

 <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

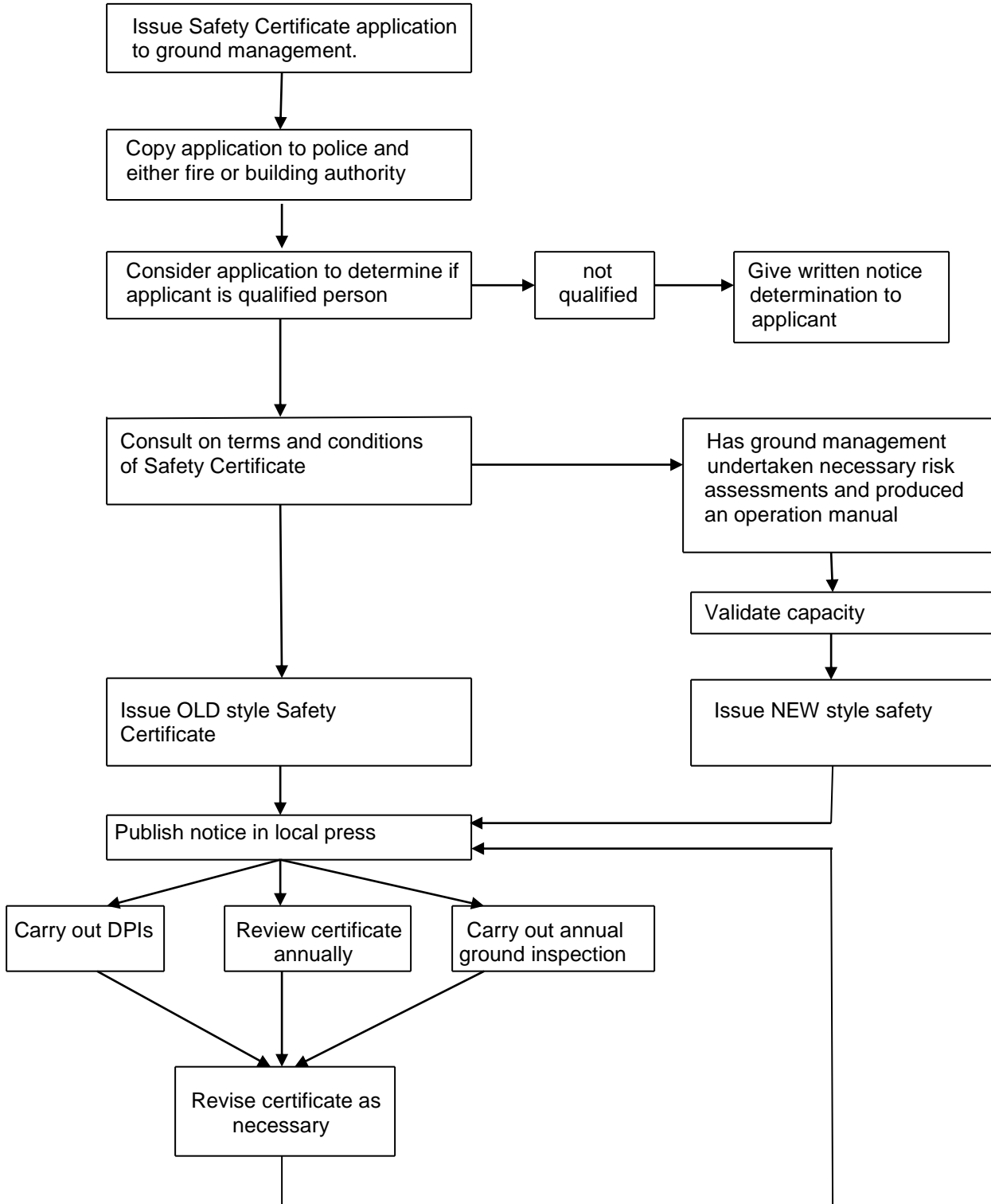
- 31.1 The council has clearly defined the SAG Chair's roles and responsibilities in the SAG terms of reference, along with the roles and responsibilities of any deputy/deputies.

32. Training and Competency

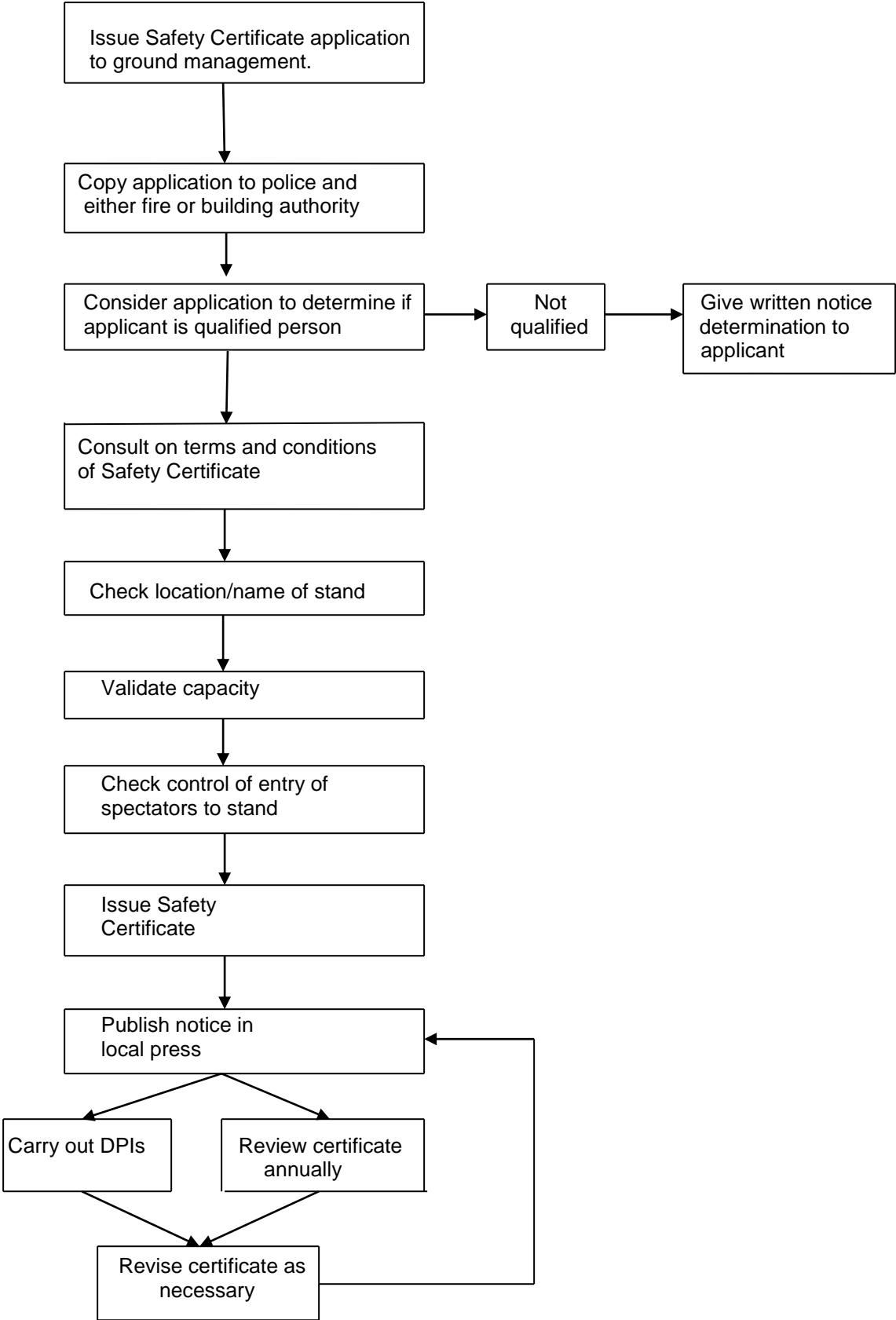
- 32.1 The council has in house training in place, which include:
- job shadowing;
 - attendance at relevant courses;
 - shared working with other local authorities.
- 32.2 Competency include:
- testing the plan;
 - deputy/deputies chairing SAG.

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>