

Community Right To Bid Determination Form
Localism Act 2011
The Assets of Community Value (England) Regulations 2012
Determination by Deputy Chief Executive

Nomination Reference: BL/2018/ENQ/08097	
Date of Nomination: 3 rd August 2018	
Site Address:	Ewood Park, Nuttall Street, Blackburn
Land/Property Description	Football stadium

Asset Owners:

Name & Address of Asset Owner	Connection to the asset
Blackburn Rovers Football & Athletic PLC Ewood Park Blackburn Lancashire BB2 4JF	Owner

Nominating Organisation:

Name of Organisation: Rovers Trust (BRSIT CBS LTD)	Proof of eligibility to make a community nomination:
Type of Organisation: Voluntary Organisation	Community Benefit Society

Background to the Report:

1. The Localism Act and the Assets of Community Value Regulations set out the opportunities and procedure to follow for communities wishing to identify assets of community value and have them listed.
2. The Council is able to list a nominated asset if, in its, opinion:

The actual current use (not an ancillary use) of the building or other land is one that furthers the social wellbeing or social interests of the local community; and
 Is it realistic to think that there can continue to be non-ancillary use of the building or other land that will further the social wellbeing or social interests of the local community (whether or not in the same way as the current use).

OR

There was a time in the recent past when an actual use (not an ancillary use) of the building or other land is one that furthered the social wellbeing or interests of the local community; and

It is realistic to think that there is a time in the next 5 years when there could be non-ancillary use of the building or other land that would further the social wellbeing or social interests of the local community (whether or not in the same way as before).

3. These definitions have been taken from the Government's Regulations. The Government has produced no national guidance as to what the key terms in these definitions mean. This is for the "nominating organisation" to justify and argue in their submission as to why they consider the nominated asset meets the definition in the Regulations.
4. If the owner objects to their property being placed on the List, they have a right in the first instance to an internal review by the Council of this decision.

The Nomination:

The Rovers Trust (BRSIT CBS LTD) wrote on the 24th July 2018 to nominate Ewood Park again for inclusion as an Asset of Community Value. A plan of the nominated area is attached to this report. This request is a renewal of the successful nomination for the same site on the 3rd September 2013

Reasons why the asset should be identified to qualify as an asset of community value:

Below is an extract from the nominator's submission.

INTRODUCTION

In 2013, Blackburn with Darwen Borough Council considered an application from Rovers Trust to list Ewood Park, the home of Blackburn Rovers Football Club, as an Asset of Community Value as defined in the Localism Act 2011.

The Council agreed to the application and for the last five years Ewood Park has been on the Council's list of Assets of Community Value.

This is an application to renew the ACV listing for a further five years.

The Act provides for the Community Right to Bid:

"The Community Right to Bid came into force in September 2012. The Community Right to Bid allows communities to nominate buildings and land they consider of value to the community to be included on a local authority maintained list. If any of the assets on the register are put up for sale the community is given a window of opportunity to express an interest in purchasing the asset and another window of opportunity to bid"

Nominations may be made by local residents and "not-for-profit organisations" in the locality. This application is made by Rovers Trust, a community organization that has been representing Blackburn Rovers supporters for 8 years. Rovers Trust is a legally constituted supporters' trust under the rules and governance put in place by government through Supporters Direct. It is democratic, transparent and complies with all regulations from the Financial Conduct Authority. Blackburn with Darwen Council confirmed in 2013 that "the Rovers Trust Group is a community organisation for the purposes of the Regulations." (<http://www.blackburn.gov.uk/zap/Ewood-park-community-right-to-bid-report-BL2013ENQ05352.pdf>)

Rovers Trust Mission Statement is:

To obtain full or part ownership of Blackburn Rovers Football Club and its assets on behalf of fellow supporters in order to represent supporters' views whilst protecting the club's long-term future.

Supporters Direct prime objective is:

To promote the value of supporter and community engagement and help supporter groups to secure influence and become a constructive voice in how their club is run.

1. THE NOMINATED ASSET

Ewood Park
Nuttall Street
Blackburn
Lancashire
BB2 4JF

Ewood Park is a football stadium constituted of a football pitch, four stands, associated offices, entertainment and conferencing facilities, community offices, indoor sporting and recreational facilities, club shop and car parks.

Current ownership is with Blackburn Rovers Football and Athletic Club plc (source The Land Registry)

Title Number: LA943372

Address of Property: Ewood Park, Nuttall Street, Blackburn BB2 4JF

Registered Owner: Blackburn Rovers Football and Athletic Club plc
(Company Registration No. 53482) of Ewood Park Blackburn BB2 4JF.

N.B. There was some discussion relating to the 2013 application as to the scope of the ACV protection. Blackburn with Darwen Council decided very clearly that it applied to the whole 'single unit of land'. This is consistent with the approach taken by other local authorities to football stadium ACV applications. The relevant part of the decision is ...

"On assessing the information submitted at face value, there appears to be a single unit of land with a complicated collection of interrelated uses within it. The question that the Regulations require a local authority to ask itself is whether the land or buildings nominated is a "non-ancillary" function. The entire stadium was built as a football stadium. This is its primary use. There is no guidance to differentiate between the primary use and ancillary uses. Therefore, there is no discretion for a local authority to exclude from its List of Assets of Community Value a nominated asset simply because the land or buildings involved also have other, arguably, non ACV functions.

Furthermore, to argue that the only part of the stadium, such as one stand (Riverside) and the playing pitch, is the asset of community value seems to the Council to be illogical. The football club on match days makes use of the entire stadium and most of the associated car parking. The land as a whole forms part of a coherent entity (even with the different components of interrelated uses), so it therefore needs to be considered as a single entity.

An assessment of the original purpose of the Stadium, and its current usage would indicate that the Conference Centres, Suites, and the Blues Bar (within the Stands), are ancillary uses to the main purpose of the stadium. On match days, the Blues Bar is only open to season ticket holders only between the hours of noon and 6pm (where it is a 3pm kick off). The fact that the land which forms Ewood Park has multiple uses some of which are not social wellbeing/social interest uses does not take that land out of the asset community value definition."

(<http://www.blackburn.gov.uk/zap/Ewood-park-community-right-to-bid-report-BL2013ENQ05352.pdf>)

2. QUALIFYING CRITERIA

The Localism Act 2011 describes an Asset of Community Value:

A building or other land is an asset of community value if its main use is, or has recently been, to "further the social well-being or social interests of the local community" and it could do so in the future.

Land of community value is dealt with in section 88 (1) of the Act: *'...a building or other land in a local authority's area is land of community value if in the opinion of the authority:*

- a) an actual current use of the building or other land that is not an ancillary use furthers the social well-being or social interests of the local community, and*
- b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social well-being or social interests of the local community.'*

Social well-being is not defined within the Act whereas social interests are defined in section 88 (6) of the Act:

"social interests" includes in particular (though, not exclusively) each of the following

- a) cultural interests*
- b) recreational interest*
- c) sporting interests*

It is now well-established that football stadia are appropriate assets for listing as assets of community value. There are at least 37 stadia listed and no recorded unsuccessful applications (source: Supporters Direct).

The nominated asset, Ewood Park, has been central to the social interests, social well-being and economic activity of the local population and area for more than a century. The existence of a football club within the town, in particular a town the size of Blackburn, brings significant benefit to the local community and businesses.

In relation to the asset, Blackburn with Darwen Council stated in 2013 that; "The Council considers that Blackburn Rovers Football Club meets this [social wellbeing and social interest] criterion. This is because it is a substantial football club which is located within the heart of the community, and meets an important social need of the local and wider Blackburn With Darwen local residents. In addition, to this, the Club is engaged in improving the social wellbeing of local residents in a wide range of ways through its ongoing local community initiatives." And concluded that;

"Ewood Park is an Asset of Community Value because it is the home of the football club who provide clear social benefit and wellbeing at and from the stadium to the local and wider community of Blackburn With Darwen."

(source: <http://www.blackburn.gov.uk/zap/Ewood-park-community-right-to-bid-report-BL2013ENQ05352.pdf>)

3. Current Use

The nominated asset has been in regular use by the community since 1890 when Blackburn Rovers moved to the ground. Football has been played on the site since 1881 and the original stadium was opened in April 1882.

Over the last five years, attendances have averaged 13,922, being over 9% of the estimated local population of 148,500 (source Blackburn with Darwen Council website. Annual attendances for the last five seasons average at more than a third of a million (355,391).

Aside from the direct footballing activities the club and venue offers recreational, conferencing, exhibition and business facilities which assist and support the ongoing financial viability of the club.

4. Social Value

For 136 years local residents have attended matches at Ewood Park providing the opportunity for family, friends and neighbours to interact with a common interest and bond allowing individuals, who might otherwise be strangers, to meet and understand one and other thus helping to create strong ties within the local community.

As the town population becomes increasingly ethnically diverse this opportunity for contact and interaction grows in importance and can provide the common ground for understanding not just between individuals but whole communities, a fact recognised by Blackburn Rovers through its significant efforts to encourage all cultures to the ground on matchdays.

As founder members of both the Football and Premier leagues the club brings international recognition and visitors to the area, providing the town and East Lancashire as a whole with an invaluable public profile. Indeed, as the signs on the approaches to Blackburn say "Welcome to Blackburn with Darwen: The Home of Blackburn Rovers".

Economically, and as a consequence socially, Ewood Park provides employment directly and indirectly to an important part of the town population, benefitting those individuals and the town as a whole.

Through the Disabled Supporters Association, women's football, educational activities and initiatives directed towards local ethnic groups the club promotes inclusivity for all. Through strong association with initiatives such as the Kick It Out and Respect campaigns Blackburn Rovers promotes anti-racism and fair play in sport.

5. Sporting and Recreational Value

By example from the club and the football team the benefits of exercise and sport are promoted to the local community, in particular the young.

Throughout the year sports facilities and activities are made available, in particular through the Community Trust. Emphasis is placed on encouraging young people to take up sport, especially football, through soccer camps, Saturday and out of term-time coaching sessions and other sports related activities across a wide area of the county.

Through sports-based educational activities the club promotes the value and relevance of education to schoolchildren both at the ground and through local school visits.

Blackburn Rovers Community Trust (BRCT) (registered charity 1117122), located at Ewood Park,

"promotes high quality programmes of grassroots football, education, inclusion initiatives and awareness projects to encourage of-field participation, success and enjoyment of sport."

BRCT is a vehicle through which the power of football engages, enthuses and motivates people irrespective of age, gender and ethnicity helping to "narrow the gap" in health, education, aspiration and opportunity within the community. BRCT promotes an enormous range of sports and health activities across the community. While its existence is rooted in football the depth and range of activity spreads far beyond this single sport.

Blackburn Rovers Enterprise Centre, located within the Darwen End stand, offers local modern, stylish and affordable office accommodation to local business.

6. Social Well-Being and Intrinsic Value

Since their formation in the late 19th and early 20th century football clubs have historically held a position at the heart of urban communities. Mostly formed as work, church, social and community teams, they rapidly became representatives of towns, cities and suburbs, and focal points for the formation and expression of local identities.

Over the course of their history relationships have developed between clubs and local businesses, citizens and residents, community groups, schools and local authorities and other stakeholders. These relationships have fostered and developed an intrinsic value which contributes significantly to the social well-being of the community.

Local football clubs rooted in their communities create, encourage and develop:

- a true sense of community
- civic pride
- strong friendships and social bonds within the community

Partly as a result of football's historic community relationships, clubs are often referred to as being "central" to local communities, or of "great importance and value" to them.

The Football League say *"their clubs have always been at the heart of their communities"* and the Premier League have argued their clubs, and football more generally, delivers significant community benefits:

"Football is a fantastic vehicle to engage people who otherwise might slip through the net in a wide range of areas, particularly health, education, social inclusion and inequality."

Football has the power to bring people together in a manner which defies the usual boundaries bringing significant benefits to the community and a tangible sense of "well-being." People engage across geographic boundaries, generations or even across the street where otherwise they can struggle to say hello to each other.

The football club is a focus and source of local pride through its history, heritage and footballing achievements.

7. Community Value

Ewood Park is crucial in enabling Blackburn Rovers Football Club to deliver social value and community benefit through sporting and community activities in that the Club needs a suitable home to host its football matches.

Re-listing Ewood Park as an Asset of Community Value would mean that in any circumstance where the ground's current owner considered disposal of the stadium, the local community would have the opportunity to secure the future of both Ewood Park and the football club.

Nominator: Michael Doherty on behalf of Rovers Trust (BRSIT CBS Ltd, a Community Benefit Society, Society Number: 31716R).

Rovers Trust, elected Board member, Legal and Policy Officer

Dated: 24 July 2018

Response to the Consultation:

Blackburn Rovers Football Club and Venkys London Ltd, c/o Squire Sanders (UK) LLP were formally consulted on the 7th August 2018 regarding the nomination request.

No comments were received.

Assessment:

Firstly, it is confirmed that the nominating organisation, the Rovers Trust (BRSIT CBS LTD) is a community organisation for the purposes of the Regulations. (BRSIT CBS LTD) is a Community Benefit Society, with membership open to all supporters of Blackburn Rovers. The supporters trust's aim is to see the club return to part of all local ownership, and is seeking to have fan representation at board level.

The Regulations state that a local authority should make a decision within 8 weeks of receiving a nomination.

The Council has also consulted the local Ewood Ward Councillors. No representations have been received.

The fundamental consideration for the Council is whether the stadium is currently a use that furthers the social wellbeing or social interest of the local community.

The Council considers that Blackburn Rovers Football Club meets this criterion. This was the reasoning behind the previous successful nomination on the 3rd September 2013. This is because it is a substantial football club which is located within the heart of the community, and meets an important social need of the local and wider Blackburn With Darwen local residents. In addition, to this, the Club is engaged in improving the social wellbeing of local residents in a wide range of ways through its ongoing local community initiatives.

Ewood Park was originally opened in April 1882. It has seen significant changes in its appearance, firstly with the new Riverside Stand constructed in the early 1990s, and the new Darwen End, Blackburn End, and Jack Walker Stands constructed in the mid 1990s following the Taylor Report's investigation into the Hillsborough disaster of 1989. Ewood Park, in the heart of the urban area of Blackburn, within the close-knit community of the Ewood Ward, continues to be the current home of Blackburn Rovers, with its primary purpose of being the venue to host home games for the football club. As such, Ewood Park is an Asset of Community Value because it is the home of the football club who provide clear social benefit and wellbeing at and from the stadium to the local and wider community of Blackburn With Darwen.

Similar to the assessment in 2013, it is considered that there is a single unit of land with a complicated collection of interrelated uses within it. The question that the Regulations require a local authority to ask itself is whether the land or buildings nominated is a "non-ancillary" function. The entire stadium was built as a football stadium. This is its primary use. There is no guidance to differentiate between the primary use and ancillary uses.

Therefore, there is no discretion for a local authority to exclude from its List of Assets of Community Value a nominated asset simply because the land or buildings involved also have other, arguably, non ACV functions.

An assessment of the original purpose of the Stadium, and its current usage would indicate that the Conference Centres, Suites, and the Blues Bar (within the Stands), are ancillary uses to the main purpose of the stadium. On match days, the Blues Bar is only open to season ticket holders only between the hours of noon and 6pm (where it is a 3pm kick off). The fact that the land which forms Ewood Park has multiple uses some of which are not social wellbeing/social interest uses does not take that land out of the asset community value definition.

Decision:

I can confirm that,

Nominated Asset: Ewood Park, Nuttall Street, Blackburn

Should be an Asset of Community Value and included on the City Council's Local Assets of Community Value Register and placed on the Local Land Charge Register.



Denise Park,
Deputy Chief Executive

Date: 21st September 2018

Background Papers: Nomination application, letter from the owners.

