

Chichester District Council

THE CABINET

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Closed Churchyards and Burial Grounds – Essential Repairs and Maintenance

1. Contacts

Report Author

Andy Howard - Green Spaces and Streetscene Manager
Tel: 01243 534695 E-mail: ahoward@chichester.gov.uk

Cabinet Member

Roger Barrow - Cabinet Member for Contract Services
Tel: 01243 601100 E-mail: rbarrow@chichester.gov.uk

2. Recommendation

- 2.1. **That £65,000 is allocated to carry out essential repairs to structures in the district's closed churchyards and burial grounds.**
- 2.2. **An annual maintenance budget of £10,000 is allocated to maintain structures to an acceptable standard.**

3. Background

- 3.1. Closed churchyards or burial grounds are those which have been closed by the Ministry of Justice because there is no space left for new graves. The Burial Acts 1835 and 1872 and Section 215 of the Local Government Act 1972 place responsibility with the Parochial Church Council (PCC) to maintain closed churchyards "in decent order with walls and fences in good repair". However, legislation permits the PCC to pass this responsibility to the parish council who can in turn pass responsibility to the District Council.
- 3.2. This legislation has resulted in maintenance responsibility for nine closed burial grounds and churchyards being passed to the District Council. Ownership of the land itself remains with the relevant PCC and ownership of the memorials remains with the original purchaser or their heirs (if they can be traced). The responsible local authority is classed as the 'occupier' with attendant responsibilities for maintenance and safety.
- 3.3. Working practice has been to provide only basic grounds maintenance functions and therefore keep the District Council's financial commitment to a minimum. However, it is recognised that closed burial grounds are regularly used by members of the public (particularly as interest grows in researching family histories) and consequently a duty of care exists, no different to the public parks and green spaces.
- 3.4. This prompted a review in 2016 which highlighted the need to increase maintenance. Additional grounds maintenance requirements have been

absorbed by bringing cemetery grounds maintenance tasks back in house and improving efficiency. However, in relation to cemetery structures i.e. walls, tombs and fences, there is a need for investment.

- 3.5. In 2016 Hockley & Dawson Consulting Engineers were commissioned to undertake surveys of all cemetery structures. Their report recommends essential repairs (see Appendix 1 for examples) with an indicative cost of £58,000.

4. Outcomes to be achieved

- 4.1. Completing repairs will fulfil the Council's statutory responsibilities as well as the Health and Safety at Work Act and enable the Council to demonstrate that it has taken reasonably practicable steps to maintain cemetery structures in a state of good repair.

5. Proposal

- 5.1. It is proposed that the specifications prepared by the consulting engineers are put out to tender so a contractor(s) can be appointed to complete essential repairs.
- 5.2. Based on experience in maintaining parks and open spaces it is further proposed that an annual maintenance budget of £10,000 be allocated to ensure cemetery structures are 'kept' in a state of good repair. This will allow a proactive maintenance programme to be established.

6. Alternatives that have been considered

- 6.1. With the focus being on essential repairs there are considered to be no alternatives. However, further closed burial grounds are likely to be passed over in the future that will add to the repair and maintenance responsibilities of the Council. The Council's legal team recommends that a memorandum of understanding be developed to provide an opportunity to negotiate with the church before taking on the financial burden, which will include a survey to confirm the condition.

7. Resource and legal implications

- 7.1. £65,000 (including contingency) to cover essential repairs and £10,000 growth on the annual repairs and maintenance budget.
- 7.2. Essential repairs will have to be tendered and a contractor selected based on price and capability.
- 7.3. The project will be led by the Green Spaces & Streetscene Manager, supported by the Building Services team and with input from Procurement and Legal Services as necessary.
- 7.4. The intention is to complete the works during Summer/Autumn 2017

8. Consultation

8.1. The Council's legal team has been consulted.

9. Community impact and corporate risks

9.1. This project contributes to the Council's corporate priority; manage our built and natural environments. It contributes to its objective to maintain clean, pleasant and safe public places.

9.2. Failure to complete the work may result in structural failures and legal action being taken against the Council.

10. Other Implications

Are there any implications for the following?		
	Yes	No
Crime & Disorder		✓
Climate Change		✓
Human Rights and Equality Impact		✓
Safeguarding and Early Help		✓
Other (please specify) eg biodiversity		N/A

11. Appendices

11.1. Examples of essential repairs and maintenance

12. Background Papers

None