

ULLESTHORPE PARISH COUNCIL

Minutes of the Meeting of Ullesthorpe Parish Council held in Ullesthorpe Village Hall on 7 November 2022 at 7.30pm

Present Councillors: Simon Smith, Marion Coombes, Nick Mooney and Julie Kavanagh.

In attendance: Katherine Clarke (Parish Clerk), thirteen members of the public and Lesley Adams from Symbiosis Consulting UK.

22-116 To receive Apologies for Absence

Apologies for absence received from County and District Cllr. Rosita Page.

22-117 To receive an update on the Casual Vacancies

UPC has been contacted by a parishioner expressing interest in one of the vacancies following the article in the UPC newsletter.

22-118 To receive Declarations of Members' Interests on items on the agenda

Members are asked to declare personal interests in any item on the agenda. Members are reminded that the Code of Conduct which took effect from 7 August 2012 provides that they should declare the existence and nature of their personal interest at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is prejudicial, they should withdraw from the room and not seek improperly to influence a decision about that matter.

No declarations of interest received.

22-119 To sign as accurate the minutes of the meeting held on 3 October 2022

Cllr. Smith proposed approving the minutes of the meeting held on 3 October 2022 as accurate, Cllr. Kavanagh seconded the proposal.

At this point in the meeting Cllr. Smith handed the Chair to Cllr. Mooney for agenda item 22-120.

22-120 To note any questions or comments from the public (15 minutes)

Thirteen members of the public attended the meeting for an update on the issues concerning the Burial Board. A representative of the parishioners advised that the Burial Board are not considering any of the residents and it is disheartening, the residents are looking to UPC for help, they need a voice. They want to go and visit loved ones and know that everything is in order.

Cllr. Mooney advised that at the September meeting of UPC, it was agreed that the UPC would write to the Burial Board, the objective was to ask the questions raised by residents and report back. UPC has written to the Burial Board and received a response on 2 November 2022.

The Clerk read out the questions and answers for the benefit of those present.

Question 1: Why was there no notice given that an Inspection would be taking place on either the Church and Parish Councils noticeboards or on the Parish Councils websites?

Burial Board Response: The Joint Burial Board (JBB) has no obligation to provide public notice or seek permissions in relation to any element of cemetery management. This is particularly so where it is lawfully required to mitigate category-1 public safety risks. The Cemeteries Order 1977 sets out the lawful responsibilities for Burial Authorities. Section-3 "General powers of management" provides that Burial Authority "may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery". The results of the cemetery Annual Inspection performed on 25th September 2022 confirmed a very high level of category-1 at risk memorials, which

in consideration of the JBB's lawful responsibility to maintain public safety it was necessary to quickly to reduce the level of risk.

Question 2: Why was the Inspection Report and the Risk Assessment not made publicly available, with a reasonable time-period of 31 days to allow relatives to correct any defects or hazards, prior to headstones being laid down?

Burial Board Response: Please refer to comments within 1 above. The JBB does not disclose or make public any of its any operating procedures, there is no lawful requirement for it to do so.

Question 3: Why has there been no attempt made by the Burial Board to notify relatives of the deceased of the Inspection?

Burial Board Response: Please refer to 1 above.

Question 4: Is it true that there are plans to lay down further headstones?

Burial Board Response: A minor number of very large memorial headstones identified as category-1 at risk at the 25th September 2022 Annual Inspection still remain to be laid-down. This work will be carried out in due course following the JBB making arrangements for specialist mechanical lifting equipment to be available.

Question 5: Is there public liability insurance cover in place now that the headstones that have been laid down could become trip hazards?

Burial Board Response: The JBB maintains appropriate levels of indemnity insurance, including Public Liability.

Question 6: Was there a risk assessment for each headstone?

Burial Board Response: Yes.

Question 7: What force was used to assess the headstones?

Burial Board Response: The determination of a category-1 at risk memorial headstone is more complex than the simple application of a load, a number of other factors are considered. Memorial headstones identified as category-1 risks during the risk assessment performed on 25th September 2022, all failed the 'topple-test' of an applied load not exceeding 25kg, which forms part of the risk assessment process.

Question 8: Where is the register of who owns the gravestones?

Burial Board Response: No person owns a grave within Claybrooke Cemetery, the JBB provides its authority to an Applicant for a person to be interned within the cemetery which is land owned outright by the JBB. The JBB retains registers of all grave locations and names of persons interned therein as it is lawfully required to do so. The JBB does not maintain a register of memorial headstone owners, this would be impractical given the cemetery has been in operation since 1859, with many memorial owners of older memorials being deceased.

A. To avoid further upset, UPC respectfully asked the Burial Board to not lay down any further headstones without a notification and correction period.

Burial Board Response: In relation to the Parish Councils request the JBB does not lay-down further memorial headstones without providing notice or a period for corrective works. The JBB is unable to provide such commitment as it is obligated to perform its responsibilities as Burial Authority in observance of the Cemeteries Order 1977 (see 1 above). The JBB's overarching priority is to maintain the cemetery as a safe public space. The JBB respectfully informs the Parish Council that the responsibility for the maintenance of a memorial is its owner or any persons the owner has delegated that responsibility too. Where a memorial is not maintained eventually becoming a category-1 risk, it is lawfully incumbent that the JBB steps in and mitigates that risk.

B. Although not related to the laying down of headstones, questions were raised regarding the signage preventing access to the burial ground at night, UPC agreed to ask why this is being implemented?

Burial Board Response: The authority for closure of the cemetery during hours of darkness is provided for within the Cemeteries Order 1977. If the JBB is to be able to deter anti-social behaviour or bring prosecutions for persons trespassing within the cemetery during hours of darkness, it is necessary that Public Notices confirming periods of closure are displayed. The JBB

is aware the carpark adjacent the cemetery is sometime used for drug dealing / taking, also, evidence of alcohol consumption has been discovered within the cemetery.

- C. UPC informed the Burial Board that none of the members of the public present had a copy of the Claybrooke Joint Burial Board Rules and Regulations.

Burial Board Response: Members of the public have never been provided with copies of cemetery rules and regulations unless they are specifically requested, the JBB has not received any such requests. The JBB has provided local Undertakers with small booklets containing Cemetery regulations for Undertakers to pass-on to Clients when booking a plot at Claybrooke Cemetery. Until recently a large sign was displayed adjacent the cemetery gates listing some cemetery rules, regrettably this sign has now been stolen, Leicestershire Police are investigating the theft.

- D. UPC advised the Burial Board that they have agreed to report back to the members of the public present once a response is received from the Burial Board. UPC requested a reply as a matter of urgency due to the emotive nature of the issues raised by residents

Burial Board Response: The communication While we understand the Parish Council has advised residents attending its October meeting of its intention to “report-back” to residents, the JBB respectfully suggests the Parish Council avoids setting its self-up as an ongoing intermediary between residents and the JBB. By doing so the Parish Council runs the risk of incorrectly creating an impression as being in authority to the JBB, which is not the case, the JBB operates independently as a Burial Authority. Legislation concerning Burial Authorities and Cemetery management is extensive and not an area Parish Councils are expected to have knowledge of. We further suggest following the Parish Council providing its residents report, that it advises residents with questions or concerns to contact the JBB Clerk directly (Claybrookecemetery@hotmail.co.uk). We hope this information is of assistance.

It was clear that some of residents present were disappointed with the response. As discussions were no longer constructive Cllr. Mooney advised that the UPC would move on to the next item of business.

At this point in the meeting Cllr. Mooney handed the Chair back to Cllr. Smith, thirteen members of the public left the meeting.

Cllr. Smith welcomed Lesley Adams from Symbiosis Consulting UK to the meeting. Lesley attended the meeting to give further context to the railway cutting tree survey commissioned by UPC earlier in the year. The key points raised were:

- Trees and hawthorn hedges have been impacted by soil etc. from the Fairways Meadow development, it will take years to see the full impact.
- The top canopy is ash, ash die-back is now prevalent in the County. The section closest to the bridge has large ash trees and die-back is present.
- There is a difficulty of access for extensive tree work, it will be costly to get equipment in and out of the site.
- The best approach to works would be to blocks at a time.
- There is no restriction on transporting timber diseased with ash die-back.
- Felling permission may be required depending on the time-period works are undertaken in.
- The main priority for any tree work is to make the site safe.

Cllr. Smith thanked Lesley for attending the meeting.

At this point in the meeting Lesley Adam from Symbiosis Consulting UK left the meeting.

22-121 Matters arising from District and County Councillor Rosita Page

Cllr. Page has been in regular contact via phone and email throughout the month with the Councillors and the Clerk updating and advising on issues concerning UPC and assisting with any concerns UPC have raised.

22-122 Planning Matters:

- a. To consider planning application 22/01799/TCA
Works to trees (fell)
Mill Side, Mill Road, Ullesthorpe
Resolved: UPC has no objections to the application.
- b. To consider planning application 22/01830/VAC
Erection of an extension to clubhouse, installation of a golf driving range, pitching area and putting green (Variation of Condition 5 (temporary construction access) to allow for the construction access to be used for a subsequent development of holiday lets at the hotel and remove the need to close off the access once the construction phase of work is completed)
Ullesthorpe Court, Frolesworth Road, Ullesthorpe
Resolved: UPC objects to the application and has comments to submit.
- c. To consider planning application 22/01835/TCA
Works to trees (fell)
Hillbrow, 2 College Street, Ullesthorpe
Resolved: UPC has no objections to the application.
- d. Any other planning matters
No other planning matters raised.

22-123 Financial Matters**a. To note the Bank Reconciliation to 7 November 2022**

The last bank statement received, dated 5 October 2022, has been reconciled to the cash book. The reconciled balance on the account is £33,018.31.

b. To approve accounts for payment

Cllr. Coombes proposed, and Cllr. Smith seconded payment of the following accounts:

CHQ NO	PAYEE	DETAIL	AMOUNT
001572	Harborough District Council	Emptying of waste bins	£200.92
001573	Leicestershire County Council	Structure licence	£75.00
001574	CPRE	Annual subscription	£36.00
001575	Royal British Legion	Wreath and donation	£50.00
001576	K Clarke	Parish Clerk salary and expenses	£398.96
001577	K Clarke	Newsletter printing and delivery	£118.25
001578	K Clarke	NALC pay increase	£179.69

c. Any other financial matters

It was noted that elections will need to be budgeted for in the precept for 2023/24.

22-124 To receive an update and discuss any matters arising at the railway cutting

UPC agreed unanimously to pay the deposit to Peter Leadbetter for the bench. The Clerk will request and invoice for the deposit amount.

22-125 To discuss any matters arising regarding village maintenance and environmental matters

- The Clerk will contact the neighbouring properties of the site opposite the shop to advise that UPC are applying to Leicestershire County Council for the siting of a UPC noticeboard and Platinum Jubilee bench.
- UPC will contact Leicestershire County Council regarding fly-tipping on footpath W87 and ask if the footpath can be cleared.

22-126 To receive an update on the Joint Burial Board

- UPC noted that the new website for the cemetery is now live. The website address is www.claybrookecemetery.co.uk.

- UPC noted that the posts for the new noticeboard have been stolen. The Burial Board have advised that the 3 parishes may be asked for contributions to cover the costs of replacing stolen items. UPC asked Cllr. Smith, as the UPC Burial Board representative to find out if the insurance policy would cover the cost of replacing the stolen items.
- UPC agreed unanimously to ask the Clerk to contact Claybrooke Magna Parish Council and Claybrooke Parva Parish Council to try and arrange a meeting between the three Councils to discuss the current issues at the Burial Board and the concerns of UPC regarding the upset caused to parishioners.

22-127 To receive an update on the Playing Field Association

Cllr. Mooney advised that the Playing Fields Association is struggling to operate correctly. UPC agreed to try to locate a copy of the most recent version of the constitution to try and determine what assistance UPC can provide to the Playing Field Association.

22-128 Clerk's Report and Correspondence

- The Village Hall Committee have requested permission to put Christmas lights on the tree outside the Village Hall. UPC has no objections to the request.
- UPC have received a request to consider possible locations for the siting of a memorial bench.

22-129 A.O.B. – FOR NOTIFICATION ONLY

No matters raised.

22-130 Date of next meeting

The next ordinary meeting of UPC will be held on 5 December 2022 at 7.30pm at Ullesthorpe Village Hall.

Items of a confidential nature to be debated in the absence of press and public. Under the Public Bodies (Admission to Meetings) Act 1960 (due to the confidential nature of the business):

22-131 To discuss further correspondence received regarding a complaint that was made on 21 March 2022 and withdrawn on 6 April 2022

UPC considered further correspondence received on 28 October 2022 and agreed to seek advice.

The Chair closed the meeting at 10.16pm.

APPROVED AS ACCURATE 05.12.22.