

North Yorkshire Council

General Licensing and Registration Sub-Committee

7 January 2025

Cancellation of the General Safety Certificate for Whitby Town Football Club

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 This report asks the Sub-Committee to approve the revocation of the previous determination that the Main Stand, The Football Stadium, Uppang Lane, Whitby, North Yorkshire (the Main Stand) is a regulated stand.
- 1.2 If the revocation is approved, to cancel the General Safety Certificate held by Whitby Town Football Club in respect of the Main Stand.

2.0 BACKGROUND

- 2.1 Part III of the Fire Safety and Safety at Places of Sports Act 1987 applies to sports grounds which:
- (a) Provides covered accommodation in stands for spectators, and
 - (b) Is not a designated sports ground.
- (Whitby Town Football Club is not a designated sports ground).
- 2.2 A safety certificate under Part III is required in respect of the use of each stand which provides covered accommodation for 500 or more spectators to view activities at the ground.
Such a stand is referred to as a 'regulated stand'.
- 2.3 Whitby Town Football Club (the Club) holds a General Safety Certificate issued under Part III of the Fire Safety and Safety at Places of Sports Act 1987, in respect of the Main Stand, which is a regulated stand. This was last issued on 19 April 2024.
- 2.4 A General Safety Certificate has been in place in respect of the Main Stand since March 2006. At the time the Main Stand was referred to as the West Stand and determined to be a regulated stand.
- 2.5 The Club contacted North Yorkshire Council on 4 October 2024 regarding plans to cancel their General Safety Certificate.

3.0 CANCELLATION OF THE GENERAL SAFETY CERTIFICATE

- 3.1 On 23 October 2024, an officer from North Yorkshire Council counted the seats in the Main Stand. The Main Stand comprised of 495 seats and a further six spaces for disabled spectators and six seats for their companions, immediately in front of the Main Stand. These spaces and seats are covered and therefore, they are included in the capacity calculations for the Main Stand. The total capacity was therefore calculated at 507.

- 3.2 On 7 November 2024, the Club's Chief Executive Officer (CEO) sent photographic evidence that seats had been removed from the Main Stand and confirmed their request to 'deregulate'.
- 3.3 The Club's CEO has confirmed by 'deregulate' the Club is requesting the cancellation of their General Safety Certificate. The CEO has also confirmed their request is made on behalf of Whitby Town Football Club.
- 3.4 On 10 December 2024 an officer from the local authority carried out a visual inspection of the Main Stand and confirmed the capacity was 498. As the capacity of the Main Stand is now 498, the stand no longer meets the definition of a regulated stand.
- 3.5 Part III, Section 29, of the Fire Safety and Safety at Places of Sports Act 1987 covers the cancellation of a certificate. It states that the local authority who has issued the safety certificate for a regulated stand at a sports ground –
(a) shall, if at any time it appears to them that the stand in respect of which it was issued is not or has ceased to be a regulated stand, revoke their previous determination and, by notice to its holder, cancel the certificate.
- 3.6 A safety certificate may be cancelled, either on the application of the holder or without such an application.

4.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 4.1 The Sports Ground Safety Advisory Group has been made aware of the reduced accommodation at the Main Stand and the proposal to cancel the safety certificate. The group includes North Yorkshire Police, North Yorkshire Fire and Rescue Service, Yorkshire Ambulance Service. They have raised no objections.
- 4.2 The Sports Ground Safety Authority (SGSA) has been made aware of the reduced accommodation at the Main Stand and the proposal to cancel the safety certificate. They have no objection. The SGSA did have an expectation that the Club would discuss their plans with the local authority and develop a shared understanding in relation to their continuing support, rights of entry, inspections, and any potential application of sections 10 and 11 of the Safety at Sports Ground Act 1975 Act. To that end a meeting of the Sports Ground Safety Advisory Group, with the Club's representative has been arranged for 3 January 2025.
- 4.3 The SGSA has also confirmed the Club's duties would not be lessened under other legislation and guidance such as:
- The Safety at Sports Ground Act 1975 Act
 - The Health and Safety at Work Act 1974 and guidance
 - The Occupiers Liability Acts.

5.0 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 There are no alternative options.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications as a result of this decision apart from officer time.

7.0 LEGAL IMPLICATIONS

- 7.1 No legal implications have been identified.

8.0 EQUALITIES IMPLICATIONS

8.1 No equalities implications have been identified.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 No climate change implications have been identified.

10.0 POLICY IMPLICATIONS

10.1 No policy implications have been identified.

11.0 COMMUNITY SAFETY IMPLICATIONS

11.1 Whitby Town Football Club will continue to have duties under other legislation and guidance, as set out at 4.2 above.

11.2 Whitby Town Football Club must still have regard for the Guide to Safety at Sports Grounds, published by the Sports Grounds Safety Authority.

11.3 The local authority has powers under Section 10 and 11 of the Safety of Sports Grounds Act 1975, in respect of all sports grounds, and these will apply in respect of Whitby Town Football Club in the event that the General Safety Certificate is cancelled. Section 10 allows the local authority to serve a prohibition notice on a person in respect of a sports ground, where the risk to spectators is deemed 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. Section 11 provides powers of entry and inspection.

12.0 REASONS FOR RECOMMENDATIONS

12.1 The Main Stand at The Football Stadium, Upgang Lane, Whitby, North Yorkshire no longer accommodates 500 spectators and therefore does not meet the criteria of a regulated stand.

13.0 RECOMMENDATION(S)

- 13.1
- i) Approve the revocation of the previous determination that the Main Stand, The Football Stadium, Upgang Lane, Whitby, North Yorkshire is a regulated stand.
 - ii) If the revocation is so approved, cancel the General Safety Certificate for The Main Stand at The Football Stadium, Upgang Lane, Whitby, North Yorkshire.

APPENDICES:

Appendix A – General Safety Certificate signed April 2024

Appendix B – Appendices to the general safety certificate signed April 2024

Appendix C – General Safety Certificate signed March 2006

Karl Battersby
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County Hall
Northallerton
11 December 2024

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Presenter of Report – Angela Lacy - Divisional Officer

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.