

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO COMMUNITY SERVICES COMMITTEE

meeting date: 9 MARCH 2022
title: CLITHEROE TOWN WELLS
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: MAIR HILL

1 PURPOSE

- 1.1 To refer the petition of the Town Wells Group to the Committee and seek Committee's agreement to proposed actions to be taken with regard to Stocks Well.
- 1.2 Relevance to the Council's ambitions and priorities
 - Community Objectives – To sustain a strong and prosperous Ribble Valley.

2 BACKGROUND

- 2.1 Committee will recall that the issue of ownership and maintenance of the Clitheroe Wells has been referred to this Committee on a number of occasions previously. As a result, the Council has registered its ownership of Stocks Well.
- 2.2 A petition was presented to Full Council on 12 October 2021 by Mr R Hailwood on behalf of the Clitheroe Town Wells Group. The group requested that the Council take three steps to secure the lasting future of the wells: refer the petition to Community Services Committee at the next available opportunity; consider two possible legal bases for making valid the ownership of the Heild and St Mary's Wells and consider the economic, community, heritage and tourism benefits of adopting the three wells.
- 2.3 It was resolved by Full Council that the petition be referred to Community Committee for further consideration as requested with the addition that both new and existing evidence be taken into account when considering the legal position. The matter was to be considered at the meeting of this committee on 11 January 2022 but was deferred to this committee following a request from the Wells Group for the Council to consider further evidence which it had collated. This information was subsequently provided and has been considered in full.

3. ISSUES

- 3.1 With regard to the questions which the petition raised, this matter is now to be considered by Committee. The position with regard to questions 2 & 3 are set out below.

Consider legal basis of ownership of the wells

- 3.2 The legal position regarding ownership of the wells owners has been set out previously to this Committee in reports on 8 January 2019, 28 May 2019 and 3 September 2019. The Council has now considered all the evidence which has been provided to, and all bases on which ownership could consequently arise. Having done so the Council does not consider that this would change its view on registration of Heild or St Mary's Well. There is neither evidence of ownership by previous authorities which would have transferred to Ribble Valley Borough Council, or sufficient evidence for the Council to assert that it has taken ownership of the Wells.
- 3.3 In particular, the Council takes note of the following:

- Stock Well was included within the ownership of Clitheroe Corporation in the 1876 map book St Mary's Well was in the map book but outside of the red edge and therefore presumed not to be in its ownership and Heild well was not in the map book at all presumably because no land was owned anywhere near it (as set out in the report dated 28 May 2019), There is also no reference to ownership on the register of deeds of Clitheroe Borough or what appears to be the corresponding map book.
- Section 124 of the Public Health Act 1936 provides that:
*"(1) All public pumps, wells, cisterns, reservoirs, conduits, and other works **used for the gratuitous supply of water to the inhabitants of any part of the district of a local authority shall vest in and be under the control of the authority**, and the authority may cause the works to be maintained and supplied with wholesome water, or may substitute, maintain and supply with wholesome water other such works equally convenient."*

If therefore, Heild Well or St Mary's well were used for the gratuitous supply of water on 1 October 1937 when the Act came into force, they would have vested in the Council's predecessor at that time. The evidence suggests however, that the wells were not in use at that time and so would not have vested pursuant to the terms of the Act.

- There is insufficient evidence for the Council to be able to assert that it has adverse possession. Whilst the Council may have spent small sums in the past, on the three wells, it has not expended any sums since 2015, and this would not in any event indicate an intention to assert factual possession of the land.

Consider the economic, community, heritage and tourism benefits of adopting the three wells

- 3.4 As Committee are aware the Council registered its ownership of Stocks Well in 2019. It is proposed therefore that the Council, procure a survey and any necessary and appropriate works to this well so that it is maintained as it would any other Council asset.
- 3.5 The Council will also work with the Wells Group to develop tourism information to promote Stocks, Heild and St Mary's Wells. This could include for example an information board placed at Stocks well which directs the public to the two other well's locations.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
- Resources –Resources will need to be expended in carrying out the survey and/or works, but at present it is not possible to establish what these may be.
 - Technical, Environmental and Legal –Full consideration has been given to the information provided.
 - Political – No implications identified.
 - Reputation – Full and proper consideration of all the additional information provided will ensure that the Council's reputation is enhanced.
 - Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Authorise the Director of Community Services to procure a heritage survey of the condition of Stocks Well and to ensure any necessary works are carried out to ensure the heritage assets.

5.2 Authorise the Director of Community Services to work with local community groups to develop the tourism potential of Stocks, Heild and St Mary's Well.

MAIR HILL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS –

Reports to Community Committee dated 8 January 2019, 28 May 2019 and 3 September 2019

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