

**Application Number:** 18/001

**Nominated Asset:** The Kassam Stadium

**Site Address:** Grenoble Road, Oxford.

**Ward:** Littlemore and Northfield Brook

**Applicant:** OxVox – The Independent Oxford United Supporters' Trust

**Recommendation:** The Head of Planning, Sustainable Development and Regulatory Services is recommended to:

1. Agree that the Nominated Asset should be confirmed as an Asset of Community Value
2. Agree to include the asset on the City Council's Register of Local Assets of Community Value Register and place the asset on the Local Land Charge Register.

**Background to Report.**

1. The Localism Act and the Assets of Community Value Regulations set out the opportunities and procedures to follow for communities wishing to identify assets of community value and have them listed.
2. The City 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. There is no national guidance as to what the key terms in these definitions mean. It is for the nominating organisation in the first instance to argue why it considers 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 City Council of this decision.

## **Nomination**

5. OxVox wrote to Oxford City Council in a letter dated 14 April 2018. An email was sent notifying Oxford City Council that the letter was sent on 19 April 2018. The nomination was received at the City Council offices on 26 April 2018 to nominate the Kassam Stadium for inclusion as an Asset of Community Value. A plan of the nominated area is attached to this report.
6. OxVox has argued that:
  - a. "The Kassam Stadium was nominated because it was built to provide a new home for Oxford United Football Club after its original home, the Manor Ground in Headington, was no longer suitable following the Taylor Report (1990).
  - b. The process of identifying the site of this new stadium, securing permission for its development, and dealing with a range of legal issues was a long and difficult process. The Football Club, supporters, and various local authorities were all involved in overcoming these problems and ensuring Oxford United was able to move to its new home, securing the Club's continued existence.
  - c. The Stadium was opened in 2001, Oxford United have played there ever since: the hosting of Oxford United football matches remains its principal current use. For the 26 home games Oxford United played at The Kassam Stadium in the last completed season in the League, FA Cup and EFL Cup, that of 2016-17, the cumulative attendance was 209,480, with an average attendance of 8,057 supporters. The highest attendance was 11,810.
  - d. For the 25 home games Oxford United played at The Stadium in the 2011/12 season, the cumulative attendance was 179,228, with an average attendance of 7,169 supporters, and the highest attendance for a game being 11,825. The Kassam Stadium is now attracting 17% more supporters than at the time of the previous nomination, with an increase of 11% in the average attendance.
  - e. Oxford United delivers both social value and community benefit to Oxford and Oxfordshire more broadly, as an integral part of the local area. The Club's history in Oxford goes back to its founding in 1893, then as Headington United. Its principal activity is the furtherance of

local sporting interest, listed by the Localism Act as a particular social interest that a Community Asset should further. The Club:

- f. **Promotes the enjoyment of sport and exercise to local people** throughout the community, particularly young people, both through its own matches (matchday tickets are free for under-7s accompanied by an adult, and a range of concessions are offered) and through activities the Club undertakes through its Youth & Community Sports Trust (see below).
- g. **Serves as a focus for community pride** as Oxfordshire's only Football League club, providing Oxford with a shared history and heritage through the achievements of the Club and the many celebrated players from its history, and regularly celebrating the contribution that the Club's non-player employees, volunteers, and supporters make to the Club's success.
- h. **Helps build a sense of community identity**, bringing together diverse elements of Oxfordshire, across a range of ages and social and economic backgrounds, on a regular basis for a shared purpose.
- i. **Provides local people with an inclusive social environment** open to all members of the community which the Club works to foster, for example through its regular support of such initiatives as the 'Kick it Out' campaign (an equality and inclusion campaign for football and the wider community).
- j. **Engages fans in the support of local charitable causes**, recent examples include the sponsoring of pupils from Rose Hill Primary School to attend the Checkatrade Trophy final, the 'One of our Own' campaign which funded over 1000 match day tickets for Oxfordshire children living in care to enable them to feel part of the Oxford United family, financial support for local youth team football including Oxford Blackbird under 7s team and for the Oxford United Women's team.
- k. **Provides economic benefits to local businesses** such as increased trade for nearby and associated pubs and restaurants on matchdays, as well as working to bring together a network of local businesses for mutual benefit.
- l. **Is the subject of considerable local interest**, as attested to by the consequent significant coverage in the local media, as well as regular coverage in the national media.
- m. **Represents the city and area nationally**, for instance on such occasions as United's victory at Wembley in May 2010 to win promotion back to the Football League, watched by over 33,000 Oxford fans in attendance and a national television audience, similar sized crowd more recently in 2016 and 2017 at Wembley for matches in the Checkatrade Trophy Final.
- n. As well as acting as a focus for the people of Oxford, Oxford United Football Club also works within the Oxfordshire community, operating a range of sporting, social, and educational activities and programmes under the aegis of its Youth and Community Sports Trust. The Oxford United Youth and Community Sports Trust reach over 30,000 young

people in the Oxfordshire area every year, with a particular focus on local schools and sports clubs.”

## Response to consultation

7. Littlemore Parish Council responded in support of the ACV nomination stating:

*The Parish Council supports this application in the strongest possible terms. We cannot add anything to the powerful case already put forward by OxVox except to endorse the many benefits which the group brings to residents of the parish and wider Oxford and Oxfordshire. We and many others would be dismayed if the Stadium lost the protection provided by listing and urge you to approve the application.*

8. No response was received from Firoka (Oxford United Stadium) Ltd when contacted at the address provided in the nomination.

## Assessment

9. It is confirmed that the nominating organisation is a community organisation for the purpose of the regulations. OxVox is registered as an Industrial and Provident Society, with membership open to all supporters of Oxford United. It promotes supporter and community engagement in Oxford United, and represents the views of supporters. OxVox is owned by its members, and run by an elected committee of members on a voluntary basis. It has a written constitution.
10. The primary consideration is whether the stadium is currently a use that furthers the social wellbeing or social interest of the local community.
11. It is considered that there can be no doubt that Oxford United football club meets this criterion. This is met because it is a substantial football club which meets an important social need of the local and wider Oxford community. However it is also engaged in improving the social wellbeing of local people in a wide range of ways through its outreach into the local community.
12. It follows on that the Kassam Stadium is the current home to Oxford United football club. The stadium land was purchased from the City Council and the stadium built with the explicit purpose to provide the venue for Oxford United football club. As a result the Kassam Stadium is an Asset of Community Value because it is the home of the football club who provide clear social benefit and well-being at and from the Stadium to the local and wider community of Oxford. . The Stadium has also been the home in the last year to the London Welsh Rugby Club, another organisation which provides social benefit and well-being to the local community.
13. While the Stadium is indeed a community asset, it is also a commercial venue in its own right, with a conference centre and parking for the adjacent leisure complex and a wide range of smaller uses and activities that take place in the

buildings and on the land. Taking the documents at face value there appears to be a single unit of land with a fairly complicated collection of interrelated uses.

14. 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 and the car parking were built as a football stadium. This is its primary use. It is understood that the lease held by the football club is for the use of the whole stadium and car parking, as identified by the red line of the Nomination.
15. It seems likely from the Government's own guidance and Ministerial statements that a football stadium may not have been in the Government's mind when it crafted the legislation. It has made reference to community centres, libraries, swimming pools, village shops, markets or pubs. However 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.
16. However to argue that the only part of the stadium, such as just a couple of the stands and the playing pitch, is the asset of community value seem to be illogical. The football club on match days makes use of the entire stadium and most, if not all at the moment, of the car parking. The land as a whole forms part of a coherent entity (even with the multitude of interrelated uses) so it needs to be treated as a single entity.
17. An assessment of the original purpose of the Stadium and its current usage would indicate that the conference centre and other non-football uses, identified by the agent, whilst highly commercial ventures, are ancillary uses to the main purpose of the stadium. The fact that land has multiple uses some of which aren't social wellbeing / social interest uses doesn't take that land out of the asset of community value definition.
18. It is acknowledged that the car parks support the activities of a range of adjacent uses including the stadium itself both as football club and conference centre, together all the leisure activities at the Ozone Leisure park. However, here too the same arguments as above equally apply. The car parking is an integral part of the football stadium both at its inception and subsequently. The use of the car parking for multiple uses does not take the land out of the community value definition.

## **Decision**

**I confirm that:**

**Nominated Asset:** The Kassam Stadium

**Site Address:** Grenoble Road, Oxford.

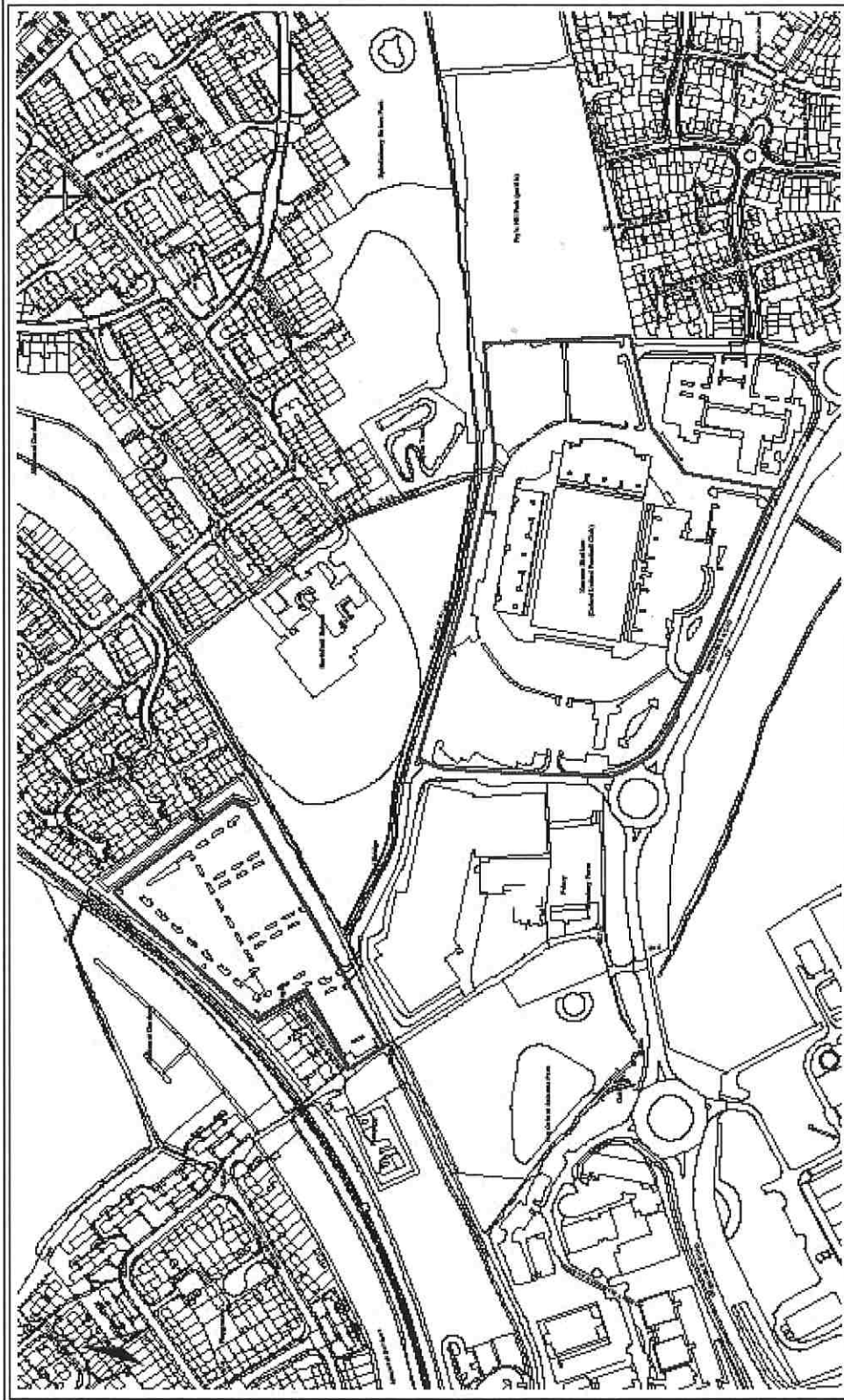
**Should** be an Asset of Community Value and included on the City Council's Register of Local Assets of Community Value Register and placed on the Local Land Charge Register.

**Name:** Patsy Dell  
**Title:** Head of Planning, Sustainable Development and Regulatory Services

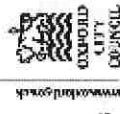
**Signature:** P. Dell  
**Date:** 27.06.2018

**Background Papers:** Nomination application, letters from the owners.

**Contact Officer:** Richard Wyatt  
**Extension:** 2704  
**Date:** 27<sup>th</sup> June 2018



### Kassam Stadium, Oxford



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