

Telford & Wrekin Council

Licensing Committee - 9th December 2015

**The Safety of Sports Grounds Act 1975 and Fire and Places of Sport Act 1987 -
Regulated Stands Certificates for AFC Telford Utd Football Stadium**

Report of Building Control Team Leader and Development Manager

1. Purpose

For Members to consider further applications for Regulated Stand Certificates for the David Hutchinson (north), University of Wolverhampton(west) and Frank Nagington(south) stands at AFC Telford following this Committee's decision on the 14th October 2015 to grant a certificate for 56 days subject to the conditions set out in the minutes of the last Licensing Committee held on the 14th October 2015 ("the Minutes")

2. Recommendation

2.1 That the Safety Certificate applications for the Regulated Stands be granted for a further period of 70 days from the 9th of December to enable the fire alarm system that has been ordered to be installed and for the barrier testing to be carried out, and rectification of any issues that arise from that testing.

3 Summary

The Report to Licensing Committee on the 14th October 2015 is attached at Appendix A and sets out the nature of the application before Committee. Members will recall and note from the Minutes that the Committee was only prepared to grant a certificate for 56 days in view of the fire alarm issue. In addition, three conditions were imposed as detailed in the Minutes. Prior to the expiry of the 56 day grant, this application is now before Members for further consideration and decision .

4 Previous Minutes

14th October 2015

5. Update of Events since 14th October 2015

Whilst the decision to issue the certificates rests with the licensing authority, there is a Sports Safety Group which provides a forum within which the Council and other agencies ensure a co-ordinated approach to spectator safety. These expert agencies advise and support the Council in the exercise of its powers under the relevant legislation. The principle agencies are the Shropshire Combined Fire Authority and West Mercia Police.

The Safety Group can advise the Club management of how to discharge the responsibility for the safety of spectators and may undertake inspections and require measures to be taken in order to achieve reasonable safety standards. This does not however exonerate the ground management from its responsibility for the safety of spectators .

A meeting of the Sports Safety Group was held on the 2nd November where the club updated the Group on their plans to meet the conditions identified as required by this Committee. At that stage their plans were to place an order for the new fire alarm system by 6th November 2015, have an assessment of the barriers on the 4th November and provide to the licensing authority details of the assessment of the vomitory walls as soon as possible.

The club also confirmed that hand held megaphones were available to all lead stewards in each stand.

At the time of writing this report, the position with regard to the three conditions is as follows:

- The seating and access in front of the desks on Row K had been removed and temporary netting barrier installed so this condition has been complied with;:
- An assessment of the barriers has been completed which has recommended the testing of a number of barriers .
The Club has indicated that a test date for the barriers will be provided before the Committee meeting.
- Work has been done to the vomitory walls and information has now been received as to the nature of the work and that this is satisfactory to address the original concerns, so this condition has been complied with.

The Council has received confirmation that the fire alarm has been ordered, and the likely completion date is late January /early February .

A pre-arranged match day inspection was carried out by the Sports Safety Group on the 20th November 2015. The ground is assessed in accordance with the Green Guide. The Green Guide (Guide to safety at sports Grounds) is an advisory document for use by competent persons and has no statutory force but many of its recommendations will be made statutory at individual grounds by their inclusion in safety certificates issued under the relevant legislation

The information in the Guide is intended to provide useful guidance but it is not a definitive statement applicable in all circumstances. The Guide states that a flexible approach should be maintained to take account of the individual type, function and layout of the grounds .

Various safety issues were highlighted including the fact that the number of loud hailers required by the independent Fire risk assessment were not available – these were required to compensate for the intermittent failure of the PA system, issues around access and egress and evacuation routes and crowd management and safety. A further match day inspection was arranged for the 5th December 2015 and on that occasion a number of issues raised had been addressed . The Club has indicated

that a further response to address all of the outstanding issues will be available to Members before the start of the meeting.

The Club has indicated that steps have been taken to remedy outstanding issues such as providing extra keys to ensure that doors are locked, liaising with the hotel where issues arise where the hotel links to the Club and further work will be commissioned to deal with an issue at the snack bar . Evidence of staff training will be provided.

The fire alarm has been ordered and a proposed date for completion provided. The three specific conditions have been addressed apart from the confirmation of the barrier testing and rectification of any issues that testing might identify.

A further meeting of the Safety Group will be scheduled to take place in January/February when the alarm system work should be complete. Regular meetings of the Group will then provide necessary advice and support in complying with the terms of the Regulated Stand Certificate .

The recommendation is therefore for a further extension to allow alarm work to be complete, barrier testing and rectification of any issues that might arise to be completed.

8. Legal Comment

Following the deregulation of the sports ground as a whole from the 1st of October 2015 the Club has to ensure that the appropriate Regulated Stand Certificates are in place prior to any sporting activity taking place .The Council has a duty to consider and, if appropriate, issue Certificates with appropriate conditions having regard to the relevant legislation contained in the Act

Rights of Appeal

Section 30 of the Act provides rights of appeal to the magistrate's court including

An appeal by a person against a determination by the local authority that he /she is not qualified to hold a safety certificate for a regulated stand

An appeal by any interested party against the inclusion of anything in or omission of anything from a safety certificate for a regulated stand or the refusal of the local authority to amend or replace it.

Transparency

The decision that the Licensing Committee are being asked to make must include the following in order to ensure fair, transparent decision making :-

- All members of the Licensing Committee taking part in this decision must read this report in its entirety including the recommendations and the appendices.
- If any member of the Committee believes that any aspect of the report or document is ambiguous or requires further explanation then questions should be raised with those officers presenting the report before any decision is made.

9. Financial Comment

Since the October meeting of the Licensing Committee, Telford and Wrekin Council have signed an Agreement with AFC Telford for the provision of capital Gap Funding, which has allowed AFC Telford to commission the necessary upgrades to the alarm systems. The assessment of Certificate applications will be carried out by building control officers within existing resources.

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10. Links with Corporate Priorities

This report has links to the following:

Corporate Priorities

Protect and Create Jobs as a “Business Supporting Winning Council”

Officers have been advising the club for a long time supporting them and advising them on what they need to do to meet the standards required for the certificates to be approved.

It is important for members to note that the Lead Officer at AFC Telford in respect of this matter is currently Lee Carter. Given his role as a senior councillor, portfolio holder for Council Finance and Service Delivery, there are established systems agreed with Councillor Carter for demonstrating good governance and separating him from involvement in decisions in respect of matters relating to the football club. Principally, this means that the Monitoring Officer liaises with the Councillor and officers are encouraged to speak to the Monitoring Officer if they have any concerns about the Councillor using his position to influence the consideration of the application.

In view of the seriousness of this application, normal rules have been waived as the Councillor is the person with overall responsibility for the club and the stands.

11. Risks and Opportunities

The following key risk and opportunity associated with this action has been identified and assessed and arrangements put in place to manage them

- (1) The financial risks to the Council in the event of a legal challenge to any decision

12. Equal Opportunities

There are no equal opportunity implications arising from this report

13. Environmental Impact

There is no environmental impact arising from this report

14. Ward Implications

There are Borough wide implications

15. Background Papers

Safety at Sports Grounds Act 1975
Fire Safety and Places of Sport Act 1987
Safety at Sport Grounds Designation Order 2015
Guide to Safety as Sports Grounds (Green Guide)

Current General Safety Certificate
Letter received regarding Deregulation

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