

## **Telford & Wrekin Council**

**Licensing Committee - 14<sup>th</sup> October 2015**

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

**Report of Building Control Team Leader**

### **1. Purpose**

To inform Members of the position with regard to the Safety of Sports Grounds Designation Order 2015 as it applies to the Football Stadium at AFC Telford and to consider the application for Regulated Stand Certificates for the David Hutchinson (north), University of Wolverhampton (west) and Frank Nagington (south) stands at AFC Telford

### **2. Recommendation**

**2.1 To delegate authority to the Building Control Team Leader to issue Regulated Stand Certificates for the David Hutchinson (north), University of Wolverhampton (west), and Frank Nagington (south) stands for a period of 56 days, subject to relevant conditions.**

### **3 Summary**

As from the 1st October 2015, Regulated Stand Certificates are required pursuant to Part III of the Fire Safety and Places of Sport Act 1987 (the Act) for the David Hutchinson (north) University of Wolverhampton (west) and Frank Nagington (south) stands at AFC Telford in order for spectators to be admitted for sporting or other spectator events within those grounds .

Telford and Wrekin Council is this issuing authority for sports grounds within the Borough of Telford and Wrekin. Any stand at a sports ground or stadium which provides covered accommodation in stands for 500 spectators or more is a Regulated Stand and requires a Regulated Stand Certificate

### **4 Previous Minutes**

None

### **5 Information**

#### Contents of a Certificate

In accordance with section 27 of the 1987 Act the Council is required to include in the safety certificate such terms and conditions it considers necessary or expedient to

secure the reasonable safety of spectators. Safety certificates issued by the Council will include the capacity of the regulated stand. The Certificate will also include the terms and conditions with which the holder must comply to maintain that capacity. In determining the contents of any certificate the Council will take into account the advice of the safety advisory group and the guidance contained in the Guide to Safety at Sports Grounds (the Green Guide) and that published by the Sports Grounds Safety Authority in its " Guide to the safety certification of sports grounds". The latter guidance document recommends a new style of safety certificate with the onus placed upon the ground management to carry out risk assessments and develop an operations manual.

## **6. Background**

The Local Authority was informed in April of this year that it was the intention of the Secretary of State for Culture, Media and Sport to designate The New Bucks Head Stadium from the 1st October 2015 under the Safety of Sports Grounds (Designation) Order 2015. A General Safety Certificate is required for each ground with a capacity of 10,000 or more (5000 if the club is in a football league).

Until the 1<sup>ST</sup> October 2015, the club operated under a General Safety Certificate for the ground, but does not have a capacity of 10000. The Club therefore needed to apply for and obtain Regulated Stand Certificates for the David Hutchinson(north) , University of Wolverhampton(west) and Frank Nagington ( south) stands as they are Regulated Stands i.e stands which are capable of accommodating at least 500 people under cover.

In order for the appropriate certificates to be issued, applications with supporting information are made by the person responsible for the management of the football ground. Information that should be included:

- Capacity calculations
- Statement of intent
- Safety audit reports and P and S assessments
- Spectator safety policy
- Safety officer appointment  
(the recommendation is that the safety officer should have a level 4 safety qualification in spectator safety and their deputy should be working towards this.)
- Emergency plan
- Up to date plans and specifications
- Fire risk assessments
- Escape lighting battery test certificates
- Escape lighting generator test certificates
- Structural safety certificates for all parts the structures
- Load testing certificates
- Fire alarm test certificates
- Public address system certificates
- Fire fighting equipment certificates
- Electrical installation certificates
- CCTV certificates
- Lightening conductor certificates

Whilst the decision to issue the certificates rests with the Council, there is a Sports Safety Group which provides a forum within which the Council and other agencies may

develop a coordinated approach to spectator safety. They can advise the Council in the exercise of its powers under the relevant legislation and includes for example representatives from the fire and police services.

A meeting of the Sports Safety Group was held on the 29th September and the views of the Sports Safety Group were obtained on the applications that had been received and information received to date. The Group is being kept informed where appropriate when information is being received.

As the Club previously had a General Safety Certificate, most of the information is already in existence but some information needs to be updated. As a small club with an older ground and a small spectator capacity, the club has limited resources but at the same time has to maintain the ground to a sufficient level to ensure that safety is not compromised.

An application for certificates of this nature would normally result in the grant of a 12 month certificate with a review thereafter. However, the Club is aware that the fire alarm system at the Club is in need of an overhaul and the long term plan is to replace the current alarm system. It will take time to order and install a system and the proposed recommendation will allow the Club to remain open and have home matches by requiring additional safety measures such as a loud hailer and additional stewards until the new system is installed and operational.

There are currently other additional outstanding issues but as information is being received and being processed on a daily basis, a verbal update will be provided to Committee if there are any outstanding issues to resolve. A list of proposed conditions will be provided for Committee. The intention would be to bring the application back before Committee prior to the end of the 56 day period for further consideration

## **7. 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 Licensing 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.

## **8 Financial Comment**

The assessment of Certificate applications will be carried out by building control officers within existing resources

## **9 Links with Corporate Priorities**

This report has links to the following

Corporate Priorities

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

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, existing systems agreed with Councillor Carter for demonstrating good governance are being used .Principally, this means that the Monitoring Officer has discussed this matter 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 .

## **10 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

## **11 Equal Opportunities**

There are no equal opportunity implications arising from this report

## **12 Environmental Impact**

There is no environmental impact arising from this report

## **13 Ward Implications**

There are Borough wide implications

## **14 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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