



<u>Committee and Date</u>
Strategic Licensing Committee
21 st March 2012

<u>Item</u>
6
Public

FEES FOR SAFETY CERTIFICATES

Safety of Sports Grounds Act 1975

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1. Summary

- 1.1 The Public Protection and Enforcement group are seeking approval from the Strategic Licensing Committee to introduce a fee for the provision of general and special safety certificates at sports grounds.
- 1.2 General safety certificates are issued annually to two sports grounds within the county, while special safety certificates are supplied on an ad hoc basis, whenever additional events occur at these grounds that are not covered by the general certificate. An additional safety certificate is occasionally provided for Oswestry TNS Football Club during European competition only.
- 1.3 The proposed fee is intended solely to cover officer time and administrative costs incurred in preparing the documents and for carrying out associated safety inspections.

2. Recommendations

- 2.1 That the Strategic Licensing Committee approve the proposed fee of £59.90 per hour, to cover officer time in the preparation of general and special safety certificates.

3. Report

- 3.1 The safety of spectators who visit sports grounds for sporting or other events is governed by the requirements of the Safety of Sports Grounds Act 1975, the Fire

Safety & Safety of Places of Sport Act 1987 and the Regulatory Reform (Fire Safety) Order 2005.

- 3.2 Under the provisions of the Safety of Sports Grounds Act 1975, an annual safety certificate is required for any sports ground where the capacity exceeds 10,000 (defined as `designated grounds`) or 5000 in the case of premiership or football league games. Within the Shropshire Council area we have one designated ground – Shrewsbury Town Football Club.
- 3.3 The Fire Safety & Safety of Places of Sport Act 1987 requires that any sports ground that has covered accommodation for more than 500 people must also have an annual safety certificate for such a `regulated stand`. We have one regulated stand within the Council's area, at Ludlow Racecourse.
- 3.4 A general safety certificate is issued to Oswestry TNS Football Club whenever the team are involved in European (UEFA) competition, at the request of UEFA. Safety certificates are issued to `secure reasonable safety` at the sports grounds and in the designated stands.
- 3.5 The legislation allows Local Authorities to recover the cost of work reasonably and actually involved in the processing of an application for the issue, amendment, replacement, transfer or cancellation of any safety certificates.
- 3.6 Shropshire Fire & Rescue Service, as members of the Safety Advisory Groups for the relevant sports grounds, provide Shropshire Council with advice and guidance during the preparation of safety certificates, thereby assisting the Council in discharging its' statutory responsibilities.
- 3.7 Annual inspections of sports grounds are carried out, together with additional visits on certain match days and at other times – either on request from the proprietor or in response to a service request from any of our other customers.
- 3.8 To date, we have been providing this service for free, but, in order to perform with greater efficiency and to utilise our resources more effectively, we are proposing that we cover our costs by introducing a nominal charge, as permitted by the legislation.
- 3.9 The charging structure among other Local Authorities varies, ranging from a free service (e.g. Powys, Sheffield, Cheshire West & Chester) through to a maximum of £5,500 (Lambeth and other London Boroughs), with the average charge being around £150 per certificate (e.g. Wolverhampton, Warwickshire). Many others calculate their fees on a case by case basis, using a set hourly rate for officer time (e.g. Sunderland, Surrey, Manchester).
- 3.10 Public Protection & Enforcement currently has an approved hourly rate for officers of £59.90 for dealings with Primary Authority premises (Fees & Charges Report to Cabinet 11/1/12). It is proposed that, as this is a similar service relating to inspections, interventions, advice and administration

given to commercial businesses, the hourly rate for preparing safety certificates should be set at the same level.

- 3.11 The majority of officer time is spent in preparing the initial safety certificate for any premises which, in these cases, has already been carried out free of charge. Subsequent annual and special certificates require only slight amendments, therefore the cost implications for our existing businesses are not felt to be a significant financial burden.
- 3.12 Two special safety certificates were issued in 2010 and three in 2011, mostly for special, non-league football matches. At the proposed rate, taking on average approximately half an hour of officer time, these would only be charged at £29.95 each. A more significant event, such as the Elton John concert, would involve more officer time but such events are not regular occurrences.
- 3.13 General safety certificates take longer to produce, as they follow an annual inspection of the sports ground and possibly revisits or other interventions. An estimate of around two hours officer time for the administration would result in an annual fee of £119.80.
- 3.14 A period of six weeks consultation with our customers is recommended for this proposal.

4. Risk Assessment and Opportunities Appraisal

- 4.1 Human Rights considerations are relevant, as the restriction of numbers of spectators or the issue of a Safety Certificate with conditions could affect an applicant's business, and similarly might affect the safety of spectators. Various rights have to be balanced and weighed against one another.
- 4.2 The Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places of Sport Act 1987 and Regulatory Reform (Fire Safety) Order 2005 are statutory requirements that are compatible with the Human Rights Act. All convention rights and individual rights are adequately protected and any person's rights would only be affected proportionately in these circumstances.

5. Financial Implications

- 5.1 The basis of this proposal is to ensure cost recovery for providing a service to certain local businesses. The net financial impact on Shropshire Council would be cost neutral, with a minimal monetary burden on local businesses.

6. Additional Information

None.

7. Conclusions

- 7.1 The Safety of Sports Grounds Act 1975 permits Local Authorities to introduce a scheme for reasonable cost recovery for their safety certification service. The estimated cost of providing this service has been calculated and found to be broadly comparable to charges made by other Local Authorities across the country.

List of Background Papers

Safety of Sports Grounds Act 1975

Fire Safety & Safety of Places of Sport Act 1987

Regulatory Reform (Fire Safety) Order 2005

Cabinet Member (Portfolio Holder)

Councillor Steve Charmley

Local Member

Covers all areas

Appendices

None