

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO COMMUNITY SERVICES COMMITTEE

Agenda Item No. 8

meeting date: 8<sup>th</sup> JANUARY 2019  
title: CLITHEROE TOWN WELLS – REQUEST BY CLITHEROE CIVIC SOCIETY  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: MARK BEVERIDGE

### 1 PURPOSE

- 1.1 To provide Committee with a request from the Clitheroe Civic Society to consider working with them to improve the three town wells.
- 1.2 Relevance to the Council's ambitions and priorities
  - Community Objectives – To sustain a strong and prosperous Ribble Valley, encompassing our objective to encourage economic development throughout the borough, with a specific emphasis on tourism.

### 2 BACKGROUND

- 2.1 The three town wells in Clitheroe; Stocks Well (adjacent to the Castle Grounds), The Towns Well (Heild Well), Wellgate and St Mary's Well, Well Terrace, all are capped now. They previously served as a water supply to the town residents.
- 2.2 Ownership of the Wellgate and Well Terrace sites is unknown; Stocks Well is part of the Borough Council's ownership as shown in the attached plans of the property of the Corporation of Clitheroe (1876). (Appendices)
- 2.3 The assets of Clitheroe Borough Council transferred, following the 1972 Local Government Act, to the newly formed Ribble Valley Borough Council via the statutory instrument of the Local Authorities (England) (Properties etc.) order 1973. Stocks well was part of this transfer.
- 2.4 Committee members will have received an extensive email with attachments from the Civic Society, in which they set out their case for the wells to be improved and try to establish ownership.

### 3 THE CURRENT POSITION

- 3.1 The Civic Society have approached the Council to ask if we are prepared to work with them to improve the three wells. The scope of the work ranges from minor to major landscape work costing tens of thousands of pounds.
- 3.2 The Council has a very small budget of £300 allocated to cleaning all the wells annually as part of the street scene work carried out in the town. Limited to weed spraying and litter collection.
- 3.3 Prior to seeking external funding, it would be necessary to provide proof of ownership; for example, HLF required this for the Pinnacle scheme in the Castle Grounds. Any funding involving lottery funds would need this evidence, hence the importance of proving ownership for Heild and St Mary's wells.

### 4. ISSUES

- 4.1 As the ownership of two wells is unknown; the Civic Society would like this Council to seek legal ownership, via the Land Registry's procedure. The Society have sent some information, which seeks to make a case for the Council, being the owner. However, in the Town plan, which shows land ownership of this Council and its' forbearers, St Mary's well is clearly outside the extent of land owned by the Council. Heild well is not shown, as the Corporation of Clitheroe at that time must not have any land holding in the area of Wellgate.
- 4.2 To make a claim for land where ownership is unknown, the Land Registry set out the procedure to be followed. This includes swearing an oath that certain information is correct. Given that the Council does not know this information, it would be both unethical and illegal to proceed as if we did, in order to claim ownership of the two wells. Whoever sought ownership would assume liabilities for the wells, as we have for Stocks Well.
- 4.2 It could reasonably be argued the two wells with no identified ownership are part of the pavements in the town, which would make them a County Council issue. LCC understandably have no desire to take on that responsibility and liability either.
- 4.3 If the wells were deemed dangerous, LCC and this Council have powers to address the danger, as would be the case say with a building whether ownership was known or not. However, this would not extend to improvements of the type that the Civic Society are seeking.
- 4.4 The Civic Society would be able to form a legal entity which would allow them to claim ownership of the two wells in question, allowing them to then apply for external funding to improve them as they see appropriate. The Council could perhaps assist them with officer time to achieve this, depending upon the scale of work envisaged.

## 5 RISK ASSESSMENT

- 5.1 The approval of this report may have the following implications
- Resources – The Council has no budget provision in the current capital budget for any works to the well we own or the two we do not. If Committee wished to seek a budget for Stocks Well, it would need to submit a bid as part of the capital budget process for 2024/25 or ask Policy and Finance to amend the 2023/24 budget. There is nothing identified that could be delayed or removed from the Council approved capital programme in place until then.
  - Technical, Environmental and Legal – The Council cannot lodge a claim for adverse possession of the two wells where ownership is unknown, because our claim would not meet the criteria set out by the Land Registry.
  - Political – No implications identified.
  - Reputation – The Council only owns Stocks Well adjacent to the Castle grounds. Whilst it is quite clear what the Civic Society are seeking to achieve, at this point that is the only site owned by this Council. Although the Council has powers to carry out work on dangerous structures, these would not extend to the improvements sought by the Civic Society.
  - Equality & Diversity – No implications identified.

**6 RECOMMENDED THAT COMMITTEE**

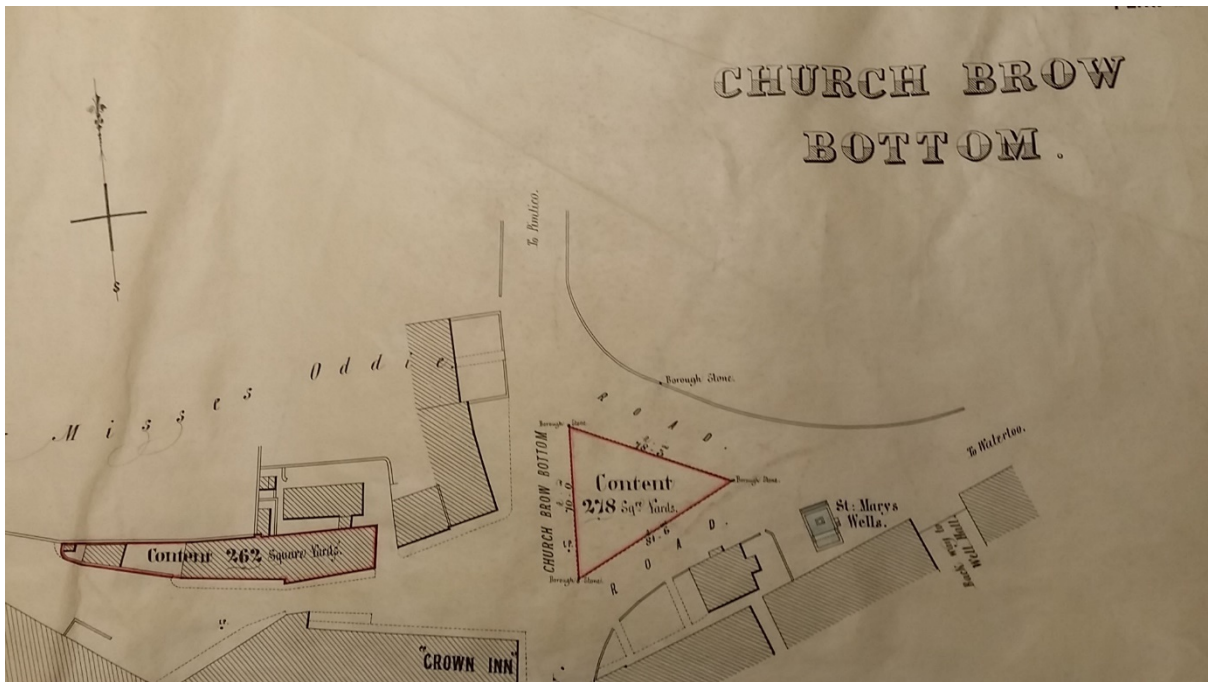
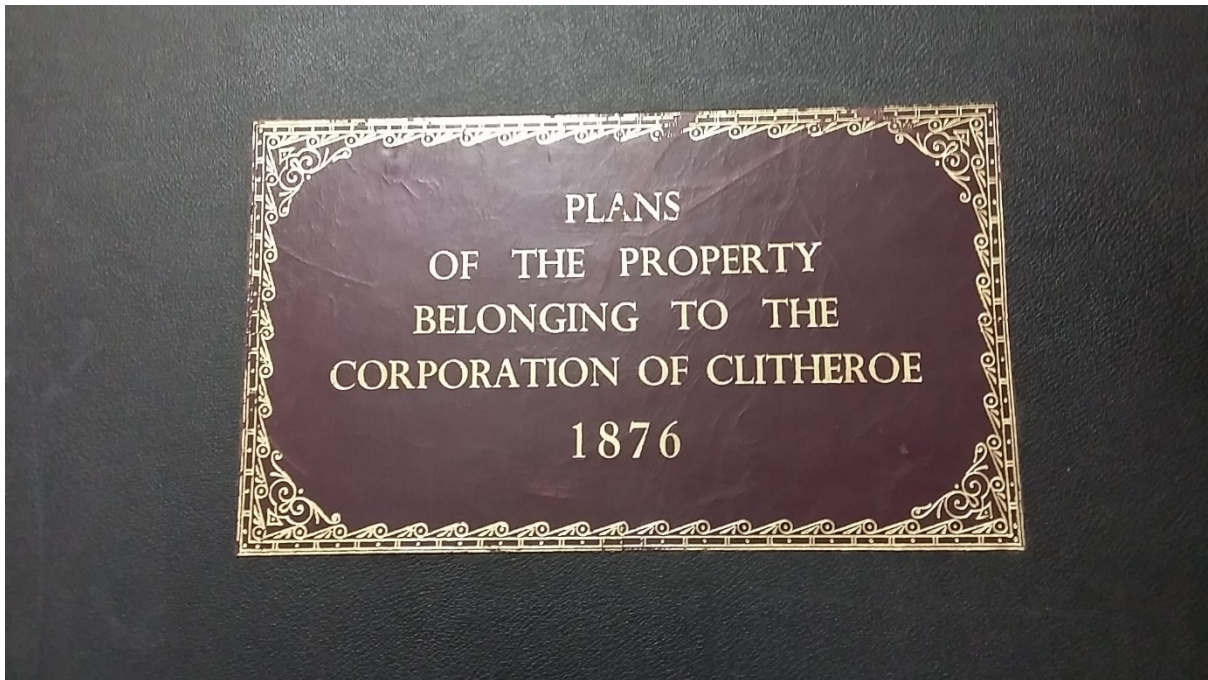
- 6.1 Confirm the Council's position in relation to the two wells not in its' ownership.
- 6.2 Ask the Council's Chief Executive to write to the Civic Society informing them of the Councils' decision.
- 6.3 Confirm that it would support any action by the Clitheroe Civic Society for it to assume ownership of the wells.

MARK BEVERIDGE  
HEAD OF CULTURAL AND LEISURE SERVICES

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS – None

For further information, please ask for Mark Beveridge, extension 4479.



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