

Birmingham City Council

Report to Leader jointly with Director - Inclusive Growth

11 July 2019



Subject: NOMINATION FOR ASSET OF COMMUNITY VALUE, ST ANDREWS TRILLION TROPHY STADIUM, ACV 38

Report of: City Solicitor

Relevant Cabinet Member: Leader Councillor Ian Ward

Relevant O &S Chair(s): Councillor Sir Albert Bore – Resources Overview and Scrutiny; Councillor Penny Holbrook- Housing & Neighbourhoods

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Bordesley and Highgate		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

1.1 To consider a nomination from a Community Interest Group with a local connection to nominate St Andrews Trillion Trophy Stadium, Cattell Road Birmingham as shown edged red on the plan excluding the electricity substation and the telecoms sites both referred to in the schedule of notice of leases contained in the register of title to the property included within the supporting documents bundle (Appendix 3) as an Asset of Community Value as referred to by the Localism Act 2011 (the Act), and placed on the Council’s List of Assets of Community Value.

- 1.2 To agree to the acceptance of the nomination to list for the reasons set out in section 4 of this report.

2 Recommendations

- 2.1 Accept the nomination to list St Andrews Trillion Trophy Stadium as an Asset of Community Value as referred to by the Localism Act 2011 so that the definition in section 88 of that Act is met.

3 Background

- 3.1 The Council has a statutory obligation to consider a nomination of an asset as an ACV, and to make a decision within 8 weeks. The nomination was made on the 28th January 2019.
- 3.2 The nominator has stated that the Stadium was on the register of Assets of Community Value, ref ACV07 following an application by the Blues Supporters Society Ltd. The original registration date ran from 21 October 2013 to 21 October 2018. This application is effectively a renewal of the previous lapsed registration. The nominator states that the stadium has been and continues to be a vital community asset.
- 3.3 The landowner, Birmingham City Football Club PLC, was notified of the nomination by letter dated 20 March 2019. No response has been received from them.
- 3.4 The ACV Group comprising senior officers within Birmingham City Council accepts that the current use of the property constitute the furtherance of social wellbeing to the community as the circumstances are unaltered since the property was previously registered as an Asset of Community Value.

4 Options considered and Recommended Proposal

- 4.1 The Council has the choice to either accept or reject the nomination for listing. If the nomination is rejected the Council must provide the nominating group with reasons for its decision based on the facts as applied to the statutory definition, listing the land is considered to be a reasonable decision.
- 4.2 Accordingly the ACV Group considered that the statutory test in section 88 of the Localism Act 2011 is met and hence the recommendation that the Property should be listed as an Asset of Community Value by the Council.

5 Consultation

- 5.1 Officers in Planning and Development, Education and Skills Infrastructure, Legal and Finance Services have been consulted on this nomination and comments have been received.

6 Risk Management

- 6.1 Although unlikely, it is possible for the owner of the listed property to claim compensation from the Council in certain circumstances (e.g. for a period of delay in entering into a binding agreement to sell which is caused by the moratorium, or for legal expenses where the listing is successfully overturned at the First Tier Tribunal).

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The nomination is aligned with the Council Plan to create a city of inclusive growth where every child, citizen and place matters. The Property Strategy will help make Birmingham: a great city to learn, work and invest in; a great city to grow up in; a great city to age well in; a great city to live in; and for residents to gain maximum benefit from hosting the Commonwealth Games.

7.2 Legal Implications

7.2.1 The decision will discharge the Council's functions to determine nominations for assets of community value under the Localism Act 2011. If listed, the listing will be registered as a local land charge and a restriction placed on the title ensuring compliance with the right to bid should a relevant disposal be made. The owner will have the right to seek a review of the decision to list, with the review being heard by the Review Officer with or without an oral hearing (currently the review officer role is in the process of being amended). A further avenue of appeal to the First Tier Tribunal would then be available to the landowner.

7.2.2 The decision to list land as an Asset of Community Value is for the Director of Property (now the Director of Inclusive Growth) in consultation with the Leader. This is pursuant to Cabinet delegations given on 14 January 2013, a sub delegation on 26th September 2014 by the Deputy Chief Executive, and changes made in the Constitution 2017 giving the Leader oversight for Assets of Community Value.

7.3 Financial Implications

7.3.1 It is possible for the owner of the listed property to claim compensation from the Council in certain circumstances. The likelihood of a successful claim being submitted and the value of any subsequent payment is not known however, the Council would be required to identify resources sufficient to fund this expenditure.

7.4 Procurement Implications (if required)

7.4.1 Not required

7.5 Human Resources Implications (if required)

7.5.1 Not required

7.6 Public Sector Equality Duty

7.6.1 The requirements and duties of the Equalities Act 2010 have been considered in the attached Equality Assessment reference EQUA316 attached at Appendix 4 and that since listing or not listing the land does not change how the land or services on it are used the report recommendation does not have any adverse EIA implications on the groups and characteristics protected under the Equalities Act 2010

8 Appendices

8.1 List of Appendices accompanying this Report (if any):

- 1. ACV Nomination Form
- 2. Supporters Direct Model Rules
- 3. Registers of Title
- 4. Equality Assessment

9 Background Documents

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