

Report No. TC03619 Appendix: E Agenda Item: 12	Council 25th September 2019
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OAKHAM TOWN COUNCIL

Report Author: Alan Walters	Title: Councillor
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Subject: Oakham All Saints Graveyard maintenance

<p>Applicable Strategy:</p> <ol style="list-style-type: none"> 1. Work with and in partnership with Rutland County Council and other partner groups. 2. Ensure robust financial controls are in place to enable the delivery of cost-effective services as required now and in the future.

Oakham Town Council has for many years maintained (at its cost) the closed graveyard at Oakham All Saints. Enquiries have failed to find why OTC have assumed this responsibility, as the normal course of action is for the Church to notify the parish council, who then notify the District Council within three months, and the District Council then holds responsibility.

It is believed most likely that the Oakham Urban Council in its original form carried out this responsibility, which should rightly have transferred to Rutland County Council District Council following changes in structures.

Whereas OTC has acted in good faith on an informal basis to maintain the closed graveyard this imposes a financial burden on OTC that it should not rightly carry.

It is noted that the walls surrounding the graveyard are Grade 2 listed, and that OTC should not carry the risks associated with this liability in the event of failure.

The maintenance carried out by RCC is normally at a lower standard than that carried out by OTC, and therefore the proposal is written in two parts

RECOMMENDATION:

1. It is proposed that the clerk to OTC write to RCC pointing out that we have acted in good faith on an informal basis, but that we do not accept any legal responsibility for the maintenance, and that we now ask RCC to assume formal responsibility for the maintenance of the closed graveyard at Oakham All Saints as is right and proper. This area to include the grounds, all structures, surrounding walls and all trees or other vegetation.
2. It is proposed that OTC agree to offer to continue to maintain the mowing of the grassed areas of the closed graveyard at Oakham All Saints at its own cost as a gesture of good faith, but that it does not imply any legal responsibility for the area.