



## Report of the Director of City Development

### Executive Board

Date: 15 December 2010

Subject: KIPPAX CEMETERY EXTENSION

#### Electoral Wards Affected:

Kippax and Methley

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

## EXECUTIVE SUMMARY

The purpose of this report is to seek Executive Board approval for the disposal of land at less than best consideration, to enable Kippax Parish Council to take on the role of Burial Authority under a long term lease arrangement.

Work to create a new cemetery extension at Kippax is now substantially complete. In 2003, the Parks and Countryside service in consultation with Ward Members and the Parish Council, provisionally agreed to lease this new cemetery to Kippax Parish Council on a long term lease of 99 years at a peppercorn rent.

In return, the Parish Council will take on the role of Burial Authority for this new cemetery including the maintenance and up keep of the grounds, furniture and boundary fences / walls. Although it is considered that there could be possible revenue savings to the Council over the length of the lease, legal advice is that the granting of the proposed lease would constitute a less than best disposal.

**The recommendation:** That approval is given for the disposal of land by way of grant of a 99 year lease for a less than best consideration to enable the Parish Council to take on the role of Burial Authority to manage the cemetery at Kippax as outlined on the attached plan.

## **1.0 Purpose Of This Report**

- 1.1 To seek Executive Board approval for the disposal of the land shown edged black on the attached plan by way of the grant of a 99 year lease for a less than best consideration, to enable Kippax Parish Council to take on the role of burial authority in order for them to manage this cemetery.

## **2.0 Background Information**

- 2.1 Planning approval was given in July 2009 for a new cemetery extension on land adjacent to Robinson Lane, Kippax. Construction of the extension is now substantially complete.
- 2.2 This new cemetery is an extension to the burial grounds of the Parish Church at Kippax, and will increase the capacity for burials over the next 20 to 25 years in this area by 204 grave plots. This could double, should some of these plots become family graves as opposed to single occupancy.
- 2.3 Parish Council's have the powers to exercise their right to take on the role of burial authority and Kippax Parish Council have agreed to manage this new cemetery.
- 2.4 In 2003 in consultation with Ward Members for Kippax, the Parks and Countryside service agreed in principle, to allow Kippax Parish Council to administer the new cemetery. At that time, it was provisionally agreed that a long term lease arrangement of 99 years would be set up when the new cemetery became operational.

## **3.0 Main Issues**

- 3.1 Now that the site is ready, Ward Member Councillor K. Parker and the Parish Council have requested that the City Council grant to the Parish Council a long term lease of 99 years.
- 3.2 The Parish Council will undertake all the administrative and operational duties to manage the new cemetery and in return it is proposed that the lease will be granted at a peppercorn rent. All income received for providing the burial service will be managed by the Parish Council to fund the operation of the cemetery.
- 3.3 The Parish Council will need to ensure that all work is carried out in accordance with recognised industry and performance standards and any liabilities will rest with the Parish Council.
- 3.4 The land is not to be consecrated but individual graves may be blessed in order to accommodate all faiths.
- 3.5 In addition to burials, the Parish Council will be responsible for all costs and liabilities including the maintenance and up keep of this land.
- 3.6 The lease requires the Parish Council to offer burial to any resident of Leeds with no discrimination on price or service.

## **4.0 Implications For Council Policy And Governance**

- 4.1 The land was acquired in 2004 for the purpose of cemetery provision at a cost of £22,000. The land is adjacent to an existing cemetery and has been identified as burial provision land as part of the Council's long term burial strategy. Therefore the

lease would formalise the arrangements by which the cemetery service provision will be delivered in Kippax as part of the Cemeteries strategy for the city.

- 4.2 This proposal optimises the use of Council land and property in terms of service benefit, affordability and value for money.
- 4.3 Under the Council's policy for disposals at less than best consideration, the Director of City Development has delegated powers to approve less than best disposals for public, charitable and voluntary purposes for leases of a term of not more than 25 years. As the grant of a lease for a term of 99 years does not fall within this criteria, then the proposed less than best disposal needs to be considered by the Executive Board. Should members be minded to approve in principle the less than best disposal, the detailed terms of the lease could be delegated to the Director of City Development for approval.

## **5.0 Legal And Resource Implications**

- 5.1 While income on a burial is a one-off, grounds maintenance obligations will last as long as the lease. Grounds maintenance costs also rise steadily as a cemetery fills up, because memorials impede maintenance operations. The council's cemetery service maintains a number of historic graveyards as well as active burial sites, and operates at a net cost of £510k. The cash flow implications of this proposal depend on the rate at which burials will take place. Overall the picture is of a net surplus foregone in the early years but net deficit saved in the longer term. This could lead to revenue savings to the Council over the length of the lease.
- 5.2 Notwithstanding the possible revenue savings to the Parks and Countryside service over the length of the lease, which could vary over time, the Chief Officer, Legal, Licensing and Registration has advised that the granting of the proposed lease would constitute a less than best disposal.
- 5.3 Under the terms of the Local Government Act 1972 General Disposal Consent (England )2003, the Council has the power to dispose of land for a consideration less than best that can reasonably be obtained subject to the following conditions:
  - (1) the Council considers that the purpose for which the land is to be disposed for is likely to promote or improve the economic, social and/or environmental well-being of the area or of local residents; and
  - (2) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000.
- 5.4 The unrestricted value of the land has not been estimated as the land is allocated as N1A Allotment space in the Unitary Development Plan (2006). This land is not considered to be a statutory allotment, as the land was acquired from a private owner. Therefore it is understood that a request to the Secretary of State for a change of use of the land is not necessary and planning have confirmed that this issue has been covered in a 'Departure Application Report'.
- 5.5 The disposal of land is likely to promote or improve the social and environmental well-being of the area because, subject to equality of access, it would enable the Parish Council to provide the service (management resource and maintenance) at a locality level. Any necessary maintenance work would also be undertaken with immediate effect, rather than having to compete with other cemetery service maintenance

demands. This would create the opportunity to maintain the service above the statutory minimum requirement.

- 5.6 The land is allocated for proposed allotments in the Unitary Development Plan and the Director of City Development has advised that the capital value of the land on the basis of a 99 year lease for allotment use is estimated to be £26,650. However this value would not be foregone in reality, because the land would be retained for cemetery purposes, but simply enabling Kippax Parish Council to be the service provider.
- 5.7 Subject to members being satisfied that the disposal of the land is likely to promote or improve the economic, social and/or environmental well being of the area or of local residents, the Chief Officer (Legal, Licensing and Registration) has advised that consent to the proposed disposal would be covered by the Local Government Act 1972 General Disposal Consent (England )2003.

## **6 Recommendations**

- 6.1 Subject to members being satisfied that the disposal is likely to promote or improve the economic, social and/or environmental well-being of the area or of local residents, that
  - (i) in principle approval is given for the disposal of the land adjacent to Robinson Lane, Kippax as outlined on the attached plan by way of the grant of a 99 year lease to enable Kippax Parish Council to take on the role of burial authority in order for them to manage this cemetery and
  - (ii) the authority to approve the detailed terms of the lease is delegated to the Director of City Development.

## **Background Papers**

Asset Management Board report – 20 August 2010