

**WARDS: Lye and Wollescote**

**AGENDA ITEM NO.**

**DUDLEY METROPOLITAN BOROUGH COUNCIL**

**STOURBRIDGE AREA COMMITTEE – 15<sup>TH</sup> SEPTEMBER 2003**

**REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT**

**LYE / WOLLESCOTE CEMETERY CHAPEL**

**1.0 PURPOSE**

- 1.1 To inform the Area Committee of the results from the Public Consultation Exercise.
- 1.2 To outline what further steps are required in order to determine the future use of the Chapel building.

**2.0 BACKGROUND**

**2.1 Outcome of the Public Consultation Exercise**

The public have been given an opportunity to inform the council of any suggestions or views that they have on the future of the chapel. A variety of methods were used including advertisements in local press, radio, posters in local Lye shops, library, health centres etc, posters at the Lye/Wollescote cemetery, Stourbridge Crematorium etc.

- 2.1.2 The closing date was 30<sup>th</sup> April 2003 and 19 responses were recorded. In addition the Local Ward Councillors held a small meeting to discuss any suggestions from local people. The feedback from this meeting to Council Officers was very similar to the outcome of this consultation detailed here. The majority of the responses indicated that they want to see this Locally Listed Historic Building preserved. All the following suggestions were from individuals with none being received from any potential organisations that could have a use for the building.

- 1 Arts/Music centre
- 2 Residential Property
- 3 Demolish the chapel and make a pleasant garden to reflect and enjoy the view.
- 4 Still used as a chapel or some other use in keeping with the bereaved.
- 5 Venue for marriage ceremonies.
- 6 Community use, day class centre, tearooms, and advice/resource centre.
- 7 A crematorium.
- 8 Local Heritage centre.
- 9 Council offices
- 10 Annex for Stourbridge College

## 2.2 The Next Steps

With respect to the land upon which the chapel is built, the Conveyance was originally to the Burial Board at the parishes of Lye and Wollescote, the land, of course is now vested in the Council. The Conveyance did not contain any covenants on the part of the Burial Board.

- 2.3 The parts of the cemetery and chapel designated for Anglican use are consecrated land. As such, it places a great number of restrictions on what the council is permitted to do. Consecrated land is subject to the jurisdiction of the Consistory Court of the Diocese. This means that no change to it or change in its use can lawfully be made without a Faculty of the Consistory Court, and due to the `sacred use of the land` there would be restrictions on the granting of a Faculty. Therefore, it is recommended that an application be made to the Archdeacon of Dudley for the chapel and sufficient land for its upkeep to be de-consecrated (by order of the Bishop under Section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991).
- 2.4 However, prior to applying for de-consecration it is recommended that opinions be sought from the various Church related organizations to ascertain their views on the option of de-consecration.
- 2.5 The Council's Historic Environment Team in conjunction with the Regeneration Team will approach outside parties to ascertain if there is any grant aid funding which could be applied for to repair, preserve or sympathetically convert locally listed historic buildings of this type.

### **3.0      PROPOSALS**

It is proposed: -

- 3.1      that the Area Committee notes the results from the Consultation Exercise.
- 3.2      that the Area Committee requests Council Officers to investigate sources of external funding, which may be available to repair, preserve or sympathetically convert the this locally listed chapel building.
- 3.3      that the Area Committee requests the Lead Member for the Environment to authorise the Director of the Urban Environment to make an application for the de-consecration of the chapel building and enter into discussion with the church authorities with regard to potential future uses of the chapel.

### **4.0      FINANCE**

- 4.1      There are no immediate financial implications arising from this report.

### **5.0      LAW**

- 5.1      The councils powers to manage and improve Cemeteries are contained in a variety of legislation, including Section 214 and Schedule 214 and Schedule 26 of the Local Government Act 1972, the Local Cemeteries Order 1977.
- 5.2      De-consecration is by order of the Bishop under Section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.
- 5.3      Section 123 of the Local Government Act 1972, enables the Council to dispose of property for the best price reasonably obtainable.

### **6.0      EQUAL OPPORTUNITIES**

- 6.1      The report accords with Council's Equal Opportunities Policy.

## 7.0 RECOMMENDATION

- 7.1 That the proposals set out in Section 3.0 of this report be approved.

**Director Directorate of the Urban Environment - John B. Millar**

Contact Officer: Duncan Lowndes. Assistant  
Director Culture and Community Services Ext: 5500

### Background Papers:

1. Memo from Legal and Democratic Services dated 6<sup>th</sup> June 2003.
2. Tree Survey from the Director of the Urban Environment.
3. Letter from Worcester Diocesan Registry 28<sup>th</sup> May 2003.
4. Note – Is there a future for Lye/Wollescote Cemetery Chapel as an additional Crematorium? 27<sup>th</sup> June 2003 by Head of Bereavement Services.
5. Copy of the original (1879) cemetery plan designating consecrated land and a plan of the chapel.