

**Report to:** Regeneration and Property Section Head

**Date of meeting:** 24th September 2014

**Report of:** Interim Property Team Manager

**Title:** **NOMINATION THAT WATFORD F C STADIUM VICARAGE ROAD WATFORD WD18 0ER BE ADDED TO THE LIST OF ASSETS OF COMMUNITY VALUE**

## 1.0 **SUMMARY**

1.1 Amongst other matters the Localism Act 2011 (Part 5 Chapter 3 ) requires local authorities to maintain a list of assets of community value (the ACV list) nominated by the local community. If listed assets come up for sale then the Act gives community groups the time to develop a bid and raise money to buy the asset. The Council has received a nomination from Enjoy the Game (the Club) in relation to Watford F C Stadium Vicarage Road Watford. The Club have not responded to a request to provide membership details and so it has not been possible to determine whether they meet the statutory definition of a voluntary or community group that is entitled to nominate assets to be added to the ACV list. Accordingly the recommendation is that the property is added to the list of assets where there has been an unsuccessful nomination maintained by Watford.

## 2.0 **RECOMMENDATIONS**

2.1 **That the Enjoy the Game nomination that the Watford F C Stadium in Vicarage Road be refused and that the property be added to the list of unsuccessful nominations maintained by the Council in accordance with the Localism Act 2011**

**Contact Officer:**

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## 3.0 DETAILED PROPOSAL

### 3.1 Localism Act 2011 Assets of Community Value

Amongst other matters the Localism Act 2011 (Part 5 Chapter 3) provides a mechanism under which defined local voluntary or community groups can nominate property to be included on a list of assets of community value. These are defined as land and/or buildings where the current, past or potential future use furthers the social well being or social interests of the local area. If successfully nominated then the property is added to the ACV list which the legislation requires the Council for the area concerned to maintain. In the event that the nomination is rejected then the property is added to a list of assets that have been unsuccessfully nominated. Assets successfully nominated remain on the list for 5 years and legislation goes on to set out the detailed circumstances in which a community interest bid can be made although the owner cannot be compelled to sell.

3.2 Under the legislation Watford Borough Council is responsible for maintaining the list of assets of community value within its administrative area and taking decisions on any nominations received in accordance with the prescribed criteria. The Council's scheme of delegation provides that the initial decision on a nomination is taken by the Head of Regeneration & Property. In the event that a decision to include a property on the list of ACV is challenged by a land owner then a decision on an internal review is delegated to the Head of Regeneration & Development. Should the owner challenge the outcome of a review then the Head of Democracy & Governance would arrange for the Council's decision to be defended at any consequential Lands Tribunal hearing.

### 3.3 Enjoy the Game Nomination

A nomination was received on 6<sup>th</sup> August 2015 from the Club that the Watford F C stadium in Vicarage Road Watford WD18 0ER be added to the list of assets of Community Value maintained by the Council. The premises are currently owned by Watford F C and in regular use as a football stadium.

3.4 The nomination has been reviewed against the criteria in the legislation to determine whether the Club is a qualifying organisation entitled to make a nomination and whether the current, past, or potential future use of the property will further the social wellbeing or social interests of the local community. As part of the nomination the club indicated that they are an unincorporated body with 2750 members but did not provide a membership list as part of their application. Accordingly the club were asked to provide a full list of members but have failed to respond.

3.5 The legislative definition of a voluntary or community body that is an unincorporated organisation includes a requirement that a minimum of 21 members are local electors, of either Watford Borough Council or neighbouring councils (defined as councils whose boundary abuts Watford) which are Three Rivers, St. Albans and Hertsmere. Accordingly those people on the membership list have been checked against the electoral roll for both Watford and adjoining Councils. As the Club have not provided details of their membership it has not been possible to undertake a check to determine whether 21 or more members are local electors.

### 3.6 Decision

As it has not been possible to determine whether the Club meets the statutory definition of a voluntary or community group that is entitled to nominate then their nomination is not valid and cannot be pursued. In such circumstances the legislation provides that the property should be added to the list of assets that have been unsuccessfully nominated. The Club and the owner of the property, Watford F C, will be advised of the Council's decision in this matter.

### 4.0 IMPLICATIONS

*Possible implications are listed below. Paragraphs 4.1 and 4.2 must be completed in all cases. Paragraph 4.3 must be completed if the report relates to a new policy. Those paragraphs which are not appropriate can be deleted.*

#### 4.1 Financial

4.1.1 None unless the Club seek a Judicial Review of the Council's decision.

#### 4.2 Legal Issues (Monitoring Officer)

4.2.1 The views of the Head of Democracy & Governance are reflected in the text of this report.

#### 4.3 Equalities

***Watford Borough Council is committed to equality and diversity as an employer, service provider and as a strategic partner. In order to fulfil this commitment and its duties under the Equality Act 2010 it is important to demonstrate how policies, practices and decisions impact on people with different protected characteristics. It is also important to demonstrate that the Council is not discriminating unlawfully when carrying out any of its functions***

Not applicable as the report makes a recommendation on a decision being made by the Council under the Community Right to Bid provisions of the Localism Act 2011.

#### 4.4 Potential Risks

*Please identify potential risks using the graph below. An example is given to demonstrate how the graph should be used. The score is reached by multiplying the likelihood by the impact.*

Potential Risk	Likelihood	Impact	Overall score
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<b>E.g</b>	<i>That the Club seek a Judicial Review of the Council's decision not to list the property they occupy as an asset of community value.</i>	1	2	3
<i>Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.</i>				

4.5 **Staffing**

4.5.1 No staffing implications

4.6 **Accommodation**

4.6.1 No accommodation implications

4.7 **Community Safety**

4.7.1 No community safety implications

4.8 **Sustainability**

4.8.1 No sustainability implications

Appendices

No appendices

Background Papers

- *Localism Act 2011.*
- *The Assets of Community Value (England) Regulations 2012.*
- *Community right to Bid : Non-statutory advice note for local authorities DCLG 2012*
- *Nomination received from Enjoy the Game.*

File Reference

- *None*