



WHALLEY PARISH COUNCIL

Churchyard Committee

Terms of Reference

Version Control

Version	Date	Description of Change
V.1	21/3/2024	Terms of Reference Adopted

CHURCHYARD COMMITTEE TERMS OF REFERENCE

BACKGROUND

The responsibility for the maintenance of a churchyard only changes when a Parochial Church Council (PCC) decides to give notice under Section 215 of the Local Government Act 1972 to their appropriate local authority seeking closure and transfer of this responsibility.

Under this Act, the PCC of St. Mary & All Saints, Whalley sought to close the Churchyard, requesting Whalley Parish Council to take over the responsibility of maintaining the churchyard.

Although maintenance responsibility was transferred in this way, the legal ownership of Whalley churchyard remains unaffected and all other rights, powers and functions remain under the control of the incumbent of the Parish. The churchyard also remains a consecrated area and subject to Faculty jurisdiction, so Whalley Parish Council must apply for a faculty or Archdeacon's authorisation for any works in the churchyard other than routine maintenance. Since the responsibility of upkeep of the Churchyard has transferred to Whalley Parish Council no further burials are permitted with certain exceptions:

1. Where a faculty has been granted to reserve a grave space, the person named in that faculty may be buried.
2. a body may be buried in the same grave as a relative.
3. burials may take place in existing walled graves or vaults which have room for further interments.

The Local Government Act 1972 also makes provision for the interment of cremated remains if either a faculty is granted which authorises the interment, or the cremated remains are to be buried in an area set aside in a designated Garden of Remembrance (which has been authorised by faculty).

OBJECTIVE

The Churchyard Committee is constituted to oversee the maintenance, cleanliness, and safety of the closed churchyard within the Parish Church of Saint Mary and All Saints on behalf of the Parish Council. The committee aims to ensure that the churchyard remains a dignified, peaceful, and well-kept space for remembrance and reflection.

MEMBERSHIP

Membership shall consist of seven members, including a Chairman.

The Churchyard Committee shall include four representatives from the Parish Council, the Vicar, and Church Warden(s), or PCC appointments of individuals who have an interest in the maintenance of the Churchyard.

The quorum of the Churchyard Committee shall be 3 members. A Chairman will be elected to serve for the annual term.

MEETINGS

The Committee will meet quarterly, or as required, and may conduct business about routine matters by email.

Meetings shall be conducted in accordance with the parish council's standing orders and procedures, ensuring transparency and accountability.

The Chairman of the Churchyard Maintenance Committee shall preside over meetings, facilitate discussions, and ensure that all members have the opportunity to contribute.

An agenda will be prepared for Churchyard Committee meeting for maintenance items to be discussed, decided, and recorded in the minutes taken by the Parish Clerk.

The minutes will be submitted to the Parish Council at their next meeting.

DELEGATED POWERS

The Committee has delegated powers to spend up to the pre-set annual budget as dictated by the Parish Council each year.

- Develop and implement a schedule for the routine maintenance of the closed churchyard, including grounds maintenance, regular tree inspections, and regular inspections of the churchyard to identify and address any health and safety hazards.
- Ensure that maintenance activities are carried out promptly and efficiently, maintaining the cleanliness and appearance of the churchyard.
- All correspondence should be conducted through the Parish Clerk.

All powers shall be exercised in accordance with Whalley Parish Council Standing Orders, or directions given, by the Parish Council.

POWERS AND RESPONSIBILITIES

- Conduct regular inspections of the closed churchyard to identify and address any health and safety hazards, such as uneven pathways, damaged structures, or fallen branches.
- Take appropriate measures to mitigate risks and ensure a safe environment for visitors and maintenance staff.
- Maintain the graves and grave markers within the closed churchyard in a respectful and dignified manner, ensuring they are kept clean and free from debris.
- Coordinate with families or descendants regarding any necessary repairs or maintenance of individual graves, respecting their wishes and privacy.
- Maintain regular communication with the Parish Council regarding maintenance activities, issues, and requirements within the closed churchyard.
- Prepare and submit regular reports to the Parish Council summarising maintenance activities, expenditures, and any notable developments or concerns.
- Engage with the local community to raise awareness of the importance of maintaining the closed churchyard as a place of remembrance and heritage.
- Provide opportunities for community members to participate in volunteer maintenance activities or contribute to the upkeep of the churchyard.

REVIEW

These terms of reference shall be reviewed periodically, at least annually, to ensure alignment with the objectives and needs of the Parish Council and the closed churchyard community.

The election of committees and their terms of reference are to be reviewed annually at the Annual Parish Council meeting.