



# HARTLEPOOL BOROUGH COUNCIL

## OFFICER DECISION RECORD

Department:	Resources, Development and Legal
Division:	Resources and Development (Development and Growth) Estates and Asset Management Section
Date of Decision / Issue of Licence:	15 <sup>th</sup> September 2020
Officer Making Decision:	Tim Wynn (Strategic Asset Manager)
Subject / Description & Reason for Decision:	<p>Application to renew the listing of Victoria Park as an asset of Community Value received from Hartlepool United Supporters Association and Supporters Trust.</p> <p>The Localism Act was enacted in November 2011 and the Assets of Community Value (England) Regulations, which together embodies the Community Right to Bid, were commenced at the same time as the Regulations came into force, both on 21<sup>st</sup> September 2012.</p> <p>The provisions give local communities the opportunity to identify assets of community value that they believe to be of importance to their community's well-being and have them listed. When they are put up for sale, they will be given a time to raise finance and prepare a bid to buy that asset on the open market.</p> <p>The legislation places a requirement on the Borough Council to consider requests and to include them on a list of Community Assets and maintain the list.</p> <p>It can be listed if a principal use of the asset furthers (or has recently furthered) their community's social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future.</p> <p>If the nominated asset is properly nominated, is in the local authority's area, meets the definition, and is not excluded, the local authority must list it and inform all affected parties and place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Register.</p>

## ODR No.: 20/51

Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease (i.e. originally granted for at least twenty-five years).

Unless an exemption applies, the owner will only be able to dispose of the asset after a specified window has expired. The first part of this window is the six-week interim period, which will apply in all cases, and which will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner is free to sell their asset at the end of the six weeks.

If a community interest group does make such a request during this interim period, then the full six month moratorium will operate. During this period the owner may continue to market and negotiate a sale, but may not exchange contracts, or enter into a binding contract to do so later. There is one exception in that the owner may sell to a community interest group during the moratorium period.

After the moratorium period – either six weeks if there has been no community interest, or the full six months – the owner is free to sell to whomever they choose. No further moratorium will apply during an eighteen month protected period.

These provisions do not restrict in any way who the owner of a listed asset can sell his property to, or at what price, nor do they confer a right of first refusal to community interest groups.

The Council leases the Victoria Football Club at Clarence Road, which is shown verged on the attached plan, to Hartlepool United Football Club Limited on a 70 year lease which commenced on 19<sup>th</sup> June 1997. It was listed as an asset of Community Value in August 2015 and as the listing is only effective for a period of 5 years the Supporters Trust have asked for it to be listed again.

It is proposed that having undertaken an assessment of the application, it still accords with the requirements for listing and should be re-listed as an Asset of Community Value and a land charge placed against the Title.

**ODR No.: 20/51**

Type of Decision: Non Key.

Nature of Delegation Being Exercised: Committee Delegated Authority

The Director of Regeneration and Neighbourhoods and the Chief Solicitor have delegated powers for a variety of transactions within £100,000 in capital value and £50,000 in rental value (annual figure). The powers are to approve land and property disposals and acquisitions, leases, lettings, licences, wayleaves, easements, undertaking and concluding rent reviews, lease renewals and the release and amendments of restrictions, covenants and other land and property matters.

Delegated Powers Authorisation was given on 24 May 2019 by the Director of Regeneration and Neighbourhoods and the Chief Solicitor to the Strategic Asset Manager.

Alternative Options Considered & Rejected: As the application meets the requirement for listing there are no alternative options to consider.

Any Declared Register of Interest No

**OFFICER WITH THE DELEGATION**

NAME: \_\_\_\_\_  
Tim Wynn

POSITION: Strategic Asset Manager

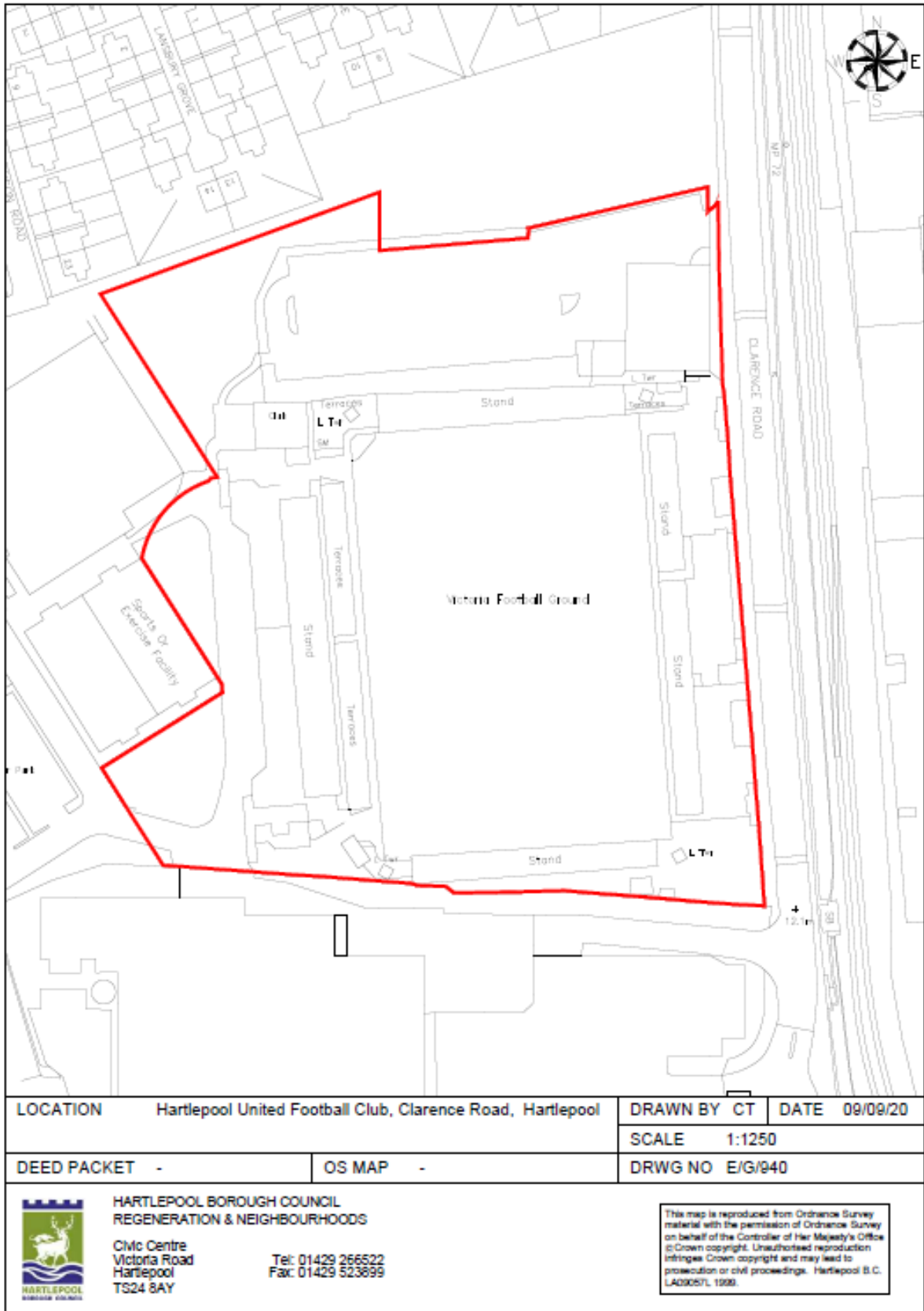
DATE: 15/09/2020

**IN CONSULTATION WITH:**

NAME: \_\_\_\_\_  
Denise McGuckin

POSITION: Managing Director

DATE: 17/09/2020



LOCATION	Hartlepool United Football Club, Clarence Road, Hartlepool	DRAWN BY	CT	DATE	09/09/20
DEED PACKET	-	OS MAP	-	SCALE	1:1250
				DRWG NO	E/G/940



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8.26 x 11.69 in