

NORTH LINCOLNSHIRE COUNCIL

**NEIGHBOURHOOD, ENVIRONMENT AND COMMUNITIES
CABINET MEMBER**

ST HYBALD'S CHURCHYARD, HIBALDSTOW

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To seek approval from the Cabinet Member to bring the maintenance of St Hybald's Churchyard, Hibaldstow, up to an acceptable standard.
- 1.2 The key points in this report are as follows:-
- St Hybald's Churchyard is at present in a poor state of repair.
 - A negotiated solution with Hibaldstow Parish Council is being sought to resolve a historical anomaly from 1977.

2. BACKGROUND INFORMATION

- 2.1 St Hybald's Churchyard, Hibaldstow was officially closed by Order of the Parochial Church Council in 1977 and the responsibility for maintenance passed to Hibaldstow Parish Council. Hibaldstow Parish Council had 3 months to pass the maintenance responsibility to the Local Authority. Hibaldstow Parish Council wrote to the then Glanford Borough Council regarding this and was informed by Glanford Borough Council that before taking over the responsibility, the Council required certain works to be carried out to bring the area back to "standard".
- 2.2 Section 215(3) of the Local Government Act 1972 states that if a request is made within 3 months of the closure of a churchyard, the Council "shall maintain it by keeping it in decent order and its walls and fences in good repair".
- 2.3 The correspondence between the two resulted in Hibaldstow Parish Council not transferring responsibility to the District Council.
- 2.4 The Service Director Neighbourhood and Environment has met with representatives from Hibaldstow Parish Council and has made a "without prejudice" offer for North Lincolnshire Council to return the Churchyard to an acceptable standard. The Parish Council would henceforth continue to be responsible for the ongoing maintenance.

3. OPTIONS FOR CONSIDERATION

3.1 There are two options for consideration which are:-

- Option 1 – the Council to offer to return the churchyard to an acceptable standard and for Hibaldstow Parish Council to accept responsibility for its ongoing maintenance and repair.
- Option 2 - to take no action.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – appears to represent an acceptable compromise to resolve a historical anomaly from 1977.

4.2 Option 2 – would not resolve the issue and may lead to litigation.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 To bring the Churchyard up to an acceptable standard would cost £35,521.15 as set out in Appendix 1. This would be the responsibility of North Lincolnshire Council. This cost would be met within the overall approved Neighbourhood & Environment Services Revenue Budget.

5.2 To maintain the Churchyard, an annual revenue cost of £5,816.87 would be required as set out in Appendix 2. This would be the responsibility of the Parish Council.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 CRIME AND DISORDER, RISK AND OTHER)

6.1 None.

7. OUTCOMES OF CONSULTATION

7.1 The Parish Council has been consulted on this issue and is in agreement to accept continued responsibility for the maintenance and upkeep of the churchyard subject to North Lincolnshire Council's 'without prejudice' offer to return the churchyard to an acceptable standard.

8. RECOMMENDATIONS

8.1 That the Cabinet Member approves North Lincolnshire Council upgrading St Hybald's Churchyard.

SERVICE DIRECTOR NEIGHBOURHOOD AND ENVIRONMENT

The Angel
Market Place

BRIGG

North Lincolnshire

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Date: 9 January 2009

Background Papers used in the preparation of this report Nil

St Hybald's Churchyard, Hibaldstow

To carry out remedial work to ensure that the Churchyard is brought back to a maintainable standard

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| Footpath - re-surfacing/re-dressing inc reform grass edges | 6,217.37 |
| Tree 1, western boundary (next to entrance gate) - to remove all ivy, crown lift, dead wood & re-shape tree | 961.31 |
| Tree 2, western boundary (close to entrance gate) - to remove dead/dying tree inc stump | 1,101.94 |
| Tree 3, north west boundary - to remove all ivy, crown lift, dead wood & re-shape tree | 934.77 |
| Tree 4, north west ground - to re-shape small evergreen tree/bush | 181.38 |
| Tree 5, northern boundary - to tidy base of tree, deadwood, remove lower branches & generally re-shape | 1,034.45 |
| Tree 6, northern boundary - to tidy base of tree, deadwood, remove lower branches & generally re-shape | 1,034.45 |
| Tree 7, northern boundary - to remove dead/dying tree inc stump | 1,101.94 |
| Tree 8, northern grounds - to tidy and re-shape yew tree | 159.19 |
| Tree 9, north east boundary - to fell dead/dying tree | 1,175.08 |
| Tree 10, north east boundary - reduce crown by approx 50%, clearing telephone & "other" cables | 1,146.95 |
| Tree(s) 11, remove 3 (three) self-sets including roots, making good ground | 354.21 |
| Tree 12, to deadwood, crown lift and generally re-shape tree | 410.46 |
| Tree 13, to deadwood, crown lift and generally re-shape tree | 410.46 |
| Tree 14, to remove dead/dying tree (poor condition), removing stump & reinstating ground | 742.44 |
| Tree 15, to remove dead/dying tree (poor condition), removing stump & reinstating ground | 742.44 |
| Tree 16, to remove all ivy, crown lift and generally re-shape (reducing by approx 30%) | 1,929.29 |
| Tree 17, to remove 2 (two) unstable trees (previously damaged), to include stumps & reinstatement of ground following works | 1,605.81 |
| Tree(s) 18, to re-shape 3 (three) small yew trees | 191.82 |
| Tree 19, to deadwood, crown lift and reduce tree by approx 30% | 1,091.82 |
| Tree 20, to remove dead/dying tree inc stump removal and ground reinstatement following works | 1,654.32 |
| Tree 21, to remove tree which is growing from inside "tomb" area, to include for making tomb good & reinstatement of surrounding area | 1,260.57 |
| Tree 22, to remove self-set tree close to yews, reinstatement of ground following works | 231.10 |
| Area 23, to remove spoil from grounds and reinstate | 477.01 |
| General, to re-level ALL grave spaces | 2,988.56 |
| Hedge, south boundary, to side up hedge line | 259.49 |
| Boundary wall running from west entrance gate, northerly to east entrance gate - to re-point & repair as necessary? | 1,687.50 |
| Headstone testing, to test headstone in the churchyard | 810.02 |
| Trees, to authorise the surveying of trees within the churchyard for bats | 1,125.00 |
| provisional sum? | 2,500.00 |
| TOTAL | 35,521.15 |

St Hybald's Churchyard, Hibaldstow**Annual Maintenance Costs**

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|--|-----------------|
| Footpath - application of mosskiller (2x annum) | 124.79 |
| Footpath - reforming grass edges (1x annum) | 810.02 |
| Footpath - sweeping (12x annum) | 131.36 |
| Grass cutting (14x annum) (**from a health & safety point of view, the majority of this will be carried out by hand due to the number of obstructions) | 1,044.23 |
| Grave spaces - to application of weedkill to within all grave sets (1x annum) | 162.00 |
| Grave spaces - to re-level any sunken graves (1x annum) | 243.01 |
| Headstones - annual headstone testing (1x annum) | 810.02 |
| Hedge - south boundary, to side up hedge line (2x annum) | 518.98 |
| Provisional allowance for unforeseen boundary wall issues | 250.00 |
| Provisional allowance for unforeseen tree works | 1,000.00 |
| Trees - annual tree inspection (1x annum) | 503.53 |
| Trees (yew) - annual pruning and re-shaping (1x annum) | 218.93 |
| TOTAL | 5,816.87 |