EXPLANATORY MEMORANDUM TO

THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (AMENDMENT) (ENGLAND) ORDER 2021

2021 No. 912

1. Introduction

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

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

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 revoke the designation of Twerton Park, occupied by Bath City Football Club, and Blundell Park, occupied by Grimsby Town Football Club as grounds no longer requiring a safety certificate under the Safety of Sports Grounds Act 1975 ("the 1975 Act").

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The Order has to be laid during recess as the National League play offs were scheduled for later than usual in the summer due to delays caused by Covid. This has pushed back the timeframes for beginning the de-designation process to June.

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 de-designate Twerton Park and Blundell Park, which are both designated under Schedule 1. Twerton Park has a capacity of 3,528 people and Blundell Park has a capacity of 9,031 which fall below the 10,000 capacity threshold set out by Schedule 1. Twerton

Park and Blundell Park cannot be designated under Schedule 2 as neither ground is occupied by a member of the Football Premier League or the Football League.

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 revokes the designation of Twerton Park and Blundell Park because these grounds are not occupied by a member of the Premier League or Football League, and do not have a capacity of over 10,000 people. 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.

7.4 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 and Future Relationship

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 Bath City Football Club, Bath and North East Somerset Council, and the relevant police forces and fire and ambulance services have been consulted in respect of the de-designation of Twerton Park, and no objection was made.

10.2 Grimsby Town Football Club, North East Lincolnshire Council, and relevant police forces and fire and ambulance services have been consulted in respect of the de-designation of Blundell Park, and no objection was made.

11. Guidance

11.1 The Sports Grounds Safety Authority ("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 The impact on business is that Twerton Park and Blundell Park may require a safety certificate under the 1987 Act for any regulated stands within the ground.

12.2 The impact on the public sector is that the relevant local authorities, Bath and North East Somerset Council and North East Lincolnshire 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.

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

13. Regulating small business

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

14. Monitoring and review

14.1 The approach to monitoring of this legislation is through reviews mandated by the review clause.

14.2 A statutory review clause is included in the 2015 Order as a result of an amendment made by the Safety of Sports Grounds (Designation) (Amendment) Order 2015 (S.I. 2015/1556). A report was published on 8th September 2020 and subsequent reports must be published no more than every five years thereafter. This means that all designations recently received a comprehensive review.

14.3 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 Adam Conant, Head of 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 and Tourism at the Department for Digital, Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard.