

## HALLS, CEMETERIES & ALLOTMENTS COMMITTEE

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**Date:** 18<sup>th</sup> of January 2020

**Title:** Tower Hill Cemetery Vehicular Access

**Contact Officer:** Compliance & Environment Officer – Angus Whitburn

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### **Background**

In the last meeting it was requested by councillors that the Compliance Officer and Operations and Estates Officer risk assess the access road looping around sections 6, 7 and 8 at Tower Hill Cemetery.

### **Current Situation and Council Policy**

Two swing gates control access to the cemetery locked via a combination padlock. The gates are operated by WTC staff Monday to Friday and the grounds contractors are responsible for the weekends. The cemetery is open to vehicular access Monday to Friday 9:00 – 16:30 and Saturdays. The Friends of the Cemetery group have unrestricted access outside of these times through the use of a code to the lock. The access road leads to a central car park that can accommodate up to 5 vehicles parked at 45 degrees. Vehicles follow a one-way system around the cemetery and back around to the entrance gate.

The bollards around sections 8,7 and 6 are removed on a Saturday by the ground's contractors until Sunday. They are removed on request by Town Council staff during weekdays. This schedule has been agreed as Witney Town Council's works team do not dig graves on weekends. And office staff can manage access during the week when the works team are not preparing graves.

For the context of the report section, 1 will refer to the current one-way system, with the car-park in the middle. Section 2 will refer to the access road looping around burial sections 8,7 and 6.

### **Act's, Regulations and Guidance**

Tower Hill cemetery roadways are defined as a public place roadway. This is the same definition as roadways around a car park. This means there is no clear set of regulations governing the segregation of pedestrians and vehicles, road markings and makeup of the roadway surface. The roadway is a single-track road with no locations to pass oncoming traffic. For this reason, a one-way system is in place in the cemetery, additionally, a maximum speed limit of 5mph has been implemented.

The Town Council are bound by the 1988 road traffic act to reduce and prevent accidents. And the Health and Safety at Work etc Act 1974 to take appropriate steps to ensure the safety of its employees and those who may be affected by their activities.

The burial grounds at both Tower Hill and Windrush cemetery are managed in accordance with the "Guide for Burial Ground Managers" this guide condenses the Law, Acts and Regulations surrounding cemetery management.

### **Constraints**

The cemetery is of an old design and was never engineered for motor vehicle access. The roadway is very narrow even for a single-track road with no passing points. All the roads in the cemetery also act as the footpaths for pedestrian. So, there is no segregation between pedestrians and vehicles in areas where vehicles have access.

### **Section 1**

The current one-way system is adequate but needs adjustments made to remove some moderate to high-risk action points from the risk assessment.

There is no lighting provided at the cemetery meaning vehicular access should be removed after dusk. This was a point raised by Peninsula, Witney Town Council's H&S professional advisors. If a vehicle were to collide with a pedestrian after dusk Witney Town Council could be held liable for providing access to vehicles and not providing adequate lighting.

On the exit of the one-way system, there is a bench and bin placed together. If a member of the public is sat at the bench the bin in front blocks the view for any vehicle turning right toward the exit.

Consideration should also be paid for the ongoing maintenance of section 1. The road surface in the coming years will need patch repair, multiple areas of the diamond rail fencing need on going repairs and parking bays need remarking.

### **Section 2**

The makeup of the road is similar to that of section one. With heavy use it would start to deteriorate quickly, however, the minimal usage of the cemetery means this wouldn't be a cause for concern. The width of the road is around 2.2m wide the same as section one's roadways.

None of the burial areas around section 2 are protected by diamond rail fencing as in section one. To open the area up for increased vehicle access the council would need to install diamond rail fencing around the entirety of this area. Witney Town Council is required to treat those buried with respect and ensure the protection of burial plots. However, as this is the main section for burials in tower hill the works team require easy access to and from the road. To enable such access removable rail system would need installing. A rail protection system would also impact on those who have walked in with mobility issues. An elderly visitor may

be perfectly capable of walking around the pathways of the cemetery, but can not lift their leg over the rails. Thus, restricting their access to the graveside.

A one-way system is theoretically in use already around the area. If opened to increased usage it would need to be signposted at a minimum of 4 locations. No entry signs would also need placing at the exit point of section 2.

Opening section 2 would not create an additional parking area meaning the only service it provides is visitors being able to drive up to graveside to pay their respects. This would mean blocking the roadway around section 2 to all other users while cars are stationary.

### **Environmental impact**

Having declared a Climate Change Emergency at its Council meeting on 26 June 2019 – with this in mind Councillors should have due regard to the environmental impact of any decisions they make with regard to its facilities and services it operates.

By making vehicle access more readily available in the cemetery Witney Town Council could be seen as promoting driving rather than walking. Although the primary focus of offering increased vehicle access to the cemetery is to aid those with mobility issue this may not be obvious to the residents of Witney.

### **Risk**

In decision making Councillors should give consideration to any risks to the Council and any action, it can take to limit or negate its liability.

The Council could be held liable for any vehicle collisions or damage in the cemetery if it is a result of the council's negligence. The council have a responsibility to treat those buried with respect. Whilst the Council generally advises headstones and personal objects are installed at the grave owners own risk, damage caused by the Council permitting vehicular access is slightly different if the Council hasn't provided the correct lighting, protection etc. If the minimum level of protection were installed around section 2 the council would be knowingly not offering sufficient protection to the headstones in that area. This could open the Council up for criticism.

### **Financial implications**

Although unknown it would be expected there would be a substantial cost of installing a removable barrier system. The barriers would have to cover around 60m of length to only protect the most high-risk areas. The width between posts would have to be enough to fit heavy machinery through and their construction durable enough to deal with being removed frequently.

### **Recommendations**

Members are invited to note the report and consider the following:

1. Repositioning of the bin on the exit of the one-way system.
2. Rescind code access to the gate for The Friends of the Cemetery Group
3. Access to section two remains on request only via booking and Saturday access is removed (requesting the bollards to be removed).
4. If councillors wish to proceed with removing the bollards from section 2 the following is recommended. Plot owners in sections 6,7 and 8 are consulted.
5. A further officer report is brought to the next meeting on the potential cost and works required for section 2 if the bollards are removed.