



Hon President: Ruth Padel FRSL

Trustees: Christine Waring (Chair) | Stephen Danks (Vice Chair) | Kate Hopkins | Lynn Jeffries | Colin Rigby (Treasurer) | Peter Russell | Martin Smith | Mark Sutherland | Daniel Wild

David Enright  
Chair ECRC  
Bolton Road, Edgworth  
BL7 0AP

Tuesday, 23 April 2019

Dear David Enright

**Lease etc**

Thank you for your e-mail addressed to our Chairperson, Christine Waring.

The Trustees have given careful thought to your e-mail and have sought legal advice upon the matters you raise. I have been instructed to reply to you as follows.

**1. Current Lease**

(a) The Trustees do not accept your assertion that the current Lease executed in 2006 with the Edgworth Cricket and Recreation Club (“**ECRC**”)(“**2006 Lease**”) is void. In the absence of a new Lease being executed, the 2006 Lease still governs the lease of the Cricket Pavilion and is legally binding, valid and enforceable.

(b) In this connection, if you feel it appropriate, please feel free to forward us a copy of the advice you have received. However, our position remains quite clear: the 2006 Lease is the legal document which currently documents and regulates the relationship of Landlord/Tenant as regards the Cricket Pavilion.

**2. New Lease**

(a) The Trustees believe that the principal commercial terms of the new Lease have been agreed with ECRC.

(b) Notwithstanding (a) *supra*, it is imperative that both the Barlow and ECRC seek their own independent legal advice as to the format and content of the new Lease. The Trustees do not therefore agree to participate in a joint meeting with you and Paul Matthews of WHN Solicitors Limited trading as Woodcocks Haworth & Nuttall. The Trustees strongly advise you to seek your own legal advice as to the terms of the new Lease. Paul Matthews has been retained by the Barlow and not jointly with ECRC.

(c) The Trustees require ECRC to pay the legal costs associated with the drawing up of the new Lease. We therefore ask please that you provide us with a written undertaking from your Solicitor that you will cover the afore-mentioned legal costs accordingly. As advised, this is £900+ VAT + disbursements.

(d) The Trustees believe it is market practice for the Tenant (ECRC) to pay the said legal fees and they see no reason to depart therefrom. This is fortified by the fact that ECRC bore the legal costs of the 2006 Lease coupled with the fact that a significantly reduced rent has – thus far – been agreed with ECRC.

(e) Once the trustees have your undertaking, we will then instruct our Solicitors to prepare a draft lease for consideration by you and your Solicitors.

(f) The Trustees are concerned that you now appear to be “*moving the goal posts*” and asking for a “ground only” lease. This is the first time the Trustees have been made aware of this and require your explanation and justification as to why this should be the case.

### 3. **Sport England**

(a) Notwithstanding ECRC’s assertions *re* the 2006 Lease, the Trustees understand that ECRC has asked Sport England to release the charge represented by the 2006 Lease currently registered against the Barlow’s title and Sport England has refused.

(b) The Trustees are desirous of understanding why Sport England are taking this stance and shall be grateful for your further elucidation. It is important to receive your clarification of this matter as soon as possible to save both legal costs and time for all concerned.

### 4. **Progress**

(a) The Trustees are concerned as to the lack of progress *re* the execution of the new Lease. It is now the end of April and principal terms were agreed toward the end of last year.

(b) The Trustees would like to progress the finalisation of the new Lease with ECRC as soon as possible. Given that the Trustees are of the view that the principal terms have been agreed, we see no reason why the new Lease cannot be finalised with a view to the same being executed on or before 15 May 2019.

The Trustees look forward to hearing from you.

Sincerely

Sally Houghton  
Secretary  
Barlow Trustees