

MINUTES OF ORAL EVIDENCE

taken before the

OPPOSED BILL COMMITTEE

on the

HIGHGATE CEMETERY BILL

Thursday 4 March 2021 (Morning)

In Committee Room 4a

PRESENT:

Baroness Hallett (Chair)
Lord Aberdare
Baroness Garden of Frognal
Lord Trefgarne
Baroness Whitaker

IN ATTENDANCE:

Nicholas Evans, Parliamentary Agent

WITNESSES:

Dr Ian Dungavell, Chief Executive, Friends of Highgate Cemetery Trust
Martin Adeney, Chair, Friends of Highgate Cemetery Trust
David Jones, Petitioner
Paula Swift, Petitioner

IN PUBLIC SESSION

(At 10.35 a.m.)

1. THE CHAIR: Good morning, everybody, and welcome to the third day of the hearing of the Opposed Bill Committee into the Highgate Cemetery Bill. We adjourned yesterday for Mr Evans to consider, with his clients, suggestions for amendments and/or possible protocols on the part of the promoters. So, Mr Evans, how have things proceeded?

2. MR EVANS: My Lady, good morning. Yes, we've considered and are very happy to make the amendments that the Committee has requested, and also to give those undertakings. We've been discussing the wording with counsel to the Committee and unfortunately we're not quite there yet on all of the details. I don't know if you would find it helpful for me to remind the Committee of what those amendments or undertakings were. But in essence the main issue that we're seeking to confirm is the detail of the drafting where a notice of objection is given, there's a 25-year stay and then the burial authority goes through the process again. While this would be quite simple to show on a flowchart, it's proving more difficult to agree exactly what the words are.

3. THE CHAIR: And do you have any estimate as to how long it will be before you can come up with a form of words for the Committee to consider?

4. MR EVANS: My Lady, at this point there are forms of words that are going back and forth between us. I don't think it would take more than another iteration or so. We have shared wording with the clerks to the Committee and those are now with counsel to the Committee.

5. THE CHAIR: Well, what we were considering in our private meeting before this public session, Mr Evans, was that we adjourn the public session until a time that you think is reasonable for an agreed set of words on all issues to be available to the Committee. In the meantime, you send us, as soon as available, any agreed set of words on any of the clauses. And then, if we can come back this afternoon, if it is then, this afternoon we can come back and consider all the agreed set of words together. Is that something you would argue for or against?

6. MR EVANS: My Lady, we would be very happy to do that. We are also conscious that on another private Bill in the House of Commons recently, that was the

Monken Hadley Common Bill, the Committee there agreed that, once the promoter had agreed what the amendments were to be, that the Committee would allow the Bill to proceed to the next stage, subject to the counsel to that Committee and the Chair of that Committee concluding that those amendments satisfied the point. So, the preamble to the Bill was proved at that stage and the amendments were signed off later and then reported. The Bill was not reported until that stage had happened. So that is an alternative.

7. THE CHAIR: Well, it's not an alternative that appeals to the Committee, Mr Evans.

8. MR EVANS: Understood.

9. THE CHAIR: If we're as close as you say, then I think it's much better that every member of the Committee should be involved in the final decision, and, in my view, much more appropriate, especially given the attention that members of the Committee have paid to the detail of the drafting.

10. MR EVANS: I totally understand.

11. THE CHAIR: The question now is: until what time do we adjourn this public session? Is 12 o'clock too soon – 2 o'clock?

12. MR EVANS: My Lady, the next session was due to be at, I believe, 1.30 was when it was timetabled. So perhaps as that splits the difference between 12 o'clock and 2 o'clock that might be an appropriate time to adjourn until.

13. THE CHAIR: I'm not sure I agree it splits the difference but unless any other member of the Committee disagrees, I'm content with 1.30. We'd far rather we get this right and if it can't be done today, Mr Evans, then it will have to go on. So we need to make sure that every member of the Committee is happy with the drafting on each of the clauses. So, as soon as you have an agreement on any of the clauses, please email them through so the Committee can start considering them and we don't have the whole mass of them this afternoon. So, as soon as anything is agreed, please send it through. We will continue to consider them individually and then we will return at 1.30 and hope that we can complete the passage of this stage this afternoon, but it won't necessarily be so.

It will depend on whether the matters are agreed and the Committee is satisfied with the changes.

14. MR EVANS: Thank you very much, my Lady. Yes, we'll get straight on with that.

15. THE CHAIR: Thank you very much. Unless anybody has anything else to say, please don't cut your Zoom connection. By all means, turn off your cameras and of course stay mute but please don't leave the Zoom connection, and we will resume at 1.30. Mr Evans, if during the course of the morning it seems as if it's going to take longer than 1.30, please make sure that message gets through to the members of the Committee as well.

16. MR EVANS: Of course.

17. THE CHAIR: Thank you very much. Very well. Thank you, everybody. I'm not leaving the Zoom. I will now be adjourning this public session until 1.30.