

# From your Local Labour Councillors for Woodstock

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20<sup>th</sup> November 2012

Dear Resident,

## **Cemetery on Blackhorse Road / Waters Road**

Over the past 7 or 8 years we have been working with officers at South Gloucestershire Council to try and get the former Wesleyan Methodist Cemetery between Blackhorse Road and Waters Road, Kingswood tidied up. We have been doing this not just because it is an eyesore but also so that relatives could once again visit the graves of family members.

The initial problem that we faced was that the cemetery is privately owned and the owner could not be traced. Although the owners of the chapel (now a burnt-out shell) and the former Sunday School (now converted into flats) were known, the owner of the majority of the cemetery had disappeared.

In the autumn of 2006 officials in South Gloucestershire Council hired a private detective to track down the owner and he was eventually traced in early 2008 to an address in Pucklechurch. Shortly afterwards legal notices were served on the owner obliging him to clear the overgrown vegetation, remove fly-tipped materials and repair the boundary walls in a number of places.

Despite the threat of possible legal action and a maximum fine of £1000 if he didn't comply, the owner did nothing. So after a period of evidence gathering about the state of the cemetery the Council prosecuted the owner for non-compliance with the notices in January 2009. The Court found in favour of the Council and ordered the owner to pay the rather disappointing sums of a £350 fine, £455 costs and a victim surcharge of £15.

It was hoped that this prosecution would spur the owner into action, but again he failed to do anything. Therefore, in October 2009 the Council prosecuted him for a second time. Again the Council was successful and although we hoped the Court would impose a more significant fine than the first time, again the amounts were small - a £405 fine, costs of £405 and another victim surcharge of £15 - a total of just £5 more than the first prosecution.

Over the next couple of years further progress was slow. Many avenues were explored ranging from legislation relating to disused burial grounds, the possibility of compulsory purchase and even whether the Commonwealth War Graves Commission had any powers. For one reason or another none of these avenues were practical nor offered any real prospect of success. Changes within the structure of South Gloucestershire Council and council staff and the demands on their time from other sites also meant that the cemetery wasn't prioritised as much as we would have liked.

Towards the end of 2011 a new group of officers began to look at the cemetery. They have taken a fresh look at what the Council could do and reviewed previous work. To date the Council has spent many £1000's on the site largely undertaking repairs to the walls. In theory this money is recoverable from the owner but in all likelihood it is only ever going to be recovered if or when the site is sold.



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Further prosecutions have been ruled out as they had no effect other than small fines. And to make matters worse, the owner has disappeared again.

The position that we have eventually arrived at - and it is almost the last throw of the dice - is as follows;

The council department overseeing this issue (called Planning Enforcement) has a small annual budget of £10,000 for taking direct action. Officials in the council are willing to spend this entire sum of money (which is actually supposed to cover the whole of South Gloucestershire) on the cemetery in one of two ways.

1. If it is possible to form some sort of community group who are willing to come together and carry out on-going maintenance of the site, the money will be used to repair the walls and undertake an initial clearance of the site to improve its appearance in preparation for the on-going maintenance. Labour will be supplied from Leyhill Prison (known as Community Payback).
2. If it is not possible to form a community group, money will be spent on repairing the boundary walls, with the aim of making the site more secure. No money will be spent on clearing the site as it would just grow back. It is likely that this would be all the Council could do for the foreseeable future given the financial constraints that the Council is currently under.

With regards to the formation of a community group, there are officers in the council who can help with this. Groups have been set up in many places in South Gloucestershire looking after community assets, applying for grants etc (e.g. at Grimsbury Farm). Legal advice is that any such group would not be trespassing on the site since their intention would be to look after it. Trespass only applies when damage is caused. We have also received preliminary legal advice that if a community group were to maintain the cemetery for 10 years, they could apply to take ownership of the site. The Group and its members would, however, operate at its own risk.

**On the 3<sup>rd</sup> December at 7pm, a public meeting is taking place at the Park Centre (opposite Kingswood Civic Centre) to discuss the cemetery and in particular to explore the issues involved in creating a community group and whether there is any interest from amongst the local community in forming such a group.**

**If you are interested at all in the cemetery and seeing it tidied up, we would encourage you to come along to this meeting.** In order for us to gauge interest, it would be helpful if you could contact Marian Jones on 01454 865839 to let her know that you will be attending.

We hope that you will be able to make the meeting on the 3<sup>rd</sup>.

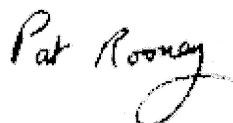
With best wishes,



**Cllr Gareth Manson**



**Cllr Andy Perkins**



**Cllr Pat Rooney**