

Agenda Item 9

Park & Heritage Centre Freehold Transfer

Pendle Borough Council approved the transfer of Barrowford Memorial Park and the freehold of the Heritage Centre at its December 2016 meeting. The Council added a proviso that a new lease should be agreed between the two parties prior to transfer. This insignificant sounding point has enabled Heritage Trust for the North West (HTNW) to frustrate the will of Pendle Borough Council as current land owners, and the Parish Council.

During the intervening months Pendle's legal team drafted a new lease which was sent to both parties in October 2017. Two meetings were arranged between Pendle Borough Council, Pendle Heritage Centre Trust (PHCT) and Barrowford Parish Council, both of which were cancelled by the Heritage Centre at short notice.

At the request of the Parish Council the Clerk sent two responses to Mr. Mousdale, Corporate Director at Pendle Borough Council, regarding the lack of progress. It was even still unclear which organisation the lease would be signed by. After the second letter from the Parish Council, asking for the December 2016 resolution to go back to Pendle Council for the removal of the new-lease provision, allowing transfer under the existing lease, a meeting was arranged at the request of the Leader and Deputy Leader of Pendle towards the end of April 2018. The meeting was attended by the Chairs of both HTNW and PHCT, Pendle Borough Council and representatives of the Parish Council.

At this meeting it became abundantly clear that any new lease would be in the name of HTNW and that, despite having had the draft lease since the previous October (7 months) they required further time to make comments regarding it. It was agreed with Pendle that a response from HTNW would be forthcoming by the end of May 2018.

A response, from the Chair of Pendle Heritage Centre Trust, was received by Mr Mousdale around the 8th June. Unfortunately that letter was not also sent to the Parish Council at the same time. The Clerk, who had been trying to contact Mr Mousdale for an update, booked an appointment for Thursday 14th June and met Mr. Mousdale with Cllr. Windley. The letter was raised by Mr Mousdale and the following facts came to light.

1. Mr Mousdale has received a letter from Sarah Cockburn-Price, Chair of PHCT (presumably writing with authority from HTNW) stating that they do not agree to the draft lease or the amendments suggested by the Parish Council and that after taking legal advice they are not willing to enter in to a lease with the Parish Council..
2. They also request that Pendle Council revoke their agreement in 2016 that the Park Hill lease be transferred to the Parish Council and now give the freehold to them.

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3. Phillip Mousdale is replying to this letter pointing out that the recent undertaking by HTNW to hold discussions on the draft lease has not been met and that he will not refer the matter to Pendle Council at this time.

The Clerk is also of the opinion that up to now no discussions, either constructive or otherwise, have taken place with either HTNW or PHCT, and that Barrowford Parish Council resolves at tonight's meeting (20 June 2018) as follows:

1. That it is unacceptable to the Parish Council that HTNW can delay the will of Pendle Borough Council by delaying the drafting of a new lease.
2. That both Barrowford Memorial Park and the freehold of the Heritage Centre be transferred as one entity or not at all.
3. That no monies are paid to Pendle Borough Council in regard of either the Park or the Heritage Centre until the negotiations have reached a satisfactory conclusion.
4. That the Parish Council wishes the new lease to be concluded with either HTNW or PHCT within 3 months
5. That if these negotiations are not concluded, or are frustrated by either the HTNW or PHCT, that the matter is referred back to a Full Council Meeting of Pendle Borough Council with a view to removing the new- lease provision and replacing it with transfer of the existing lease as submitted to the Parish Council, with no amendments being added after the original resolution of transfer in December 2016.
6. That the Clerk be allowed, in consultation with the Negotiating Team, to draft a letter to Mr Mousdale responding to the PHCT's letter and detailing the Parish Council's resolutions passed at this meeting. A copy to be forwarded to the three party leaders at Pendle Borough Council.