



Northern Ireland
Assembly

Committee for Culture, Arts and Leisure

OFFICIAL REPORT (Hansard)

Safety of Sports Grounds (Fees and
Appeals) (Amendments) Regulations
(Northern Ireland) 2012

17 May 2012

In addition to carrying out the review of existing fees, the Department has also given consideration to the introduction of fees for special safety certificates, which will be issued by district councils. A special safety certificate would cover any other sporting or non-sporting event held at the ground; for example, an evangelical meeting, a dog show or a boxing tournament. Following initial discussions with Sport NI's overseeing body, which is responsible for monitoring the implementation of the safety certification scheme, the Department drew up proposals for the existing fees for general safety certificates for grounds and regulated stands to remain unchanged and to prescribe the fees for special safety certificates as follows: £100 for the issue of a special safety certificate for a designated ground; £50 for the amendment, replacement or transfer of a special safety certificate for a designated ground; £50 for the issue of a special safety certificate for a regulated stand; and £25 for the amendment, replacement or transfer of a special safety certificate for a regulated stand.

The Department carried out a consultation exercise in accordance with the requirements of article 27(2) of the Safety of Sports Grounds (Northern Ireland) Order 2006, inviting comments on the proposals from Sport NI, the owners and operators of the 30 sports grounds designated by the legislation, their relevant governing bodies and the 26 district councils. A total of nine responses to the consultation exercise were received. Three of those respondents, including Sport NI and Belfast City Council, which is responsible for eight of the designated grounds, stated that they were content with the proposals or had no comment to make. The IFA responded noting the outcome of the review and the proposed fees for special safety certificates and raised no objections. Armagh City and District Council and Newtownabbey District Council, both of which have one designated ground within their jurisdiction, suggested a move to full cost recovery. Craigavon Borough Council, which has three designated grounds, and Dungannon and South Tyrone Borough Council, which has one designated ground, advised that the proposed fees do meet the cost incurred and suggested that DCAL should consider a full review of the fee structure.

Ballymena Borough Council, which has one designated ground owned by the council, advised that, while full cost recovery would be indefensible, the existing fees were unsatisfactory. Ballymoney Borough Council, which has two designated grounds, suggested a different fees structure: £400 for the issue of a general or special safety certificate; £200 for the amendment of same; £200 for the issue of a general or special safety certificate for a regulated stand; and £100 for the amendment, replacement or transfer of same. None of the remaining 19 councils responded, nor did the GAA, rugby or any of the ground owners. We took that as an indication that they had no objections to the proposals.

I should point out that the position on this issue in Great Britain is quite different. Subordinate legislation there provides for a local authority to determine the fee itself in respect of an application for the issue, amendment, replacement or transfer of a general or special safety certificate for both designated grounds and regulated stands. The fee must be commensurate with the work actually undertaken by the local authority, but it has led to a wide range of fees being charged across GB, from nothing to full cost recovery.

Extensive discussion on the matter of fees took place in 2009, when the fee structure for general safety certificates for grounds was determined. Those discussions were between the safe sports grounds overseeing body and representatives from the northern, southern, eastern and western council areas together with Belfast City Council. Opinion at that time varied between charging no fee and full cost recovery. The structure that we put in place was a compromise. On this occasion, while it is again appreciated that the proposed fees will not cover the full cost incurred by district councils, setting a maximum of £100 for a general certificate will help to mitigate the cost of compliance for the owners and operators of the grounds. It also allows the councils to recoup some of the costs of the process.

If members are content for the Department to move forward with the legislation, the next stage for us is to obtain clearance of the regulations from the Department's solicitors. After the rules are made and registered, they will be laid before the Assembly under the negative resolution procedure. It is anticipated that they will come into operation on 31 July 2012. I appreciate that that is not the date proposed in the SL1 before you, but we received some late requests from district councils for more time to consider their response to the consultation exercise, and we felt obliged to give those late comments due consideration. I stress that we are keen to bring the regulations into operation as soon as possible to ensure that a fee can be charged by councils for the special safety certificates that might be required for any events held at designated grounds over the summer.

I am happy to take any questions.

The Chairperson: Thank you, Colin. How much does this cost councils?

Mr Watson: Councils will come up with different figures for what they think it costs them to produce a certificate in the first place. Once you have a certificate, it can last for a number of years. Full cost recovery will vary from council to council. Ciarán, I think that I am right in saying that it can be anything from £400 to £800.

Mr Ciarán Mee (Department of Culture, Arts and Leisure): Yes, that is what has been proposed to us.

The Chairperson: That is the ballpark figure.

Mr Mee: Yes. I imagine that the cost when we started the scheme might have been somewhat more because it was a new scheme. However, for example, once the general safety certificate is issued, it can last indefinitely. There may be occasions on which it has to be amended, such as if there is a change at the venue. However, in broad terms, once a safety certificate is in place, inspections or revisions thereafter should be reasonably straightforward.

The Chairperson: Is the major cost to councils in relation to inspections of grounds?

Mr Watson: Yes. It comes from staff time spent doing the inspections. In the early days, there is a process to follow. It is new and people are learning as they go and having to take advice from the overseeing body, etc, so things take longer. They will get used to it as they do more, so it should not take as long the second or third time around.

Mr Mee: The number of inspections that councils carry out might be dependent on the level of risk that they perceive. The primary legislation requires councils to inspect grounds a minimum of once in every 12 months, so there is not a constant inspection requirement.

The Chairperson: Obviously, the timings for the implementation of this have been moved. Are you likely to change the proposals on the basis of some of the comments that you may receive from councils?

Mr Mee: We have everything in, and, based on the responses that we have received, we are planning to leave the fees the way they are and introduce the fees for the special safety certificates at those levels. That is what we need to get into the system. We have to go to the Departmental Solicitor's Office (DSO) and get it to look through it and give us any comments they have, etc. There is then a period for which the regulations have to sit once they have been laid. It is a tight time frame, and we need a fairly quick turnaround.

The Chairperson: When will you review the fees again?

Mr Watson: We have no plans. When we put them in at the beginning, we agreed to review how it had panned out and see whether there was a need for change. We said that we would do that within two years. We have no plans to do another review. It will be based on whether there is a significant demand to do so in future years.

Mr Mee: We will continue to take advice from the safe sports grounds overseeing body. We regularly meet it, and if it were to advise us that we should consider a review at some point, we would do so.

Mr D Bradley: Did you give any consideration to the type of event to which fees will apply? For example, when you are determining the fee, will you consider whether it is a commercial, profit-making event as opposed to a special interest, not-for-profit event?

Mr Watson: We did not. We decided to set a rate that is applicable to all, which the council will charge the ground operator. At the end of the day, the owner of the ground will decide what they will charge for the use of the ground and use that to pay for the certificate.

Mr Mee: The owner will consider what they might expect to draw from any event taking place at their venue.

Mr Hilditch: I declare an interest as a sports ground operator. Obviously, it is a non-pecuniary interest. We have made a fair guess that what is out there is fair. To get a safe sports ground certificate, you have to do some preparatory work and other certificates are needed, such as electrical certificates, and those cost money. The fee for this certificate is only the fee to the council, and a lot of other work goes on before the club or the sports ground operator gets the certificate. Councils have to realise their responsibility for the delivery of sport in their areas. Although a few may be griping about recouping more of the cost, there is an onus on councils to support local clubs in obtaining a designated certificate, given the benefits that brings to their council area. It has to be balanced out, and I concur with the comments that councils cannot go in charging the full cost at this stage, because there is a lot of inexperience among council officials about what is expected. Half of the time you are dealing with the Paul Scotts of this world, who advise the council. At the minute, it is a balanced approach, and it should be supported.

Mr Watson: We have done our best to try to reach a balanced and fair settlement of the fees that is not too onerous on the clubs but which allows the councils to recoup some of the costs. Having reviewed the fees, given that so many of the clubs and councils have, by not responding, indicated that they are content with it, we think that there is a fair acceptance around the system that it is fair and reasonable.

Mr Mee: To echo Mr Hilditch's point, there is quite a cost saving to the councils through the overseeing body, which we have set up, and the assistance that they get. If that overseeing body and Paul Scott were not there, it would be much more costly to the councils, so they get quite a lot of support on inspections, preparing safety certificates and so on through the overseeing body.

Mr Ó hOisín: Some of my questions have already been answered. I declare an interest as a GAA official. I am talking about the regulatory impact assessment. Quite a number of the sporting organisations are not voluntary organisations or small businesses, they are registered charities. I see that you have taken that into account, and I am glad to see that, because that lifts a burden from a number of organisations that are registered charities.

The Chairperson: That is all of the questions for today. I thank both of you for coming. I am not sure whether we are going to see you next week or not, Colin.

Mr Watson: Not next week, no. The week after, I think.

Mr Mee: He has a day off.

Mr Watson: I feel almost like a member of the Committee. Thank you.