

Report to: Policy and Resources Committee, 21st March 2023

Report of: Managing Director

Subject: COUNCIL REFERRAL REPORT – WORCESTER WARRIORS RUGBY CLUB

1. Recommendation

1.1 That the Committee considers the matter referred by Council and resolves that the Managing Director writes to the Leader of Wychavon Council, sharing the response from James Sandford and Jim O’Toole and requesting a meeting between Worcester City Council and Wychavon District Council in order, in the light of the response, to discuss next steps.

2. Background

2.1 At the Council meeting of 21 February the Council considered a Motion presented with amendments by Councillor Stephen Hodgson as follows:

This Council notes the disappointment and dismay regarding the statement issued by the Atlas Consortium led by Jim O’Toole and James Sanford on 9th February 2023. The Worcester Warriors Rugby Club were a major part of the cultural and sporting life of our city, and legacy of the late Cecil Duckworth CBE and Freeman of the City of Worcester. This Council is pleased that the Atlas Consortium has agreed to retain the Worcester Warriors name for the future rugby playing team at Sixways. This Council notes statements made at the meeting with supporters on Saturday 18th February at Sixways Stadium. This Council therefore resolves to request the Managing Director to write to James Sandford and Jim O’Toole to:

- confirm that priority be given to a Sixways based Worcester rugby team in future plans;*
- request the club’s owners to take all reasonable action to secure a place in the highest level of the English rugby club structure as possible, with a willingness to use the methods of appeal available, if necessary.*

2.2 The Council then proceeded to consider a further amendment proposed by Councillor Gregson, as follows:

And further that the Managing Director writes to the Leader of Wychavon District Council, requesting them to consider – in the event that the current process fails to demonstrate a credible pathway for the return of high-level professional rugby to Sixways – using their CPO powers to acquire the site so that with a fit and proper partner (as defined by the RFU) it can continue to be the home of professional Worcester rugby.

- 2.3 Following further debate, Councillor Udall proposed a further amendment to the amendment from Councillor Gregson, as follows:

Delete the words "And further that the Managing Director writes..." and replace with "And refer to Policy and Resources Committee to discuss the possibility of the Managing Director writing..."

- 2.4 On being put to the vote, the amended Motion from Council Stephen Hodgson was carried and the further amendment to the amendment, as proposed by Councillor Udall, was also carried.

3. Information

- 3.1 In line with the agreed motion the Managing Director has written to James Sandford and Jim O'Toole. A copy of the response is attached at **Appendix 1**.
- 3.2 To support decision-making in respect of the amendment, the following comments are relevant.
- 3.3 The Managing Director has had an initial discussion with the Chief Executive of Wychavon Council who has indicated that further discussions would be required before any course of action could be agreed with Wychavon District Council.
- 3.4 In respect of the proposal to request that Wychavon Council consider using their CPO powers, the following extracts from the .Gov website *Compulsory purchase and compensation: guide 1 – procedure* published by DLUHC are considered relevant:

Para 24. Compulsory purchase is intended as a last resort and acquiring authorities are expected to try to acquire land by agreement before resorting to compulsory purchase. They can seek to acquire the land by agreement at any time and should attempt to do so before and/or alongside taking steps to acquire land by compulsion.

- 3.5 The process for implementing a CPO follows 8 defined stages:

Preliminary enquiries

Acquiring authority considers whether land is required to deliver a project it is promoting and the extent of the land that may be required.

Negotiations to acquire by agreement.

CPO preparation and submission

Acquiring authority formally 'resolves' to use its compulsory purchase powers and gathers detailed information about land ownership and occupation. The acquiring authority then makes the CPO, publicises it and submits it to the confirming authority (the relevant Government Department).

Objecting to a CPO

Those affected by the CPO are invited to submit objections to the confirming authority.

CPO consideration

The CPO is considered by the confirming authority through a public inquiry or written representations.

Decision

The confirming authority decides whether to confirm, modify or reject the CPO.

Possession and acquisition

The acquiring authority takes ownership of the land.

Compensation

There is generally a right to compensation if land is compulsorily acquired. (This is dealt with in guides 2, 3 and 4.)

- 3.6 In respect of the compensation issue, Para 18 states that:

The overriding principle of compulsory purchase compensation is 'equivalence'. This is the principle that people whose land is acquired compulsorily (or under the threat of compulsory purchase) should be left neither better nor worse off financially as a result of their land being acquired – being entitled to compensation which is neither more nor less than the value of their loss. As well as compensation for the market value of any land taken, additional compensation may be payable.

4. Preferred Option

- 4.1 That the Managing Director writes to the Leader of Wychavon Council, sharing the response from James Sandford and Jim O'Toole and requesting a meeting between Worcester City Council and Wychavon District Council in order, in the light of the response, to discuss next steps.

5. Alternative Options Considered

- 5.1 In accordance with the further amendment, write to the Leader of Wychavon Council, requesting them to consider using their CPO powers to acquire the site. In view of the guidance noted above (in particular, that CPO powers should be considered a last resort) this option is not recommended at this stage.
- 5.2 Not to write to the write to the Leader of Wychavon Council as proposed. This would mean that the requirements of the original motion are fulfilled but that the Council is taking no further action to encourage the use of compulsory purchase or to explore other options to ensure that Sixways can continue to be the home of professional Worcester rugby.

6. Implications

6.1 Financial and Budgetary Implications

There are no direct financial implications arising from this report. The report refers to potential compensation costs that would arise if a CPO were enforced but these have not been estimated at this stage.

6.2 Legal and Governance Implications

There are no legal and governance implications arising at this stage. In the event that the Council sought to pursue the matter in consultation with Wychavon District Council, further reports would be brought to Committee.

6.3 Risk Implications

There are no risk implications arising at this stage.

6.4 Corporate/Policy Implications

The City Plan 2022-27 includes an ambition to achieve the following outcomes:

- Worcester has a strong national and international reputation for a range of sports, including inclusive sports
- National and international competitions are regularly hosted in the city, boosting tourism and providing sport and health inspiration
- Increase in sport/physical activity for all age groups through the wider sporting community, such as the Parkrun and grassroots sport
- Increased participation in football, cricket, rugby, rowing, canoeing, netball, basketball, swimming, hockey, tennis, running and other sports

The presence of a premiership rugby club associated with the city is important in supporting the achievement of these objectives.

6.5 Equality Implications

There are no direct equalities implications arising from the report.

6.6 Human Resources Implications

There are no direct equalities implications arising from the report.

6.7 Health and Safety Implications

There are no direct equalities implications arising from the report.

6.8 Social, Environmental and Economic Implications

As noted in Corporate/Policy implications section, the presence of a premiership-level rugby club in Worcester is an important community benefit and attracts tourism and inward investment. The club provides community opportunities for playing rugby and attracts significant interest for investors in the city as well as tourists and away supporters from visiting clubs.

Ward(s): **All Wards**
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Background Papers: **Council papers, 21 February 2023.**