EXPLANATORY MEMORANDUM TO

THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (AMENDMENT) (ENGLAND) (NO. 4) ORDER 2020

2020 No. 1063

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Digital, Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order amends the Safety of Sports Grounds (Designation) Order 2015 (S.I. 2015/661, "the 2015 Order") to designate The Football Stadium, occupied by Harrogate Town Association Football Club, as a ground requiring a safety certificate under the Safety of Sports Grounds Act 1975 ("the 1975 Act").

2.2 This Order also amends the 2015 Order so as to revoke the designation of Moss Rose Stadium (occupied by Macclesfield Town Football Club), The Hive (occupied by Barnet Football Club), and Griffin Park (formerly occupied by Brentford Football Club) as grounds no longer requiring a safety certificate under the 1975 Act.

2.3 This Order also amends the address of Plough Lane (occupied by Association Football Club Wimbledon) to Plough Lane Stadium, Plough Lane, London, SW17 0NR.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure, there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 Section 1(1) of the Safety of Sports Grounds Act 1975 provides that the Secretary of State may designate by Order any sports ground in England and Wales as requiring a safety certificate from the relevant local authority if, in his opinion, it has accommodation either for more than 10,000 spectators or, in the case of a sports

ground at which football is played and which is occupied by a member of the Football Premier League or the Football League, for more than 5,000 spectators.

6.2 All designations made under the 1975 Act in respect of sports grounds in England and Wales were consolidated in the 2015 Order. This Order amends the 2015 Order to designate The Football Stadium, as it has a capacity of 5,017 people; to revoke the designation of Moss Rose Stadium, as it is no longer occupied by a member of the Football Premier League or the Football League; to revoke the designation of The Hive, as it is no longer occupied by a member of the Football Premier League or the Football League; to revoke the designation of Griffin Park, as Brentford Football Club now plays its home games at another ground, and Griffin Park ceases to exist; and to amend the address for Plough Lane as the flats being built around it have affected the postcode.

7. Policy background

What is being done and why?

7.1 The 1975 Act helps to ensure high standards of spectator safety at sports grounds by requiring any sports ground designated under that Act to obtain a safety certificate from the local authority for the area in which that sports ground is situated. Primary responsibility for ensuring compliance with the required standards lies with the local authority.

7.2 Safety certificates must contain such terms and conditions as the local authority considers necessary or expedient to secure reasonable safety at the designated sports ground. The 1975 Act provides for a number of criminal offences; for example, where spectators are admitted to a designated sports ground when no valid safety certificate is in place, or where any term or condition of a safety certificate is contravened.

7.3 This Order designates The Football Stadium to reflect that its occupant (Harrogate Town Association Football Club) is a members of the Football League and play its home games there, and that in the Secretary of State's opinion its ground has accommodation for more than 5,000 spectators. As such, the ground satisfies the criteria for designation under the 1975 Act.

7.4 This Order also revokes the designation of Moss Rose Stadium (because it is no longer occupied by a member of the Premier League or Football League), The Hive (because it is no longer occupied by a member of the Premier League or Football League), and the Griffin Park (as it ceases to exist after Brentford Football Club has moved to another ground to play its home games). As a result, the conditions which would entitle the Secretary of State to designate these grounds as requiring a safety certificate under the 1975 Act are no longer satisfied.

7.5 This Order also amends the address of Plough Lane (occupied by Association Football Club Wimbledon) as the building of new flats around the stadium has altered the postcode slightly.

7.6 Where designation of a sports ground is revoked because it no longer qualifies for designation under the 1975 Act, the club concerned may nevertheless require a safety certificate from the local authority under the Fire Safety and Safety of Places of Sport Act 1987 ("the 1987 Act") for any regulated stands within the ground.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 The Department has no plans at present to consolidate the various minor amendments made to the 2015 Order.

10. Consultation outcome

10.1 Harrogate Town Association Football Club, North Yorkshire County Council, the Sports Grounds Safety Authority ("SGSA") and the relevant police forces and fire and ambulance services have been consulted in respect of the designation of The Football Stadium, and no objection was made.

10.2 Macclesfield Town Football Club, Cheshire East Council, the SGSA and relevant police forces and fire and ambulance services have been consulted in respect of the de-designation of Moss Rose Stadium, and no objection was made.

10.3 Barnet Football Club, Harrow Council, the SGSA and the relevant police forces and fire and ambulance services have been consulted in respect of the de-designation of The Hive. One objection was raised by Barnet Football Club and their chairman. They raised that they would prefer to keep the designation in place in order to maintain the highest standards of safety. However, the club understands that as a matter of consistency with similar clubs, and to remain in line with the criteria set out in The Safety of Sports Grounds (Designation) Order, it must undergo de-designation.

10.4 Brentford Football Club, the London Borough of Hounslow, the SGSA and the relevant police forces and fire and ambulance services have been consulted in respect of the de-designation of Griffin Park, and no objection was made.

11. Guidance

11.1 The SGSA has published technical guidance on a range of matters associated with sports grounds safety, including its Guide to Safety at Sports Grounds (also known as the "Green Guide"). This is published by the SGSA (ISBN 978-1-9164583-0-7, 6th Edition) and is available for purchase at: https://sgsa.org.uk/greenguide-availablenow/.

11.2 Guidance for local authorities and sports clubs with designated grounds is also available on the SGSA's website at https://sgsa.org.uk/regulation/about-designated-grounds.

12. Impact

12.1 An impact assessment has not been prepared for this Order because it has no, or no significant, impact on business, charities or voluntary bodies.

The Football Stadium

12.2 The impact on business, charities or voluntary bodies in relation to the designation of The Football Stadium is limited to whichever bodies are responsible for ensuring that

Harrogate Town Association Football Club obtains a safety certificate from the relevant local authorities and comply with its terms and conditions.

12.3 The impact on the public sector is limited to North Yorkshire County Council as the local authority for the area in which The Football Stadium is situated, as well as (to a lesser degree) the SGSA.

The Moss Rose Stadium and The Hive

12.4 The impact on business is that Moss Rose Stadium and The Hive may require a safety certificate under the 1987 Act for any regulated stands within the ground.

12.5 The impact on the public sector is that the relevant local authorities, Cheshire East Council and Harrow Council, will be required to assess the ground to determine if a safety certificate is required under the 1987 Act for any regulated stands within the ground.

Griffin Park and Plough Lane

12.6 There is no impact on business or on the public sector as Plough Lane is already designated and Griffin Park will cease to exist.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The 2015 Order includes a review provision as a result of an amendment made by the Safety of Sports Grounds (Designation) (Amendment) Order 2015 (S.I. 2015/1556). A report must be published by 30th September 2020, and no more than every five years thereafter. This means that all designations will soon receive a comprehensive review.

14.2 In addition to this, if the circumstances in which a sports ground operates change – for example, where the local authority notifies the Secretary of State that a sports ground no longer meets the criteria for designation – the designation for that sports ground in the 2015 Order may be amended or revoked.

15. Contact

15.1 Saskia Mukerji, at the Department for Digital, Culture, Media and Sport (telephone: 020 7211 6558 or email: saskia.mukerji@dcms.gov.uk), can be contacted with any queries regarding the instrument.

15.2 Anna Deignan, Director for Sport at the Department for Digital, Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Nigel Huddleston, Minister for Sport, Tourism and Heritage at the Department for Digital, Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard.