

Transfer of the Maintenance of All Saints Closed Church Yard, Barton Stacey

Report of the Community and Leisure Portfolio Holder

Recommended:

To comply with statutory obligations, the maintenance of the All Saints closed church yard will be taken on by the Council under section 215 of the Local Government Act 1972.

SUMMARY:

- An order to close the church yard to new interments at All Saints Church Barton Stacey was issued on 11 October 2017.
- Under section 215 of the Local Government Act 1972 the Council has been served written notice to take over the maintenance of this church yard as set out in this report.

1 Introduction

- 1.1 The Parochial Church Council (PCC) at All Saints Church Barton Stacey applied to close the church yard to new interments in January 2017, with the closure taking effect from 11 October 2017.
- 1.2 Section 215 of the Local Government Act 1972 makes provision for the maintenance of a closed church yard to be transferred to the Council following closure. Notice was served on Barton Stacey Parish Council by the PCC on 6 September 2018 which was subsequently passed to the Council on 20 September.
- 1.3 This report outlines the process followed under the Act.

2 Background

- 2.1 The PCC for All Saints Church Barton Stacey made contact with the Council and Barton Stacey Parish Council in October 2016 to discuss their intention to close the church yard to new interments.
- 2.2 In accordance with Section 215 of the Local Government 1972 (The Act) a PCC can apply for the closure of a church yard where there is no longer the requirement or space for interments to take place. Once closure has been approved the Act makes provision for a PCC to request that all maintenance obligations be transferred to the Parish Council within 3 months of a written notice. Furthermore, Subsection 2 of Section 215 allows for a Parish Council to pass on this notice and obligation to the local District Council to take on the maintenance responsibility.

- 2.3 In accordance with the Act the PCC applied to the Ministry of Justice for the closure of its church yard to new interments in January 2017. The order to officially close the church yard came into effect on 11 October 2017.
- 2.4 Following the order of closure, a number of site meetings with the PCC have been held to look at the condition of the church yard. These have involved the Church Architect from Winchester Diocese and the Building Surveyor from the Council's Estates team. Works identified have been carried out by the PCC to a number of boundary features, and the maintenance of the church yard in general has been kept to a good standard during this time.
- 2.5 Written notice of the intention to pass the responsibility of maintenance under the Act was sent to Barton Stacey Parish Council on 6 September 2018. The Council received written notification from Barton Stacey Parish Council on 20 September confirming, under the Act, that this obligation would be passed to the Council.
- 2.6 The Act makes provision for the obligation of maintenance to be transferred within 3 months from the date of the initial notice was served. However it is accepted that for administration and operational reasons this period is extended beyond three months.
- 2.7 The Council currently maintain four closed church yards across Test Valley located at Shipton Bellinger, Stockbridge, West Tytherley and Ashley St Mary.

3 Consultations/Communications

- 3.1 Services that will be responsible for the maintenance of aspects of this church yard have been involved in site inspections to determine works to be undertaken. This includes officers from Community and Leisure, Environmental Services and Estates.

4 Options

- 4.1 The Council under Section 215 of the Local Government Act 1972 is required to take on the maintenance of a closed church yard should notice be served as outlined in 2.2 of this report.

5 Risk Management

- 5.1 A risk assessment has been completed in accordance with the Council's Risk management process and the existing risk controls in place mean that no significant risks (Red or Amber) have been identified.

6 Resource Implications

- 6.1 The annual resource required to maintain the church yard is £6,650 which will include all routine grounds maintenance operations and care of trees. It is anticipated that from time to time work will need to be added to the Council's Asset Management Plan to deal with cyclical maintenance of boundary features.

Section	Operation	Annual price
Whole site	One off cut/ late winter	£840
Around the boundary of the church	Between April and November	£3,430
Lower section	Between March and October	£1,680
Tree management	Tree management	£700
Total		£6,650

6.2 For the current year (2018/19) any costs will be met from existing resources. The costs for 2019/20 onwards will be included as an unavoidable pressure in the budget forecasts and will be considered during the annual budget setting process in February 2019.

7 Legal Implications

7.1 The Council under section 215 of the Local Government Act 1972 is required to take on the maintenance of a closed church yard should notice be served as outlined in 2.2 of this report.

8 Equality Issues

8.1 None

9 Conclusion and reasons for recommendation

9.1 Notice has been served on the Council under Section 215 of the Local Government Act 1972 to take responsibility for the maintenance of All Saints church yard, Barton Stacey following the closure to interments on 11 October 2017.

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	Nil	File Ref:	N/A
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(Portfolio: Community and Leisure) Councillor Ward

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Report to:	Cabinet	Date:	16 January 2019
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