



Cabinet

Tuesday, 11 July 2023

Shaw Street Cemetery, Ruddington

Report of the Director – Development and Economic Growth

Cabinet Portfolio Holder for Business and Growth, Councillor A Brennan

1. Purpose of report

- 1.1. Shaw Street Cemetery in Ruddington is the responsibility of Rushcliffe Borough Council after it was transferred following reorganisation in 1974. The site has been managed as a closed cemetery with only one record of ashes being interned there since the transfer, which took place in the mid 1980's. The adjoining Vicarage Road Cemetery is still operational, owned and managed by Ruddington Parish Council. Following a recent enquiry from a local resident it has been identified that there is no record of formal closure of Shaw Street Cemetery.
- 1.2. This report is, therefore, seeking Cabinet approval for the formal closure of the Rushcliffe Borough Council owned Shaw Street Cemetery in Ruddington to regularise the current position.

2. Recommendation

It is RECOMMENDED that Cabinet approves the closure of the Rushcliffe Borough Council owned cemetery, known as Shaw Street Cemetery, Ruddington.

3. Reasons for Recommendation

To close a cemetery there are few formalities that the Borough Council needs to take, except to evidence that the decision has been taken. The report is required to formally record the closure of the Shaw Street Cemetery to regularise the current position.

4. Supporting Information

- 4.1. Rushcliffe Borough Council inherited Shaw Street Cemetery during reorganisation in 1974. The maintenance responsibility was held by Ruddington Parish Council until 1987, but maintenance has since been undertaken by Rushcliffe Borough Council. The land ownership map can be found at Appendix A.

- 4.2. In 2000, the Borough Solicitor made enquiries to the Privy Council, Home Office and Diocese and was unable to confirm formal closure. There is no record that Basford Rural District Council (the authority that existed prior to 1974 reorganisation) formally took steps to close the cemetery, nor that Rushcliffe Borough Council did since it took over management of it. It merely fell into disuse as few plots were available and the neighbouring Vicarage Road Cemetery was active.
- 4.3. Further to this, the Council has discovered that the cemetery has no affiliation to the local diocese, so would not have been included in the closure order for a local churchyard. It is, therefore, the responsibility of Rushcliffe Borough Council to formally close the cemetery rather than the Church of England.
- 4.4. The Council has sought advice of the Senior Coroners Caseworker from the Coroners Division, Ministry of Justice. They have confirmed that there are very few formalities involved with closing a local authority burial ground as compared with closure of the Church of England churchyard. The Council need only make the decision that the site is full or otherwise that it is no longer practicable to continue to use it. There is no requirement to register this decision with the Secretary of State or advertise the decision in the London Gazette. There is no formal closure order to be obtained and no specific local consultation requirements to meet.
- 4.5. The site was assessed as nearly full when it was transferred. The Council have a schematic of where individual plots are, but it would be difficult, and potentially impossible, to identify many of the occupied plots (where memorials or markers are no longer clear) and those that are still vacant. The Council have a record of burials and plot numbers, but no record of what grants of burial have been sold in the past. Based on this, it is reasonable to conclude that it is not practicable to authorise any further sale of unused plots.
- 4.6. With local authority burial grounds there is an obligation to allow burials only to those who have purchased that right. No plots have been sold by the Council since 1974.
- 4.7. It may be that a closure decision was made before 1974, or by Rushcliffe Borough Council after this. As such a decision would not need to be registered, as it would be with closed churchyards, a formal decision is sought for the closure of the cemetery so it can be retained for future records. Any family coming forward with a valid grant of burial may need to be accommodated on contractual grounds, but this will be increasingly unlikely due to the passage of time.

5. Alternative options considered and reasons for rejection

The alternative is that the site is not formally closed. However, based on records the Borough Council holds, it is not possible to identify any vacant plots. Any family who has a valid grant of burial may be able to be accommodated, even with a closure in place. In addition, there is an active cemetery at the adjoining Vicarage Road.

6. Risks and Uncertainties

Local families come forward wishing to bury loved ones in the cemetery; however, to do this they will need a valid grant of burial and in which case this may be accommodated.

7. Implications

7.1. Financial Implications

The Borough Council is already responsible for the maintenance of Shaw Street Cemetery and a precept is charged to cover the costs of this. There are, therefore, no financial implications associated with the closure of the cemetery in this instance.

7.2. Legal Implications

Advice has been sought from the Ministry of Justice to ensure the correct process is followed for the closure of a local authority owned cemetery. The details of this are outlined in the report.

7.3. Equalities Implications

There are no equalities implications associated with this report.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no crime and disorder implications associated with this report.

8. Link to Corporate Priorities

Quality of Life	There are no quality of life implications.
Efficient Services	The Council already maintains Shaw Street Cemetery and this report ensures that the correct process has been followed for the closure of the cemetery.
Sustainable Growth	There are no sustainable growth implications
The Environment	The Council maintain the Shaw Street Cemetery including a number of trees.

9. Recommendation

It is RECOMMENDED that Cabinet approves the closure of the Rushcliffe Borough Council owned cemetery, known as Shaw Street Cemetery, Ruddington.

For more information contact:	Leanne Ashmore Director of Development and Economic Growth LAshmore@rushcliffe.gov.uk
Background papers available for Inspection:	
List of appendices:	Appendix A – land ownership map