

East Herts Council Non-Key Decision Report

Date: **7 March 2023**

Report by: **Councillor Geoffrey Williamson – Executive Member for Financial Sustainability**

Report title: **Transfer of the Freehold Interest of the Closed Burial Ground, Froghall Lane, Walkern to Walkern Parish Council**

Ward(s) affected: **Walkern**

Summary:

- The Parish Council have made a request to the District Council to take a transfer of the freehold interest of the closed burial ground in Walkern in order that the land can be maintained as a peace and memorial garden in memory to the late Queen Elizabeth II.

RECOMMENDATION FOR DECISION: That:

(A) The freehold interest in the land be transferred to the Walkern Parish Council for £1 to allow the creation of a peace and memorial garden for residents.

1.0 Proposal(s)

1.1 To transfer the land to Walkern Parish Council for £1 for the use of a closed burial ground and memorial peace garden. All maintenance and repairing liabilities for the land, gravestones and boundary wall to transfer to the Parish Council as part of the transaction.

2.0 Background

2.1 The land is the site of the former Baptist Chapel and burial ground and was transferred to Hertford RDC in 1962 by the trustees of the Chapel. The Chapel was demolished, and the gravestones moved to the boundaries of the property before the transfer. As a condition of the Transfer the District Council undertook to lay the land to grass and maintain it in a clean and tidy condition.

The land is bounded by brick walls, hedging and trees that the District Council maintains, and repairs as required. The Council is also required to periodically inspect the gravestones to ensure they are in a safe condition. Access to the site is currently only possible by using a steep grassed bank from the road making it difficult for some residents to use. The land is held in the Council's Asset Register as a Community Asset and only has nominal value.

3.0 Reason

3.1 The Parish Council would like to carry out improvements to the site to improve access and create a peace and memorial garden for residents to visit and enjoy. The Transfer would restrict the use of the land and prohibit any other use without the prior approval of the Council. By transferring the land, the Council will no longer have to bear the costs of managing, maintaining and repairing the land and it can be improved and maintained by the Parish Council to allow it to be enjoyed by residents.

4.0 Options

4.1 Retain ownership of the land and continue to have responsibility for repair and maintenance of the boundaries, gravestones and landscaping.

5.0 Risks

5.1 On-going liability for the management and maintenance of the land if the transfer does not proceed.

6.0 Implications/Consultations

6.1 As follows:

Community Safety

N/A

Data Protection

N/A

Equalities

N/A

Environmental Sustainability

N/A

Financial

There is no loss of revenue as the land does not generate any income. The Council will save on revenue expenditure incurred in repair and maintenance of the walls, gravestones and landscaping. The land has a very nominal market value because of its use and the costs associated in maintaining the land.

Health and Safety

N/A

Human Resources

N/A

Human Rights

N/A

Legal

This will be a disposal under Section 123 of the Local Government Act 1972 and where land is held under Section 10 of the Public Open Spaces Act the Council is required to advertise the disposal in the local newspaper for 2 consecutive weeks as well as display a notice in the Council offices in Wallfields.

Specific Wards

Local member for Walkern is supportive of the proposal.

7.0 Background papers, appendices and other relevant material

Contact Member

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