

**North Yorkshire County Council**  
**Business and Environmental Services**  
**Planning and Regulatory Functions Committee**

**19 December 2017**

**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 Wetherby Road stand, 'the regulated stand', at the Harrogate Town 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 spectators, or more than 5,000 spectators 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 Garry Plant for the Wetherby Road stand at Harrogate Town Football Club, Wetherby Road, Harrogate. The ground has three non-regulated stands with capacities below 500 spectators and the Wetherby Road stand which is the subject of this application. There are two exits onto Wetherby Road, and an emergency exit leading to the hospital car park. The Club currently plays in the Vanarama National League North, the sixth level of league football in the UK.
- 3.2 The application is produced as appendix A to this report. A plan showing the sports ground is produced as appendix B to this report.

### Determination

- 3.3 Officers inspected the Wetherby Road stand on 10 April 2017 and made a preliminary determination that the stand is a regulated stand based on a calculated capacity of 878, which is in excess of the 500 spectator threshold. The preliminary determination was notified to Harrogate Town Football Club by letter dated 13<sup>th</sup> April 2017. No appeal against this determination was received and so this became a final determination on 13<sup>th</sup> June 2017.

### 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 is a suitably qualified person in accordance with the requirements set out in the 1975 Act. 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 he is a person responsible for the management of the ground. 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 Garry Plant is the Managing Director of Harrogate Town Football Club and he has worked at the club for three 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 Harrogate Football Club. Mr Plant 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 and supporting documentation were sent to each consultee on 5<sup>th</sup> September 2017 and a revised operations manual which encompassed some amendments was sent to consultees on 27 November 2017.
- 4.2 **North Yorkshire Police** – responded on 27 November 2017 at the Safety Advisory group meeting some additional information was required to be added to the operations manual, which is a living document. It is anticipated that this will be added to the operations manual no later than 19 December 2017, and the officer attending Committee will be in able to confirm the position at that date.
- 4.3 **North Yorkshire Fire & Rescue** – responded on 27 November 2017 at the safety advisory group meeting and that the Fire and Rescue Service were satisfied with the fire risk assessment and site inspection.
- 4.4 **Harrogate Borough Council**
- 4.4.1 **Building Control** – responded on 5 September to say the application was satisfactory in respect of measures in place to control structural issues.

4.4.2 **Environmental Health** - A number of amendments and actions are required in relation to health and safety issues and it is anticipated that these will be carried out no later than 19 December 2017. The officer attending Committee will be able to confirm the position at that date.

## 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 Harrogate Advertiser 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. Officers do not currently consider that any conditions are necessary. Should conditions be required in the future these can be included by amending the certificate using delegated authority under the Officer Delegation Scheme.

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.

6.3 The draft general safety certificate for Harrogate Town Football Club is attached as appendix C. Based on the assessment of the stand, its environment and management control, it is the view of officers that the stand can currently safely accommodate 702 spectators. This figure can be amended in the future under the Officer Delegation Scheme if and when conditions at the ground change.

## 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 Garry Plant in respect of the Wetherby Road stand, 'the regulated stand', at the Harrogate Town Football Club subject to the following conditions:

- i) 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: 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	The Wetherby Road Stand
The stand is part of the following sports ground	The CNG Stadium
The safety certificate is to be issued to	Harrogate Town AFC Ltd
Who are you making an application on behalf of?	A sports club
Please state your name	Garry Plant
Please state your position (ie. Chairman)	managing Director

Your contact details

Address line 1	The CNG Stadium, Wetherby Road
Town or City	Harrogate
County	North Yorkshire
Postcode	HG2 7SA
Telephone number	01423210600
Email address	garryplant@harrogatetownafc.com

Sports ground details

Name of sports ground	The CNG Stadium
Address line 1	Wetherby Road
Town or City	Harrogate
County	North Yorkshire
Postcode	HG2 7SA
Name of the occupier	Harrogate Town AFC Ltd

Owner details

Name of the owner	Harrogate Borough County Council (ground is on a lease)
Address line 1	Crescent Gardens
Town or City	Harrogate
County	North Yorkshire
Postcode	HG1 9RW
Location and name (if any) of the stand for which application is being made	The Wetherby Road Stand at The CNG Stadium

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?	No
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General certificate details

List activities for which the stand provides viewing accommodation and which are to be covered by the general safety certificate	To Watch 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	July 2015, no extension, alteration since then.
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	National League
Name of licensee	Ground Grading License
Type of licence (liquor, gaming etc.)	Liquor
Date of expiry	Not provided
Description of the part or parts of the sports ground covered by the licence	The Main Stadium Bar and The Corporate Bar

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

Maximum no. of seated spectators	500 over 2 stands
State any restrictions on this capacity	N/A

Maximum no. of standing spectators	3503
State any restrictions on this capacity	N/A
Is the number of spectators admitted to the stand controlled on entry to that stand?	No

#### Spectator numbers Year 1

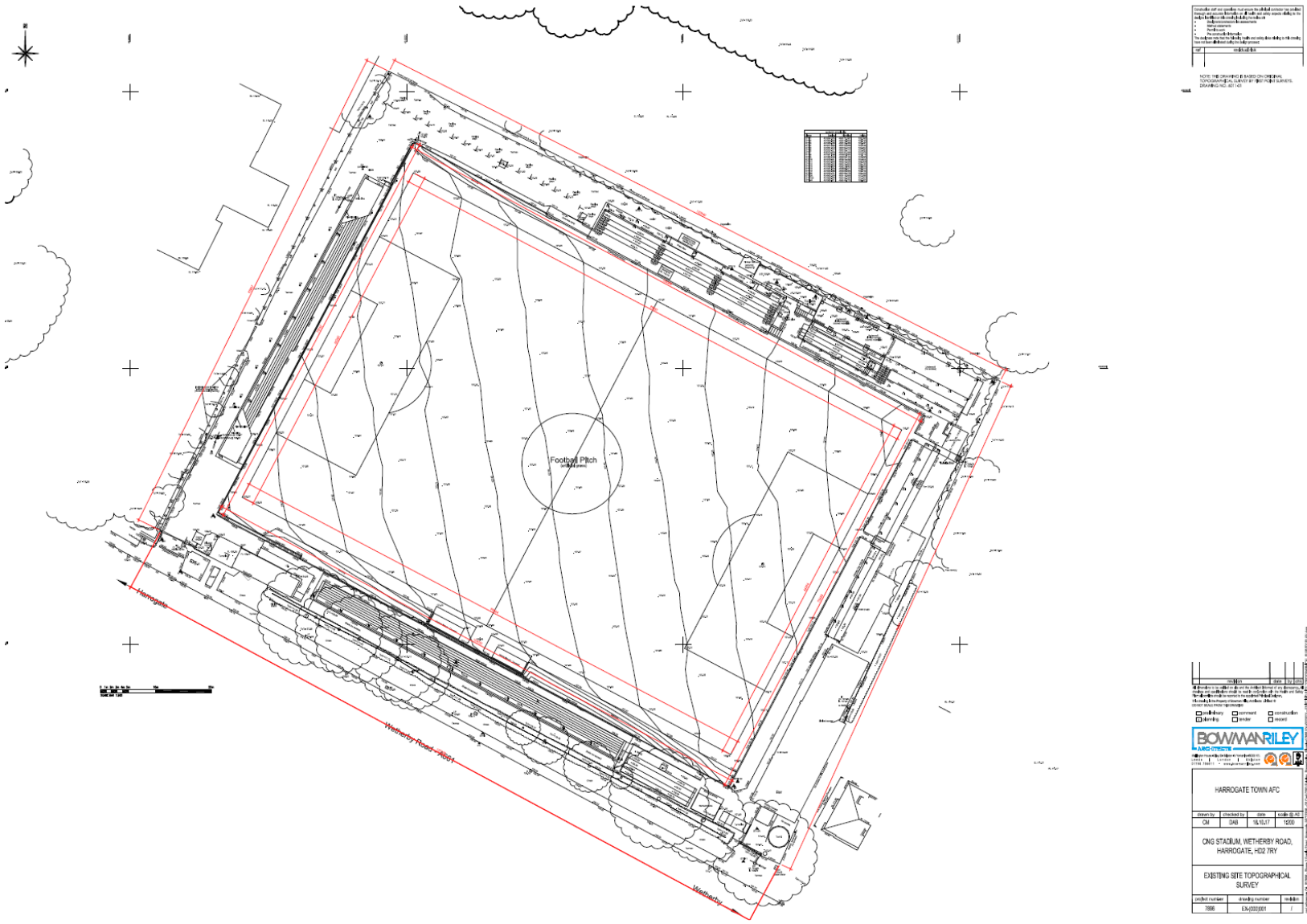
Name of activity	Football Match
Number of occasions over the year	Not provided
Total number of seated spectators (for the year)	Not provided
Total number of standing spectators (for the year)	Not provided
Date of stated activity which attracted the highest seating attendance	Not provided
Attendance (seated)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



General Safety Certificate

North Yorkshire County Council

**Fire Safety and safety of Places of Sport Act 1987**

**GENERAL SAFETY CERTIFICATE  
FOR A REGULATED STAND  
KNOWN AS**

**The Wetherby Road stand**

**at**

Harrogate Town Football Club

# **Fire Safety and Safety of Places of Sport Act 1987**

## **GENERAL SAFETY CERTIFICATE**

### **ARRANGEMENT**

GENERAL SAFETY CERTIFICATE

APPENDIX 1 OPERATIONS MANUAL

APPENDIX 2 PERMITTED NUMBERS OF SPECTATORS

APPENDIX 3 SPECIFIED ACTIVITIES

APPENDIX 4 GENERAL GROUND ARRANGEMENT DRAWINGS

APPENDIX 5 SCHEDULE OF AMENDMENTS TO THE GENERAL SAFETY  
CERTIFICATE

APPENDIX 6 DOCUMENTS KEPT WITH THE GENERAL SAFETY CERTIFICATE



# Fire Safety and Safety of Places of Sport Act 1987

## INFORMATION

It is important to know all the provisions of the Fire Safety and Safety of Places of Sports Act 1987 and Safety of Sports Grounds Act 1975 which are relevant to stadia within its scope.

The following points are particularly important but reference should be made to the Act itself for authoritative information.

### (i) **Right of Entry and Inspection**

Section 35 of The Fire Safety and Safety of Places of Sports Act 1987 gives to authorised officers the power to enter and inspect a sports ground and to make any inquiries as are considered necessary for the purposes of the Act. Authorised officers also have power to examine records of attendance at the ground and records relating to the maintenance of safety at the ground.

### (ii) **Alterations and Extensions**

Section 32 of the Act requires notice to be given to the Council before work is begun on any proposed alteration or extension to the stadium.

### (iii) **Offences and Penalties**

For the following offences, that is to say: -

- (a) Contravening any term or condition of this certificate (otherwise than in pursuance of a prohibition notice), admitting spectators to the sports ground at a time when no application for a safety certificate has been made or where a certificate does not relate to the current sports ground or has been withdrawn, surrendered or cancelled; or in contravention of a prohibition notice, the penalty is, on summary conviction, a fine not exceeding the statutory maximum or, on conviction on indictment, a fine or imprisonment for a term not exceeding two years, or both.
- (b) Knowingly or recklessly making a false statement or producing, signing, furnishing or otherwise making use of a document containing a false statement, or
- (c) Failing to give notice of an alteration or extension to the sports ground or obstructing an authorised officer, the penalty is on summary conviction, a fine not exceeding level 5 on the standard scale.

### (iv) **Prohibition Notices**

Section 10 of the Safety of Sports Grounds Act 1975 Act (as amended) provides that if the local authority are of the opinion that the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted, the authority may serve a notice (referred to as a "prohibition notice") on the Holder of

the general safety certificate or the person responsible for the management of the ground, prohibiting or restricting the admission of spectators.

(v) **Appeals**

Section 30 of the Fire Safety and safety of Places of Sports Act 1987 provides that an interested party may appeal to a Magistrates' Court against the inclusion of anything in, or the omission of anything from, a safety certificate.

(vi) **Transfer of the Certificate**

If the Holder of the safety certificate ceases to be the person responsible for the management of the ground, an application must be made to the Council for the transfer of the certificate to some other qualified person.

(vii) **Other Legislation/guidance**

The holder should be aware that apart from the legislation detailed in (i) above there may be other acts and guidance that apply to the sports ground. These include health and safety legislation, legislation relating to people with disabilities, civil contingencies legislation, The Regulatory Reform Fire Safety Order (2005), Sports Ground and Stadia Guide No.4: 'Safety Management' document and any other specific pieces of legislation or guidance that may have relevant safety implications.

**NOTE:** No temporary variation of the terms and conditions of the certificate will be permitted other than in accordance with the terms and conditions of any relevant letter of consent by the certifying authority

# SAFETY OF SPORTS GROUNDS ACT 1975

## GENERAL SAFETY CERTIFICATE

### Harrogate town Football Club Wetherby Road Stand

1. In exercise of the powers conferred by the Safety of Sports Grounds Act 1975 (as amended) and all other enabling powers, the **North Yorkshire County Council** ("the Council") hereby issues to: -

#### **MR GARRY PLANT, managing Director of Harrogate Town Football Club**

("The Holder"), this General Safety Certificate in respect of **Harrogate Town Football Club, Wetherby Road, Harrogate, North Yorkshire. HG2 7SA** being the sports ground requiring a general safety certificate in respect of the Wetherby Road stand.

2. This Certificate includes the Appendices and Drawings attached hereto.
3. The words used in this Certificate and the appendices attached hereto shall have the meaning assigned to them by the Safety of Sports Grounds Act, 1975, the Fire Safety and Safety of Places of Sport Act, 1987 and current edition of the Guide to Safety at Sports Grounds.
4. The Holder shall retain control over the whole and each part of the sports ground and shall take all necessary precautions for the reasonable safety of spectators admitted to the sports ground. The responsibility for the safety of spectators at the sports ground lies at all times with the Holder.
5. The Holder shall inform the Council of the name of the person at senior level in the organisation who is responsible for safety policy and its implementation, together with those of the safety officer and deputy safety officer who shall be of sufficient competence, status and authority to take responsibility for spectator safety and be able to authorise and supervise safety measures. Either the safety officer or a nominated deputy shall be present at any event during which spectators are admitted to the ground.
6. Unless a nominated Safety Officer or Deputy Safety Officer whose appointment has been notified to the Council, is present, the capacity of the sports ground will be zero.
7. The Holder shall ensure compliance with the terms and conditions of this certificate at all times the sports ground is in use for a specified activity.
8. The use of the sports ground for spectator events under this General Safety Certificate is restricted to those activities specified in Appendix 3 and is subject to the terms and conditions set out in this Certificate. No ancillary activities, apart from those listed in Appendix 3, are permitted without the prior written consent of the Council.
9. The Holder shall produce and comply with a written statement of safety policy for spectators and employees, outlining the chain of command, and covering the safety objectives and the means of achieving them and take steps to ensure that it is known and understood by all staff and voluntary workers who may be involved in ground operations. The Holder shall also ensure that the policy is reviewed annually and revised as necessary. A copy shall be included in the operations manual and a copy

of the policy shall be forwarded to the Council.

10. The Holder shall maintain and comply with all sections of the Operations Manual at appendix 1 which relates to the safety of people at the sports ground.
11. The Holder shall ensure that the maximum number of spectators that may be admitted at any one time to the sports ground and to each part thereof shall not exceed the capacities specified in Appendix 2, and shall also ensure that any measures for managing crowds prescribed in the Operations Manual and this certificate are observed.
12. The Holder shall, on the basis of a risk assessment, identify and apply precautions to prevent the outbreak and spread of fire; measures to ensure the safety of spectators should fire break out; provision and maintenance of fire safety equipment and the training of staff to deal with an outbreak of fire. These shall be set out in a fire safety plan in \* *[insert details of where this is to be found in the Operating Manual]* of the Operations Manual, a copy of which is appendix 1 to this Certificate.
13. The Holder shall undertake or commission a medical risk assessment from a competent person or organisation. In undertaking this assessment the local ambulance NHS trust, crowd doctor and first aid providers should be consulted. From the results of this assessment the Holder shall produce a medical plan defining the levels of medical and first aid provision for staff and spectators at the sports ground which shall be set out in \* *[insert details of where the plan of action is to be found within the Operations manual]* of the Operations Manual, a copy of which is at Appendix 1 to this certificate.
14. After conducting all the necessary risk assessments, the holder shall produce detailed capacity calculations in accordance with the guidance set out in the current edition of the Guide to Safety at Sports Grounds. These calculations shall be reviewed at least once a year, after any structural changes made at the sports ground and/or after any incident that involves implementing the Holder's emergency plans. The calculations shall be submitted to the council. The Holder may within this document specify different capacities for different events that might be held within the Sports Ground.
15. The Holder shall, on the basis of a risk assessment, identify the equipment, permanent staff, safety management personnel, stewards and others necessary to monitor, direct, guide, manage and assist spectators during specified activities. Details of the equipment to be provided, the level of staffing and the training given to those staff shall be set out in \* *[insert details of where this is to be found in the operating manual]* of the Operations Manual, a copy of which is at appendix 1 to this Certificate.
16. The Holder shall, on the basis of a risk assessment, identify the inspections and testing of structures, equipment and systems necessary to ensure the reasonable safety of spectators. The Holder shall set out the frequency of the inspection and testing in \* *[insert details of where this is to be found in the operations manual]* of the Operations Manual, a copy of which is at Appendix 1 to this certificate. The frequency of any such inspection and test should not exceed the frequency indicated by the equipment manufacturer.

The Holder shall keep a record of all inspections and tests specified in the Operations Manual. These records shall be available for inspection by authorised officer's at all reasonable times."

17. The Holder shall assess in writing, the risk of incidents prejudicing public safety or disrupting normal operations and produce a plan of action to deal with all

contingencies. The plan of action shall be produced in consultation with the Police, Fire Brigade, Ambulance Service and the Council. The plan of action shall cover all reasonably foreseeable contingencies up to and including the need for partial and/or the need for total evacuation of the stadium and shall identify appropriate individuals and their respective tasks. The Holder shall set out the plan of action in \* *[insert details of where the plan of action is to be found in the operations manual]* of the Operations Manual a copy of which is at Appendix 1 to this certificate. The plans shall be reviewed annually, after any incident, near miss or exercise.

18. The plan of action shall also be reviewed when any permanent or temporary change is made to the structures or installations at the ground. Where following any review the Holder revises the plan of action in \* *[insert details of where the plan of action is to be found within the Operations Manual]* of the Operations Manual, a copy of which is at Appendix 1 of this certificate details of the revisions should be forwarded to the council.
19. The Holder shall also carry out training exercises at least once a year so as to ensure the emergency procedures as set out in the “plan of action” operate correctly. The Holder shall notify the Council, the police and the other emergency services not less than 14 days before a training exercise is to take place to enable them to observe the standards of staff training. Details of training exercises, including its duration, the instruction provided and the personnel involved shall be entered in a log book.
20. The Holder shall use his or her best endeavours to agree a Statement of Intent with the police over their respective roles.
21. The Holder shall give not less than 35 days Notice to the Council, Police, Fire Brigade and Ambulance Service of all forthcoming specified events, together with details of any activity that might require a change to this certificate and not less than 3 months Notice before the sports ground is used for Group C activities specified in Appendix 3. The 35 days notice can be waived by agreement with the Council.
22. The Holder shall notify the Council, in writing, at least 28 days before any change of circumstances affecting this certificate. Any changes, which may involve alterations or conditions at the ground, shall be accompanied by sufficient information: -
  - (a) Such information shall include two sets of drawings to an appropriate scale to clearly show the proposed works, capacity calculations and risk assessments and such other drawings as may be necessary,
  - (b) Such calculations, risk assessments and other details as are necessary, or are further required by the council to enable them to undertake the necessary consultation and to make an informed decision on the application.
23. No alteration or addition shall be made to the sports ground or its structures or installations without the prior written consent of the Council.
24. No specific activity, which is specially presented for children, shall take place until the Council’s consent has been given in writing. At least 28 days notice in writing shall be given to the Council of any intention to provide such a specified activity.
25. The Holder shall draw up and keep up to date plans showing the layout of the sports ground, buildings, equipment, and all details considered necessary by the Council in connection with the Safety Certificate and shall upon request supply the Council with copies.

26. This Certificate is issued without prejudice to other legislation controlling the construction or use of sports grounds or buildings or otherwise affecting the Holder and does not invalidate any statutory obligation upon the Holder. The specific requirements of this certificate shall not be regarded as the limit of the obligation placed on the Holder to take all necessary precautions for the reasonable safety of spectators admitted to the sports ground.

North Yorkshire County Council.

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(The Officer appointed for this purpose)

**Date:**

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\*indicates additional materials to be supplied by the Football Club following amendments being made to their Operations Manual following recommendations made at the Safety Advisory Group on 27-11-17.



# **APPENDIX 1**

## **Operations Manual**



**APPENDIX 2**  
**PERMITTED NUMBERS OF SPECTATORS**

## **APPENDIX 3**

### **SPECIFIED ACTIVITIES**

#### **ACTIVITIES COVERED BY THE CERTIFICATE**

The activities covered by this certificate are as follows: -

Group A      Football

## APPENDIX 4

### GENERAL GROUND ARRANGEMENT DRAWINGS

#### LIST OF DRAWINGS

<b>CERTIFICATE DRAWING NO.</b>	<b>ARCHITECTS DRAWING NO.</b>	<b>DESCRIPTION</b>
<b>7896</b>	<b>EX-(000) 001</b>	<b>Architects plan of Harrogate Town Football club ground</b>

# **APPENDIX 5**

## **AMENDMENTS TO GENERAL SAFETY CERTIFICATE**

DATE OF ISSUE

## **APPENDIX 6**

### **DOCUMENTS TO BE KEPT WITH THE GENERAL SAFETY CERTIFICATE**

1. Statement of Intent
2. All risk assessments for the sports ground
3. Safety Officers Job Description
4. Regulatory Reform Order (Fire Safety) Risk Assessments
5. Copies of any Council letters giving permission as required within this document