

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

12 November 2019

Application for a Safety Certificate Pursuant to Section 26 of the Fire Safety and Safety of Places of Sport Act 1987

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine an application for the issue of a general safety certificate under section 26 of the Fire Safety and Safety of Places of Sport Act 1987 in respect of the regulated stand, 'the East Stand', at the Scarborough Athletic Football Club.

2.0 Background

Regulation of Sports Grounds

- 2.1 A county council is responsible for the issuing of safety certificates for any designated sports ground or regulated stand at a sports ground in its area.
- 2.2 The Secretary of State for Culture, Media and Sport may designate any sports ground which in his opinion has accommodation for more than 10,000 persons, or more than 5,000 persons in the case of Premiership or Football League grounds in England and Wales.
- 2.3 Any sports ground which is not a designated sports ground and which provides covered accommodation in stands for 500 or more spectators must hold a general safety certificate issued by the local authority. Such a stand is known as a 'regulated stand', and is determined to be such by the local authority in accordance with guidance issued by the Secretary of State ('the Green Guide'). The local authority makes a preliminary determination that the stand is a regulated stand. This becomes a final determination once two months has elapsed.

3.0 The Application

Description of Sports Ground

- 3.1 A safety certificate is sought by Scarborough Athletic Football Club Limited for the regulated stand, known as the East Stand at the Flamingo Land Stadium, Scarborough Athletic Football Club, Scarborough Sports Village, Ashburn Rd, Scarborough YO11 2JW. A copy of the application form is at Appendix A. The ground has one other non-regulated seated viewing area stand with a capacity below 500 persons, and pitch-side standing areas. The new structure known as the East Stand is the subject of this application and will provide viewing of football from 336 seats and a further 802 person standing area. The stand provides rear loading of people rather than the traditional loading from the front of the stand. This is managed on a risk assessed basis by adequate safety steward presence and with a satisfactory means of escape in the event of an incident taking into consideration the capacity, number of available exits and physical factors associated with the stand, such as the stand being maintained in a sterile state to ensure that there are no combustible materials in the area. The Club currently play in the Northern Premier League Premier Division, the seventh tier of league football in the UK.

3.2 A plan showing the sports ground is attached to this report at Appendix B.

Determination

3.3 Officers and Safety Advisory Group members inspected the ground, plans and operational plan documentation. The building work commenced on the stand on 5 June 2019. A preliminary determination was made that the stand is a regulated stand based on a calculated total capacity of 1138, which is in excess of the 500 person threshold. This was agreed by the Safety Advisory Group and recorded in the minutes of the meeting on 5th June 2019, a copy of which is at Appendix C. The preliminary determination was notified to Scarborough Athletic Football Club by letter dated 27th June 2019. No appeal against this determination was received and so this became a final determination on 27 August 2019.

The Applicant

3.4 The person who qualifies for the issue of a general safety certificate is the person responsible for the management of the ground and who, in accordance with section 3 of the Safety of Sportsgrounds Act 1975, is a person likely to be in a position to prevent contravention of the terms and conditions of a certificate. If the local authority determines that the applicant is a person who qualifies for the issue of the general safety certificate they shall issue to him such a certificate.

3.5 The effect of this provision is that a certificate must be issued to a person as long as the Committee is satisfied that the requirements of 3.4 above are met. Any concerns about spectator safety arising from the condition or management of the ground would be addressed by adjusting the capacity of the stand, including reducing it to zero if necessary. Officers are permitted to amend any safety certificate once issued under the Officers' Delegation Scheme allowing them to address issues as and when they arise.

3.6 The applicant, Mr Mick Davison, is the Match Day operations Director of Scarborough Athletic Football Club and he has been a board member at the club for two years. He has confirmed at the Safety Advisory Group that he is responsible person for the management of the ground and is an active member of the Board of Directors to Scarborough Athletic Football Club. Mr Davison is a person who is likely to be in a position to prevent any contravention of the terms and conditions of a safety certificate.

4.0 Consultations

4.1 Section 28(10) of the Fire Safety and Safety of Places of Sport Act 1987 states that a copy of the application must be sent to the Chief of Police, the Fire Authority and the Building Authority and that the local authority shall consult with them about the terms and conditions to be included in the certificate. Copies of the application were sent to the respective authorities on 20 May 2019. Additional documentation, including the operational plan were sent to each consultee for review and comment.

4.2 **North Yorkshire Police** commented that a small amendment was required in the Operation plan to account for the Joint Terrorism Analysis Centre (JTAC) threat level definitions have changed slightly for the low, substantial and critical definitions. These have now been updated.

4.3 **North Yorkshire Building Partnership** said that the Operational Plan was satisfactory from a Building Control perspective.

- 4.4 **North Yorkshire Fire and Rescue Service** commented that some formatting on their copy had been corrupted, with some detail out of alignment. Queries regarding content of the operational plan were raised for clarification in connection with Section 11.0 – cooking, 11.1 and 11.2 against weekly cleaning, also the absence of reference to fire blanket and fire extinguishers. Confirmation was required for the kitchen fire safety requirements. It was recommended that general fire safety training should be included in the induction pack and renewed for all staff as well as the Fire Marshall training received by the security personnel. It was stated that everything had been covered but for organisers to ensure that their occupancy figures are suitable. The Club responded by clarifying that they don't have cooking facilities that are managed on site, however, Everyone Active have them in the bar that they manage and there is a "burger van" concession that have their own safety management as an outside vendor. As such, the comments about the fire blanket in 11.3 don't apply. This also means that extinguishers purchased for the stand would not include any for a kitchen. Requirements for Fire Marshall training were added to the Plan and general fire training in the induction pack.
- 4.5 **North Yorkshire County Council** requested that capacity figures be reconfirmed as it was understood that there may have been some minor amendments taking into account the amendments to the disabled persons viewing area. This has been completed.
- 4.6 **Scarborough Borough Council** commented that they wanted clarification at the beginning of the operational plan scope and objectives confirming the framework under which Scarborough Athletic Football Club operate on match days, in accordance with the legal agreement between Scarborough Borough Council, Everyone Active and Scarborough Borough Council.
- 4.7 In addition, it was recommended that responsibilities of the match day director and safety officer that liaison with the Operator (Everyone Active) should be included. This has now been added to the operational plan.
- 4.8 **Yorkshire Ambulance Service (YAS)** commented that under the Medical Plan (Page 54) in the Operational Plan that the Ground Assurance Review carried out in 2017 requires updating and a new assessment carried out as the medical room has been significantly improved. Other than that everything else seemed fine.

5.0 **Advertisement and representations**

- 5.1 There is no requirement to advertise the application for a safety certificate in advance of the determination, however, once a certificate is issued the fact of its issue and details of how it can be inspected must be published in a newspaper circulating in the area of the ground. It is planned that the notice in this case will be advertised in the Scarborough local press and also on the County Council website.

6.0 **Content of safety certificate for stands**

- 6.1 Section 27 of the Fire Safety and Safety of Places of Sport Act 1987 states that a safety certificate for a regulated stand may contain conditions which the local authority feel necessary or expedient to secure reasonable safety in the stand when it is in use for viewing the specified activities, which shall be football, within the ground. Safety Advisory Group members have been consulted in relation to this application and have not requested the addition of any conditions within the safety certificate.

- 6.2 The safety certificate shall contain different terms and conditions in relation to different activities taking place within the ground, thus permitting the football club to adapt to the different spectator numbers attracted to differing leagues of football played at the ground.

7.0 Recommendations

- 7.1 It is recommended that a general safety certificate under section 26 of the Fire Safety and Safety of Places of Sport Act 1987 is issued to Scarborough Athletic Football Club in respect of the regulated East Stand, at Scarborough Athletic Football Club subject to the following conditions:
- Officers should review the terms of the general safety certificate at least annually and make any amendments to capacity as required under the Officers' Delegation Scheme. Any amendments to be reported to the Planning and Regulatory Functions Committee following the annual meeting of the multi-agency Safety Advisory Group.

DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Elizabeth Fitzgerald

Background Documents to this Report: None

Application for a safety certificate for a regulated stand under part 3 of the Fire Safety and Safety of Places of Sport Act 1987

Please select whether you wish to apply for a 'general' (to cover activities held over an indefinite period) or 'special' (to cover one occasion or a series of occasions) safety certificate	General
I hereby apply for a safety certificate in respect to the following stand	East Stand
The stand is part of the following sports ground	Flamingo Land Stadium, Scarborough Sports Village
The safety certificate is to be issued to	Scarborough Athletic Football Club
Who are you making an application on behalf of?	A sports club
Please state your name	Mark Devison
Please state your position (ie. Chairman)	Director

Your contact details

Address line 1	PO Box 507
Town or City	Scarborough
County	North Yorkshire
Postcode	YO11 8QB
Telephone number	01453102417
Email address	mark.devison@seaadgfc.co.uk

Sports ground details

Name of sports ground	Flamingo Land Stadium
Address line 1	5 Aulhorn Road
Town or City	Scarborough
County	North Yorkshire
Postcode	YO11 3JW
Name of the occupier	Everyone Active (Leisure Village Operator)

Owner details

Name of the owner	Scarborough Borough Council
Address line 1	Town Hall, 80 Nicholas Street
Town or City	Scarborough
County	North Yorkshire
Postcode	YO11 3HG
Location and name (if any) of the stand for which application is being made	Not provided

Other concerned parties

Are there any persons other than the proposed holder of the certificate who to his knowledge will or may be concerned in ensuring compliance with the terms and conditions of the safety certificate for which this application is being made?	Yes
First name	Richard
Surname	Barnes
Address line 1	Everyone Active, Scarborough Leisure Village, Aulhorn Road
Town or City	Scarborough
County	North Yorkshire
Postcode	YO11 3HG

First name	Jo
Surname	Wend
Address line 1	Town Hall, 80 Nicholas Street
Town or City	Scarborough
County	North Yorkshire
Postcode	YO11 3HG

General certificate details

List activities for which the stand provides viewing accommodation and which are to be covered by the general safety certificate	Football Matches
Give the approximate date of the construction of the stands for which application is made and details of any subsequent extension, major alteration or re-construction of it, together with relevant dates	Regis 29-6-2018. Completed 19-7-2018

Name of issuing fire authority	Not provided
Name of holder of fire certificate	Not provided
Date of issue of fire certificate	Not provided
Description of premises covered by the fire certificate	Not provided
Name of issuing licensing authority	Not provided
Name of licensee	Not provided
Type of licence (liquor, gaming etc.)	Not provided
Date of expiry	Not provided
Description of the part or parts of the sports ground covered by the licence	Not provided

State maximum capacity of the accommodation in the stand for spectators to view activities at the sports ground

Maximum no. of seated spectators	100
State any restrictions on this capacity	Not provided
Maximum no. of standing spectators	880
State any restrictions on this capacity	Not provided
Is the number of spectators admitted to the stand controlled on entry to that stand?	Yes

Spectator numbers Year 1

Name of activity	Not provided
Number of occasions over the year	Not provided
Total number of seated spectators (for the year)	Not provided
Total number of standing spectators (for the year)	Not provided
Date of stated activity which attracted the highest seating attendance	Not provided
Attendance (seated) during above date	Not provided
Date of stated activity which attracted the highest standing attendance	Not provided
Attendance (standing) during above date	Not provided

Year 2

Name of activity	Not provided
Number of occasions over the year	Not provided
Total number of seated spectators (for the year)	Not provided
Total number of standing spectators (for the year)	Not provided
Date of stated activity which attracted the highest seating attendance	Not provided
Attendance (seated) during above date	Not provided
Date of stated activity which attracted the highest standing attendance	Not provided
Attendance (standing) during above date	Not provided

Year 3

Name of activity	Not provided
Number of occasions over the year	Not provided
Total number of seated spectators (for the year)	Not provided
Total number of standing spectators (for the year)	Not provided
Date of stated activity which attracted the highest seating attendance	Not provided
Attendance (seated) during above date	Not provided
Date of stated activity which attracted the highest standing attendance	Not provided
Attendance (standing) during above date	Not provided

Minutes

Minutes of Scarborough Athletic Football Ground Safety Advisory Group Meeting
5th June 2019 10.30am at Scarborough Sports Village.

Present:

Elizabeth Fitzgerald (EF) North Yorkshire CC Trading Standards
 Steven Taylor (ST) North Yorkshire CC Trading Standards
 Mick Davison (MD) Scarborough Athletic FC
 Simon Nichol (SN) NYPCP
 Kyle Davies (KD) NYBCP
 Rachel Barnes (RB) Everyone Active
 Jo Ireland (JI) Scarborough BC
 Andy Standing (AS) NY Police
 Graeme Casper (GC) NY Fire and Rescue
 Mick Lindley (ML) Yorkshire ambulance Service
 (Late arrival) Chris Bourne (CB) SBC

		Action
1.	<p>Apologies: Chris Featherstone YAS but ML attended in his place.</p>	
2.	<p>Minutes of last meeting: No previous meeting has been held, this is the first meeting.</p>	
3.	<p>Welcome Round table introductions and roles. EF explained the difference between the safety of sportsgrounds safety advisory group and the events and licensing safety advisory groups. On occasion these groups do meet as one, dictated by the nature and location of the event.</p> <p>EF explained that a preliminary meeting had been held already following an enquiry from MW where MD, RB and EF had discussed the basic outline of requirements for a new stand and MD had as a result of this made a formal application to NYCC for a safety certificate for that proposed stand.</p> <p>EF explained the current position of NYCC having received the formal application for a safety certificate and that the requirements of section 28 (10) of the Fire Safety and Safety of Places of Sport Act 1987 have been executed in that the Chief Police officer , Chief Fire Officer and Chief Building Control officer of the County has been sent a copy of the application for a safety certificate for the regulated stand at Scarborough Athletic Football Club, Scarborough. Copies have been sent to the officers who are members of the safety advisory Group for their information.</p> <p>MD gave the group a detailed overview of the proposals for the ground development.</p>	

MD has distributed by e mail plans and operational documentation along with capacity calculations to all.

MD explained that the new stand which will hold in excess of 500 persons, both seated and standing, would have a roof. It will rear- load from a step accessed area, it will have a void at the front of the stand which will be managed and hatched in which there will be a no standing area. To each side of the stand there will be a standing area.

This development is the first part of a two phase development. The building work for the first phase has commenced and concrete base and path has been created, it has been extended into the gravel road behind the stadium. Stadium Solutions will commence the structural build commencing next week and it is anticipated that it will take two weeks to complete. The stairways will not be installed until week three.

Phase two has not yet been commissioned.

There is a need for a new stand as increasing attendance means that there is insufficient accommodation for spectators, particularly seated accommodation.

MD explained that for the future if the club are promoted then a capacity of 3000 persons will be required.

The aim for the capacity with the new phase one stand is 2800 persons. MD explained that the mid- stand seating area has been raised by 50cm to accommodate sight lines, this is an unusual feature but has been agreed by Football Foundation and FSIF,

All walkways are 1.8m wide.

GC stated that he has visited the site already for a review of fire safety emergency egress.

Egress is calculated on the rear walkway stairs being used.

The Green Guide was used in the planning of this site and there have been a number of meetings with JI, RB. Segregation has been considered and built into the planning.

The club board have been identified in the operational plan along with their responsibilities.

Issue of safety certificate- discussion of who the safety certificate should be issued to. JI pointed out that there had been discussion of this matter, the site is a SBC owned site which is managed by Everyone Active and it was recognised that there was a three way responsibility for management. The initial thought was that Everyone Active might be the suitable person to hold the safety certificate but has now been recognised that Scarborough Athletic hold the responsibility for match day compliance and health and safety and it is only on the match days when the stand shall be used. It was therefore considered that the most appropriate choice would be for Scarborough Athletic FC to be the holder of the certificate.

EF handed out SGSA guidance document point 3.5 which gives advice regarding who a suitably qualified person may be to be the holder of the safety certificate. MD is the person who has the greater level of knowledge of the operational matters is the most familiar person with the site and put himself forward at the person to be the holder of the safety certificate. EF

asked if further consideration of this was required by the club and board but MD was satisfied that he was the most suitable person.

Date of first use of the stadium- fixture list will be determined early July 2019. The club shall distribute this as soon as it is available. Potentially a home game on 17 and 20 August may be the first use of the stand.

EF raised the point that part of the process for the granting of the safety certificate will involve the matter of the application for the safety certificate being brought before the Planning and regulatory Functions committee of NYCC. The next sitting of this committee is on 10th September 2019. This is after the first date of proposed use of the ground. EF explained that this is not a problem as subject to satisfactory operational plans and all safety arrangements being in place the stand may be permitted for use on a written risk assessed basis. As there has been an application for the safety certificate it would therefore not be a criminal offence to make use of the stand without a safety certificate in place. EF to liaise with MD regarding progressing this. All SAG partners will be kept apprised of this.

Ground capacity

Discussion of the ground capacity, currently 2070

New stand capacity 1138 plus 122 flat standing to sides of stand

Revised full site capacity including new phase one stand to be 2831 plus 12 wheelchair spaces.

MD queried whether wheelchair spectators were to be included in the capacity figure as they are not a fixed seat as such within the ground. EF confirmed that yes; the capacity figure for the ground includes all persons. Particularly following the broadening of the meaning of persons within the ground capacity figures.

MD explained regarding wheelchair users and their companions that the new stand did not accommodate disabled viewing well due to limited space; however there has been a new arrangement for disabled access viewing on the hospitality entrance area which does offer access to all facilities and does provide for a premium viewing area. Level Playing Field and Football Foundation are happy with this arrangement.

Ef commented on P and S factors and that from the information given to the safety advisory group there appear to be no indicators that there would be any reduction of the P and S factors below score of 1. The ground site is a brand new build. EF did explain to the group that there was the facility to be able to reduce the capacity of any regulated ground should there be failings in either physical aspects of the ground or confidence in ground management.

Round table comment;

Ground management- no further comments, invited questions from the group which may arise from the ground walk-about familiarisation.

ML -YAS

Request to view the current medical room facility on walk-about. MD explained that currently the club are looking for a club doctor for events which attract over 2000 persons. Brief discussion of current medical provision.

ML asked that the major incident and evacuation plan be shared. ML will share some information with MD.

Building Control- no comments.

Safety Officer- not present. MD said that James Chaplin will be the appointed safety officer and Alan Purshouse the deputy safety officer. EF commented that the new green Guide does make reference specifically now to the need for a deputy safety officer. (outlined at para 3.9 of the Green Guide)

NY Fire and Rescue- GC clarified with RB the understanding of procedures for fire service response in the event of an alarm which may be a false alarm.

NY Police- A meeting has been scheduled on 30 July 2019 to review the fixtures schedule and address the match grading. Brief discussion of public order management and that NYP are available for advice to the club. MD advised that Active Security Solutions are the stewarding and safety management team who will be working on match days.

Trading Standards- EF

Explanation of further process in issuing the safety certificate; the matter to be brought to the Planning and Regulatory Functions Committee in September 2019 which will be the next sitting of this Committee and that risk assessments to be provided for use of the new stand until such a time that the safety certificate is issued.

The purpose of today's meeting was also to hear and consider the proposals formally as a Safety advisory Group and the make a preliminary determination of whether the proposed stand was likely to be a regulated stand. In the Chair's opinion and that of the Safety advisory Group, from the information provided by Scarborough Athletic FC this proposed new stand structure would be a regulated stand as it holds in excess of 500 persons and is a structure with a roof.

EF explained that the requirement of the legislation that a letter will be sent to the club confirming this determination and is a requirement of the legislation and that this determination should become final in two months.

EF explained about the right to charge for the issue of the safety certificate which is outlined in regulation 6 of the Safety of Places of Sports Regulations 1988.

EF drew attention to any deviation from the guidance of the Green Guide has a strong recommendation from the SAG to be recorded in writing by way of risk assessment. This is outlined in the Green Guide at chapter 1.8. this is guidance, however it is part of the club's due diligence and any deviation from the guidance should be considered to be necessary and reasonable.

ML major incident plan to be shared

EF letter of determination.

Appendix C

	<p>Reportable incidents or injuries under RIDDOR MD confirmed that with the exception of small first aid treatments and some falls down stairs (which has been addressed with the building in of handrails) that no reportable injuries have occurred and that no hospitalised persons have been reported. MD confirmed that reports are maintained of first aid requirements. Ground walk about familiarisation- the members went to the site within the ground where the new stand it to be sited. Walk about by SAG members of the ground and facilities. The walk about did not instigate any further questions.</p> <p>EF requested that MD provide to the group an updated version of the Operational Plan with the amended capacity figures as discussed.</p>	<p>MW updated Operational plan with any capacity amendment (disabled seating as discussed)</p>
4.	<p>Any other business: CB brought a matter to the attention of the group which involved a matter of rights of way to the rear donkey field which had been raised with NYCC.</p>	
5.	<p>Date and time of next meetings: To be arranged.</p>	