EXPLANATORY MEMORANDUM TO

THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (AMENDMENT) (ENGLAND) ORDER 2022

2022 No. 122

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") so as to designate Alexander Stadium, occupied by Birmingham City Council, as a sports ground 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 None.

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 1975 Act 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 the Secretary of State's opinion, that sports ground has accommodation 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 Association Premier League Limited or the Football League Limited, for more than 5,000 spectators.

6.2 Designations that had been made under the 1975 Act in respect of sports grounds in England and Wales, which were still considered to meet the applicable conditions, were consolidated in the 2015 Order.

6.3 This Order amends the 2015 Order so as to designate Alexander Stadium, occupied by Birmingham City Council, as a sports ground which requires a safety certificate under the 1975 Act.

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 amends the 2015 Order so as to designate Alexander Stadium, to reflect the increased capacity of Alexander Stadium, and that in the Secretary of State's opinion the ground has accommodation for over 10,000 spectators, and as such satisfies the criteria for designation under the 1975 Act.

7.4 The Department for Digital, Culture, Media and Sport has worked closely with Birmingham City Council, as both the ground owner and the relevant local authority, to establish appropriate checks and balances to ensure that its responsibilities in connection with safety certification at Alexander Stadium are properly discharged.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

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

10. Consultation outcome

10.1 Birmingham City Council has been consulted as both the ground owner (the Communities Team) and the relevant local authority (the Regulation and Resilience Teams) alongside the relevant police, fire and ambulance services in respect of the designation of Alexander Stadium, and no objection was made.

11. Guidance

11.1 The Sports Grounds Safety Authority ("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 sports grounds is also available on the SGSA's website at https://sgsa.org.uk/designated-grounds/.

12. Impact

12.1 The impact on business, charities or voluntary bodies in relation to the designation of Alexander Stadium is limited to whichever body is responsible for ensuring that Birmingham City Council, as the ground owner, obtains a safety certificate from the relevant local authority and complies with its terms and conditions.

12.2 The impact on the public sector is limited to Birmingham City Council, being the local authority for the area in which Alexander Stadium is situated, as well as (to a lesser degree) the SGSA.

12.3 A full Impact Assessment has not been prepared for this instrument because it has 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 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 8 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.

14.2 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 Charlotte Kenealy at the Department for Digital, Culture, Media and Sport (telephone: 07515 701408 or email: charlotte.kenealy@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, the Minister for Sport, Tourism, Heritage and Civil Society at the Department for Digital, Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard.