# EXPLANATORY MEMORANDUM TO

# THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (AMENDMENT) (NO. 3) ORDER 2020

## 2020 No. 785

## 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.

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 designate Plough Lane and Holker Street, occupied by A.F.C. Wimbledon and Barrow Association Football Club respectively, as grounds requiring a safety certificate under the Safety of Sports Grounds Act 1975 ("the 1975 Act").

2.2 The Order also amends the 2015 Order so as to revoke the designation of Cherry Red Records Stadium (formerly occupied by A.F.C. Wimbledon) and Zebra Claims Stadium (occupied by Workington Town Rugby League Football Club) as grounds no longer requiring a safety certificate under 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 is laid in parliament during Summer Recess due to the delays caused by COVID-19, both to ongoing construction work but also in establishing which teams will be members of the Football League in the 2020-21 football season. It is essential that sports grounds which are scheduled to host League football matches in the near future are designated so a safety certificate may be issued under the 1975 Act before the new season begins.

***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 Plough Lane, as the new stadium of A.F.C. Wimbledon has a capacity of 9,300 people; to designate Holker Street, as Barrow A.F.C. has been promoted to the Football League; to revoke the designation of Cherry Red Records Stadium, as it is no longer occupied by a member of the Football Premier League or the Football League; and to revoke the designation of Zebra Claims Stadium, as the stadium's capacity has fallen below 10,000 people.

## 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 Plough Lane and Holker Street to reflect that their occupants (respectively A.F.C. Wimbledon and Barrow Association Football Club) are members of the Football League and play their home games there, and that in the Secretary of State's opinion their grounds have accommodation for more than 5,000 spectators. As such, each ground satisfies the criteria for designation under the 1975 Act.

7.4 This Order also revokes the designation of Cherry Red Records Stadium (because it is no longer occupied by a member of the Premier League or Football League) and the designation of Zebra Claims Stadium (as a result of a reduction in the stadium's capacity). 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 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 A.F.C. Wimbledon, Chelsea Football Club, the Royal Borough of Kingston Upon Thames City, the Sports Grounds Safety Authority ("SGSA") and the relevant police forces and fire and ambulance services have been consulted in respect of the de-designation of Cherry Red Records Stadium, and no objection was made.

10.2 A.F.C. Wimbledon, the London Borough of Merton, the SGSA and relevant police forces and fire and ambulance services have been consulted in respect of the designation of Plough Lane, and no objection was made.

10.3 Workington Town Rugby League Football Club, Cumbria County Council, the SGSA and the relevant police forces and fire and ambulance services have been consulted in respect of the de-designation of Zebra Claims Stadium, and no objection was made.

10.4 Barrow Association Football Club, Cumbria County Council, the SGSA and the relevant police forces and fire and ambulance services have been consulted in respect of the designation of Holker Street, 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.

*Plough Lane and Holker Street*

12.2 The impact on business, charities or voluntary bodies in relation to the designation of Plough Lane and Holker Street is limited to whichever bodies are responsible for ensuring that A.F.C. Wimbledon and Barrow Association Football Club obtain safety certificates from the relevant local authorities and comply with its terms and conditions.

12.3 The impact on the public sector is limited to the London Borough of Merton and Cumbria County Council, being the local authorities for the areas in which Plough Lane and Holker Street are situated, as well as (to a lesser degree) the SGSA.

*Cherry Red Records Stadium and Zebra Claims Stadium*

12.4 The impact on business is that Cherry Red Records Stadium and Zebra Claims Stadium 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 authority, the Royal Borough of Kingston upon Thames and Cumbria County 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.

## 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 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, Deputy 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.