

HALLS, CEMETERIES AND ALLOTMENTS COMMITTEE

Date: 18th January 2021

Title: Tower Hill Cemetery – New Public/Pedestrian Access

Contact Officer: Operations and Estates Officer - John Hickman

Background

Councillors have requested that the provision of an additional Public Access to Tower Hill Cemetery from a public footpath to the rear of Mirfield Road, Smiths Estate is researched.

Current Situation

The Operation and Estates Officer has gathered the following information:

- The suggested area of footpath to the rear of Mirfield Road is owned by Oxfordshire County Council.
- Oxfordshire County Council Technical Highway Records Mike Todd has stated in a phone call to the Operations and Estates Officer that OCC would have no objections to a pedestrian access from the Cemetery onto the existing footpath.
- WODC has confirmed that no planning is required to construct a pedestrian access through the existing boundary wall.
- A quote for the associated works to construct an access through the wall and fit a 1.800m x 1.200m steel access gate have been sought with OG Stonemasons.
- Existing quotes are available for construction of the tarmacadam footpath, contractors may need to review these as they were gained in excess of 12 months ago.
- The footpath that leads from the side of the Rowing Machine Public House and Tower Hill is believed to belong to Blenheim Estates.
- A part of the area being considered for the footpath alongside section 13 and the boundary wall may be Consecrated Ground if this is the case then a faculty will also be required from the Diocese of Oxford. Plans show section13 coloured red right up to the boundary wall, as there was never a footpath here originally it is possible the area was consecrated right up to the wall.

Existing Exclusive Rights of Burial holders for graves located on sections 13 & 9 should be considered as any new pedestrian access will have a direct effect upon the graves that they hold exclusive rights of burial for.

The existing owner of the memorial bench situated between sections 13 & 9 should be consulted as the addition of the new footpath will affect their memorial bench.

It should be noted that the works team regularly receive reports of antisocial behaviour within the cemetery, the Police have attended on several occasions and were requested to increase foot patrols of the area. It is possible that a new pedestrian access in this area could increase this issue, the Council does have a duty to consider the impact and associated crime/antisocial behaviour its facilities may cause.

Consideration should be given that number of users of any new entrance that may not follow the footpath along the side of section 13 and then between sections 9 and 13. But will simply cut diagonally across the graves on section 13 to reach the top corner of the loop road and the issues this may cause exclusive rights of burial holders of any graves affected.

Consideration should be given as to whether this gate is to be locked outside of normal cemetery access times, there could be an associated cost if the gate is to be locked and unlocked at various times.

The cemetery access risk assessment and report from the Compliance and environment Officer may need to be taken into consideration regarding this access.

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.

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. Consideration should be given to the Cemetery Access Risk Assessment in making a decision regarding the new access.

As mentioned in the report areas of Tower Hill Cemetery does attract antisocial behaviour however this is an area which is hard to mitigate, but the local enforcement agencies should be consulted as a matter of course. The report also highlights the possibility that the new entrance could create a short cut, and the fact that users may not stick to the path which in turn could result in damage to other graves as a consequence.

Financial implications

A budget will need to be set to cover the costs of installing the access if approved by council, as there currently is not provision for this within existing budgets.

Recommendations

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

1. consulting with the existing Exclusive Rights of Burial holders on Sections 13 & 9 regarding the proposed new pedestrian access.
2. the owner of the memorial bench affected by the installation of this footpath should be consulted.

3. Consideration to be given on gauging residents opinion on the proposal as per resolution 2 on 14th September 20 Item H275: *that once the issues of permission was resolved, if it was possible to go ahead, thought be given on how to gauge residents' opinion on the proposal*
4. Officers to establish if a faculty from the Diocese of Oxford is required.
5. That quotes be refreshed given the time lapse and two further quotes be sought in line with the Council's financial regulations.