

## Parish Council and Barrow Playing Fields Foundation Joint Statement on the Shop Petition.

**Background** -The Parish Council and the Barrow Parish Playing Fields Foundation are aware that some residents have recently received a petition in support of a private couple running a shop, Post Office, and café in the new pavilion on the playing fields. A relative of this couple attended the September 2021 Parish Council meeting to express this interest. At that meeting the Parish Council confirmed that they are willing to explore all available options and asked that a full proposal be presented to the Parish Council for consideration. Any such proposal would need to ensure that the recreational and leisure aspect of the pavilion is maintained.

There are a number of potential hurdles and legal requirements that would need to be addressed to take any such proposal forward. The purpose of this statement is to set out some of the issues that the Parish Council and Barrow Parish Playing Fields Foundation need to take into account before deciding on the future use of the pavilion, including a privately-run shop.

**Parish Council** - As part of the funding for the construction of the new pavilion the Parish Council obtained a grant of approximately £64,000. In the event that a private business established a shop and Post Office in the pavilion, 50% of the grant (£32,000) will potentially become repayable. The Parish Council would need to fully understand how these funds would be provided before considering the proposal. The viability of the business is also important so that the Parish Council is not potentially exposed to uncertain future costs.

The Parish Council will also have to bear in mind that the original conveyance of the playing field to the Council contains a covenant restricting the use of any building thereon to playing field and recreational purposes and this would need to be addressed. Planning conditions also contain stipulations on how the building can be used including allocation of part of the building for community facilities and restrictions to opening times.

Lastly, it is important to emphasise that the Parish Council is not currently in a position to grant a lease to a new party. The pavilion and playing field are already leased to the Barrow Parish Playing Fields Foundation, a charitable foundation and there is over 11 years remaining on the lease.

**Barrow Parish Playing Fields Foundation** - The Foundation is a separate registered charity governed by its constitution. The objects of the Foundation are

*“to promote the benefit of inhabitants of the Parish of Barrow, Cheshire*

- (1) *by providing facilities in the interests of social welfare for recreation and leisure-time occupation with the object of improving the conditions of life for the said inhabitants and*
- (2) *by doing such other things of a charitable nature as the Committee hereinafter defined may determine as being wholly or mainly for the benefit of some or all of the inhabitants of the area of benefit.”*

The trustees must ensure that they comply with these obligations.

The Foundation is entitled to lease land or buildings only for the purpose of the Foundation as set out above.

The current lease for the pavilion and playing field also stipulates that the foundation cannot sublet the building or part of the building.

Any proposed change to the use of the land or buildings for the purpose of the Foundation requires certain processes to be followed – in particular, obtaining the consent of 75% of the vote at a public meeting for the residents of Barrow and the consent of the Charity Commission. The lease held by the Foundation is for a term of 25 years from 2<sup>nd</sup> January 2008 with break dates every 5 years from that date, subject to the requirement to serve a break notice 12 months prior to the break date.

### **In summary**

The Parish Council and the Foundation are both fully committed to acting in the interest of the residents within the responsibilities and rules that we both need to adhere to.

Whilst many of the issues noted above are capable of being resolved, they will inevitably involve significant time and cost and therefore it is important that the Parish Council and the Foundation fully understand the business proposal and plan before taking things further. To date, we have not received any formal business proposal and plan regarding the pavilion and are therefore somewhat surprised about the petition.

The Parish Council and the Foundation together with many volunteers have made great progress towards completing an unfinished building and making it ready for occupation within a limited budget. We need to ensure that the future use of the building is right for everyone.

**Barrow Parish Council**  
**Barrow Parish Playing Fields Foundation**