

St. Peter's Church, Kinver - Boundary Wall Repairs

Frequently Asked Questions

1. Why does South Staffordshire Council have responsibility for maintaining closed churchyards?

Under the Burial Act 1853, once a churchyard is closed (or partly closed), the responsibility for ongoing maintenance of the site initially rests with the Parochial Church Council but can be passed onto the relevant parish council, which may accept or decline this responsibility. If the parish council does decline, then the responsibility for maintenance is transferred to South Staffordshire Council.

The main churchyard at St Peters Church, Kinver, is now formally closed, and the parish council declined responsibility and served notice on South Staffordshire Council to transfer the responsibility in 2017. South Staffordshire Council cannot decline this maintenance responsibility.

2. What does South Staffordshire Council have responsibility for maintaining within a closed churchyard?

The council has responsibility for grounds maintenance and health and safety matters within the closed churchyards, however, the church and its grounds remain under the ownership of the Diocese of Lichfield.

The council has a responsibility under the Occupiers Liability Act and the Health and Safety at Work Act 1974 to ensure that all reasonable practical measures are taken with regard to the safety of the churchyards and to ensure that they are safe places to both visit and work.

Currently we are responsible for maintaining four closed churchyards - they are:

- St. Benedict's Church, Wombourne
- St. John's Church, Swindon
- St. Paul's Church, Coven
- St. Peter's Church, Kinver

3. What happens when a closed churchyard is transferred to South Staffordshire Council?

To minimise the inherited health and safety risks and financial risks to the council when a churchyard is transferred, a series of professional reports are commissioned to identify any remedial tree works and structural works that are necessary to bring each closed churchyard site up to a safe standard.

In taking on the responsibility for maintaining a closed churchyard, South Staffordshire Council asks each church to contribute to the cost of any necessary work. When a church is unwilling or unable to contribute, it is not acceptable for South Staffordshire Council as 'occupier' of the site to simply allow the decline of the churchyard and its associated features.

4. Why are repairs to the churchyard wall in Kinver necessary?

All the boundary walls require some repointing to protect the existing stonework. There are also significant parts of the west, north and south wall that require rebuilding.

As these walls are retaining structures, if they are not tended to this will affect the levels and the condition of the ground and graveyard, which could cause a significant health and safety risk to visitors of the churchyard.

The walls will only deteriorate further with time if the works are not tended to soon. It is at this point that the wall would become a health and safety issue and the level of repair and cost would increase, so it is considered prudent to tackle all these issues at once.

5. Why does this affect me?

During the transfer of any closed churchyard to the council, best practice suggests that the onus is on the church to ensure that the churchyard is 'in decent order and its walls and fences in good repair' before maintenance passes to the council. However, there is currently little in the way of a legal basis to ensure that this is the case.

The cost of liabilities associated with boundary walls and structures within a closed churchyard can be extremely high, so to fund any one-off major costs identified at closed churchyards, the council treats these as a 'special expense' under section 35 of the Local Government Finance Act 1992.

This allows different amounts of council tax to be calculated for different locations and for these costs to be passed directly to those residents living in a parish with a closed churchyard.

The cabinet member for community services issued an individual member decision during September 2019 that a 'special expense' for one-off major repairs can be charged to residents in a parish where a closed churchyard has been transferred to South Staffordshire Council under section 215 of the Local Government Act 1972. This decision was then issued to all 48 district members for their consideration, during this time it was not called in for scrutiny. The final decision was issued by South Staffordshire Council on 11th October 2019. The decision can be seen here [Decision Details](#): Proposal to examine current procedure of closed churchyards (cmis.uk.com)

6. How much will I be expected to pay and when?

The total cost of works to fully repair the wall around St Peter's Church burial ground has been scoped by an independent specialist contractor.

All the surrounding walls to the churchyard require some repointing to protect the stonework and several sections need completely rebuilding. The total cost of works is estimated to be £128,901.64 as of August 2022 (the final cost is subject to market prices / costs of materials and inflation).

Each property in Kinver will be charged a different amount depending on their council tax band. The 'special expense' amount will be applied to your council tax during 2024-25 only, and not for the following years. Please see table below for the estimated 'special expense' amount for each council tax band based on the estimate above (final figures will be subject to change and will be confirmed in your 2024-25 council tax bill).

	Amount	A	B	C	D	E	F	G	H
Special expense	£128,901.64	£26.15	£30.50	£34.86	£39.22	£47.94	£56.65	£65.37	£78.44
Monthly cost based on 10 tax payments		£2.62	£3.05	£3.49	£3.93	£4.80	£5.67	£6.54	£7.85

7. How can I find out more about council tax payments?

You can find out about council tax payments on our website by clicking on the link below or by searching for 'Council Tax' on the homepage.

8. Can you please advise if there is an upper limit on the amount of additional financial contributions I will be expected to make towards the closed churchyard in the future?

There is no upper limit on this financial amount that could be charged for unforeseen works to the churchyard.

9. We are not Church of England faith so why are we being asked to pay?

All residents of Kinver will be charged for these repairs as a 'special expense' on their council tax regardless of faith.

10. Where else in the district has this occurred and the cost passed onto residents?

This is the first instance of South Staffordshire Council applying this decision. However, the council is responsible for four closed churchyards across the district where, in principle, a charge may be imposed in future years to fund any one-off major costs.

11. Who will be carrying out the repairs?

The work will be carried out by Midlands Conservation Limited's specialist engineers and stone masons with demonstrable experience of working on conservation and restoration works to historic buildings.

12. Can anyone else quote for this work?

The provider for the works has been procured via the ENTRUST public sector Framework. The work is of a specialist nature; as a result the most suitable contractor on the framework has been approached to complete the works required.

13. How was the provider for the work selected?

South Staffordshire Council followed the approved contract procedure rules by utilising the ENTRUST public sector framework.

Frameworks help public and voluntary sector bodies procure goods and services from a list of pre-approved suppliers, with agreed terms and conditions and legal protections.

A public sector procurement framework is an agreement put in place with a provider that enables the council to place orders for services without running lengthy full tendering exercises. Frameworks are based on large volume buying, meaning councils can source services at lower prices.

The use of a framework to purchase goods or services ensures best value and compliance with all legal and financial requirements.

14. Does the council have all the necessary permissions in place?

Planning Permission: It has been confirmed that planning permission is not required as the works to the wall will not see the wall move or the height of the wall adjusted.

Listed Building Consent: St Peters Churchyard does not fall within a scheduled ancient monument. The wall has been deemed not curtilage listed (even if the wall was curtilage listed it would fall within the Ecclesiastical Exemption Act 2010, which gives provision for work to take place on tomb chests, lychgates and boundary walls).

The necessary permission to carry out the work will be required from (DAC) Diocese of Lichfield. No work will be carried out until this permission has been obtained.

15. What are the estimated timescales for the work?

Until the council has all the necessary permissions and signed contracts in place, we cannot give exact timescales when the works will commence, but it is anticipated the works will begin during 2023.

While repair work is being carried out to the church boundary wall, members of the public are asked to keep to the paths where possible and to always keep children under close supervision.

16. What work is required?

West Boundary Wall Southern Section from Lychgate

Cut out and replace 10 No. isolated perished stone ashlar.

Carefully take up and re-fix 10 linear metres of loose stone copings, bedded and pointed in lime mortar.

Re-point open joints only to stone copings.

Cut out and repoint defective mortar joints in lime mortar. We have allowed for 10 m² or re-pointing.

Northern Section from Lychgate

Carefully remove the twice weathered copings from the boundary wall up to the Lychgate and set aside for later re-use.

Carefully dismantle a 9 linear metre section of the stone wall complete down to the brick plinth (seven courses).

Excavate as required at the rear of the wall to facilitate the rebuild.

Allow to cut out and replace 10 No. perished bricks to the plinth.

Re-point open joints only to the brick plinth

Re-build stone wall to original lines and levels, bedded and pointed in lime mortar, including stainless steel ties etc.

Allow to supply 80 No. eroded ashlar stones at 150mm thick (sizes to match existing)

Re-lay previously set aside stone copings and re-point.

North Boundary Wall

Cut out and replace isolated perished bricks (40 No) with a reclaimed brick selected to match, bedded and pointed in lime mortar.

Cut out and repoint defective mortar joints to the brickwork in lime mortar. We have allowed for 140m²

Cut out and re-point defective mortar joints to the stonework in lime mortar. We have allowed for 20m²

Carefully dismantle (to the upper ground level only) a 10 linear metre section of low level brick wall and re-build in lime mortar. We have included a Provisional Sum for additional masonry repairs that may/may not be required following the removal of the undergrowth.

East Boundary Wall

Cut out and replace isolated perished bricks 100 No. with a reclaimed brick selected to match, bedded and pointed in lime mortar.

Cut out and repoint defective mortar joints in lime mortar. We have allowed for 90 m2 of re-pointing.

Carefully take up and re-fix 10 linear metres of loose stone copings, bedded and pointed in lime mortar.

Re-point open joints only to stone copings.

South Boundary Wall

Remove ivy, foliage etc from the masonry to the section of wall between the east boundary and the car park gate pier to allow closer inspection.

Cut out and replace isolated perished bricks 40 No. with a reclaimed brick selected to match, bedded and pointed in lime mortar.

Cut out and repoint defective mortar joints in lime mortar. We have allowed for 60m2 of re-pointing. We have included a Provisional Sum for additional masonry repairs and removal of the undergrowth to the section of wall from the gated access through to the public car park.

Re-point open joints only to stone copings.

17. How can I contact the council for more information?

You can contact us by email at bereavementservices@sstaffs.gov.uk