

Allerdale Borough Council

Overview and Scrutiny Committee – 6 December 2018

Request to consider a petition in respect of Salterbeck cemetery

The Reason for the Decision	The Committee is asked to consider a petition regarding the locked Salterbeck cemetery gates.
Summary of options considered	To select one of the alternative options regarding petitions detailed in the Constitution.
Recommendations	<ol style="list-style-type: none">1. That the Committee considers whether the procedures followed which lead to locking the Salterbeck cemetery gates were appropriate.2. That the Committee considers whether the actions taken were appropriate.3. That the Committee considers whether the request in the submitted petition requires further review.
Financial / Resource Implications	There are significant financial implications for improvement work to be carried out if vehicular access is permitted.
Legal / Governance Implications	There are no direct implications.
Community Safety Implications	There are no direct implications.
Health and Safety and Risk Management Implications	There are safety implications for cemetery users arising from vehicles being allowed to drive along the cemetery footpaths.
Equality Duty considered / Impact Assessment completed	An Equality Impact Assessment was undertaken.
Wards Affected	All
The contribution this decision would make to the Council's priorities	The work of the Committee underpins all Council Plan priorities.
Is this a Key Decision	No

Portfolio Holder	Councillor Michael Heaslip
Lead Scrutiny Member	Councillor Janet Farebrother and Councillor Alan Pitcher, Co-Chairs
Lead Officer	Charles Holmes Head of Community Services charles.holmes@allerdale.gov.uk

Report Implications (Please delete where applicable).

Community Safety	N	Employment (external to the Council)	N
Financial	N	Employment (internal)	N
Legal	N	Partnership	N
Social Inclusion	Y	Asset Management	Y
Equality Duty	Y	Health and Safety	Y

1.0 Background

- 1.1 The gates at Salterbeck Cemetery have been left unlocked for a number of years, allowing for cemetery corteges to enter freely and funeral services to be undertaken. Over a period of time members of the public have taken to driving into the cemetery to visit grave sides.
- 1.2 The layout of the cemetery and the design of the paths was not intended for public vehicular access and as such the Council has not authorised the use of public vehicles to access the cemetery. Vehicles accessing the cemetery have damaged a number of paths and graves over a period of time.

2.0 Introduction

- 2.1 On 5th October 2018, the Council received a petition with over 300 signatures objecting to the closure of the gates allowing vehicular access to the cemetery at Salterbeck. The petition states “We the undersigned request that Allerdale Borough Council reconsider its decision to stop all motor vehicles from entering Salterbeck cemetery and propose that they allow blue badge holders access”.
- 2.2 In the Constitution, there are procedures setting out how petitions received by the Council are dealt with. Petitions signed by more than 1,000 verified persons on the Electoral Register are submitted to the next available Council meeting.

- 2.3 For petitions which are below the threshold number of signatures for Council, the Constitution sets out nine possible responses. Referring the petition to the Overview and Scrutiny Committee is one of these options, and the selected approach in this instance.
- 2.4 The role of the Overview and Scrutiny Committee in this context is to examine the process followed towards the action taken.

3.0 Timeline of events and actions

- 3.1 To assist determining whether the process leading to the action taken was appropriate, the timeline associated with the closure of the gates to vehicles is laid out below:

Prior to April 2017 the service had received a number of complaints about the state of the paths in the cemetery, as well as people making complaints about the fact that vehicles were using the cemetery which made people feel unsafe and were causing damage.

April / May 2017	A number of complaints received about the paths and people driving in the cemetery.
14 June 2017	First site meeting held with Property Services and the Portfolio Holder for Bereavement Services
7 November 2017	An email is sent to all Workington, Seaton, Camerton, Clifton and Winscales Councillors advising of the intention to close the gates (e-mail from Charles Holmes attached).
15 November 2017	The issue was outlined the Council Portfolio Holders' report by Councillor Heaslip.
20 February 2018	The issue was discussed at a meeting with Workington area Councillors.
8 May 2018	Equality Impact Assessment completed on the impact of restricted public access.
14 May 2018	Site survey with Property Services to identify work required to improve the paths.
29 May 2018	Gates closed and press release issued – see Appendix Two.
29/30 May 2018	Responses to Newsquest (publishers of the Times and Star) regarding enquiries from press release.
6 June 2018	Meeting with Allerdale Disability Association in the Cemetery.
19 July 2018	Letter received from Sue Hayman MP by Chief Executive, indicating that one of her constituents, who is disabled, had contacted her about the state of the

	paths at Salterbeck Cemetery which was making it difficult for himself and other disabled people to access the Cemetery.
30 July 2018	Work with Newsquest (Times and Star) in reaction to decision to stage a protest at the cemetery
31 July 2018	Work with the BBC in reaction to the decision to stage a protest at the cemetery – Cllr. Michael Heaslip on Radio Cumbria.
1 August 2018	Contacted Newsquest (Times and Star) requesting their story to include more reasons why the gates were closing. They changed online version.
Sept / Oct 2018	Works carried out to improve the footpaths in the Cemetery.
4 October 2018	Responses sent to BBC Radio Cumbria after enquiries about the petition.
5 October 2018	Petition received by the Council: Petition statement - 'We the undersigned request that Allerdale Borough Council reconsider its decision to stop all motor vehicles from entering Salterbeck Cemetery and propose that they allow blue badge holders access'
October 2018	Consideration given to asking Overview and Scrutiny Committee if they would consider the petition
6 November 2018	Meeting with Scrutiny Chairs to provide background on the issue to which the petition is focused upon to gain agreement that the Overview and Scrutiny Committee will consider the item on the 6 December agenda.

4.0 Recommendations

4.1 It is recommended:

1. That the Committee considers whether the procedures followed which lead to locking the Salterbeck cemetery gates were appropriate.
2. That the Committee considers whether the actions taken were appropriate.
3. That the Committee considers whether the request in the submitted petition requires further review.

Ian Hinde
Policy Officer (Scrutiny and Partnerships)

Appendix One – Email to all Workington Councillors

[REDACTED]

From: Holmes, Charles
Sent: 07 November 2017 12:20
To: Tibble, Philip; Tibble, Celia; Bales, Peter; Robertson, Denis; Stoddart, Stephen; Armstrong, Carole; Cannon, Barbara; Johnston, Frank; Jenkinson, Mark; Sandwith, Joe; Hansen, Konrad; Heaslip, Michael; Holliday, Joe; Bainbridge, Mary; Miskelly, Billy; Schofield, Neil; Fryer, Mark
Cc: Hardy, Nik; [REDACTED]
Subject: Salterbeck Cemetery - Public Vehicular Access

Dear Member

I wanted to advise you that we intend to restrict public vehicular access at Salterbeck Cemetery, as we have received a number of complaints from members of the public, relating to cars accessing the cemetery.

In terms of the background, over a number of years the public have had vehicular access to Salterbeck Cemetery this has caused significant damage to the cemetery paths (which were never designed for regular vehicular use) and many grassed areas, including damage to graves.

Allerdale Council Officers have recently agreed a plan to refurbish the cemetery, which not only includes the resurfacing of path ways but also a traffic management system for contractors and funeral attendance access only for the public.

In the area outside the gates of the cemetery, set back from the road, there is two hour parking restriction. This is sufficient time for anyone visiting the cemetery to attend a funeral or pay their respects and we intend to enforce this restriction, as there are a number of local residents using the area to park and people using the cemetery sometimes are unable to find a parking space. We also intend to close and lock the cemetery gates only allowing vehicular access to contractors and funerals. Pedestrian and wheelchair access will of course remain open at all times. Local residents will be leafleted to explain the situation, and the reasons why they are being restricted from using the car park. I have recently spoken to a gentleman who is visiting the cemetery 3 times a day, the gentleman is in a wheelchair and is fully supportive of our intentions as he understands fully the reasons why the cemetery needs to be closed for public vehicular access.

I am including Workington, Seaton, Camerton, Clifton and Winscales Members in terms of areas used by the Cemetery and I am informing you of our intentions, as there is potential for public and press interest and representations to be made. The proposals are outlined in Cllr Heaslip's Portfolio Holder report for Council, and we intend to inform the press in the next few days also. Please contact myself or the Bereavements Services Manager – [REDACTED] ASAP if you would like to discuss this proposal or seek clarification on any aspect.

Kind regards

[REDACTED]

Charles Holmes | Head of Community Services
Allerdale Borough Council, Allerdale House, Workington, Cumbria, CA14 3YJ
[REDACTED] W: www.allerdale.gov.uk

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Appendix Two – Text of press release issued

<https://www.allerdale.gov.uk/en/news-and-blog/salterbeck-cemetery/>

The gates to Salterbeck cemetery are to be locked-closed to vehicles for public safety.

In recent years officers have witnessed people driving on graves and nearly hitting pedestrians within the cemetery grounds. Therefore, to address these concerns, the Council is going to prevent all vehicles from entering the cemetery except those in a funeral cortege and any service vehicles. This is also to ensure the roads remain in a good condition.

Vehicles have also damaged the paths within the cemetery. Therefore, the Council is also looking to improve the roads and paths, filling any potholes and laying new tarmac to make it safer and easier for visitors, especially those who are disabled.

There is parking right outside the cemetery on Salterbeck Road which provides two-hours parking for users. This will be enforced by the Council's parking services team.

The closure is scheduled to happen on 29 May 2018. The gates for pedestrians will remain open, as will the public right of pedestrian access through the site.

Michael Heaslip, Executive Member with responsibility for bereavement services, said: "The safety of all visitors to the cemetery is of paramount importance, as is the need to respect the graves of the deceased, and this is why we've made the decision to stop visitors driving inside the cemetery. This is not unusual and is the case in other cemeteries in the area. We'll obviously monitor the situation to see how it works. It is great that we are able to improve the roads and paths at Salterbeck cemetery which really do need some attention"