

REPORT FROM: CORPORATE DIRECTOR

TO: POLICY and RESOURCES COMMITTEE

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HOLT HOUSE COLNE- COMMUNITY ASSET TRANSFER REQUEST

PURPOSE OF REPORT:

To consider further the community asset transfer request from Colne FC.

RECOMMENDATIONS

- (1) That the Corporate Director be authorized to continue the negotiations with the Club for the transfer of the freehold to a Community Interest Company as outlined below.
- (2) That the Club be invited to contact the Planning, Building Control and Licensing Manager for pre-application planning advice.
- (3) That a report on progress be submitted in due course.

REASON FOR RECOMMENDATIONS

To support the proposals and ambitions of the club.

1. At the meeting in July 2018 following a call in of a previous decision at the June meeting the Committee resolved:
 - “(1) That the Corporate Director be granted delegated authority to carry out negotiations with Colne FC on the transfer of the land at Holt House, Colne together with the additional land identified in the report.
 - (2) That a report on the outcome of these negotiations be submitted to this Committee in December, 2018.
 - (3) That a public meeting be held with local residents within the next three months seeking their views on the proposed transfer of land.”

2. The circumstances leading up to the above decision were that the Council received a request from Colne FC for the transfer to it of the freehold of the land at Holt House of which it currently had a lease of 99 years. This was related to its proposed development in five phases of the stadium with increased capacity, the provision of additional parking and an improved access off Birtwistle Avenue.
3. The request included taking additional land which would involve the loss of a youth 11 a side pitch and further land for the new access off Birtwistle Avenue.
4. Negotiations have now taken place with Ryan Haigh, the Managing Director of the Club. The public meeting was held on 10th December and was attended by 45 residents and 7 councillors. The meeting was positive with a general feeling of goodwill towards the Club and its place in the community. The following are the pertinent points:
 - The Club agrees to a restrictive covenant as the use of the land.
 - The Club agrees to a right of pre-emption for the Council if it wishes to sell, grant a long lease or charge the land.
 - The Club is proposing to establish a Community Interest Company which would take the transfer of the land. See further paragraph 5 below.
 - The details of the proposed development will be worked up in preparation for submission of a planning application and the Club would welcome pre-application advice from the Council.
 - The Club and residents all agreed that traffic and parking on Harrison Drive, Birtwistle Avenue and surrounding roads were major problems (and would be major considerations on the planning application).
 - Whilst a figure of 5,000 had been mentioned as the possible capacity of the new stadium in reality attendance would rarely exceed 1,300.
 - The Club is now unlikely to proceed with a new access from Birtwistle Avenue thus requiring less land to be included in the transfer.
 - The Club is viewed by most as a benefit to the local community particularly in its provision of football facilities for young people.
 - Mr. Haigh views the development as a personal investment and would not be seeking any commercial loans.
 - Mr. Haigh stated that he viewed the meeting as the start of consultation and further meetings with residents would be needed as the project progressed.
5. On first examination the proposal to establish a Community Interest Company (CIC) is promising and would address concerns expressed by Members and residents about loss of the land and future unwelcome development.
6. CICs are designed specifically in order to benefit the community- which is the Club's expressed intention. An initial step is the submission of a Community Interest Statement to the Regulator for approval. This would include the purposes for which it is set up, the range of activities it would undertake and the sections of the community it is intended to benefit. Provision of sporting facilities for local people especially young people would appear to come within this.
7. An annual report must be sent with the accounts to Companies House setting out what the CIC has done to benefit the community during the year.
8. A CIC is free to carry out trading activities and have a commercial nature. Directors are appointed as with any company and the Council would be able to nominate to some of these positions thus giving it a direct say in the future direction of the CIC.

9. Crucially the Regulations require that there must also be an asset lock designed to make sure the assets are used exclusively for the benefit of the community. Assets can only be transferred to other asset locked bodies, in effect charities or other CICs.
10. Both the Club and the Council would however need further specialised advice on whether a CIC fully meets their requirements and on setting it up.

IMPLICATIONS

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| Policy: | The Council's policy is to look favourably on requests for community asset transfers. |
| Financial: | None arising from the report. |
| Legal: | The existing lease would need to be surrendered and a transfer of the freehold drawn up. Further advice would need to be taken on the suitability and setting up of a Community Interest Company. |
| Risk Management: | None arising from the report. |
| Health and Safety: | None arising from the report. |
| Sustainability: | None arising from the report. |
| Community Safety: | None arising from the report. |
| Equality and Diversity: | None arising from the report. |