

East Herts Council Report

Council

Date of meeting: 18 January 2023

Report by: Councillor George Cutting – Executive Member for Corporate Services and Local Ward Member for Bishop’s Stortford Central

Report title: Local Act – Bishop’s Stortford Cemeteries Bill

Ward(s) affected: Bishop’s Stortford Central, Bishop’s Stortford All Saints, Bishop’s Stortford Meads, Bishop’s Stortford South, Bishop’s Stortford Silverleys

Summary – The Council has resolved to promote a Private Bill to enable the reuse of burial space in two cemeteries in Bishop’s Stortford and is required to confirm that resolution or withdraw the Bill. This report seeks that confirmation.

RECOMMENDATION for Council:

- a) To confirm that the resolution for the promotion of the Bill intituled the Bishop’s Stortford Cemetery Bill which has been deposited in Parliament pursuant to the resolution of this Council passed at a meeting held on Wednesday 16 November 2022 be and is by this resolution confirmed.

1.0 Proposal

- 1.1 To confirm the resolution in paragraph (a) above.

2.0 Background

2.1 At its meeting on 16th November 2022 the Council approved the following resolution: -

- (a) The Council authorises the promotion and deposit of the private Bill on behalf of the Bishop's Stortford Town Council to authorise the reuse of certain graves within two cemeteries in its area subject to appropriate protections substantially in accordance with the attached draft Bill.
- (b) The Council authorises the Head of Legal and Democratic Services, in consultation with the Executive Member for Corporate Services, to address procedural matters which may arise in relation to the promotion of the Bill and to enter into undertakings or commitments in relation to it.
- (c) The Council authorises the Head of Legal and Democratic Services to agree to the making of any necessary amendments to the Bill that may arise during the course of the promotion of the Bill.

2.2 A copy of the report to Council of the 16th November 2022 is appended to this report.

3.0 Reason(s)

3.1 The Bill substantially in the form appended to the previous report dated 16 November 2022, was deposited with

Parliament on 28th November 2022. Section 239 Local Government Act 1972 (“the Act”) requires that a further meeting, previously advertised, must confirm the earlier resolution to promote the Bill as soon as may be after the Bill has been deposited. If the previous resolution is not confirmed the Bill must be withdrawn.

- 3.2 The Act also requires 30 days’ notice be given of the meeting that considers the second resolution. The requisite notice has been given by way of publication of a notice in local papers, the Hertfordshire Mercury and the Bishop’s Stortford Independent.
- 3.3 The vote must be supported by a full majority of the whole of the Council. A majority of those present and voting is not sufficient.

4.0 Options

- 4.1 Members may either confirm or reject the resolution. The previous resolutions were supported by a full majority of the whole of the Council as it was persuaded it was expedient to promote the Bill. If Members reject the resolution the Bill must be withdrawn from the parliamentary process.

5.0 Risks

- 5.1 There is no direct implication on the council as it is promoting of the Bill for the benefit of Bishop’s Stortford Town Council in its capacity as the burial authority responsible for the cemetery.

6.0 Implications/Consultations

- 6.1 If the resolution is not passed the Bill must be withdrawn.
- 6.2 Prior to the previous report to Council extensive consultation was carried out which included a public consultation and liaising with the House of Lords and House of Commons as well as the Ministry of Justice. Members of the public are able to Petition against the Bill should they wish during the course of its Parliamentary proceedings.

Community Safety

NA

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

Yes/No

Human Resources

Yes/No

Human Rights

No

Legal

Yes – if the resolution is not passed the Bill must be withdrawn

Specific Wards

Yes

7.0 Background papers, appendices and other relevant material

7.1 Report of 16th November

7.2 The Bishop's Stortford Cemetery Bill (as deposited in Parliament on 28 November 2022)

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