

Report of the Director of Communities

Fulford Cemetery / Bereavement Services

Summary

1. This report asks Scrutiny members to review the proposals to Executive for the future management of Fulford Cemetery, comment on the approach, and make any recommendations to Executive before a final decision is taken.

Background

2. Fulford Cemetery is York's main burial site and provides burial space for residents and non-residents, including infant, green burial and war grave provision. Fulford Parish Council has owned and managed the site since 1968.
3. Under a Burial Services Agreement dated 27 March 2006, the Council delegated burial functions to the Parish Council and agreed to meet 80% of any annual losses. A separate agreement also dated 27 March 2006 required that the Council indemnify all remaining payments under a £105,000 Public Works Loan previously taken out by FPC for cemetery expansion. The loan is to be repaid over 25 years (up to 2030) and is at 4.4% APR, with around £34.8k still outstanding.
4. On 21 August 2025, the Council took on temporary management of the cemetery for 12 months under an agreement with the Parish Council pursuant to Section 101 of the Local Government Act 1972 to stabilise the service and test whether it could be run more effectively. That arrangement has now been extended up to an including 31 July 2027, while longer-term proposals are considered. During the temporary period, the service moved from forecast break-even to a reported surplus of £30,733.36.

5. The full draft Executive Report on the proposals is contained at Annex A of this report for Scrutiny Members to review and comment.

Consultation

6. Discussion has taken place with Fulford Parish Council, Fulford Cemetery Committee, as well as the Council's Legal Services, Finance and HR Departments. No formal public consultation has been undertaken at this stage. While there is no statutory requirement for consultation before a handover of management, transparency will be important if any future changes affect burial rights, fees, staffing or land arrangements.

Options

7. The options are described in the attached report however are summarised below:
 - I. Accept the principle of a permanent Council takeover of management, subject to negotiation of detailed terms with Fulford Parish Council.
 - II. Retain the current temporary management arrangement from 2025 and continue under the current agreements from 2006.
 - III. Withdraw from the current management arrangement from 2025 and leave Fulford Parish Council to continue under the existing 2006 agreements.
 - IV. Consider whether the 2006 Burial Services Agreement should be terminated, including whether to waive the full 36-month notice period.

Analysis

8. The strongest case for takeover is strategic control. The council would gain direct oversight of a key citywide service, avoid continuing exposure to 80% of losses without full control, and retain any future surplus generated by the service. The temporary arrangement has also shown service and operational improvements, including stronger standards, better grounds maintenance, increased resilience and renewed income opportunities.

9. The key challenge is financial sustainability. Historic performance has been volatile, including significant recent losses, and there are expected additional operating costs if the service transfers permanently. There are also unresolved issues around staffing, TUPE, assets, land, cemetery records and the outstanding loan. Doing nothing also carries risk because Fulford Parish Council has made clear it does not see long-term management as viable.

Council Plan

10. The proposals support council priorities on affordability, environment, equalities and health. They help protect burial provision for York residents, create opportunities for greener and more biodiverse use of the site, and support dignity, choice and access for bereaved families.

Implications

11. Please refer to the draft Executive report for detailed implications. In summary:

Financial – There are no direct financial implications associated with this scrutiny report.

A permanent transfer of the service would result in a net nil impact to the Council's budget. The cemetery budget has historically been set so that operating costs are covered by fee income and this principle would continue. The transfer would protect the council from ongoing exposure to losses without control and allow any future surpluses to be retained. The remaining loan liability also needs resolution.

Human Resources (HR) – A permanent transfer will trigger TUPE for relevant staff. Staffing structures, grades and management arrangements still need to be confirmed.

Equalities – The proposals support fair access to burial services and dignity for bereaved families. A Human Rights and Equalities Assessment has concluded there are no negative consequences. The full assessment is contained as an Annex in the Executive report.

Legal – Local authorities have the power to provide and manage cemeteries under Section 214 of the Local Government Act 1972,

but they are not legally required to do so. The only statutory duty relating to funerals arises under the Public Health (Control of Disease) Act 1984, which obliges authorities to arrange a funeral where no one else will; however, this does not require the provision of burial land and may be fulfilled using existing public or private facilities. Any decision to assume management or operational responsibility is therefore entirely discretionary. If the Council chooses to proceed, Legal Services will need to prepare the necessary agreements covering management, land, assets, records, staffing, and any changes to the 2006 arrangements. If the Council accepts the Cemetery back and terminates the 2006 Agreements, this will simply return the burial services function to the Council and would not constitute a delegation under the Local Government Act 1972

Crime and Disorder – There are no direct crime and disorder implications identified in this report.

Information Technology (IT) – Any permanent transfer would require secure transfer and management of cemetery records and supporting systems.

Property – Property implications include any lease or land arrangements for the cemetery and lodge, and any transfer of assets.

Other – Public health, environmental and communications considerations support a stable, well-managed bereavement service and will need to be reflected in implementation planning.

Risk Management

12. The main risks are that income does not remain at current levels, staffing costs are higher than forecast, negotiations on transfer terms are prolonged or complex. These risks can be reduced through due diligence, phased implementation, clear governance, legal advice and ongoing budget monitoring.

Recommendations

13. Scrutiny members are asked to consider the proposals set out in the attached report and annexes, review the options and implications, and provide comments or recommendations to

Executive on the proposed future management of Fulford Cemetery and the proposed approach to the 2006 agreements.

Contact details

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Report
Approved



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Background papers

18 July 2025, The 2025 agreement:

- Officer decision report:
<https://democracy.york.gov.uk/documents/s184468/>
- Decision summary:
<https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=7472>

Annexes

Annex A: Fulford Cemetery / Bereavement Services draft report and annexes to Executive on 7 July 2026.