



Telford & Wrekin  
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

## LICENSING COMMITTEE

Date **Thursday 4<sup>th</sup> February 2016** Time **6.00pm**  
Venue **Meeting Room G3 & G4, Ground Floor Addenbrooke House,  
Ironmasters Way, Telford, TF3 4NT**

### Enquiries Regarding this Agenda:

Democratic Services	Phil Smith	01952 383211
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Lead Officer	Angie Astley – Assistant Director: Customer & Neighbourhood Services	01952 381008

Committee Membership: Councillors **H Rhodes (Chair)**, **M J Smith (Vice Chair)**, M Boylan, G H Cook, I T W Fletcher, J A Francis, M B Hosken, C N Mason, S J Reynolds, J M Seymour

Substitutes: Councillors J Jones, J C Minor, J A Pinter, C F Smith, C R Turley, S P Burrell, R T Kiernan

## AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes** Appendix **A**  
To confirm the minutes of the meeting of the Licensing Committee held on 9<sup>th</sup> December 2015.
4. **Safety of Sports Grounds Act 1975 and Fire Safety and Places of Sport Act 1987 - Regulated Stands Certificates for AFC Telford Utd Football Stadium** Appendix **B**  
The report of the Building Control Team Leader and Development Management Service Delivery Manager

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Thursday 4<sup>th</sup> February 2016 at 6.00 pm at Addenbrooke House, Ironmasters Way, Telford**

#### **PRESENT**

Councillors H Rhodes (Chair), M Boylan, G Cook, I Fletcher, J Francis, M Hosken, R T Kiernan (substitute for J Seymour), S J Reynolds, C Smith (substitute for C Mason) and M Smith

Officers in attendance: A Reah (Building Control Team Leader), E Griffin (Solicitor), P Martin (Solicitor) and P Smith (Democratic Services Team Leader)

#### **LC-25      APOLOGIES FOR ABSENCE**

Councillors C Mason and J Seymour

#### **LC-26      DECLARATIONS OF INTEREST**

None.

#### **LC-27      MINUTES**

**RESOLVED** – that the minutes of the meeting held on 9 December 2015 be confirmed and signed by the Chair.

#### **LC-28      SAFETY OF SPORTS GROUNDS ACT 1975 AND FIRE SAFETY & PLACES OF SPORT ACT 1987 – REGULATED STAND CERTIFICATES FOR AFC TELFORD UTD FOOTBALL STADIUM**

The Building Control Team Leader presented a report which provided Members with an update of events since the last meeting on 9 December 2015, when the Committee agreed to issue temporary Regulated Stand Certificates for the David Hutchison (north), University of Wolverhampton (west) and Frank Nagington (south) stands at the AFC Telford Utd Football Stadium for a further period of 70 days. This was to allow for further work to be completed on the fire alarm and testing of some safety barriers.

A pre-match inspection was carried out by the Sports Safety Group on 23 January 2016, which was also attended by some members of the Committee (as per the invitation made by the Club at the last meeting). At the inspection visit, the Club demonstrated that they had actively taken on board the previous comments of the Safety Group, and the Group was satisfied that most of the necessary improvements had been made. Some minor areas were identified that could be picked up through the Club's maintenance programme. At the visit, the Club was also able to demonstrate that the new fire alarm installation was well under way.

With regard to the outstanding issues of the fire alarm and barrier testing, the Club had provided a further update this week to the Safety Group. In relation to the fire alarm, the electrical junction box was due to be installed on 9 February 2016 and completion of the installation would be soon after that. In terms of the barriers, there had been a delay in the testing being carried out due to the company concerned re-arranging the original date of 11 January. The testing had taken place earlier in the week, and so a written report was not yet available. However, it was understood that the only issue found was with two steel handrails outside one of the boxes - but that the testing company had queried the loading criteria they had been asked to test on. Clarification had been sought today from the engineers that had carried out the initial risk assessment, but their response was still awaited. Until the issue with these specific barriers had been resolved, the Club had indicated that they would manage the situation via additional safety measures at that location in the ground.

Given that the Sports Safety Group was satisfied that the issues previously highlighted had been actively addressed, and that the fire alarm installation was close to completion, the recommendation in the report had been to delegate authority to the Development Management Service Delivery Manager to grant the Regulated Stands Certificates, subject to a condition relating to any remedial work being required on safety barriers. Following the barrier testing, it was now considered unlikely that any remedial work would be required, and therefore it was proposed that the condition be deleted from the recommendation.

Some of those Members who attended the pre-match inspection on 23 January commented that they had been reassured that the current safety arrangements at the ground were satisfactory, and the Building Control Team Leader confirmed that the additional safety measures would remain in place until the new fire alarm system had been tested and was operational. One or two other minor safety issues had been noted during the visit, but reassurance was provided that these had been addressed by the Club.

**RESOLVED (one against) – that authority be delegated to the Development Management Service Delivery Manager to grant the Regulated Stands Certificates for AFC Telford Utd Football Stadium for the balance of the 12 month period expiring on 14<sup>th</sup> October 2016.**

The meeting closed at 6.10pm.

Chairman: .....

Date: .....

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Wednesday 9<sup>th</sup> December 2015 at 6.00 pm at Addenbrooke House, Ironmasters Way, Telford**

#### **PRESENT**

Councillors H Rhodes (Chair), M Boylan, I Fletcher, J Francis, M Hosken, C Mason, S J Reynolds, J Seymour and C Smith (substitute for G Cook)

Officers in attendance: A Reah (Building Control Team Leader), E Griffin (Solicitor), T Street (Solicitor) and P Smith (Democratic Services Team Leader)

#### **LC-21      APOLOGIES FOR ABSENCE**

Councillor G Cook

#### **LC-22      DECLARATIONS OF INTEREST**

None.

#### **LC-23      MINUTES**

**RESOLVED** – that the minutes of the meeting held on 14 October 2015 be confirmed and signed by the Chair.

#### **LC-24      SAFETY OF SPORTS GROUNDS ACT 1975 AND FIRE SAFETY & PLACES OF SPORT ACT 1987 – REGULATED STAND CERTIFICATES FOR AFC TELFORD UTD FOOTBALL STADIUM**

Mr L Carter (Managing Director - AFC Telford Utd FC) was present for this item.

The Building Control Team Leader presented a report which provided Members with an update of events since the last meeting on 14 October 2015, when the Committee agreed to issue temporary Regulated Stand Certificates for three specified stands at the AFC Telford Utd Football Stadium, subject to conditions (minute LC-20). A copy of the report considered at the 14 October meeting was appended to the report for information.

The Football Club had been working closely with the Sports Safety Group and Council officers to address the issues that had been identified. The position with regard to the three conditions imposed at the last meeting was that:

- The seating and access in front of the desks on Row K had been removed and a temporary netting barrier installed, so this condition had been complied with;
- A risk assessment of the barriers had been completed and had recommended the testing of a number of barriers. The testing was due to take place on 11 January 2016.

- Work had been done to the vomitory walls which had addressed the original concerns, so this condition had been complied with.

The Council had received confirmation that the new fire alarm system had been ordered. Installation would start on 4 January 2016, with a completion date in late January/early February.

A match day inspection had been carried out by the Sports Safety Group on 20 November 2015, when some safety issues were highlighted. However, it was clarified that the number of loudhailers available at the ground was compliant with the requirements of the independent Fire risk assessment. A further match day inspection on 5 December 2015 found that steps had been taken to remedy outstanding issues such as providing extra keys to ensure that doors were locked, liaising with the adjacent Whitehouse Hotel and further work at the snack bar. A further meeting of the Safety Group was scheduled to take place in January/February when the alarm system work should be completed.

It was recommended that the Regulated Stands Certificates be granted for a further period of 70 days to enable the fire alarm system to be installed and for the barrier testing and any consequent remedial work to be carried out.

Mr L Carter, on behalf of AFC Telford Utd, was invited to address the Committee and answer questions. He stated that the Club had an exemplary safety record over many years. He circulated a pack of information to Members which included the actions taken after the recent inspections, recent event safety briefings and match day inspection reports. All stewards and staff were trained to NVQ Level 2. He also provided further information about the response that had been made to comply with the three conditions attached to the temporary Certificates. In relation to the barriers, none had been identified as in a falling over state but there were some minor defects identified in around 10 barriers within the ground. Load-testing on these barriers would be carried out on 11 January 2016, and any remedial testing required would be done within 28 days of the results being received. With regard to the vomitory walls, a survey had been undertaken and had identified some cracking of cosmetic render which had now been repaired. There were no structural faults. In terms of the fire alarm system, he assured Members that the current system and fire safety measures worked perfectly. The only identified risk was in the event of a major power outage there was a minimal risk that the notification of detection would not work. Notwithstanding this, a replacement system had been ordered and the work was likely to take at least 9 weeks. It had taken a bit of time to sort out the electrical routing etc due to lack of available documentation, and this had delayed the ordering of the alarm system.

During the ensuing discussion, there was some disappointment that not all the identified work had been completed, but, overall, Members were satisfied that the Club had done a lot to address the issues that had been raised, and that there were clear timescales for the remaining work to be completed. Reassurances had been provided that the necessary additional safety measures were in place. A question was asked about whether the Sports Safety Group would be making another site inspection visit within the next 70 days. It was confirmed that they would be, and the Club invited members of the Committee to attend the visit so that they could see for

themselves the work that had been done, and the safety procedures in place for a match-day.

**RESOLVED (unanimously) –**

- (a) that the Safety Certificate applications for the Regulated Stands be granted for a further period of 70 days from 9 December 2015 to enable the fire alarm system that had been ordered to be installed, and for the barrier testing to be carried out and for rectification of any issues that arise from that testing;**
- (b) that the applications come back to the Committee at a meeting on 4 February 2016, and that a site inspection visit (in conjunction with the Sports Safety Group) be held on 23 January 2016.**

The meeting closed at 6.40pm.

Chairman: .....

Date: .....

## **Telford & Wrekin Council**

**Licensing Committee - 4<sup>th</sup> 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 9<sup>th</sup> 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 9<sup>th</sup> 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 14<sup>th</sup> October 2016, subject to a condition requiring any remedial work identified (if any) by the barrier testing (which is being undertaken on the 1<sup>st</sup>/2<sup>nd</sup> Feb 2016) being carried out in accordance with the recommendations in the barrier testing report .**

### **3 Summary**

The Report to Licensing Committee on the 9<sup>th</sup> 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**

14<sup>th</sup> October 2015

9<sup>th</sup> December 2015

### **5. Update since 9<sup>th</sup> 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 23<sup>rd</sup> 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 9<sup>th</sup> 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.

JAC 091215

## **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

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