



**Notice of a public meeting of
Licensing and Regulatory Committee**

- To:** Councillors Cuthbertson (Chair), Melly (Vice-Chair), Orrell, Barker, D'Agorne, Galvin, Hook, Hunter, Looker, Mason, D Myers, Norman, Warters, Wann and Wells
- Date:** Tuesday, 4 April 2023
- Time:** 5.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

2. Minutes (Pages 1 - 8)

To approve and sign the minutes of the meeting held on 21 December 2022.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at meetings. The deadline for registering at this meeting is 5:00pm on Friday 31 March 2023.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast, including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

4. Safety at Sports Advisory Group - Policies & Procedures and Terms of Reference (Pages 9 - 46)

This report seeks members' approval for the revised Policies and Procedures, and Terms of Reference for the Sports Grounds Safety Advisory Group.

5. Taxi Licensing Update Report (Pages 47 - 50)

This report advises Members of the implementation of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the changes to the National Refusal and Revocation, Suspension database (NR3S). The report also updates Members on the allocation of the ten additional hackney carriage vehicle licences.

6. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:
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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Licensing and Regulatory Committee
Date	21 December 2022
Present	Councillors Cuthbertson (Chair), Melly (Vice-Chair), Orrell, D'Agorne, Galvin, Hook, Mason, D Myers (arrived at 16:43), Warters and Wells
Apologies	Councillors Barker, Hunter, Looker, Norman and Wann
Officers present	Matt Boxall (Head of Public Protection) Sandra Branigan (Senior Solicitor) Lesley Cooke (Licensing Manager) David Cowley (Taxi Licensing Manager)

16. Declarations of Interest (16:03)

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. No interests were declared.

17. Minutes (16:05)

Resolved: That the minutes of the meeting held on 4 October 2022 be approved, and signed by the Chair as a correct record.

18. Public Participation (16:05)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

19. Renewal of a Sex Establishment Licence for First Floor of Ziggy's (Known as Club 55), 53-55 Micklegate, York, YO1 6LJ [Licence Number CYC019257] (16:05)

Members considered a report which sought determination of an application to renew a Sex Establishment Licence for a Sexual Entertainment Venue (SEV) which had been made under the Local Government (Miscellaneous Provisions) Act 1982,

Schedule 3 Control of Sex Establishments in respect of Ziggy's (Club 55), 53-55 Micklegate, York, YO1 6LJ.

In coming to their decision, the Committee took into consideration all the evidence and submissions that were presented as follows:

1. The Licensing Manager's report and her comments at the meeting. She outlined the information set out in the report and annexes, noting that consultation had been carried out correctly and that no objections had been received to the application.

The Licensing Manager also confirmed that the wording of conditions 9 and 14 of the licence attached at Annex 2 to the report would be amended to remove gendered language, as agreed by the committee on 2 March 2022.

2. The application form.

By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the following options were available to Members in making their decision:

- Option 1 Grant a renewal of the licence as requested.
- Option 2 Renew the licence with modified/additional conditions imposed by the licensing committee.
- Option 3 Refuse the application for renewal on one of the mandatory grounds or on one or more of the discretionary grounds within paragraph 12 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Following consideration of the options, it was

Resolved: That Option 1 be approved and the renewal of the licence be granted as requested.

Reason: To determine renewal of the sex establishment licence as required by the legislation, and in view of the fact that there have been no changes to the operation since the licence was last renewed, on 2 March 2022.

20. Application for a Private Hire Operators licence - Christopher Hall, 57 Taxis Limited trading as "Drive" (16:11)

Members considered a report which sought determination of an application made under Section 55, Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 by Christopher Hall of 57 Taxis Limited, trading as 'Drive', for the grant of a Private Hire Operators Licence operating from 39 Layerthorpe, York YO31 7UZ. The premises currently operated as a licensed private hire operation and the Applicant was in the process of purchasing the business.

In coming to their decision, the Committee took into consideration all the evidence and submissions that were presented, as follows:

1. The Taxi Licensing Manager's report and his comments at the meeting. He outlined the information set out in the report and annexes, including the revised additional conditions contained in the amended version of Annex 4 published in the Agenda Supplement. In response to Members' questions, he also confirmed that:
 - No parking issues had been raised in respect of the current operation.
 - Sub-contracting to drivers licenced out of the York area, including in Hull and Doncaster, was permitted under s.55.
2. The application form, and the submissions made by the Applicant at the meeting.

Members considered the following options:

Option 1

Grant the licence as requested, with the standard and additional conditions attached, for a period of one year.

Option 2

Grant the licence with modified / additional conditions imposed by the licensing committee for a period of one year.

Option 3

Refuse the application, providing the grounds for refusal.

Following consideration of the options, it was:

Resolved: That Option 2 be approved and the licence be granted with the standard conditions and the modified / additional conditions imposed by the licensing committee as set out below for a period of one year in accordance with section 55(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The additional conditions are as follows:

(a) Not to use any driver licensed by any other authority on the operator's platform who is known to have taken and failed the York Knowledge and Safeguarding Test within the previous 3 years, unless the driver has booked to undertake the York Safeguarding and Knowledge test or has subsequently passed.

(b) To require any other authority licensed drivers who wish to be recruited onto the operator's platform to state [1] if they have previously taken and failed the York knowledge and safeguarding test within the previous 3 years [2] the current live points on their DVLA licence. Drivers' responses to be notified to the City of York Council.

(c) To require any other authority licensed drivers who wish to be on-boarded to the operators platform to sign an appropriate form (in accordance with the requirements of the GDPR and Data Protection Act 2018) authorising information as to their having taken, or otherwise, the City of York Knowledge and Safeguarding Test, and current live points of their DVLA licence as well the result of any such test, to be given to the operator and/or their representatives.

(d) To require that before fulfilling a sub-contracted booking from the operator, each other authority licensed driver must complete topographical training, namely 2-3 hours of in-house training consisting of classroom or in-car training, including the York Pedestrian Zone, city centre

roads and routes, and important venues such as hospitals, the railway station, tourist attractions, etc.

(e) To require that before fulfilling a sub-contracted booking from the operator, each other authority licensed driver must take and pass a driving assessment administered by a DVSA accredited assessor, such as The Blue Lamp Trust, Green Penny or any such other organisation as may be authorised by or agreed with the City of York Council to undertake the said driving assessment.

(f) To keep records of topographical training and driving assessment for each other authority licensed driver. The said records (including driving assessment certificate) to be kept throughout the period the driver works with the company and for 6 months thereafter. To produce such records on request of an authorised officer of the City of York Council.

- Reasons: (i) The Committee is satisfied that:
- a) The Applicant is a fit and proper person to hold an operator's licence and
 - b) the Applicant is not disqualified by reason of your immigration status from operating a private hire vehicle.
- (ii) The Committee considers that the additional conditions are reasonably necessary in order to ensure that any bookings sub-contracted to drivers licensed by authorities in districts other than York are carried out safely and that such drivers are not deterred from taking the York Knowledge and Safeguarding Test.

21. Application for a Private Hire Operators licence - Bilal Husain Iqbal, trading as DASH (Private Hire) (16:46)

Members considered a report which sought determination of an application made under Section 55, Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 by Bilal Husain Iqbal, trading as 'Dash', for a Private Hire Operators Licence, operating from Unit 1, Heritage Park, Outgang Lane, York YO19 5LP.

In coming to their decision, the Committee took into consideration all the evidence and submissions that were presented, as follows:

1. The Taxi Licensing Manager's report and his comments at the meeting. He outlined the information set out in the report and annexes, adding that two further complaints about parking at the premises had been received since the report was published.
2. The application form and the submissions made by the Applicant at the meeting, during which he confirmed that he did not hold an Operator's licence with any other authority. In response to questions from Members, he also confirmed that he was a manager for York Cars Taxis, one of two companies that currently operated from the premises.

Members considered the following options:

Option 1

Grant the licence as requested, with the standard and additional conditions attached, for a period of one year.

Option 2

Grant the licence with modified / additional conditions imposed by the licensing committee for a period of one year.

Option 3

Refuse the application, providing the grounds for refusal.

Following consideration of the options, it was:

Resolved: That Option 3 be approved and the application be refused.

Reason: On 29 September 2022 the Applicant's City of York private hire driver's licence was revoked due to a CU80 (mobile phone offence) and an appeal against this revocation was dismissed by York Magistrates' Court. The Applicant further disclosed on his Private Hire Operator application that the private hire driver's licence he held with the City of Wolverhampton Council was also revoked in 2022.

The Committee has an expectation that a private hire operator will set an example of high standards to its private hire drivers. The CU80 offence gave rise to concerns with trust and confidence in the Applicant's integrity as an operator, going to the heart of the 'protection of the public' consideration which is the reason for licensing private hire operators. This gave Members a reasonable cause to believe he was not 'fit and proper' to hold a private hire operator's licence.

Cllr I Cuthbertson, Chair

[The meeting started at 4.03 pm and finished at 6.24 pm].

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Licensing & Regulatory Committee

4 April 2023

Report from the Director – Environment, Transport and Planning

Safety at Sports Advisory Group – Policies & Procedures and Terms of Reference

Summary

1. This report seeks members' approval for the revised Policies and Procedures, and Terms of Reference for the Sports Grounds Safety Advisory Group.

Recommendations

2. The Committee is asked to:
 - Approve option 1 approve the Policies and Procedures, and Terms of Reference.

Reason: To assist the council in its statutory duty under the Safety of Sports Grounds Act 1975 (as amended) and Fire Safety and Safety of Places of Sport Act 1987.

Background

3. Safety at sports legislation was introduced, and has been amended, following major disasters such as:
 - Ibrox Stadium (Glasgow) 1971 – 66 Rangers fans were killed and over 200 injured in a crush during the last minutes of the match.
 - Valley Parade (Bradford) 1985 – 56 fans were killed and over 265 injured when a blaze engulfed the main stand.
 - Hillsborough Stadium (Sheffield) 1989 – 96 Liverpool fans killed and over 750 injured in a crush at the start of the match. This is the worst disasters in British sporting history.
4. In the final Report of the inquiry into the Hillsborough Stadium Disaster, Lord Justice Taylor, recommended that each local

authority set up an advisory group, more generally known as Safety Advisory Group (SAG).

5. The purpose of the SAG is to assist the local authority in exercising its statutory functions under the:
 - Safety of Sports Grounds Act 1975 (1975 Act)
 - Fire Safety and Safety of Places of Sport Act 1987
 - Safety of Sports Grounds Regulations 1987
6. To achieve this the SAG will consist of appropriate members of its own staff, and representatives of the police, fire, ambulance and building authorities.
7. This function sits with City of York Council as it is a unitary authority. The council formed its SAG in 1996, when it became a unitary authority, as this is a regulatory function the council has delegated its powers under the above legislation to the Corporate Director of Place. Licensing officers take the lead roles on SAG matters.
8. The role of the SAG is to consider and review safety certificates for designated sports grounds and regulated stands.
9. There is no statutory requirement for local authorities to set policies and procedures, and terms of reference for their SAG. It is however a best practice recommendation from the Sports Grounds Safety Authority, who audit local authorities in relation to how they exercise their statutory functions. The proposed Policies and Procedures can be found at Annex 1 and Terms of Reference at Annex 2.

Consultation

10. A consultation on the Policies and Procedures and Terms of Reference took place between the 6 September to 1 November 2022, the following organisation and people were consulted:
 - North Yorkshire Police
 - North Yorkshire Fire and Rescue Service
 - Yorkshire Ambulance Service
 - Sports Grounds Safety Authority
 - Highways Authority
 - Safety Certificate Holders
 - City of York Council Chief Operating Officer
 - City of York Council Corporate Director of Place

- City of York Council Assistant Director Environment, Transport & Planning
- City of York Council Assistant Director Customer Services & Digital
- City of York Council Head of Legal
- Other relevant council officers

11. Two responses were received to the consultation. Both responses requested the removal of LNER when referring to the Community Stadium.

Options

12. Option 1 – Approve the Policies and Procedures, and Terms of Reference.
13. Option 2 – Approve the Policies and Procedures, and Terms of Reference with alternative wording agreed by members.
14. Option 3 - Take no further action.

Analysis

15. Under the provisions of section 1 of the 1975 Act the Secretary of State for Digital, Culture, Media and Sport may designate as requiring a safety certificate any sports ground that has accommodation for more than 10,000 spectators, or 5,000 in the case of Premier League and Football League grounds in England and Wales. These sports grounds are referred to as designated grounds. Under the 1975 Act, the council is responsible for issuing a safety certificate in respect of sports grounds designated by the Secretary of State.
16. The Safety of Sports Grounds (Designation) Order 2015 sets out those grounds which are designated grounds.
17. The Fire Safety and Safety of Places of Sport Act 1987 (s26 Part III) states that a safety certificate is required for a regulated stand which is defined as any covered stand at a sports ground with accommodation for 500 or more spectators, whether seated or standing.
18. A sports ground is defined by Section 17 of the 1975 Act as a place where sports or other competitive activities take place in the open air, where accommodation has been provided for spectators,

consisting of artificial structures or natural structures artificially modified for the purpose.

18. The council currently issues safety certificates in respect of:
- York Racecourse (Horse Racing) – regulated stands
 - York Community Stadium (Association Football and Rugby League) – regulated stands
19. The SAG meets approximately three times a year. Additional meetings are held as and when required.

Council Plan

20. The provision of regulated sports grounds supports the council plan of safe communities and culture for all.

Implications

21. The implications arising from this report are:
- **Financial:** There are no direct financial implications associated with this report.
 - **Human Resources:** There are no Human Resources implications associated with this report.
 - **Equalities:** There are no equalities implications associated with this report.
 - **Legal:** There are no statutory requirement for a Safety Advisory Group to set Policies and Procedures, and Terms of Reference for a Safety Advisory Group, however it is considered best practice in accordance with the recommendations of the Sports Grounds Safety Authority.
 - **Crime and Disorder:** There are no prevention of crime and disorder implications associated with this report.
 - **Information Technology (IT):** There are no IT implications associated with this report.
 - **Other:** There are no other implications associated with this report.

Risk Management

22. There are no known risks associated with this report.

Contact Details

Author:

Lesley Cooke

Licensing Manager

Phone: 551515

Chief Officer Responsible for the report:

James Gilchrist

Director (Environment, Transport and Planning)

**Report
Approved**



Date 8 March 2023

Specialist Officer Implications: none

Wards Affected:

All

Background Papers:

Safety of Sports Grounds Act 1975

Fire Safety and Safety of Places of Sport Act 1987


Safety of Sports Grounds Regulations 1987

Annexes

Annex 1 – Policies and Procedures

Annex 2 – Terms of Reference

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 <p>CITY OF YORK COUNCIL</p>	<p>SPORTS GROUNDS SAFETY ADVISORY GROUP POLICIES & PROCEDURES</p>
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Part A Issue and Renewal of General Safety Certificate

1. Introduction

- 1.1 City of York Council (the council) recognises its statutory duty for the safety certificate of sports grounds under Safety of Sports Grounds Act 1975 (as amended) (1975 Act), and regulated stands under the Fire Safety and Safety of Places of Sport Act 1987 (1987 Act). It also recognises its responsibility for the safety of all people present at all sports grounds within its boundary. Certificates are issued in accordance with the legislation and guidance issued by the Sports Grounds Safety Authority.
- 1.2 The council has delegated power to take and implement decisions on safety certification to the Corporate Director of Place.
- 1.3 The council has appointed appropriate competent council officers, and as/when required will engage specialist external consultants, to assist the council in carrying out its statutory duties relating to the safety of spectators at sports grounds under the 1975 and 1987 Acts.
- 1.4 The council consulted the following parties in relation to this policy:
 - North Yorkshire Police
 - North Yorkshire Fire and Rescue Service
 - Yorkshire Ambulance Service
 - Highways Authority
 - Relevant Council Officers
 - Sports Grounds Safety Authority (SGSA)
 - Safety Certificate Holders
- 1.5 The consultation took place between 6 September and 1 November 2022.
- 1.6 The council will determine if any sports grounds contain a regulated stand and will expediently process and issue safety certificates in respect of those stands and/or any sports ground designated by the Secretary of State under the provisions of the 1975 Act.
- 1.7 The council has in place policies and procedures for monitoring by inspection/audit compliance with the terms and conditions of any safety certificate issued and taking appropriate and proportional action in response to any identified defect or incident compromising the safety of all people present at the sports ground/regulated stands.
- 1.8 The council will provide prompt advice on spectator safety on request from sports ground venue operators.
- 1.9 The council will keep under review its procedures and arrangements in pursuit of ensuring the reasonable safety of all people present at sports grounds within its responsibility.

2. Sports Grounds Safety Advisory Group

- 2.1 Under the requirements of the 1975 and 1987 Acts the council has established a Sports Ground Safety Advisory Group (SAG), with representatives from the council taking on the role of Chair and Secretary.

2.2 The council has appointed the Head of Public Protection or Licensing Manager to Chair the SAG for each sports ground subject to a safety certificate.

2.3 The following agencies are also represented on the SAG:

- Highways Authority
- North Yorkshire Police
- North Yorkshire Fire and Rescue Service
- Yorkshire Ambulance Service

Certificate holders and a representative of the Sports Grounds Safety Authority will be invited where applicable.

2.4 The SAG will meet at least two times a year, additional meetings will be held if required. Safety certificate holders will be invited to attend these meetings. Agenda items will be requested from all agencies represented on the SAG and safety certificate holders prior to meetings taking place, minutes will be taken of the meeting and circulated.

2.5 SAG are established with the purpose of providing advice to assist the local authority in carrying out its statutory duties. Members of the SAG will be consulted about the terms and conditions to be included in a safety certificate. However, the SAG cannot take decisions on behalf of the local authority.

3. Definitions

3.1 The 1975 Act defines a sports ground as a place where sports or other competitive activities take place in the open air, where accommodation has been provided for spectators, consisting of artificial structures or natural structures artificially modified for the purpose.

3.2 Under the provisions of section 1 of the 1975 Act the Secretary of State for Culture, Media and Sport may designate as requiring a safety certificate any sports ground that has accommodation for more than 10,000 spectators, or 5,000 in the case of Premier League and Football League grounds in England and Wales. These sports grounds are referred to as designated grounds.

3.3 A regulated stand is defined in the 1987 Act as any covered stand at a sports ground with accommodation for 500 or more spectators, whether seated or standing.

4. Legislation and Guidance

4.1 This policy and procedures should be read in conjunction with the following legislation that applies to the safety of spectators at sports grounds:

- Safety of Sports Grounds Act 1975
- Fire Safety and Safety of Places of Sport Act 1987
- Safety of Sports Grounds Regulations 1987
- Safety of Places of Sport Regulations 1988

4.2 Guidance on the application of the legislation referenced above can be found in the

following Home Office Circulars –

[Home Office Circular No 7/1986](#) – Annex C of which provides guidance on the procedure regarding applications for general safety certificates under the provisions of the 1975 Act.

[Home Office Circular No 96/1988](#) – Which includes advice on the issue of safety certificates for regulated stands.

[Home Office Circular No 97/1988](#) – Which includes statutory guidance to local authorities under section 26(8) of the 1987 Act on the methodology that must be applied in determining whether a stand at a sports ground is a “regulated” stand.

- 4.3 Further guidance is contained in “Guide to Safety Certification of Sports Grounds” (the Green Guide) published by the SGSA.
- 4.4 Under the 1975 Act, the council is responsible for issuing a safety certificate in respect of sports grounds designated by the Secretary of State.
- 4.5 The 1987 Act places a similar responsibility upon the council in relation to regulated stands at non-designated sports grounds. Responsibility for determining if a stand is a regulated stand rests with the council. The council will determine this in accordance with the statutory guidance contained in Home Office Circular 97/1988 as determined by the local authority under section 26 of the 1987 Act.

5. Scope

- 5.1 The sports grounds covered by these arrangements are:
 - York Racecourse (Horse Racing)
 - York Community Stadium (Association Football and Rugby League)
- 5.2 The powers of issue and review of the safety certificate are vested solely in the council officers with delegated authority for this activity.

6. Roles and Responsibilities

- 6.1 As the issue of safety certificates is a regulatory function, the council has delegated its powers, under the 1975 and 1987 Acts, to the Corporate Director of Place. The Corporate Director has authorised the following roles to exercise the delegation on their behalf:
 - Head of Public Protection or Licensing Manager (Sports SAG Chair)
 - Safety Advisory Group Coordinator (Sports SAG Secretary)
- 6.3 The delegated powers allow for the designated council officer to issue and review safety certificates.
- 6.4 These officers are trained and experienced in the requirements of the legislation.

7. Considering an Application

- 7.1 An application for a safety certificate for a designated ground must be in the form prescribed in the Safety of Sports Grounds Regulations 1987 (1987 Regulations), and for

a regulated stand in the form prescribed in the Safety of Places of Sport Regulations 1988 (1988 Regulations). The application form for a designated ground can be found at Appendix C and for a regulated stand at Appendix D. The application should be accompanied by detailed information such as structure, capacity and safety management systems. The council may, by writing, require the applicant to submit within a reasonable period such additional information and plans it considers necessary to enable it to determine what terms and conditions to include.

- 7.2 Under the provisions of section 3(1) of the 1975 Act, or section 28(1) of the 1987 Act the council will ensure that the applicant for a General Safety Certificate is a qualified person. A qualified person is defined as:
- **1975 Act** – someone who is in a position to prevent contravention of the terms and conditions of a certificate.
 - **1987 Act** – someone who is responsible for the management of the ground.
- 7.3 The council will notify an applicant in writing if it is determined they are not a qualified person, this letter will also include information regarding how this decision can be appealed.
- 7.4 The council will determine if someone is a qualified person to apply for a safety certificate in relation to the position they hold in relation to the sports ground or regulated stand, for example managing director, chairperson or chief executive.
- 7.5 Within five working days of accepting an application for a safety certificate the council will consult with:
- North Yorkshire Police
 - North Yorkshire Fire and Rescue Service
 - Yorkshire Ambulance Service
 - Building Authority
 - Highways Authority
- on the terms and conditions to be included in the safety certificate.
- 7.6 Within 20 working days of accepting the application a SAG meeting will be held to discuss the application in full with the applicant.
- 7.7 Application will be determined by the council within 20 working days when all required information is in place. The applicant will be informed in writing if the application will not be determined within this timeframe.

8. Timetable

- 8.1 There is no set time limit for the issue of a safety certificate, the council recommends that the SAG is consulted at early planning stages, and prior to submitting a planning application, this will enable the SAG to give relevant advice.
- 8.2 The council recommends that the SAG should be kept up to date with regards to any amendments to plans prior to planning permission being granted, and again once planning permission is in place and a build timeframe is in place.

8.3 The council recommends that an application for a safety certificate should be submitted at least 6 months prior to use.

9. Contents of a Safety Certificate

9.1 In accordance with section 2 of the 1975 Act and section 27 of the 1987 Act the council is required to include in the safety certificate such terms and conditions it considers necessary or expedient to secure the reasonable safety of spectators. Safety certificates issued by the council will include the capacity of the designated ground, or regulated stand, as well as capacities for each part thereof.

9.2 The certificate will also include the terms and conditions with which the holder must comply to maintain that capacity.

9.3 In determining the contents of a safety certificate the council will take account of the advice of the SAG and the guidance contained in the 'Guide to Safety at Sports Grounds' and 'Guide to the Safety Certification of Sports Grounds', both published by the Sports Grounds Safety Authority.

10. Rights of Appeal

10.1 The 1975 and 1987 Acts both provide right of appeal to the magistrates' court to:

- any person against the determination by the local authority that he/she is not qualified to hold a safety certificate;
- any interested party against the inclusion of anything in or omission of anything from a safety certificate or the refusal of the local authority to amend or replace it; or
- any person, upon whom the local authority has served a notice that it has determined that a particular stand is a designated stand, against that determination.

10.2 Appeals must be lodged within 28 days if they relate to a general safety certificate, and within seven days for a special safety certificate.

11. Public Access to the Safety Certificate

11.1 The safety certificate is a public document to which any person applying for it, or is affected by it, should have access.

11.2 Both the 1987 and 1988 Regulations require the council to notify every interested party, in writing, of its decision to issue, amend, replace or refuse a safety certificate. The Regulations define "interested party" as:

- the holder of the safety certificate;
- any other person is or may be concerned in ensuring compliance with the terms and conditions of the safety certificate;
- the chief officer of police; and
- where the local authority is in Greater London or a Metropolitan County the fire

authority or, in any other case, the building authority.

11.3 This notice must specify that a copy of the safety certificate and any application is available for inspection at a specified time and place. Similarly, the Regulations require a local authority to advertise its decision to issue, transfer or amend a safety certificate in a newspaper circulating in the locality of the sports ground to which the safety certificate relates.

12. Fees

12.1 Under the provisions of the 1987 and 1988 Regulations a local authority is permitted to charge a fee for the issue, amendment, replacement or transfer of a safety certificate. The regulations explain that any fee should be commensurate with the work actually and reasonably done by or on behalf of the local authority. It should also be noted that a local authority may charge for amending a safety certificate if the amendment was at the request of the certificate holder. The procedure should set out how any fee charged is to be determined.

13. Review of Safety Certificate

13.1 The council will undertake a review of issued safety certificate on an annual basis or at a lesser time in response to physical changes at the sports ground, incidents, changes in safety management performance or in response to changes to legislation or safety guidance.

13.2 The review will consider the terms and conditions of safety certificates to validate they remain relevant for providing for the reasonable safety of all people present at the designated sports ground or regulated stand.

13.3 The council has issued risk-based safety certificate, for regulated stands, to the two sports grounds within the authority area. The required documentation (detailed within the Annex of the safety certificate) submitted by each sports ground forms part of the risk-based safety certificate. The safety certificate holder will undertake a review of the required documentation on an annual basis or at a lesser time as detailed at paragraph 13.1. The holder must submit the reviewed documentation to the council for approval prior to the implementation.

14. Special Safety Certificate

14.1 The general safety certificate should cover any event, both sporting and non-sporting that is held regularly at the sports ground. Where it is intended to hold an event of a type not specified in the general safety certificate, an application should be submitted to the council for a special safety certificate. While the policy and procedure for the issue of a special safety certificate will be similar to the example for a general safety certificate, the council is aware that the procedure for the issue of a special safety certificate is slightly different from that for a general safety certificate, unless the applicant is already the holder of a general safety certificate, the council must firstly determine whether they are a qualified person.

14.2 However, whereas the council is obliged to grant a general safety certificate, provided that

the applicant is a qualified person, it has the discretion to refuse to issue a special safety certificate. In reaching its decision, the council must act reasonably. The applicant has the right to appeal within seven days against any refusal.

- 14.3 The council is aware that it may need to set a different capacity in a special safety certificate for certain events compared with that promulgated in the general safety certificate. A pop concert, for example, may have spectator accommodation on the pitch, while a fireworks display may require certain sections of the sports ground to be kept clear of spectators. Some events may give rise to dynamic forces on stands due to rhythmic crowd movements that were not specifically considered in the design of the structure. In these cases it may be necessary to restrict the use of the stands concerned.
- 14.4 The applicant may be required to supply whatever information the council needs in order to discharge its functions. This should include details of any proposed changes to the normal accommodation or arrangements, in particular to the safety systems, crowd management and stewarding, toilets, medical provision and fire precautions. Where there is a new-style risk-based safety certificate, these should be set out in a revised operations manual supported by the relevant specific risk assessments.

Part B Inspections and Monitoring

15. Introduction

15.1 In discharging its monitoring and inspection responsibilities the council has/will:

- provide for adequate resources and appoint appropriate council officers and/or engage competent specialist agencies/external consultants as necessary, to assist the council in carrying out its statutory duties relating to the monitoring and inspection of sports grounds under the provisions of the 1975 and 1987 Acts;
- convene regular SAG meetings to assist in its statutory duty in respect of sports grounds;
- regularly monitor by inspection/audit compliance with the terms and conditions of any safety certificate issued; and
- keep under review its procedures and arrangements in pursuit of ensuring the reasonable safety of spectators at sports grounds within its responsibility.

16. Legislation and Guidance

16.1 The legislation that applies to the monitoring of the safety of all people present at sports grounds should be read in conjunction with this policy and procedure. The relevant legislation is as follows:

- **1975 Act** – Section 10B of which provide that it shall be the duty of every local authority to enforce within their area the Act and Regulations made under it and for that purpose to arrange for the periodical inspection of designated sports grounds. “Periodical” is defined in that section as meaning at least once every 12 months.
- **1987 Act** – Section 34 of which provides that it shall be the duty of every local authority to enforce within their area the provisions of Part III of the Act and for that purpose to arrange for the periodical inspection of sports grounds at which there are regulated stands.

16.2 Both Acts also require local authorities to act in accordance with such guidance as the Secretary of State may give them. Such guidance has been given in the following Home Officer Circulars:

- **No 72/1987** – This circular sets out the Statutory Guidance given by the Secretary of State on the scope of inspections of designated sports grounds.
- **No 97/1988** – This circular sets out the Statutory Guidance given by the Secretary of State on the frequency and scope of the inspections of regulated stands. It also reminds local authorities that section 34 of the 1987 Act applies to the whole of a sports ground which contains a regulated stand but that the extent of the inspection of any un-certificated parts of the ground should be determined by the local authority.

16.3 In addition the “Guide to Safety Certificates of Sports Grounds” published by the SGSA provides further guidance on monitoring by local authorities.

17. Responsibility for Undertaking Monitoring

17.1 Under the provisions of section 11 of the 1975 Act a person authorised by the council may

“enter a sports ground at any reasonable time, and make sure inspection of it and such inquiries relating to it as he considers necessary for the purposes of this Act, and in particular may examine records of attendance at the ground and records relating to the maintenance of safety at the ground and take copies of such records.”

17.2 Section 35 of the 1987 Act makes a similar provision in respect of a power of entry to a sports ground to inspect a regulated stand.

18. Purpose and Scope of Monitoring and Inspections

18.1 An inspection will be undertaken of each designated ground at least once every 12 months.

18.2 Where a ground contains regulated stands with a combined capacity of more than 2,000 spectators an inspection of the stands and such un-certificated parts of the ground as the council considers necessary, will be undertaken at least once every calendar year following the date of the last inspection.

18.3 At all other grounds with regulated stands an inspection of the regulated stands and such un-certificated parts of the ground as the council considers necessary will be carried out at least once every alternate calendar year following the date of the last inspection.

18.4 In addition to the officer with delegated authority undertaking the inspections, the council's structural and electrical engineers will be part of the inspection team. The police, fire and ambulance authorities will also be invited to take part in the inspection.

18.5 The inspection of designated sports grounds will include all items detailed in the Secretary of State's statutory guidance as set out in Home Office Circular 72/1987. For regulated stands the inspection will cover the items in the statutory guidance set out in Home Office Circular 97/1988. The inspections will encompass:

- the certificate covering structural, barrier, dynamic performance and electrical tests;
- the records maintained by the management of the sports ground, in particular of attendances, accidents, maintenance, equipment tests, steward training and contingency plans;
- the condition of the sports ground and its fixtures and fittings; and
- the lighting, public address, fire warning and entry control equipment.

18.7 Home Officer Circular 72/1987 advises that at most designated sports grounds, it will normally be sufficient for the local authority to inspect the structures and fittings once a year while the sports ground is empty. The council may also conduct this inspection at different times each year, to observe the sports ground under a variety of conditions.

Further inspections are likely to be necessary only in the event of significant structural modifications.

18.8 The council will also undertake during performance inspections. These inspections will be carried out when specified activities are taking place. The frequency of these inspections will be determined by risk assessment. When undertaking these inspections, the inspecting officer will:

- make their presence known to the duty safety officer and others in the control room;
- tour all accessible parts of the sports ground and 'walk the ground', not stay in one area of the sports ground for any length of time;
- observe the safety management arrangements and crowd, recording any problems and noting the time of the incident act;
- record times on an inspection check sheet a copy of which will be available upon request of the certificate holder;
- after the event produce reports of the management of the activity which shall be copied to Chair, Secretary, members of the SAG, and other relevant persons as necessary. The report will be submitted to any debrief meeting or sent to the certificate holder requesting action and/or explanations, to enable consideration to be given to further control and/or enforcement action;
- where breaches in terms and conditions of the safety certificate are noted, these will be brought to the attention of the holder and duty safety officer immediately. This will be followed by a formal letter of confirmation.

19. Audit Trail

19.1 As part of its audit trail the council will maintain detailed records of all annual inspections and during performance inspections. The council's monitoring procedures identify who should receive copies of inspection reports, and what follow up action is to be taken by officers where the inspection has identified either the need for remedial action by the ground management or a contravention of the safety certificate.

20. Reducing the Burden on Business

20.1 The Regulators Compliance Code produced by the Department of Business Innovation and Skill (BIS) recommends that where two or more inspectors, whether from the same or different regulators, undertake planned inspections of the same regulated entity, regulators should have arrangements for collaboration to minimise burdens on the regulated entity, for example, through joint or coordinated inspections and data sharing.

20.2 The monitoring procedures should therefore identify where there may be scope for such a coordinated approach.

Part C Enforcing the Provisions of Legislation

21. Introduction

21.1 For designated grounds section 10B of the 1975 Act provides that –

“it shall be the duty of every local authority to enforce within their area the Act and regulations made under it and to arrange periodical inspections of designated sports grounds”

21.2 For regulated stands section 25 of the 1987 Act provides that –

“it shall be the duty of every local authority to enforce within their area the provisions of this Act and of regulations made under it for designated grounds”

21.3 However, it should be noted that section 10 of the 1975 Act, which gives the local authority power to issue a prohibition notice in the case of a serious risk to the safety of spectators, applies to any sports ground not just those which are designated, or which contain a regulated stand.

21.4 In addition to the relevant legislation reference will also be made to centrally issued guidance that includes information on enforcement by the local authority. Such guidance would include the following:

[DCMS Circular of 16 November 1995](#) – the purpose of this Notice is to remind Chief Executives of their powers and responsibilities under section 10 of the 1975 Act, which allows local authorities to issue prohibition notices for sports grounds if they are of the opinion that spectators are likely to be at serious risk of injury.

[Enforcement Concordat](#) – published by the Cabinet Office.

[Regulatory Reform \(Fire Safety\) Order 2005](#) – under the provisions of this Order the local authority is the enforcing authority for that legislation at designated sports grounds and regulated stands, Section 25(d). Local authorities should refer to the Orders Guidance Note No 1: Enforcement published by the Department for Communities and Local Government for advice on enforcement procedures in respect of fire safety at designated sports grounds and regulated stands.

[The Regulators Compliance Code](#) – produced by the Department for Business Innovation and Skill.

22. Offences

22.1 It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice. These offences, along with the defence of absence of consent and due diligence, are listed in section 12 of the 1975 Act and section 36 of the 1987 Act.

23. Responsibility for Enforcement

23.1 The Corporate Director of Place is responsible for enforcement functions under the 1975 and 1987 Acts. The Corporate Director has delegated these functions to the Head of Public Protection, the Licensing Manager, Principal Building Control Officer and the Senior

Licensing Officer.

23.2 Authorised officers are trained and competent to undertake enforcement duties under sports grounds legislation.

24. Consistency and Accountability

24.1 In carrying out its enforcement duties the council will endeavour to be:

- **Proportionate:** any action taken by the council, to achieve compliance or to bring regulated entities to account for non-compliance, will be proportionate to the risk to public safety or to the severity of non-compliance, which includes any actual or potential harm arising from the failure under the law. We will seek to minimise the costs of compliance by ensuring that any action we require is in proportion to the risk.
- **Consistent:** there will be a consistent approach from the council in relation to any advice given, enforcement action, prosecution and in response to incidents and complaints. The council will discuss and compare enforcement decisions and policies amongst our own officers and, where appropriate, with other authorities and enforcement bodies.
- **Targeted:** by adopting a risk-based system for prioritising regulatory action the council aims to make sure, through targeting, that the direction of regulatory effort considers the level of risk and ensure action will be targeted at those situations that give rise to the more serious risks or the least well controlled risks.
- **Transparent:** the council will be open about how we set about our work and will provide information and advice in plain language. We will ensure we help those we regulate to understand the standards expected from them and the standards that they should expect from us.
- **Accountable:** the council will be able to justify all enforcement decisions and be accountable for the efficiency. Effectiveness and cost. Consultation and feedback opportunities are given to stakeholders.

24.2 The council also recognises that it is subject to the requirements of the Regulators' Code and keeps itself informed of developments as regards to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

24.3 The council will take into consideration the recommendation in the Regulators Compliance Code when any enforcement action is considered.

24.4 The council's enforcement policy is available upon request.

25. Enforcement Considerations

25.1 The council's enforcement officers will consider several factors and questions before deciding when to act, these will include:

- The seriousness of compliance failure i.e. could the offence lead to a serious risk of injury or has serious injury or death already occurred, if the problem is not rectified will it lead to a significant risk?

- The degree of wilfulness involved i.e. does the individual or organisation concerned appear to be willing to carry out the necessary action immediately or in a specified time frame or has the problem resulted from deliberately ignoring conditions or the law?
- The businesses past performance and its current practice, for example – has this problem been highlighted previously, has the business had a previous high standard of practice?
- The risks being controlled and their consequence – what type of risk are involved, and will they have serious consequences that could affect the public?
- Legal, official or professional guidance – has all legislation and guidance been taken into consideration when taking a decision? Has the issue been referred to the council's legal department for their consideration and interpretation?

26. Choice of Enforcement Action

26.1 There are several courses of action open to the council in relation to enforcement dependant on the circumstances that may be encountered or apply to the situation. The choices of enforcement action are:

- Informal Warning
- Reduction in Capacity
- Prohibition Notice
- Simple Caution
- Prosecution

26.2 Unlike the other provisions in the 1975 and 1987 Acts, the power to issue a prohibition notice applies to all sports grounds, as defined in section 17 of the 1975 Act, including those that are neither designated nor contain a regulated stand.

26.3 Section 10 of the 1975 Act empowers local authorities to issue a prohibition notice in respect of all or part of any sports ground if it considers 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 sports ground or that part of the sports ground ought to be prohibited or restricted”. A prohibition notice is therefore a measure of last resort and should only be used where an amendment of the safety certificate (where issued) is not considered an effective way of dealing with the risk(s).

26.2 Further information is provided at Appendix E regarding the council's enforcement options.

27. Conflict of Interest

27.1 Where the council is the owner, or part owner of a sports ground for which it is also the enforcing authority, there may be a potential for an actual or a perceived conflict of interest.

27.2 The council:

- has plans and contingencies in place for dealing with those exceptional circumstances where a conflict of interest has come to light after an incident has occurred; and
- identifies whether any potential conflicts of interest are introduced or removed when governance arrangements change.

28. Appeals

28.1 Appeals against a reduction in capacity imposed by way of an amendment to a safety certificate or against a prohibition notice are to a Magistrates Court. Where an appeal is made against an amendment to a safety certificate the amendment cannot take effect until the appeal is heard. However, in the case of an appeal against a prohibition notice any reduction in capacity remains in place until the appeal is heard.

29. Penalties

29.1 It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice. These offences and associated penalties, along with the defences of absence of consent and due diligence, are listed in section 12 of the 1975 Act and section 36 of the 1987 Act.

Part D Business Continuity and Resilience Planning

30. Introduction

- 30.1 To meet the requirements of the Civil Contingencies Act 2004 the council maintain plans to ensure that they are able to continue to exercise our functions in the event of an emergency so far as it is reasonably practicable. These plans include the functions relating to safety at sports grounds.
- 30.2 In addition to the council having plans in place to deal with any incident, large or small, whether it is natural, accidental or deliberate, that can cause a major disruption to service deliver the council also has specific resilience plans in place, as detailed under Roles and Responsibilities at point 6.1, to deal with safety at sports grounds should there be loss of key staff through:
- Sickness
 - Secondment
 - Resignation
 - Redundancy

31. Roles and Responsibilities

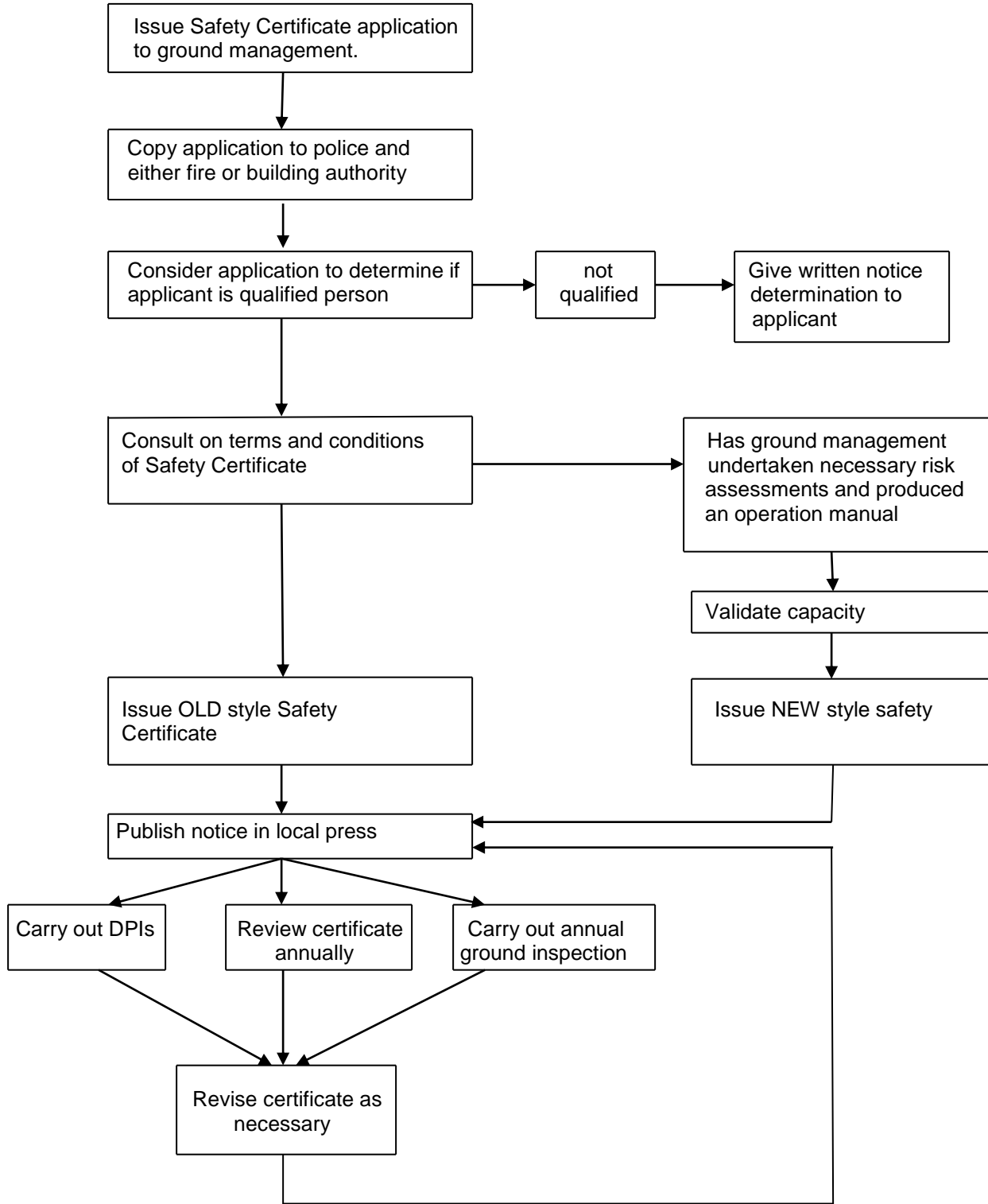
- 31.1 The council has clearly defined the SAG Chair's roles and responsibilities in the SAG terms of reference, along with the roles and responsibilities of any deputy/deputies.

32. Training and Competency

- 32.1 The council has in house training in place, which include:
- job shadowing;
 - attendance at relevant courses;
 - shared working with other local authorities.
- 32.2 Competency include:
- testing the plan;
 - deputy/deputies chairing SAG.

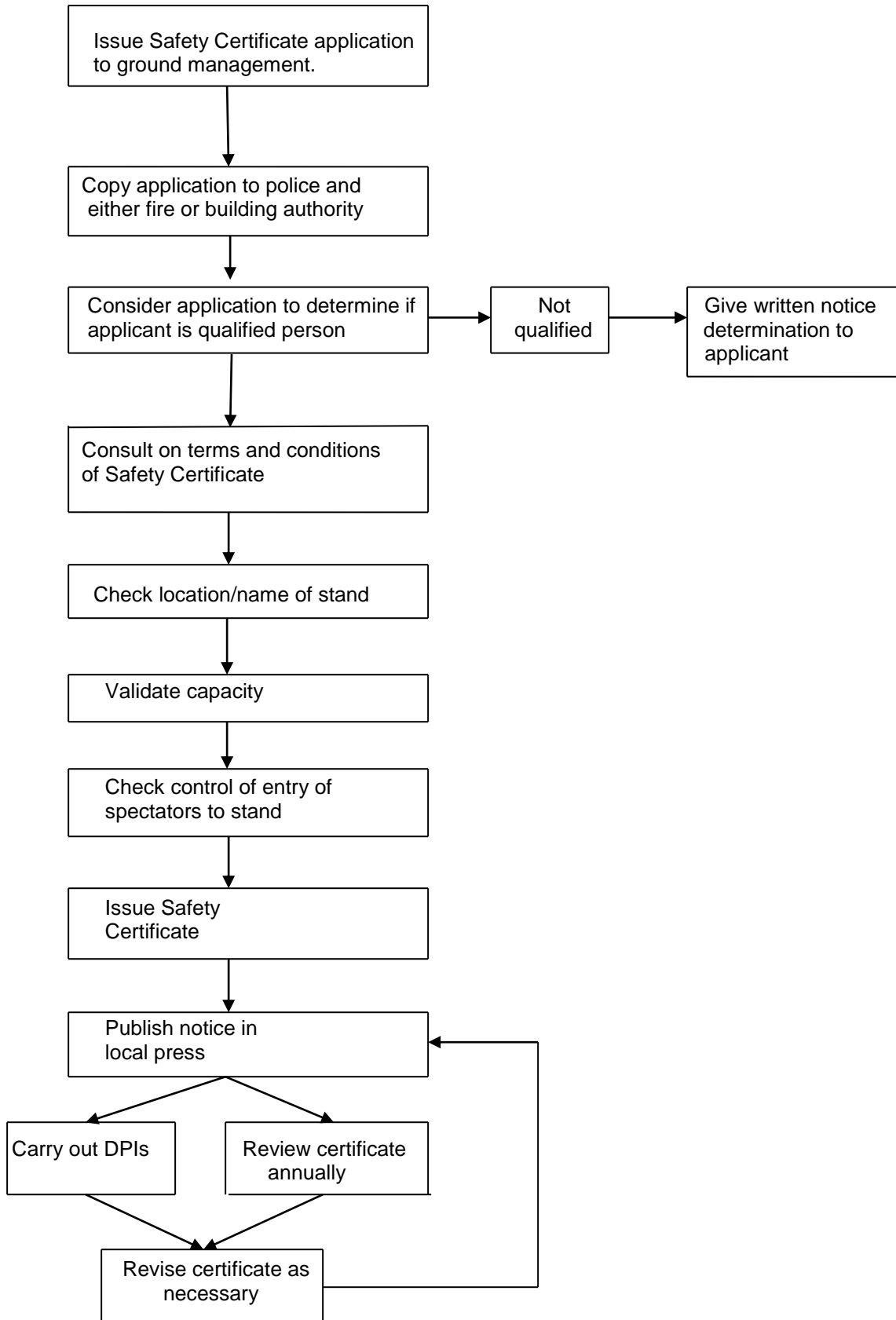
Appendix A

Process for the Issue of a Designated Ground Safety Certificate



Appendix B

Process for the Issue of a Regulated Stand General Safety Certificate



Appendix C

Enforcement Action

1. Informal Warning

- 1.1 Informal action includes offering advice, verbal warnings and requests for action, the use of letters/informal notices and reports.
- 1.2 Informal action is appropriate where:
- the act or omission is not serious;
 - it can reasonably be expected that informal action will achieve compliance;
 - confidence that the business management is reasonably high; and
 - the consequences of non-compliance will not pose a significant risk to health, safety or the public.
- 1.3 In most cases an informal warning will be in writing, they will:
- contain all information necessary to ensure that the certificate holder knows what is required;
 - indicate the regulations contravened and the measures that will achieve compliance with the legal requirements and that other means of compliance may be chosen;
 - where recommendations or good practice are included make it clear that they are not legal requirements; and
 - set out the timescales for compliance.

2. Reduction in Capacity

- 2.1 Reducing the capacity of all, or part of, a sports ground is a formal action which would be appropriate in the following situations:
- if an incident suggests that the management of a sports ground is performing poorly; or
 - if the council officer carrying out an inspection identifies any deficiencies in the fabric, equipment, records or management systems, which the authority has not already considered when accepting or calculating the permitted capacity.
- 2.2 Any new capacity will be properly calculated having regard to the change in circumstances. The procedures followed will be the same as during the routine annual review of the safety certificate. The certificate holder will be invited to submit its proposed revised (P) or (S) factor, but the council reserve the right to overrule this if appropriate.
- 2.3 When reducing the capacity officers will act reasonably and in accordance with due process, and a formal amendment to the safety certificate will be issued. The certificate holder has a right of appeal against any reduction in capacity.
- 2.4 The council will consider restoring the original capacity once remedial measures or improvements have been implemented.

3. Prohibition Notice

- 3.1 When issuing a prohibition notice the council will consider whether the risk to spectators is or may be imminent and if so, the notice should take effect as soon as it is served. In all other cases it will come into force at the end of the period specified in the notice.
- 3.2 A prohibition notice must specify:
- the nature of the risk to spectators; and
 - the number of spectators that may be admitted to the sports ground, or any part of the sports ground, until appropriate steps have been taken to address those risks.
- 3.3 The notice may also include directions as to the steps which will have to be taken to reduce the risk to a reasonable level.
- 3.4 Under the Environment and Safety Information Act 1988 the council is required to keep a register of any prohibition notices that it has issued.

4. Simple Cautions (formerly known as formal cautions)

- 4.1 A simple caution will only be issued for offences where there is no imminent risk or where the offence is readily admitted, and immediate action has removed the imminent risk. A caution can be used to:
- deal quickly and simply with less serious offenders;
 - to divert them from unnecessary appearance in the criminal court; and
 - to reduce the chances of re-offending.
- 4.2 A record of the caution will be kept on the council's computer system. If the offender commits a further offence, the caution may influence our decision to take a prosecution.
- 4.3 Simple cautions will not be used as an alternative to prosecution where insufficient evidence is available. Officers will be prepared to prosecute where an individual or business refuses to accept a simple caution.
- 4.4 More information can be found in Home Office Circular 016/2008.

5. Prosecution

- 5.1 The decision to prosecute is very significant and must be related to risk. In general, it should be reserved for those who:
- blatantly disregard the law;
 - refuse to implement basic legal requirements and put the public at risk.
- 5.2 Factors to consider are:
- The seriousness of the offence, including the seriousness of the result of the offence.
 - The previous history of the defendant/organisation.
 - Availability, co-operation and reliability of witnesses.
 - The willingness of persons involved to put matters right.

- The probable public benefit and importance of the case.
- Whether other action e.g. prohibition notices would be more effective (it may be appropriate in some circumstances to serve a prohibition notice as well as to prosecute if the risk to employees or the public remains high).
- Any explanation offered by the defendant/organisation.

5.3 Before deciding to proceed with a prosecution officers must be satisfied that there is relevant, admissible, substantial and reliable evidence that the offence has been committed by the defendant and that there is a realistic prospect of conviction. Any prosecutions should be brought without delay.

Appendix D

Useful Links

Safety of Sports Grounds Act 1975 –

<http://www.legislation.gov.uk/ukpga/1975/52>

Fire safety and Safety of Places of Sport Act 1987 –

<http://www.legislation.gov.uk/ukpga/1987/27>

Safety of Sports Grounds Regulations 1987 –

<http://www.legislation.gov.uk/uksi/1987/1941/contents/made>

Safety of Places of Sport Regulations 1998 –

<http://www.legislation.gov.uk/uksi/1988/1807/contents/made>

Civil Contingencies Act 2004 –

<http://www.legislation.gov.uk/ukpga/2004/36/contents>

Department of Business Innovation and Skill –

<https://www.gov.uk/government/organisations/department-for-business-innovation-skills>

Sports Ground Safety Authority –

<http://www.safetyatsportsgrounds.org.uk/>

Guide to Safety at Sports Grounds (Green Guide) –

<http://www.safetyatsportsgrounds.org.uk/publications/green-guide>

Regulatory Reform (Fire Safety) Order 2005

<https://www.legislation.gov.uk/uksi/2005/1541/contents/made>

Regulatory Reform (Fire Safety) Order 2005 Guidance Note No 1: Enforcement –

<https://www.gov.uk/government/publications/regulatory-reform-fire-safety-order-2005-guidance-note-enforcement>

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 <p>CITY OF YORK COUNCIL</p>	<p>Sports Grounds Safety Advisory Group</p> <p>Terms of Reference</p>
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1. Introduction

- 1.1 In the Final Report of the inquiry into the Hillsborough Stadium Disaster, Lord Justice Taylor, recommended that each local authority set up an advisory group, more generally known as Safety Advisory Group (SAG).
- 1.2 The purpose of the SAG is to assist the local authority in exercising its functions, to achieve this the SAG will consist of appropriate members of its own staff, and representatives of the police, fire, ambulance and building authorities. In addition representatives of certificated sports grounds and regulated stands will form an essential part of the Group, as will other organisations as and when appropriate.
- 1.3 The SAG represents a fundamental core around which the safety planning of all sports grounds can be considered. The SAG brings together inter-agency expertise to advice City of York Council (the council) in discharging its functions under certificated sports grounds and regulated stands legislation. It is accepted that the council's involvement in safety at sports grounds comes through democratic public accountability in response to legislation.
- 1.4 The document should be read in conjunction with the council's 'Sports Ground Safety Advisory Group Policies and Procedures'.
- 1.5 The council consulted the following parties in relation to this document:
 - North Yorkshire Police
 - North Yorkshire Fire and Rescue Service
 - Yorkshire Ambulance Service
 - Relevant Council Officers
 - Sports Grounds Safety Authority
 - Safety Certificate Holders

2. Legislation and Guidance

- 2.1 The council will exercise its powers under

- Safety of Sports Grounds Act 1975
- Fire Safety and Safety of Places of Sport Act 1987

in respect of the safety certification of the following sports grounds:

- York Racecourse (Horse Racing) – regulated stands

- York Community Stadium (Association Football and Rugby League) – regulated stands

2.2 Safety of Sports Grounds Act 1975 (as amended)

The council has a statutory duty under the above legislation to –

- a) Issue General and Special Safety Certificates for designated sports grounds in the authorities area, containing “such terms and conditions as the council consider necessary or expedient to secure reasonable safety at the sports grounds”.

and;

- b) If necessary, serve a prohibition notice in respect of a sports ground if the council 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 above conditions are applicable to designated and non-designated sports grounds, under Section 10 of the 1975 Act.

2.3 Fire Safety and Safety of Places of Sport Act 1987 Part III

The council has a statutory duty under the above legislation to issue a Safety Certificate for Regulated Stands in the authority area, containing “such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety in the Stand when it is in use for viewing the specified activity or activities at the ground”.

2.4 Health and Safety at Work etc. Act 1974

The council is an enforcing authority as defined in the Health and Safety (Enforcing Authority) Regulations 1998 for work activities where the main activity includes cultural, entertainment or sporting activities.

The council will enforce the relevant statutory provisions to ensure the health, safety and welfare of employees, members of the public and any other person affected by a work activity. This includes all outdoor public events including the erection and dismantling of any structures or equipment used in the event held at a sports ground.

2.5 Licensing Act 2003

The council is the Licensing Authority under the terms of the above Act and is required to carry out its licensing functions within the authority area, in consultation with the responsible authorities in respect of all licensable activities, which include:

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club
- the provision of regulated entertainment
- the provision of late-night refreshment

The council has a duty to determine premises and personal licence applications and

undertake enforcement activity, and in doing so promote the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

3. Terms of reference for the Sports Grounds Safety Advisory Group

3.1 The main role of the Sports Grounds Safety Advisory Group (SAG) is to provide specialist advice to the council to help it discharge its functions under sports ground legislation. The SAG will also provide an overarching role considering enhancing safety at sports grounds, and public events held at sports grounds, by providing advice and assistance to Certificate Holders.

3.2 The SAG will consider all matters within its remit and make recommendations to the appropriate Officer(s) of the council. The SAG will operate within a defined (recorded) role, in order that it effectively carries out this function.

3.3 Specific Terms of Reference

- To advise the council in the exercise of its powers under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987 in respect of the safety certification.
- To advise the council in the exercise of its powers under the Licensing Act 2003.
- To advise the council as the enforcing authority as defined in the Health and Safety (Enforcing Authority) Regulations 1998 for enforcement of the relevant statutory provisions.
- To advise the council in relation to its duty of care regarding sport grounds/public events that does not require being certified/licensed.
- To provide advice and assistance to sport ground certificate holders and event organisers on public safety related issues.
- To provide a forum within which the council and other agencies may develop a co-ordinated approach to spectator safety.
- Consider aspects of and possible changes to the terms and conditions in the General/Special Safety Certificate.
- To receive and discuss all proposals for new sports grounds and alterations to existing certificated sports grounds/regulated stands.
- To receive any relevant reports in relation to matters found during inspections by SAG members.
- To discuss any significant incident with potential safety implications or 'near miss' at sports grounds or public events held at sports grounds.
- To receive notification of the issue of any prohibition notice and any prosecutions under sports grounds/event legislation.

- To consider the advice published in available guidance documents.
- To consider emerging threats to events, such as terrorism methodologies, drone use, cyber terrorism and deniability of service.

4. Authority to Take Decisions – decision making and reporting process

- 4.1 The SAG cannot take any decisions on behalf of the council. The council's decision making power is delegated to the Chair of the Sports Ground Safety Advisory Group or deputy as is specified.
- 4.2 The council's core members of the SAG must declare any material conflict of interest in relation to any item put before the SAG, prior to the matter being discussed. If the interest could be considered prejudicial, then that person should consider if they should withdraw and be replaced by an appropriate party agreed by the SAG.

5. Composition of the Sports Grounds Safety Advisory Group

- 5.1 The SAG will consist of person with sufficient seniority/experience/competency/knowledge on their services strategic/policy/practical issues, to be able to take operational decisions on behalf of their service/body.
- 5.2 The SAG will be constituted with core members and invited representation.
- 5.3 **Core Members** – are defined as those authorities that the certifying/licensing authority is required to consult under sports grounds legislation and as recommended in the final report into the Hillsborough Stadium disaster. Core membership:
- City of York Council
 - Licensing Service
 - Building Control Service
 - Network Management (highways authority)
 - Environmental Health
 - Emergency Planning
 - Facilities Management
 - North Yorkshire Police (including counter terrorism)
 - North Yorkshire Fire and Rescue Service
 - Yorkshire Ambulance Service
 - North East Counter Terrorism Unit
- 5.4 **Invited representation** – will form two categories, those who will be invited to all SAG meetings and those who can be invited as considered appropriate to the meetings. Where any person may only be invited infrequently to a SAG meeting, then consideration will be given by the Chair as to how the effective exchange of safety related information between all parties can be maintained.
- 5.5 The following are considered as persons/services/bodies that will be invited to all SAG meetings:
- Safety Certificate Holders and Safety Officers (or other relevant officers of the

- certificated sports ground/regulated stand)
- Sports Grounds Safety Authority

5.6 The following may be invited either to all SAG meetings, or to a particular meeting as considered appropriate:

- An event organiser and/or safety officer
- Health and Safety Executive
- Voluntary First Aid Services
- City of York Council Legal (the relevant solicitor for the council with the remit of sports grounds legislation)
- Public Transport Undertakings
- Supporters Associations/Groups representation

This list is not exhaustive. The Chair may invite such other specialist as the Chair feels appropriate to assist the SAG to fully consider any issue.

6. Administration of the Sports Grounds Safety Advisory Group

6.1 This section provides a record of the general administration of the SAG from the appointment of the Chair, through to the role of administrative support and consultation procedures.

- **Chair:** The SAG Chair will be a senior officer appointed by the council with appropriate delegated authority to take decisions under the council's constitution.
- **Lead Services:** The council's Public Protection Section will act as Lead Services to the SAG.
- **Secretariat:** The council's Public Protection Section will provide the administrative support to the SAG.
- **Consultation:** The SAG will consult all core members of the SAG, invited representation, other council services and national bodies as considered appropriate.

7. Frequency of meetings of the Sports Grounds Safety Advisory Group

7.1 The SAG shall meet a minimum of two times at schedule meetings throughout the year. However, the number of SAG meetings in any year can be flexible and responsive to particular circumstances. Any core member may request an additional special meeting or series of meetings.

7.2 The SAG may request a site visit or inspection/s of sports grounds as determined by the Chair of the SAG in consultation with the Certificate Holder or undertake a visit to observe a specific issue or attend a tabletop exercise. Such members of the SAG considered appropriate can attend the inspection/visit. A record of the inspections will be circulated to all relevant parties.

7.3 It will be within the remit of the SAG to constitute small working parties to address specific issues relating to sports grounds/regulated stands and their development/alteration. The outcome of any such working party will be reported to the next SAG meeting.

7.4 During performance inspections which are carried under sports grounds or licensing legislation, will be carried out by officers of the council in conjunction with other appropriate authorities, as determined by the enforcement policy.

8. Form of minutes of the Sports Grounds Safety Advisory Group

8.1 Each meeting of the SAG will be prearranged to an agenda published in advance of the meeting.

8.2 Minutes of the meetings will be circulated to all core members, invited representatives and to other parties as may be determined by the Chair.

8.3 Minutes of the SAG may be held by the council as a public record and subject to the Freedom of Information Act 2000, the Data Protection Act 2018 and General Data Protection Regulations.

9. Roles and responsibilities of the Core Members

9.1 Role of the Chair:

- To ensure that the SAG properly discharges the responsibilities delegated to it by the council.
- To ensure that the conditions of the safety certificate/licences issued by the council are properly monitored, enforced, reviewed and where necessary amended on a regular basis.
- To ensure that membership of the SAG reflects the recommendations from legislation, guidance and in the final report on the Hillsborough Stadium disaster.
- To ensure that the decisions/recommendations made by the SAG accord with the overall strategic policies of the council.
- To ensure that due account is taken of the views of all members of the SAG, including those attending by invitation.

9.2 Role of the lead council service:

- The lead service will be represented by senior officers and/or their appointed deputy who will attend all meetings of the SAG.
- To act in a coordinating role to the SAG on all matters relating to the safety of all people present at the designated sports ground or regulated stand. Liaise with SAG members in the production of any items or reports to be placed on the agenda for the meetings.
- To provide technical advice and appraisal of published documents relating to Safety at Sports Grounds or public events held at sports grounds and inform on any implications arising.
- To provide technical support to the SAG in relation to all matters concerning sports grounds, licensing legislation and allied legislation.
- To prepare, monitor, enforce, review and amend as necessary the General/Special Safety Certificates/Licences and Conditions on a regular basis following consultation

with members of the SAG.

- To conduct or arrange such inspections as may be necessary during sporting events/public events held at sports grounds to monitor compliance with the conditions of any General/Special Safety Certificate Licensing Conditions.
- To identify and take appropriate action in respect of any breach of the General/Special Safety Certificate/Licensing Conditions.
- To issue, suspend or withdraw Prohibition Notices.
- To contribute any local information that may have a bearing on public safety.

10. Role of the emergency services on the Sports Grounds Safety Advisory Group

10.1 Each service will be represented by a person of appropriate experience/competency, or their appointed deputy, who has full authority of the relevant service to give advice and guidance and make recommendations on safety issues and advice on:

- All technical/legal aspects of legislation within the remit of the service as they relate to sports grounds and public events at sports grounds.
- Public safety and crowd management matters.
- Matters relating to the issue, monitoring, enforcement, review or amendment of a General/Special Safety Certificate/Licence Conditions.
- Any breaches of the General/Special Safety Certificate/Licence Conditions.
- To contribute any local information that may have a bearing on public safety.

Version Control

Final 1 – 11 July 2016

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Licensing & Regulatory Committee

4 April 2022

Report from the Director – Environment, Transport and Planning

Taxi Licensing Update Report

Summary

1. This report is to advise Members of implementation of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the changes to the National Refusal and Revocation, Suspension database (NR3S).
2. This report also updates Members on the allocation of the ten additional hackney carriage vehicle licences.

Background

NR3S Database

3. The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (2022 Act); received Royal Assent on the 31 March 2022. The Act places duties on licensing authorities to improve information-sharing regarding taxi and private hire vehicle drivers.
4. The first part of the Act came into force on the 31 May 2022, with the requirement that if any licensing authority in England has information about a taxi or private hire vehicle driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued that driver's licence.
5. Any licensing authority provided with such information by another authority must consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision.
6. The second part of the Act requires licensing authorities in England to input, into a central database, instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or PHV driver's licence based wholly or in part on information relating to the

driver concerning safeguarding or road safety. The Department for Transport were due provide further guidance to authorities on the required implementation date in early 2023.

7. Members agreed the use of the National Anti-Fraud Network's database NR3 (National Refusal and Revocation Database) on 4 October 2022.
8. This, after the required consultation period, was implemented by the Council on the 10 February 2023.
9. Further information has now been provided that the Department for Transport (DfT) has reached an agreement to designate the National Anti-Fraud Network as the database provider under Section 4(1)(a) of the 2022 Act.
10. The National Anti-Fraud Network's database, the National Register for Revocations, Refusals and Suspensions (NR3S), has been in use for several years and use of it is recommended in the Statutory Taxi and Private Hire Vehicle Standards which licensing authorities must have regard to.
11. As of the 27 April 2023, the new requirements under the 2022 Act are that along with refusals and revocations, authorities must enter driver suspensions onto the database. The Council has procedures in place to support the new requirements and duties.

New Hackney Carriage Vehicle Licence Allocation.

12. On 7 June 2022, Members of this committee considered a report relating to the unmet demand for hackney carriages and resolved that it be recommended to Executive to make available ten new hackney carriage vehicle licences (the three licences that had not been renewed, plus seven additional licences) with immediate effect to bring the total number of licensed vehicles up to 190 as recommended within the unmet demand report.
13. At the Executive meeting on 28 July 2022, the Executive Members approved this Committee's recommendations.
14. As a result of the Members approval, all ten licences have been offered to the applicants who are on the hackney carriage vehicle waiting list.
15. These potential applicants are in the process of acquiring vehicles in accordance with the requirements set out in the report of the 7 June 2022.

16. The Council are expecting the vehicles to be in circulation within the next three to four months.

Consultation

17. There is no requirement for further consultation for the implementation of the NR3S database. Therefore, a consultation has not taken place.

Analysis.

18. If a potential applicant withdraws from the offer of a hackney carriage vehicle licence, it will be available for the next applicant on the waiting list.

Council Plan.

19. The Council's Plan is to provide safe communities and culture for all, and a good quality of life for everyone. The approved City of York Council Policy will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications.

20. The implications arising directly from this report are:
 - **Financial** – There are no direct financial implications.
 - **Human Resources (HR)** – There are no HR implications.
 - **Equalities** – There are no equalities implications.
 - **Legal** – There are no legal implications.
 - **Crime and Disorder** – There are no crime and disorder implications.
 - **Information Technology (IT)** – There are no IT implications.
 - **Property** – There are no property implications.
 - **Other** – There are no other implications.

Risk Management.

21. The report details an update for Members as to new legislative requirements to the NR3S and the new Hackney Carriage vehicle licence allocation. There are no known risks involved with this information.

Contact Details

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Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport & Planning

**Report
Approved**



Date 27 March 2023

Wards Affected: All



Background Papers

Taxi Licensing Policy –

<https://www.york.gov.uk/downloads/download/54/taxi-licensing-policy>

Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

[Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022
\(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2022/12/section/1)

Annexes

None