

EXPLANATORY MEMORANDUM TO

THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (AMENDMENT) (NO. 2) ORDER 2020

2020 No. 434

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 Brentford Community Stadium, occupied by Brentford Football Club and London Irish Rugby Football Club, 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.

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 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 Brentford Community Stadium, occupied by Brentford Football Club and London Irish Rugby Football Club, as a sports ground which requires a safety certificate.

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 Brentford Football Club, currently a member of the Football League Limited, intends to play its home matches at Brentford Community Stadium from the 2020/2021 season onwards. Being of the opinion that that stadium has accommodation for over 5,000 spectators, and having consulted as required by the 1975 Act (as described in section 10 below), the Secretary of State has decided that the Brentford Community Stadium should be designated as a sports ground for the purposes of the 1975 Act. London Irish Rugby Football Club will also play their home matches at this new stadium.

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 Brentford Football Club, the London Borough of Hounslow, and the relevant police force, fire and ambulance service have been consulted in respect of the designation of Brentford Community 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/regulation/about-designated-grounds>.

12. Impact

- 12.1 The impact on business, charities or voluntary bodies in relation to the designation of Brentford Community Stadium is limited to whichever body is responsible for ensuring that Brentford Football Club obtains a safety certificate from the London Borough of Hounslow and complies with its terms and conditions.
- 12.2 The impact on the public sector is limited to the London Borough of Hounslow, being the local authority for the area in which Brentford Community Stadium is situated, as well as (to a lesser degree) the Sports Grounds Safety Authority.
- 12.3 An Impact Assessment has not been prepared for this instrument because the impact is not significant.

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 Safety of Sports Grounds (Designation) (Amendment) Order 2015 (S.I. 2015/1556) amended the 2015 Order to include a review provision. A report must be published by 30th September 2020, and no more than every five years after that. This means that all designations should soon receive a comprehensive review.
- 14.2 In addition to this, if the circumstances in which a sports grounds 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 order by which it was designated may be revoked or amended.

15. Contact

- 15.1 Francesca Broadbent at the Department for Digital, Culture, Media and Sport (telephone: 020 7211 2030; email: francesca.broadbent@culture.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, the 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.