twice as many plots – currently a further 55 plots, which is a significant use of space resource.

Having reviewed the cemetery records and the risks associated with historic double-depth burial plots, it is proposed that the Council adopts a pragmatic but risk based approach that seeks to balance the rights of plot holders with the Council's health, safety, and operational responsibilities.

The recommendation is that existing Exclusive Rights of Burial are honoured wherever possible. However, due to the identified risks associated with grave depth, ground conditions and water table levels, it is recommended that future second interment is subject to a site-specific assessment and grave depth assessment at the time of need.

It is further recommended that the Clerk be authorised to contact the holders of partially used and unused double burial plots to advise them of the findings of this review and the Council's proposed management arrangements. This will ensure rights holders are informed at an early stage of the potential limitations that may arise and allow expectations to be managed appropriately.

Where a second burial cannot safely proceed within a plot, the Council would work with the rights holder to identify and explore alternative options, such burial in a single plot, taking account of the circumstances of the case and the rights granted.

This approach seeks to minimise legal, operational and health and safety risks whilst maintaining fairness and transparency for plot holders and their families.