

Telford & Wrekin Council

Licensing Committee - 4th February 2016

**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 Service Delivery Manager
Development Management**

1. Purpose

For Members to consider further applications for Regulated Stand Certificates for the David Hutchison (north), University of Wolverhampton (west) and Frank Nagington (south) stands at AFC Telford following this Committee's decision on the 9th December 2015 to grant a certificate for 70 days subject to the conditions set out in the minutes of the last Licensing Committee held on the 9th December 2015 ("the Minutes")

2. Recommendation

2.1 That the Service Delivery Manager Development Management be delegated to grant the Safety Certificate applications for the Regulated Stands for the balance of the 12 month period expiring on the 14th October 2016, subject to a condition requiring any remedial work identified (if any) by the barrier testing (which is being undertaken on the 1st/2nd Feb 2016) being carried out in accordance with the recommendations in the barrier testing report .

3 Summary

The Report to Licensing Committee on the 9th December 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 70 days in view of the fire alarm and safety barrier issue. Prior to the expiry of the 70 day grant, this application is now before Members for further consideration and decision.

4 Previous Minutes

14th October 2015

9th December 2015

5. Update since 9th December 2015

A pre match inspection was carried out by the Sports Safety Group with various members of the licensing committee familiarising themselves with the club and its management, on the 23rd January 2016. At the pre match inspection the Club's ground management demonstrated that they had actively taken on board the previous comments made by the safety group and only minor areas were identified that could

be picked up in their maintenance programme. The Club also demonstrated that the fire alarm installation was well under way. A further meeting will be held by the safety group on the 3rd February 2016 and a verbal update from that meeting will be given to Committee of any comments.

With regard to the issues raised at Committee on 9th December namely the fire alarm system and the barrier testing, the updated position is as follows:

1. The Council has been informed by the Club that the barrier testing company have rearranged the test date so no report is available relating to the barriers. However this testing is now scheduled for 1st/2nd February and officers will update Members verbally if any further information is received prior to the Committee meeting.
2. The fire alarm installation is well under way although at present no firm completion date is available.

A further meeting of the Safety Group is scheduled to take place on February 3rd when the Club will update the group as to the progress of work on the alarm system and barrier testing.

As the issues previously highlighted are actively being addressed, the recommendation is to grant the balance of the 12 months subject to a condition regarding the barrier testing implications and the on-going standard conditions of the certificate eg CCTV requirements, that will continue to apply .

6. 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.

7. 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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8. 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 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 and Cabinet Lead 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.

9. 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

10. Equal Opportunities

There are no equal opportunity implications arising from this report

11. Environmental Impact

There is no environmental impact arising from this report

12. Ward Implications

There are Borough wide implications

13. 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

Report prepared by

Tony Reah Building Control Team Leader and David Fletcher Service Delivery
Manager Development Management

For further information please telephone 01952- 384500 or email
tony.reah@telford.gov.uk