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Public Bill Committee

SPORTS GROUNDS SAFETY AUTHORITY BILL

First Sitting

Wednesday 19 January 2011

CONTENTS

CLAUSES 1 to 9 agreed to.
SCHEDULES 1 to 3 agreed to.
Bill to be reported, without amendment.

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The Committee consisted of the following Members:

Chair: MR GRAHAM BRADY

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|---|--|
| † Austin, Ian (<i>Dudley North</i>) (Lab) | † Raab, Mr Dominic (<i>Esher and Walton</i>) (Con) |
| Berger, Luciana (<i>Liverpool, Wavertree</i>) (Lab/Co-op) | † Robertson, Hugh (<i>Minister for Sport and the Olympics</i>) |
| † Edwards, Jonathan (<i>Carmarthen East and Dinefwr</i>) (PC) | † Rotheram, Steve (<i>Liverpool, Walton</i>) (Lab) |
| † Foster, Mr Don (<i>Bath</i>) (LD) | † Stride, Mel (<i>Central Devon</i>) (Con) |
| † Hollingbery, George (<i>Meon Valley</i>) (Con) | Walley, Joan (<i>Stoke-on-Trent North</i>) (Lab) |
| † Lee, Dr Phillip (<i>Bracknell</i>) (Con) | † Wilson, Mr Rob (<i>Reading East</i>) (Con) |
| † Leech, Mr John (<i>Manchester, Withington</i>) (LD) | |
| † Lord, Jonathan (<i>Woking</i>) (Con) | Sarah Davies, <i>Committee Clerk</i> |
| † McGovern, Alison (<i>Wirral South</i>) (Lab) | |
| † Qureshi, Yasmin (<i>Bolton South East</i>) (Lab) | † attended the Committee |

Public Bill Committee

Wednesday 19 January 2011

[MR GRAHAM BRADY *in the Chair*]

Sports Grounds Safety Authority Bill

9.30 am

The Chair: By way of introductory remarks, may I welcome hon. Members to the Committee? I propose, with the leave of the Committee, to allow a very wide debate on clause 1, and then, subject to the will of the Committee, we may or may not wish to debate other clauses separately. There is a money resolution in connection with the Bill, copies of which are available in the room if hon. Members would like them.

Clause 1

FOOTBALL LICENSING AUTHORITY TO BECOME SPORTS
GROUNDS SAFETY AUTHORITY

Question proposed, That the clause stand part of the Bill.

Jonathan Lord (Woking) (Con): Thank you, Mr Brady. It is a pleasure to serve under your chairmanship. I am grateful to hon. Members from all parties for taking an interest in the Bill and for attending the Committee this morning. The Bill covers England and Wales, and I am pleased that representatives are present from both England and Wales. Given that the Football Licensing Authority was set up in the aftermath of the Hillsborough disaster, I am also very pleased that hon. Members from Liverpool are here today. That is only right and appropriate.

Currently, the FLA is able to give advice only with regard to safety at football grounds, so the Bill's purpose is to allow all the experience and expertise acquired by the FLA and its staff over all its years of operation to be available to other sports. Under the Bill, football safety will remain the authority's core priority and main preoccupation. The FLA's licensing functions and its local authority oversight duties will continue to relate only to football grounds. Football will continue to be the authority's *raison d'être*. However, with London hosting the Olympic and Paralympic games in 2012 and with other sports potentially able to benefit from the FLA's experience and staff, the Bill's purpose is to allow the FLA to be renamed the Sports Grounds Safety Authority and to provide safety advice on request to other bodies and other sports, including national or international organisations.

No amendments have been tabled, and I hope that we shall be able to conclude matters this morning without the need for a subsequent sitting of the Committee. For the sake of ease, I shall try to refer to the Football Licensing Authority as the FLA and to what I hope will become the Sports Grounds Safety Authority as "the authority". As Mr Brady said, we are encouraging a broad debate at the start of the sitting. If we go on to the substantive clauses—clauses 2, 3, 4 and 5—and hon. Members wish to speak, I shall be happy to make a few introductory comments on those clauses.

Clause 1 allows for the authority's name to be changed from the Football Licensing Authority to the Sports Grounds Safety Authority in line with its widened advisory remit, and confirms that the expenses of the authority will continue to be paid from the public purse.

I am delighted that my hon. Friend the Minister and the shadow Minister are here. I am sure that the shadow Minister has questions. It is terrific to have alongside me the Minister, who might be able to help me to answer some of them.

Ian Austin (Dudley North) (Lab): Let me start by congratulating the hon. Member for Woking (Jonathan Lord) on his success in the draw and on the work that he has done on the Bill so far. I also thank the Minister and his officials for their help and advice and for the briefing that they have provided.

As has been said, the Football Licensing Authority was established in the wake of tragedies at football grounds, such as at Hillsborough in 1989. Following Lord Justice Taylor's final report on that disaster, the authority was charged with responsibility for monitoring local authorities' oversight of spectator safety at international, premiership and football league grounds. The importance that hon. Members for Merseyside constituencies attach to that issue explains why a number of them are serving on this Committee and will raise issues on behalf of the residents of the city that they represent.

Margaret Aspinall of the Hillsborough Family Support Group, for example, said that the Government "must make sure there is no cost-cutting on safety."

Labour Members agree with that. We believe that any dilution of focus on safety at football grounds would be a real cause for concern. That said, we recognise the benefits of enabling other sports to benefit from the expertise that the FLA has built up. That is obviously why the Government are keen to see the Bill approved today. However, there are a number of areas where we would like further clarification and some reassurance. I have a number of questions which I hope either the hon. Member for Woking or the Minister can answer. There are inevitable risks involved in changing an organisation's structure and remit and we will want assurances that proper measures are in place to ensure that public safety is not compromised during the transition or following the establishment of the new organisation, that appropriate levels of funding are provided and that the new organisation has the expertise to fulfil its responsibilities.

So how can we be confident that the new organisation will be able to fulfil a wider remit when its budget is being reduced? Is it the Government's intention that it will be responsible for all grounds or venues at which all sports are played or just some sports? Will it have responsibility only for professional games or matches, or for amateur competition too? Will its remit cover grounds or events that people pay to attend or all sporting events? What discussions have the Government had with people who were at Hillsborough or the families who were bereaved? Has the Minister considered whether there might be useful or relevant information relating to crowd or ground safety that might emerge from the release of all the documents relating to the Hillsborough disaster which is due to take place over the next two years?

Have the Government consulted the Premier League, the Football League and the Football Association about how well the FLA has operated so far? Have ministers met representatives of fans' organisations such as the Football Supporters Federation, for example? What discussions have taken place with governing bodies and supporters' organisations in other sports and what advice have the police provided about this proposal?

Finally, we are also concerned about the implications of the Public Bodies Bill for the FLA or the new authority. Members on both sides of the Committee will agree that the FLA has done a good job and will want to know why the Government propose to replace it with the new authority at this point and then abolish it. The Government announced the abolition of the FLA in the comprehensive spending review and said its responsibilities are being transferred to another body. The Secretary of State with responsibility for the Cabinet Office has been reported as saying that responsibility for safety at grounds would now shift to local authorities. Can the Minister provide some more detail about that? What is the timetable for the new authority's abolition, who will take responsibility for its work and what measures will be put in place to ensure that safety is not compromised?

The Minister for Sport and the Olympics (Hugh Robertson): I start as others have done by welcoming you to the Chair, Mr Brady. I also put on the record my thanks to the hon. Member for Woking for introducing this Bill and to the shadow Minister both for his contribution and the trouble he took to get behind the Bill over the last couple of days. Perhaps I might say by way of introduction that this baby has been a long time in gestation. The first attempt to do this was in the 2001 Culture and Recreation Bill introduced by the previous Government. It then reappeared briefly in a Home Office Bill before running out of time during the last Parliament. Lord Faulkner tried to introduce it as a private Member's Bill in the other place with the support of Baroness Taylor. Over the last 10 years the measure has enjoyed broad cross-party consensus. I shall make a number of comments on that before I attempt to answer the questions raised by the shadow Minister.

The Bill has a certain urgency at the moment because of the London 2012 Olympics. The London Organising Committee is keen to make use of the expertise that lies inside the FLA but the current remit of the FLA does not allow that. A body of expertise has been built up in British sport and we are not able to use it for the most important event that British sport is now facing. That is clearly nonsense. That said, I reiterate absolutely what my hon. Friend the Member for Woking has said. It is firmly our intention that football safety and security will remain the core function of this body. To give everybody confidence that I am not just saying that and that it is genuinely the case, the wider powers contained in this Bill could be used only with the express permission of the Secretary of State. He or she would have to be absolutely sure that it was in the wider interest before these powers could be used.

The powers in the Bill mirror the current powers of the FLA, which shows that we trust the FLA and that the experience of the period that the FLA has been in existence has given Governments of both colours enormous confidence in the way that it performs its task. The shadow Minister is correct that the FLA's funding was

cut in the comprehensive spending review, but it was put in the reserved pot—receiving a tiny cut of 4% and being spared the much larger cuts imposed elsewhere—because it was recognised as having such an important function. Indeed, we took out any of the original provisions in the Culture and Recreation Bill 2001 that we thought would be controversial to ensure that this Bill had a broad measure of approval.

I will try to run through the questions, but I am not sure that my handwriting was quick enough to catch them all. There have been discussions with the Hillsborough families. Their chief representative saw the Secretary of State within the past couple of days, and the families have indicated their approval of the Bill. I would not want to paraphrase or misquote them, but I understand that their key point is that safety in football grounds, and sports grounds generally, is paramount and that anything that increases that across a wider range of sports grounds has to be a good thing. I was not involved in earlier discussions, but I guess that that was why they indicated their approval during the last Parliament and the preceding one, and they continue to give their approval. If either of the two Labour Merseyside Members is in regular contact with that group, please could they pass on my assurances to the Hillsborough families and my thanks for their continued support?

There have been consultations with the FA, the Premier League and the Football League, who are all in favour of the Bill. I am due to see Supporters Direct within the next couple of weeks on broader issues of football governance. I cannot give an absolute assurance that it has been asked about the Bill, but certainly it has made no representations. The Bill has been floating around for nigh on 10 years, and as far as I am aware it has not raised any objections during that period. I regularly meet the chief executives of the big five sports, and other sports are extremely keen on the Bill. The London Organising Committee of the Olympic Games wants the Bill to be enacted. The shadow Minister asked about the police, who are also very supportive of the Bill.

On the future of the FLA, I am absolutely determined that it will continue to carry out its core functions, and the extra functions that it will be given in the Bill, in the same way as it has always done. However, it is illogical to have six people in a little satellite office next to the Department for Culture, Media and Sport. They almost feel slightly groundless, and putting them into a larger, more powerful organisation, which would allow them to save money on back office functions and which broadly reflects their safety remit, is sensible, because they are sitting in a pod on their own at the moment. It is telling that, in the five years that I shadowed this brief in opposition, I never ran across the FLA, which did not cross my radar until I became the Minister. Finding it a proper, sensible home, which reflects the importance of its task, would be sensible. I assure the Committee that that will not be done in any way that conflicts with its core role. I think that I have run through the questions.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): May I also congratulate the hon. Member for Woking on his work on the Bill? I will speak on the Bill in its entirety. I am in favour of it and I am not going to speak against it. My aim, however, is to raise issues about the constitutional situation in which we find ourselves, and which is different from that at the time of

[Jonathan Edwards]

the origins of the FLA. My aim, therefore, is to try to devolution-proof the Bill by recognising the devolution settlement and the different political background in Wales. I am grateful to the hon. Member for his discussions with me on the Bill.

Although ground safety may not be specifically devolved, sport in general is a matter for the Minister for Heritage in the National Assembly for Wales, who has responsibility for many of the issues that are dealt with in Westminster by the Secretary of State for Culture, Olympics, Media and Sport. The Bill relates to England and Wales in territorial extent, as we have heard. From my reading of the FLA website, there are only two grounds in Wales currently included in its scope—the Cardiff City stadium in Cardiff and the fantastic Liberty stadium in Swansea, a ground where I have spent many happy Saturday afternoons, especially recently, and which is home to the mighty Swansea City football club.

However, the Bill's explanatory notes state that international football grounds in England and Wales are also included. This widens the scope in Wales, where Parc y Scarlets in Llanelli—which is, of course, a rugby ground—has hosted football internationals for Wales, as have the Millennium stadium in Cardiff and the Racecourse ground in Wrexham. All those grounds have been used by the Welsh football team in the past five years.

9.45 am

The widening of the remit to include other sports means that other venues could also come into play. I want to know what discussions the UK Government and the Department for Culture, Media and Sport have had with Welsh organisations, such as the Football Association of Wales, Welsh Rugby Union and Sport Wales regarding the changes that they are promoting through the Bill. The same question applies for discussions with the Welsh Government, who, as I have already made clear, are generally responsible for sport in Wales. I suggest that the administrative powers held by the Secretary of State in England in the current version of the Bill should largely be in the hands of Welsh Ministers when matters relate to Wales. That would mean changing clause 2 so that the authority may provide advice to a Welsh Minister in addition to the Ministers of the Crown, and clause 5 so that a fee charged by the authority for advice would require the consent of the Welsh Ministers for an organisation in Wales. Clause 4, which deals with bodies outside England and Wales, would be untouched.

We also suggest that the National Assembly for Wales as a body is included in clause 3—a future-proofing measure that would allow, for example, the National Assembly as a body to ask for advice regarding ground safety on, say, a Welsh Commonwealth Games bid. Because of the different political background and organisations in Wales, it makes sense to us to have a member of the authority who has specific knowledge and expertise about our country. We suggest that there is a Welsh member of the authority with this role, perhaps in addition to other roles undertaken for the authority and not as a sole task. Our preferred solution would be that the Welsh Minister makes the appointment and takes on the role held by the Secretary of State for the appointments in schedule 1. I am informed that this

would involve an addition to paragraph 2 of the schedule. Acceptance of our suggestions would lead to awkward phrasing throughout the Bill, which could be solved by referring to the Secretary of State and Welsh Ministers as the “relevant authority” throughout, with clarification in clause 5(5).

We presume that responsibility for sports grounds safety in general is not devolved, given the workings of the three Acts referred to in the Bill, although local authorities are generally held to be responsible for sports grounds safety in their own areas. Local authorities, of course, are devolved. A clarification of that position on the face of the Bill might be welcomed, after discussion and consultation with the relevant Welsh Ministers.

In short, I would like to know what consideration has been given to these issues as a whole. I hope that the Bill's promoter and the relevant Minister will take my concerns into account as the Bill progresses. As I have already made clear, I have no intention of blocking or preventing the Bill, but given that it extends to Wales, the issues relating to devolution cannot be swept under the carpet and ignored.

Steve Rotheram (Liverpool, Walton) (Lab): First, I should declare an interest as a football fan and a Liverpool football club supporter, and as someone who attended two of the worst tragedies—Heysel and Hillsborough—and has seen at first hand what the consequences can be when safety is put to one side on the altar of commercial interest. I am therefore in favour of much that is in the Bill and I applaud the hon. Member for Woking for introducing it.

I have a question about clause 5(1) to (3). Is the hon. Gentleman assured that there will not be a reduction in the volume of requests for the new organisation to provide advice, given that advice that was previously free will now command a fee, even though that fee is commensurate with the work that has gone into putting together the advice?

Alison McGovern (Wirral South) (Lab): It is a pleasure to serve under your chairmanship for the first time, Mr Brady. The Bill is important to me, as a regular attendee at Anfield. Seeing people enjoying football so much, but knowing what has happened previously, we hold their safety to be very important, so I congratulate the hon. Member for Woking on introducing the Bill.

I hope that either the hon. Gentleman or the Minister will be able to clarify a small point for me. I recall the announcement made by the Minister for the Cabinet Office about what was to happen to all the non-departmental public bodies. The FLA was listed, at that time, as a body that would be abolished, and I wondered what on earth would happen. It seems that we have since moved on a great deal, for which I am most grateful, but I would appreciate some clarification about precisely where the new body will sit and how that fits with local authorities being responsible for advice.

Perhaps what was on the record previously was a result of a swiftness of turn of phrase, which since has become unfortunate, but it is worth ensuring that the Committee is absolutely clear about the structure and hierarchy. We will then be able to assure all football and sports fans who love to attend great sporting events in Britain that we are clear about the arrangements for their safety, and that we all know how we will proceed.

Jonathan Lord: I am grateful to hon. Members for their kind words and support for the Bill.

On the Welsh questions, the key point is that safety is not a devolved matter and the funding comes from the UK Government. I shall ask the Minister to say a few words in a moment and I know that he is happy to continue discussions about future progress. The key time to examine and address those most carefully will be in almost two years' time, when the powers are transferred to another body.

The hon. Member for Liverpool, Walton asked about fees. All the advice that the FLA gives and the regulatory and licensing role that it carries out will continue to be provided for by Government funding for the FLA. There will be no extra charges for its current advisory and licensing roles, and those roles, effectively, will not change. Where other sports wish to come to the Sports Ground Safety Authority, in its new guise, fees will apply, and they will be charged at cost. To ensure that the authority will continue to be primarily a football body, the Secretary of State will have to give it permission to provide advice on ground safety to other sports or to other international organisations.

Mr John Leech (Manchester, Withington) (LD): I, too, welcome the Bill, but I want to be clear that there is no possibility that organisations such as football clubs that currently receive advice will, under the new regime, be charged for that advice. Is there any concern that, if there is a charging regime, such organisations may choose not to ask for advice at all?

Jonathan Lord: No. Let us be absolutely clear: the advice that the FLA gives to football grounds, and on football-related matters, will continue to be free to the recipient. The only charges will be to other sports, where a contribution, in effect, to cover costs will be charged. The only charges will be on the request of the recipient of that advice. That element of charging at cost will include a certain amount of overhead and running costs, so if anything, there will be a small reimbursement to the authority, which will enable it to give even more advice to football authorities and other football-related bodies.

I hope that that answers the key questions put by the hon. Member for Liverpool, Walton.

Steve Rotheram: That does give some comfort, because it is exactly the point raised by the hon. Member for Manchester, Withington. I used to sit on the ground safety advisory group in Liverpool. The FLA always attended and regularly gave advice, which was received by all the group's members. My fear is that, even if there was only full cost recovery for that advice, people would simply stop asking for the advice, knowing that there is a charge. I am happy with the clarification offered by the hon. Member for Woking, if he is confirming that, as before, advice to such groups on football matters will still be free.

Jonathan Lord: I thank the hon. Gentleman for that. A careful reading of clauses 3 to 5 makes the charging regime clear. The future of the organisation is not within my power, nor is it directly a matter for the Bill, but I am sure the Minister will be happy to reply.

Hugh Robertson: I thank my hon. Friend for those remarks. I shall quickly run through my response to the debate.

We have had extensive discussions with the Welsh Assembly Government at official level. The reason we are not keen at this stage to pick up the suggestion of the hon. Member for Carmarthen East and Dinefwr is precisely that the Bill is a safety measure, not a sports measure. If it was a sports measure it would be a devolved matter; because it is a safety measure, at the moment, it is not. I do not have any ideological objection to devolving safety measures, but that is a much wider argument. It is important when looking at the safety of people in sports grounds that, if we are to devolve it, we devolve it as a package rather than piecemeal, because when little bits of responsibility start to go, but not others, that is precisely when the boundaries get clouded, risking a disaster that nobody wants.

The best offer I can make to the hon. Gentleman is that we have reinstated the sports cabinets that discuss such issues—by happy coincidence, the next meeting is in three weeks' time in Cardiff—so if he would like to have the matter raised, my advice would be to make representations there. The Welsh Minister will be in the chair, so it would be an extremely good opportunity to discuss this at an early stage, if that is what he wants.

My hon. Friend the Member for Woking gave a perfect answer about the charging regime. There will be absolutely no fee for anything related to the FLA's current roles and responsibilities. I hope I have reassured the hon. Member for Liverpool, Walton, who presumably is happier about his football club than he was when we last had a football debate.

On the new home, if I am honest—I must be careful how I put this—I am keen to get the Bill through and to extend the remit of the organisation as an indication of the confidence that we have in it. There is a logical fit between the two organisations under consideration, because the Health and Safety Executive is primarily a safety-based organisation. If that does not happen, as the hon. Member for Wirral South is aware, we are merging Sport England and UK Sport into a single body, and that could provide a sensible option. We are looking closely at the new Queen Elizabeth Olympic park as a home for the new body, to get its constituent parts out of central London where they are paying high rents and all have different IT contracts, back-room contracts and so on. The FLA could benefit from being in a larger body in which it could share some of the expenses that come with separate back-office functions, but I give the hon. Lady an assurance that nothing will be done that puts at risk the FLA's key roles and responsibilities.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clauses 2 to 9 ordered to stand part of the Bill.

Schedules 1 to 3 agreed to.

Bill to be reported, without amendment.

10.1 am

Committee rose.

