

Devizes

& Roundway Joint Burial Committee

Town Hall
St. John's Street
Devizes
Wiltshire SN10 1BN

Clerk: Sarah Todhunter
Tel: 01380 722160
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MEETING

Date: Thursday, 11 March 2010

Time: **7pm**

Venue: Council Chamber, Town Hall, St John's Street, Devizes

Enquiries: Town Hall - 01380 722160

MEMBERS

Devizes Town Council:

Councillors: Beinhorn
Mrs Burton
Mrs Evans
Gudgeon
Nash
Smith
A R Taylor

Roundway Parish Council:

Councillors: Booth
Brewer
Callow
Miss von Berg

AGENDA

1. REPORT FOR DECISION – TO APOINT A CHAIRMAN OF THE COMMITTEE

Recommendation

That the committee appoints a chairman for the remainder of the current civic year ending 13 May 2010.

Purpose of the Report

To elect a Chairman for the Devizes & Roundway Joint Burial Committee.

Background

Following the death of the Town Mayor and Chairman of the Joint Burial Committee John Leighton, the Committee is required to appoint a new Chairman.

Under the Joint Burial Committee's standing orders, the Chairman of the committee alternates yearly between the Chairman of the Town Council and Chairman of Roundway Parish Council.

To fill the vacancy left by Councillor Leighton, the Town Council has appointed Councillor Peter Smith as the current chairman of the Town Council. As Councillor Smith is now the chairman of the Town Council and it is the Town Council's year to hold the office of chairman it would be within the committee's standing orders to elect him as chairman.

Options Considered

The Committee needs to decide if they wish to appoint Councillor Smith a chairman of the committee.

Implications & Risks

Financial and Resource Implications

Officers are not aware of any financial or resource implications associated with this decision.

Legal Implications and Legislative Powers

The Committee is required appoint a Chairman.

Environmental Implications

Officers are not aware of any environmental implications associated with this decision.

Risk Assessment

Officers are not aware of any risk implications associated with this decision.

Crime and Disorder

Officers are not aware of any issues the committee should consider under Section 17 of the Crime and Disorder act 1998.

2. MINUTES

To approve as a correct record and authorise the Chairman to sign the minutes of the meetings held on the 15 October 2009, which have been circulated with the agenda.

3. APOLOGIES FOR ABSENCE

4. DISCLOSURE(S) OF INTEREST

To receive any disclosures by a Councillor(s) and/or Officers in matters to be considered at this meeting in accordance with the provisions of Sections 94 or 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

5. PUBLIC PARTICIPATION

At the Chairman's discretion, members of the public attending the meeting will be allowed to ask questions, make a statement or address the

Committee upon a matter of concern, which is relevant to the Committee. A time limit of 5 minutes per person will be permitted, but this may be extended at the Chairman's discretion and a maximum period of 20 minutes has been allocated by the Committee for this item of business.

6. FINANCIAL MATTERS

Schedule of Payments: Since the last meeting accounts to £48,781.68 (net) have been paid (doc 6/1).

7. REPORT FOR INFORMATION - GRAZING

The project has been put on hold for the moment as the shepherd we were negotiating with has decided not to proceed.

8. REPORT FOR DECISION – POLICY OF DOUBLE FEES

Recommendation

That the committee consider an appeal by Mr Mike Ash, Chairman of Our Lady of the Immaculate Conception in Devizes, to charge members of their parish double fees even if they live outside the towns parish.

Purpose of the Report

To consider an appeal by the Devizes Catholic Community.

Background

In October 2009, a request was received from the a member of the PCC of Our Lady of the Immaculate Conception in Devizes, for a member of their congregation to purchase a grave space in Devizes Cemetery. This element of the request was naturally greeted by officers as there is no restriction on who can buy a burial plot in Devizes Cemetery. On this occasion, the purchaser lives outside the parishes of Devizes and Roundway, and therefore under the Joint Burials Authorities policy, the purchase price would be based on the double fees structure.

In quoting a price for the purchases of a grave space, officers followed the policy set by members in October 2006, which states:

- THAT 1. The committee agree the revised charging policy for interments as set out in the flow chart.*
- 2. The committee agree the principle of charging double fees for any pre-purchased grave space whereby the purchaser lives outside the electoral boundaries of Roundway and Devizes.*

The PCC believe that they are disadvantaged by this policy as they believe that the Catholic section in Devizes Cemetery should serve the who of there their parish and in doing so there should no price differential.

The policy of paying double for a burial plot is based on the principle that residents of both Devizes and Roundway pay towards the cost of running the cemetery through their council tax. Therefore, anyone purchasing a grave space from outside these parishes should pay enhanced charge in recognition that they make no further financial contribution for the upkeep of the cemetery.

If members are minded to consider this policy, they will need to ensure that they are clear about the based of any changes to the current policy and they do not discriminate against other religious or non religious groups.

Options Considered

The Committee needs to decide if they wish to revised the current policy for charging double fees

Implications & Risks

Financial and Resource Implications

The current budget is based on the current level of income from the purchase of graves spaces. Any policy that reduces that income may provide a financial shortfall at the end of the year.

Legal Implications and Legislative Powers

The powers under which the committee agreed a fee policy are covered by section 111 of the Local Government Act 1972, which provide ancillary or secondary powers to its main function which in the case of Devizes Cemetery would be Parish Council and Burial Authorities (Miscellaneous Provisions) Act 1970, s 1

Environmental Implications

Officers are not aware of any environmental implications associated with this decision.

Risk Assessment

A policy of having two charges for the same services will always be open to challenge from those who feel disadvantaged by the policy.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

9. REPORT FOR DECISION – VEHICLE ACCESS DEVIZES CEMETERY

Recommendation

That the committee guides officers in on what provision should be given for disabled access in Devizes Cemetery.

Purpose of the Report

Consider what steps should be taken to improve disabled access in Devizes Cemetery.

Background

At its meeting in March 2009, the committee agreed that quotations for advice from a civil engineer regarding the condition of the road and a disabled access group regarding access. Officers made contact with a firm of structural engineers who explained that before any consideration could be given to the road condition a series of core samples would need to be taken to accurately ascertain its condition.

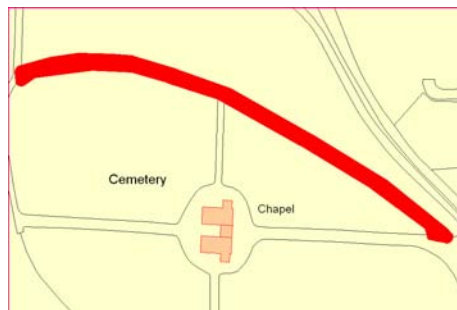
Officers gained quotes for this work, from specialist contractors, who have estimated a cost of £1375.00 to take 15 core samples. Only when the core samples were taken would the civil engineers quote to give a condition report.

Officers are concerned that the cost of ascertaining the condition of the path may become disproportionate to the cost of replacing it.

To seek an alternative viewpoint, officers met informally with a local surveyor who was happy to give an opinion of the issues. The results of that meeting were very constructive and give some options for the committee to consider.

There is no specific reason to stop cars using the access track marked on the plan in red, as the grass on top of the old metalled road forms an acceptable driving surface. However, some consideration should be given to marking the access track so that it is clear where vehicles should drive. In terms of health and safety it may be prudent to clarify the priority between vehicles and pedestrians.

Consideration should be given to pedestrians who use the access road on foot, as potholes are starting to appear in some areas and if action is not taken, these could potentially lead to significant trip hazards.



Work to provide new pedestrian access path has recently been undertaken within the new area of the cemetery. These paths have a bound gravel construction, with concrete edges and 250mm foundations. The cost of this work was charged at approximately £41 per square metre.

Basing a calculation on the above cost it is estimated that to replace the road used by disabled drivers would cost approximately £15,000.

Options Considered

Based on the advice we have received it would be prudent as a first step, to reassess the authority's risk for this area of the cemetery, then if necessary, take actions needed to mitigate this risk.

The committee will then need to take a medium term view and decide if they wish to start budgeting for a reserve for the replacement of the existing road.

Implications & Risks

Financial and Resource Implications

No budget is available for significant path improvement other than those, which have been planned and undertaken, in the current year.

Legal Implications and Legislative Powers

Open spaces act 1906 ss 10.

Environmental Implications

Officers are not aware of any significant environmental implications associated with this decision.

Risk Assessment

Officers are not concerned that the authority is failing in its duty to provide adequate access to the cemetery, but the condition of what is a designated road may have embedded trip hazards if action is not taken.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

10. QUESTION TIME

Members will be allowed a short period in which to put questions on matters of concern to the Committee, which are not contained in the report of matters formally considered by the Committee at this meeting. The question may be answered at the meeting or may be referred back to the Committee at a later date. The question may not be the subject of any further debate.

CLERK TO THE JOINT BURIAL COMMITTEE