

**THE FRIENDS OF HIGHGATE CEMETERY TRUST**  
**(the 'Charity', 'Company' or 'Trust')**

Minutes of an Extraordinary General Meeting of the Charity ('EGM') held at Lauderdale House, Waterlow Park, Highgate Hill, London N6 5HG on Tuesday 18 February 2020 at 7.00 p.m.

<u>Trustees Present:</u>	Martin Adeney (Chairman)	
	Doreen Aislabie	Steve Kennard
	Katy Baldwin	Lucy Lelliott
	April Cameron	Stuart Orr
	Charles Essex	Teresa Sladen
	Nicola Jones	Evelyn Wilder
<u>Friends Present:</u>		
Robin Roads	Richard Kuhn	Sarah Rodgers
John Deutsch	Brent Elliott	Kelli Elmer
Adam Cooke	Tom Richardson	Michelle Meaker
Judy Roberts	Averil Burgess	Tim Meaker
Jill Foster Beaver	Mary Baylis	Nicky Gavron
Lynda Hamlyn	Andrew Yeo	Sue Berdy
John Shepperd	Rosemary Thompson	David Wiseley
Richard Morgan	Stephen Sowerby	J Knight
Joanna Kennard	James McKinley	Rowan Lennon
Ian Kelly	A P Skyrme	Catharine Wells
Terry Reeve	Jane Goldsmith	Malcolm Tucker
W P Schwitzer	Susan Hall	David B Knox
S Overton	Brian Palmer	Peter Knight
Gillian Tindall	Isabel Raphael	Georgy Mordokhov
Honour Cooper	Ceridwen Roberts	Emma Bishop-Laggett
Anne Galley	Matthew Lewis	Sam Klok
Bruce Galley	Alison Samuel	
<u>In attendance:</u>	Ian Dungavell	(Chief Executive)
	Nicholas Evans	(BDB Pitmans LLP)
	Mustafa Latif-Aramesh	(BDB Pitmans LLP)
	Baroness Lynne	(House of Lords
	Featherstone	Sponsor)
	Martha Bruce	(Bruce Wallace
		Associates Limited)
<u>Apologies:</u>	Richard Morris	(Protector)
	Dr Tye Blackshaw	(Protector)
	Philip Williams	(Protector)
	Nigel Thorne	(Trustee)

[Total 61 members of the Charity including Trustees]

**Introduction and Notice:**

The Chairman welcomed the Friends to the EGM, declared the meeting open and

reported that apologies had been received from the Protectors and Nigel Thorne, a Trustee, who were not able to attend.

The notice of meeting was taken as read and the Chairman explained that voting would be conducted initially on a show of hands and then immediately proceed to a poll. The results of the poll would be checked, verified and announced on the Charity's website once the count was verified.

### **Purpose of the Meeting:**

The Chairman reported there was one item of business, to approve the Highgate Cemetery Bill (the 'Bill'). He outlined progress of the Bill through Parliament and explained its first reading in the House of Lords had taken place last month and it would shortly undergo a Wharnccliffe examination and, under Standing Order number 63 of the House of Lords, the Charity was required to demonstrate the Bill had been approved by Special Resolution of the members of the Company and record who was present at the EGM. The Chairman further clarified that the Bill was a Private Bill and was being sponsored by Baroness Featherstone in the Lords and Catherine West MP in the Commons.

### **Chief Executive's Presentation:**

A presentation was provided to the meeting by the Chief Executive explaining the main powers provided by the Bill, being: to extinguish rights of burial set out in Section 4; to disturb human remains, in Section 5; and a number of other general administrative powers.

The Chief Executive clarified that the power to extinguish rights of burial in Section 4 of the Bill could only be exercised where the last burial was more than 75 years ago or, if there had been no burial, 75 years after the date burial rights were granted.

Further clarification was provided by the Chief Executive that the power to disturb human remains in Section 5 of the Bill could only be exercised in respect of graves where rights of burial had been extinguished under Section 4, and in respect of common graves where no such burial rights exist, where the last burial was more than 75 years ago. The requirement that any disturbed human remains be reinterred in the original grave or in another grave within Highgate Cemetery was noted.

The Chief Executive explained the power to remove unclaimed memorials on such graves and to put them to appropriate use or destroy them was also being sought through Sections 4 and 5 of the Bill. Other general administrative powers included in the Bill, namely the power to maintain a burial register, create offences and impose fines, make byelaws, and to repeal redundant legislation were noted.

The Chief Executive reported that the Bill was being proposed to deal with the long-standing problem of a lack of available burial space, created by burial rights having been granted historically 'in perpetuity'. The issue was now at a tipping point and it was explained the lack of available burial space was not particular to Highgate Cemetery and was affecting cemeteries in many countries. Measures taken previously to address this had their place, including creation of the 'Mound' for burials on top of common graves and use of small pockets of land such as Cundey Corner for cremated remains,

but were almost full. Also, importantly, the Conservation Plan had found that the Mound detracted from views in the East Cemetery and the additional cremation plots harmed the setting of other memorials which was not consistent with the need to preserve and protect Highgate Cemetery's Grade I Registered Landscape status and the landscape design for which it is famous. The Chief Executive reported that the Bill was perhaps the most significant outcome of the Conservation Plan which had concluded that legal powers in the Bill were needed to enable the reclamation or re-use of abandoned graves, absent of which Highgate Cemetery would "cease to be a working cemetery, harming its significance and threatening the conservation of the historic memorial landscape."

Findings of surveys into the acceptability and ethics of re-using old Victorian perpetuity graves to tackle the problem of lack of burial space were outlined to the meeting, noting they demonstrated a high level of support provided it was well regulated and a minimum time period of 75-100 years had elapsed before re-use. Notably Highgate Cemetery's own survey in 2017 found three-quarters of respondents thought it important for Highgate to remain open for burials and almost 70% indicated it was acceptable to re-use long abandoned graves. The Chief Executive also reported that the Church of England were in support of grave re-use once a period of 75 years had elapsed.

Established legal precedents were outlined to the meeting and the Chief Executive reported that local authority run cemeteries in London already had power granted through the London Local Authorities Act 2007 to disturb human remains after 75 years to create more burial space and, through earlier legislation, were permitted to extinguish burial rights. It was also reported that other private cemeteries had done similar to Highgate Cemetery, notably New Southgate Cemetery which had obtained substantially the same powers as contained in the Bill by an Act of Parliament in 2017. It was recognised there would be challenges that would need to be addressed concerning the preservation of heritage when graves with memorials were re-used.

Protections to safeguard the interests of owners, families and others on grave re-use were explained by the Chief Executive, who reiterated that it would only be considered where the last burial was more than 75 years ago or, if there had been no burial, it was 75 years since the burial rights had been granted. Attempts would be made to notify any parties who might have an interest in the proposed re-use of a particular grave and this would be done by placing two notices in national/local newspapers, a week apart, displaying notices at cemetery entrances, and sending a notice to the registered owner at their last known address. A period of six months would be allowed for response and, if an owner objects there would be no further action, if a relative (including a spouse or former spouse) objects re-use would be delayed for 25 years and if anyone else objects the matter would be referred to the Secretary of State for decision. It was also clarified that permission from the Diocese of London, a faculty of the Church of England, was required for any disturbance of remains in consecrated ground.

The Chief Executive also outlined important heritage safeguards in place to protect the heritage of graves and memorials which would be observed. These include requirements arising from Highgate Cemetery's conservation area designation and Grade I Registered Landscape status, as well as the need to notify and, where applicable, seek permission for proposed grave re-use from Historic England, the Commonwealth War Graves Commission and the London Borough of Camden. There was also a safeguard requiring the removal of any memorials to be fully recorded.

The Chief Executive emphasised this was not a commercial exercise and proposed grave re-use would be handled sensitively, in accordance with the Charity's objects to preserve the heritage of the cemetery whilst continuing use as a public burial ground. It was also confirmed that the intention was to re-use graves only in circumstances where the owners' rights had legitimately expired and the safeguarding measures would be exercised and observed with this intent.

Findings from the study of 200 graves near the Old Marx Path, East Cemetery, which determined 53 graves appeared to have no memorial, making it possible to accommodate new burials without damage to the heritage of the cemetery were reported to the meeting. The Chief Executive further advised that 37 of these graves appeared to have depth for two interments and 14 had depth for one without need to disturb existing remains. However, the Chief Executive confirmed the power in the Bill to disturb human remains was still needed as the accuracy of historic records in terms of the depth of existing burials could not be guaranteed.

Examples of new memorials in the East and West Cemeteries that do not detract from the historic landscape were also considered, noting that with clever control they could protect and improve the heritage.

The Chief Executive provided clarification concerning the power to 'destroy' memorials. It was explained that they might be put to another use or re-positioned in the cemetery, noting that in some instances relatives might prefer them destroyed rather than being somewhere looking less cared for whilst bearing their family name.

The Chairman thanked the Chief Executive for his presentation and reported that the Bill had been widely publicised on the Highgate Cemetery website, copies had been available at the Cemetery and there were further copies at the meeting, one of which he had signed as referenced in the Special Resolution.

### **Special Resolution to approve the Highgate Cemetery Bill:**

At this point the Chairman proposed and John Shepperd seconded the following as a special resolution (the 'Special Resolution'):

'That a Bill, a Petition for which was deposited in Parliament on 27 November 2019, intituled "A Bill to confer powers upon the Friends of Highgate Cemetery Trust to operate, maintain and improve Highgate Cemetery and to extinguish rights of burial and disturb human remains in Highgate Cemetery for the purpose of increasing the space for interments and the improvement of Highgate Cemetery; and for connected purposes", a copy of which was produced to this meeting and for the purpose of identification signed by the Chairman of the meeting, be approved subject to such additions, alterations and variations as may be made by Parliament and approved by or on behalf of the Trust.'

Questions on the resolution and the Bill were invited from the Friends.

Concern was expressed about the unmarked grave of the Lost Girls of the Highgate Penitentiary and how this might be affected given its historical importance. The Chief Executive confirmed that criteria by which graves would be determined as suitable for re-use would be tightly defined and would not include any that were important from a

historic or heritage perspective. The Chief Executive also reminded the Friends that there was a historic interest section in the Friends' database for them to record any interest they hold in particular graves and, if this was completed, they would be notified of any proposals for re-use.

Clarification was provided that the power extended also to interred ashes as well as graves.

Sarah Rodgers, a descendent of Henry Purcell whose mother had chosen the East Cemetery, which she considered a safe and protected space, as her final place of rest, expressed concern about the powers being sought to remove interred remains. She herself had not found anyone reliable to pass ownership of the grave on to after her, which meant there was risk her family's remains might be disturbed and the grave be re-used. She had been thinking of passing ownership back to The Friends of Highgate Cemetery Trust and the Chairman noted her request that, if this was done, somehow the powers created by the Bill be exercised in such a way as to recognise and respect her rights as a declared owner and the request that her family's remains be left undisturbed 'in perpetuity'.

Questions were received about assigning ownership of burial rights in a deceased owner's will and it was confirmed that it was a transferable right that could be passed on to up to two people. As well as transferring something valued down through the generations, this would provide a means of safe-guarding against grave re-use.

In response to a question about how many new burial spaces would be created by exercising powers under the Bill, the Chief Executive reported that the precise number was currently unknown. However, using the Old Marx Path study findings as a guide, it was believed there were sufficient to justify obtaining approval of the Bill and to sustain Highgate Cemetery's operation as a public burial ground into the future.

A question was asked about how the process for someone making an objection to proposed grave re-use would work. Nicholas Evans, the Parliamentary Advisor from BDB Pitmans LLP, reported that if an objection was received from a registered owner there would be a simple veto and grave re-use would be prohibited. However, if there was an objection from any other person or a distant relative who could not unequivocally prove their interest, the matter would be referred to the Secretary of State for decision. However, there was no precedent of the Ministry of Justice being called on to exercise judgement in such circumstances before, albeit there was expectation it would be handled by the same team and in the same way as requests for licenses to extinguish rights received from developers.

It was clarified that the Bill permitted the disturbed remains to be re-interred in the same grave or to be moved and re-buried elsewhere within Highgate Cemetery. The Chairman clarified there were no plans to build an ossuary and the Chief Executive confirmed the Bill permitted remains to be re-buried in an earthen grave, catacomb or brick grave save that the intentions of the original burial would be respected. It was noted that there was a strong preference where possible, to preserve the history and continuity of their original location, for interred remains to be lifted and placed back deeper in the original grave allowing new burials above.

Questions were asked about the safeguarding measures and requests were received

that notices placed in the national/local newspapers and at the entrances to the cemetery make it as easy as possible to identify the graves proposed for re-use and identify more than a plot number. In particular, the request to include grave owners' names and their professions was noted. The Chairman confirmed this would be considered and best efforts would be made to contact affected grave owners.

In response to a question about viability of charging more for burial rights with an extended 100-150 year time period, the Chief Executive clarified that the purpose of the Bill was not to make more money, but to keep Highgate Cemetery operating as an active public burial ground which charging more in this way would not help address.

Request was made for more information about the form of the burial register, how it would be maintained and what information would be recorded. The Chief Executive clarified that historically there had been a bound burial register which, whilst easy to use, was very vulnerable hence the digitisation project to create an electronic burial register. This electronic register would be used going forwards and it would be a cloud-based storage application to facilitate easier access. The required data fields and information contained in the register would be as specified in the Bill.

Comment was made that a number of great historical cemeteries no longer carry out burials and the question was asked whether by Highgate Cemetery still operating as an active public burial ground it was in a position of conflict with its purpose to preserve the cemetery's heritage. The Chairman reported that the Trustees had a clear wish to achieve the Charity's two main objects of preserving the heritage of the cemetery whilst continuing its use as a public burial ground. The Trustees believed this helped ensure the cemetery remained a peaceful, sacred and respectful place, which could be jeopardised should it become purely a tourist attraction relying on visitor income.

The requirement and timing of the EGM was questioned and Nicholas Evans from BDB Pitmans LLP clarified that due process was being followed and Standing Order number 63 of the House of Lords requires that a general meeting be held now to demonstrate approval of the Bill by Special Resolution of the members.

A final question was taken on what safeguards would be in place to ensure new monuments were appropriate. The Chief Executive said that there were already codified general design requirements which would need to be observed, including that monuments are not visually disruptive, not constructed of marble, have a honed/matt finish and are related in height to existing monuments in the vicinity. Proposed new monument guidance would be reviewed with Historic England and the need to preserve history would be carefully balanced with the desire to add new layers of interest and enhance the landscape.

### **Voting on the Special Resolution:**

Once questions were concluded the Special Resolution was put to the vote. The Chairman declared it was approved on a show of hands, with 1 abstention, 2 votes against and all other votes cast in favour. At this point the Chairman directed that a poll vote be conducted immediately and invited those present to vote using the voting cards provided to them at the beginning of the meeting and to place their voting cards in the ballot box.

The Chairman confirmed that once the results of the poll vote had been checked and verified they would be published on the Charity's website. There being no further business, he declared the meeting closed at 8.10 p.m.

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**CHAIRMAN**

2020 Extraordinary General Meeting: Special Resolution poll vote result  
(including votes by proxy)

For: 267 votes  
Against: 11 votes  
Withheld: 5 votes