

# **St James' Spilsby Churchyard Wall Investigation Report**

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June 2021

## **SCOPE OF INVESTIGATION**

### **A BACKGROUND TO PRESENT INVESTIGATION**

### **B WHAT NEEDS TO BE DONE NOW**

### **C RECOMMENDATIONS FOR THE FUTURE**

### **D CONCLUSIONS**

### **A BACKGROUND TO PRESENT INVESTIGATION**

1. At the end of the 19<sup>th</sup> century legislation was enacted enabling Closed Churchyards to be handed over to Local Authorities with consequent transfer of liabilities and responsibilities.
2. PCCs needed to formally request such transfer. Local Authorities had no choice but to accept.
3. No evidence has been found that such a formal request was ever made concerning St James
4. It is however assumed that this must have happened.
5. Spilsby Town Council has in any case de facto accepted liabilities for the churchyard by maintaining trees and mowing grass over a long period of time.
6. The Council seems over the years not to have been aware of the full extent of its maintenance responsibilities. These include boundaries, walls and fences and, where no responsible family can be identified monuments and tomb stones.  
Because the Council was unaware of these additional liabilities appropriate insurance was never taken out.
7. There were no significant problems to alert the Council to the need for appropriate insurance until 2007 when minor damage to the churchyard wall seems to have been attended to by the owners of 1 Old Market Avenue. In 2014 theft of coping stones from the wall opposite Sainsbury's store led to the Town Clerk checking insurance, only to discover that the wall was not covered by the policy. At this point the Clerk informed the Council of this. However the Council took no action to deal with future insurance.
8. In 2016 a section of the churchyard wall behind 1 Old market Avenue collapsed, causing some damage to the shed in the garden. Temporary fencing was put up as a protective measure.
9. Since that collapse there has been further deterioration to the churchyard wall and it became apparent that this uninsured wall would need extensive and expensive work.

10. Initial attempts to organise repairs were unsuccessful owing to reluctance of the Church Authorities to grant a faculty that would enable the work to be done. A tender from the then Councillor Eddie Hodgson was not taken up, partly because it was felt inappropriate for a councillor to profit from work commissioned and paid for by the Council and also the Planning Authority and Diocesan Officers felt the preparatory work was not adequate.
11. A series of delays arising between the Council, its architects, the Diocese and Planners have led to the current position where in June 2021, 5 years after the initial collapse was reported no work has yet begun to put things right.
12. What was originally thought to be a minor repair has escalated in cost over this period and now the Council and consequently local council tax payers are faced with considerable and unavoidable expense (in excess of £100,000). Much of this expense is due to the need for studies and risk assessment which may appear to be excessive for what seems like a straight forward repair. However the Council has no choice in these matters.

## **B WHAT NEEDS TO BE DONE NOW**

1. The Churchyard Wall Committee have organised everything to enable a start to repairs within a couple of months, all the necessary permissions, faculty and associated paperwork being complete and a tender accepted by the Council.
2. The Churchyard Wall Committee will need to closely monitor the work as it progresses and ensure the tenants in the houses in Old Market Avenue are properly considered during the work.
3. Further problems with tombs and part of the coping of the Churchyard Wall opposite the New Life Centre have been reported to the Clerk and these matters need to be addressed promptly.
4. We understand that insurance cover for the churchyard has been raised to a higher and more appropriate level and that items insured have been clearly identified. It will be necessary for the full Council to approve this adjustment at the next suitable opportunity.

## **C RECOMMENDATIONS FOR THE FUTURE**

1. As it has been difficult to find documentary evidence for some aspects of this investigation we suggest the document retention policy be reviewed.
2. The policy that only resolutions made in full Council need to be minuted can also lead to problems. It would be useful in any future situations to be able to look back at relevant contemporaneous discussion which would give a clearer picture for how things developed. This could also be reviewed.
3. It might be appropriate for the Council to set up an Insurance Sub-committee who could meet annually and from time to time as required to review the Council's insurance liabilities and propose any adjustment needed.
4. An independent Insurance professional should be consulted on whether current liabilities are adequately covered.

5. The Council should contact LALC urging them to warn other councils of the dangers of failure to insure adequately and to ask whether they feel any training in this area might be useful to all Councils.
6. In any future situation like the current one the Council should seek to act more promptly and press all other involved parties to do likewise, so that inexcusable delays can be avoided.
7. Council reserves need to be built up again to offset any future eventualities. In order to help with this expenditure will need to be carefully scrutinised and wherever possible grants and other suitable sources of funding should be actively applied for. Given that some money was donated by Lincs County Council in 2015 perhaps STC could apply to them for further assistance.

## D CONCLUSIONS

Responsibility for Spilsby Town Council finding itself in this embarrassing position over the Churchyard Wall is corporate and historic. The implications of the Council's liabilities for St James' Churchyard were not realised by successive Councils over a long period of time and there is no future at this point in looking for individuals to blame. The best way forward is to take all the necessary financial steps to pay for the repairs and ensure that similar problems do not recur in the future. **All councillors need to recognise that their actions or lack of action can have far-reaching consequences, as in this case, and lead to a financial burden upon local council tax payers.** We understand that a clear explanation will be given to the public. It is popular today to apologise for the mistakes of others in the past. Whether the Council decides to do this is a matter for debate **but it must be made clear that the responsibility does not lie with the present administration.**

We would like to thank all fellow councillors past and present who have helped us to look into these matters. Equally we have been helped by Canon Peter Coates and current and past Church Officers. Finally we thank the Town Clerks for their help in unearthing information from Council records.

Cllr Bill Rose

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## Supporting Material

Time Line

Paper Documentation