



**Notice of a public meeting of  
Gambling, Licensing & Regulatory Committee**

**To:** Councillors Douglas (Chair), Boyce (Vice-Chair),  
Aspden, Gillies, Hayes, Crisp, Hunter, D'Agorne, Funnell,  
Mason, Mercer, Gunnell, D Myers, Orrell and Richardson

**Date:** Monday, 11 July 2016

**Time:** 4.00 pm

**Venue:** The King Richard III Room (GO49) - West Offices

**AGENDA**

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**2. Minutes** (Pages 1 - 8)

To approve and sign the minutes of the meeting held on 25 April 2016.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00 pm on Friday 8 July 2016.**

**Filming or Recording Meetings**

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting

should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [https://www.york.gov.uk/downloads/file/6453/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_council\\_meetingspdf](https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf)

**4. Hackney Carriage and Private Hire - (Pages 9 - 16)  
Delegation of Enforcement Powers**

This report seeks Members' support to amend the scheme of delegation in relation to enforcement powers under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, and recommend to Full Council the approval of these amendments

**5. Statement of Licensing Policy - Review of (Pages 17 - 26)  
the Saturation and Cumulative Impact Zone**

This report seeks Members' recommendation to Full Council to amend the Special Policy, within the Statement of Licensing Policy, relating to Saturation and Cumulative Impact. This follows a consultation on the proposed amendments that were at the request of North Yorkshire Police.

**6. Safety at Sports Advisory Group - Policies (Pages 27 - 66)  
and Procedures and Terms of Reference**

This report seeks Members' approval for the Policies and Procedures, and Terms of Reference for the Safety at Sports Advisory Group.

**7. Urgent Business**

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

Democracy Officer:

Name: Jayne Carr

Contact Details:

Telephone – (01904) 552030

Email – [jayne.carr@york.gov.uk](mailto:jayne.carr@york.gov.uk)

For more information about any of the following please contact the Democratic Services 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

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Meeting	Gambling, Licensing & Regulatory Committee
Date	25 April 2016
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Gillies, Hayes, Looker, Mason, Mercer and Richardson
Apologies	Councillors Flinders, Hunter, D Myers, Orrell, Shepherd and Taylor

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**25. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. Councillor Gillies declared a personal non-prejudicial interest in agenda item 5 – Taxi Licensing Policy, as his daughter and son-in-law both held private hire licences.

**26. Minutes**

Resolved: That the minutes of the meeting held on 8 February 2016 be approved and signed as a correct record.

**27. Public Participation**

It was reported that there had been seven registrations to speak at the meeting under the Council's Public Participation Scheme.

Alan Davies, Chairman of the Independent Taxi Association, stated that the Association represented over 60 hackney carriage owners and drivers in York. He raised the following concerns regarding the draft policy:

- The policy did not recognise that vehicles were sometimes designated as insurance write offs because the cost of repairs was uneconomical. The designation was not made on safety grounds.
- The Association was supportive of the council's voluntary taxi incentive scheme which had contributed to the

introduction of low emission taxis. The Association was, however, concerned at the proposals to only licence replacement vehicles which conformed to the specified limits. This would be discriminate against wheelchair vehicles and minibuses because they were diesel.

- The recent amendment whereby vehicle side plates were no longer required to state a landline telephone number had been introduced without any consultation and had not been considered by the committee.

William Brolly, Secretary of the Independent Taxi Association, expressed concern at the financial impact that the introduction of Euro 5 and Euro 6 requirements would have on wheelchair accessible vehicles and requested that these vehicles be exempt from the requirements.

Michael Dunn, from York Cars, raised the following issues:

- He stated that he welcomed the relaxation of the requirements in respect of tinted windows but he requested that this be further extended to include other windows in estate and hatchback vehicles.
- Concerns were expressed at the length of time taken for drivers to pass the knowledge test. This was having an impact on recruitment and on forward planning.
- He requested an amendment seeking Euro 5 emissions for both petrol and diesel vehicles from November 2016. He also proposed that, from November 2017, all replacement vehicles be under four years old and that all existing licensed vehicles be replaced once they become eight years old excluding wheelchair and zero emission vehicles.

Jim Kerr, representing Unite the Union – Taxi Section, stated that he endorsed the sentiments raised by the previous speakers and also wished to draw Members' attention to the following matters:

- Although he had initially supported the 3-year license he now believed that this arrangement had flaws and requested that the licenses be issued for one year. One issue for consideration was the safety issues if checks were not made each year. The new policy should also include arrangements for reimbursement where appropriate.

- Concerns were expressed regarding the alteration to the private hire operator licence condition which removed the need for a phone number.

Mark Wilson, Company Director Streamline Taxis, raised the following issues:

- There was a need to give further consideration to issues in respect of wheelchair accessible vehicles. To make their purchase cost-effective they were often bought when they were already four years old. Much had already been done to address issues in respect of emissions but a balance had to be struck.
- Members were asked to give further consideration to the arrangements in respect of DBS checks.
- A diagram was tabled which demonstrated how the proposed changes to the letter height used on vehicles would impact visually on Streamline vehicles.
- Greater clarification was required in respect of the wording regarding booking conditions.

Barry Page, Executive Officer YPHA, raised the following issues:

- The proposed policy could potentially damage livelihoods and increase unemployment. Whilst the importance of addressing issues in respect of emissions was acknowledged, the policy made no reference to the 900 drivers and their wellbeing.
- It was important that the consultation that had taken place had been meaningful and that it be reflected in the policy.

Bernie Flanagan, Private Hire Vehicle Licensing Proprietor and Driver for Fleetways Taxis, spoke on the following issues:

- Whilst supporting the reduction of emissions, further consideration needed to be given to the impact of the policy on wheelchair accessible and eight-seater vehicles. It was not clear whether the EIA had considered this issue. The proposed measures would result in there being fewer vehicles of this type. He requested that there be exemptions or an increase in the lead-in time. Although the incentive scheme had been successful it had been mainly applied in respect of the four-seater vehicles.
- A request was made for the knowledge test to be more flexible and for issues in respect of the length of the application process to be reviewed.

- Members' attention was drawn to the new technologies that were being introduced which would enable the public to book taxis in different ways. The safety of the public and the taxi drivers must continue to be protected.

**28. Review of the Saturation and Cumulative Impact Zone within the 2003 Licensing Policy**

Members considered a report that sought Members' approval to formally consult on proposed changes to the Saturation and Cumulative Impact Zone (CIZ). This followed a request from North Yorkshire Police to amend the current Special Policy in relation to the CIZ to include the consideration of applications for material variations to premises licenses or club premises certificates that sought to extend the licensed hours.

The Deputy Chief Constable from North Yorkshire Police was in attendance. He stated that it was important that the city had a vibrant night-time economy but there was also a need to tackle alcohol related incidents. Details were given of some of the work that was taking place to address this issue.

Members' attention was drawn to a scenario whereby an applicant applied for a premises licence within the area covered by the Cumulative Impact Policy but, once granted, clause 7 of the policy currently enabled the applicant to vary the licence the following day and extend the operating hours without triggering the rebuttable presumption within the Cumulative Impact Policy. There were also concerns regarding applications which were submitted for restaurant licenses but once granted, the nature of the premises changed to become primarily bars. For these reasons North Yorkshire Police believed that the variation of style and operation and hours had as much impact within the Special Policy Area as the granting of a new licence and/or certificate.

Members expressed their support for consultation to take place on the proposed changes to the policy to address the current anomaly. They also commented on the difficulties that arose because of the different legislation in respect of planning and licensing applications. It was therefore useful if the Police commented on any concerns they had regarding an application at the planning stage as well as when a licence application had been submitted.



Officers detailed the proposed change to the wording of the current Special Policy in relation to the CIZ to apply the rebuttable presumption in the consideration of applications for all material variations to premises licences or club premises certificates that seek to extend the licensed hours or change the style of operation within the CIZ. This would necessitate bullet points 5, 6 and 7 under Section 7 of the Policy being deleted and replaced with:

5. The following variations are considered to be material:
- Change in style of operation
  - Physical extension of the premises that increases capacity
  - Extension of hours of operation

and therefore there will be a presumption to refuse such applications, where relevant representations are received unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

Members considered the following options:

- Option 1: authorise officers to consult on the proposals to amend the Cumulative Impact Zone as proposed by the Police
- Option 2: authorise officers to consult on alternative proposals to amend the Cumulative Impact Zone
- Option 3: Take no further action

Resolved: That Option 1 be approved and that officers be instructed to consult on the proposals to amend the Cumulative Impact Zone, based on evidence and supporting information provided.

Reason: To assist with the effective implementation of the Licensing Act 2003 in the city and contribute to the reduction of alcohol related crime and disorder in the city centre.

## **29. Taxi Licensing Policy**

Members considered a report that sought their approval of the Council's Taxi Licensing Policy. It advised of the consultation undertaken and the amendments made to the draft policy following the consultation.

The Environmental Protection Manager drew Members' attention to the impact of emissions on public health and wellbeing and gave details of the work that was being carried out to improve air quality in the city. He stressed the importance of adopting a taxi emissions policy to further this work.

Officers drew Members' attention to Annexes 1 and 2 of the report, which detailed the responses to the consultation and which commented on the points made by the consultees. They also sought to address issues that had been raised during the public participation item on the agenda.

It was noted that:

- The policy had been reworded in respect of write-offs
- Emissions Euro Standards – the policy had been amended in relation to wheelchair accessible vehicle, to permit Euro 5 diesel.
- In respect of private hire vehicle and operator licence condition wording for side plates, the Licensing Officer explained that the wording of the condition had been changed under officer delegated powers contained with the Council's Constitution.
- Tinted windows – the Licensing Officer explained that the Council had relaxed the condition in relation to rear windows, however, a different tint level requirement was in place for the windows that overlook the boot area for estate type vehicles.
- Referring to concerns that had been raised regarding the knowledge test, officers explained that the test had been reviewed and updated a few years ago due to the number of people who failed the test because it had been in two parts. There was now only one test comprising of 30 questions. The pass mark was 26. Since the change to the test had been introduced, more people passed the test on the first or second attempt. Guidance information was provided to all new applicants, which contained details of the knowledge test.
- Three-year drivers licenses – this was a requirement of the Deregulations Act 2015. The policy had been amended in relation to the wording of the paragraph relating to refund of fees.
- Details were given of the DBS checks process and why, for legal reasons, DBS checks could not be shared if they

had been completed under a different “workforce” requirement. The policy would be amended in relation to accept checks for other authorities if they had been carried out under the correct “workforce”, were within date, and/or drivers had signed up to the update service with the DBS.

- Clarification was given in respect of drivers ring in jobs. It was noted that this related to private hire drivers who, due to legal requirements, were not permitted to “ring in jobs” on behalf of customers. The customer was required to contact the operator.

Members considered the issue that had been raised in respect of side plates lettering size. They agreed that the sizes should be a minimum, with larger letters accepted.

Members also agreed that the wording of the policy should be amended to include drivers’ wellbeing.

Tribute was paid to the important contribution that the drivers made to the city and the work that they carried out.

Resolved: That, subject to the agreed amendments detailed above, the proposed policy be adopted.

Reason: To allow the Council to introduce a Taxi Licensing Policy.

Councillor Douglas, Chair

[The meeting started at 4.00 pm and finished at 5.50 pm].

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## Gambling, Licensing & Regulatory Committee

11 July 2016

Report from the Assistant Director – Housing and Community Safety

## Hackney Carriage and Private Hire - Delegation of Enforcement Powers

### Summary

1. This report seeks Members' support to amend the scheme of delegation in relation to enforcement powers under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, and recommend to Full Council the approval of these amendments.

### Recommendations

2. That Members **approve Option 1** of this report to support the amendments to the scheme of delegation in relation to hackney carriage and private hire enforcement powers.

**Reason:** This will allow the Council to delegate hackney carriage and private hire enforcement powers, to other licensing authorities in West Yorkshire, as well as being retained by City of York Council as licensing authority.

### Background

3. Licensing officers have been working with licensing services of the Combined Authority (West Yorkshire Authorities and City of York Council), to establish some common licensing standards and processes. This was at the request of the Leaders of each Council at their meeting in January and involves scrutinising each aspect of licensing processes.
4. A report was brought to this committee on 19 October 2015 explaining the introduction of the Deregulation Act 2015 and the concerns relating to the ability for private hire operators to sub-contract work to another licensed operator who may be licensed in another authority area.

5. This report highlights some of the potential consequences of these changes and seeks approval by Full Council for delegation of enforcement functions across the Combined Authority region to help minimise concerns.
6. We are also asking Full Council to agree to other authorities' enforcement powers to be delegated to this authority. Other Councils within the Combined Authority regions have or are in the process of undertaking a similar exercise of delegation of enforcement powers.
7. The relevant provisions relating to taxi licensing in the Deregulation Act 2015 came into force on 1 October 2015. These provisions allows for a licensed private hire operator to sub-contract a private hire journey from within one licensed authority area to another licensed operator who may be based anywhere in England and Wales.
8. Section 11 (private hire vehicles: sub-contracting) inserts two new sections (55A and 55B) into the Local Government (Miscellaneous) Provisions Act 1976, in relation to the sub-contracting of bookings from one private hire vehicle operator to another. This a major amendment to the 1976 Act affecting taxi and private hire drivers and operators, and will have far reaching implication for private hire operators in relation to the sub-contracting of bookings from one private hire vehicle operator to another.
9. There is currently no detailed information or operational guidance on these deregulation measures available from the Government, Department for Transport or other organisations.
10. There is also the additional problem of licensed hackney carriage drivers and vehicles from other authority areas being able to move and work in a different authority, from which it is operating through a licence private hire operator.

## **Consultation**

11. Consultation with the hackney carriage and private hire trade is not a legal requirement in these circumstances.
12. Once delegation powers are in place the Hackney Carriage and Private Hire Associations will be notified.

## Options

13. Option 1 – Support the amendments to the scheme of delegation in relation to hackney carriage and private hire enforcement powers.
14. Option 2 – Refuse the request to amend the scheme of delegation.

## Analysis

15. Private hire sub-contracting presents significant difficulties for the council, in conducting its enforcement activities and potentially to the public, in terms of service standards and safety as:-
  - Currently officers in this authority have no powers to conduct any enforcement activity on taxis or private hire drivers or vehicles not licensed by this authority.
  - There may be significant difficulties in verifying whether a pre booking was in place, when investigating plying for hire concerns.
  - Potential confusion for the public, who may not recognise the vehicle which turns up and cannot readily verify the credentials of the driver.
  - Investigations may become protracted and on a national basis involving different licensing authorities.
  - Timescales for summary prosecutions (6 months) would be extremely tight.
  - Operators may choose to be licensed by authorities with less rigorous licensing standards and simply transfer bookings from the York district to that operating base.
  - Licensed vehicles from other licensed authorities may have minimal exterior identification making it easier for unlicensed vehicles and drivers to pass themselves off as licensed. This creates a risk to public safety.
  - City of York Council is reliant on other authorities having an enforcement capacity dedicated to Taxi & Private Hire Licensing.
  - In effect this part of the Act could make enforcement very difficult for the licensing authority.
16. These concerns are shared across many authorities. As stated, City of York Licensing Officers are working through the West Yorkshire and York Combined Authority to try and establish some common licensing standards and enforcement compatibility across the Combined Authority areas. Some of the key issues being considered by the Combined Authority are the following:-

- Safeguarding- child sexual exploitation - human trafficking - a common minimum training standard for the trade.
  - Driver application process - improved common minimum standards
  - English comprehension - common minimum standards for new applicants, it would only apply to existing licence holders where there was an identified need, with the focus being on training and development within an agreeable timeframe.
  - Convictions Policy and Convictions Criteria - standard criteria be adopted.
  - Decision making-scheme of delegation - all local authorities introduce a scheme of delegation to Officers for decision making.
  - Private Hire Operator Conditions - a common standard across the Combined Authority.
  - Private Hire Vehicle Conditions - all West Yorkshire and York licensed vehicles have similar recognisable door livery which deforms when removed.
  - Common Byelaws - Hackney Carriages - a common standard across the Combined Authority.
  - Authorised Officer status - Licensing and Enforcement Officers able to carry out inspection and suspension powers on a vehicle licensed by any Combined Authority, through the scheme of delegation of powers being coordinated across all the authorities to enable more efficient enforcement action.
17. Licensing officers from all West Yorkshire and City of York Authorities met regularly to agree an approach to tackle these concerns. It was agreed that all officers would consider whether there should be cross authority delegation of taxi and private hire licensing enforcement functions. The intention would be to work towards all authorities having this in place as soon as possible.
18. The current functions which are delegated to licensing officers in this authority are set out in the councils Delegation Scheme under Section 3 - Responsibility for Function. The intention would be that City of York licensing officers would retain the sub-delegation of these functions but the same functions would also be delegated to the West Yorkshire authorities.
- Local Government (Miscellaneous Provisions) Act 1976
  - Section 53(3) (a) Driver to produce his licence for inspection
  - Section 58 Return of identification plate or disc on revocation etc
  - Section 60 to suspend and revoke vehicle licenses
  - Section 61 to suspend and revoke driver licences



- Section 68 Fitness of private hire vehicles
  - Section 73 Obstruction of Authorised Officers
  
  - Town and Police Clauses Act 1847
  - Section 45 prosecution for plying for hire
  - Road traffic Act 1988
  - Section 143 (no insurance)
  - All criminal matters
19. Each authority would retain the ability to grant and renew licenses; those functions will not be delegated. Only the enforcement functions would be delegated. The ability to prosecute will rest as at present with the district within which the alleged offence occurred. Officers in each authority will agree to provide evidence where necessary to support prosecutions by the other authorities where they have been involved in investigating the alleged offence. How this will work in practice for each authority will be set out in an agreement between all of the authorities.

### **Council Priorities**

20. The provision of hackney carriage and private hire licensing supports the council plan of a prosperous city for all, where local businesses can thrive.

### **Implications**

21. The direct implications arising from this report are:
- (a) **Financial** – There are no significant financial implications for the council. The taxi licensing budget is ring-fenced with all fees retained solely for licensing purposes. There may be financial challenges which cannot be evaluated at the moment but the expenditure is closely monitored and any emerging needs would have to be met from the licensing fees charged which are set at the level required to fund the regulatory regime. The opportunity to seek costs from defendants or appellants will be strongly pursued by solicitors representing the council at court.
  
  - (b) **Human Resources (HR)** - There are no HR implications.
  
  - (c) **Equalities** – There are no equalities implications.

- (d) **Legal** – The functions subject of this report are Council functions. Local functions are delegated to the Director of Communities and Neighbourhoods. The Local Government Act 1972 section 101(1)(b) permits delegations of council functions from one authority to another. Section 101(3) of the same Act permits that other authority to arrange for discharge of those functions by a committee, sub-committee or officer of that authority, effectively as though the function had always been theirs. The function would need to be delegated by Full Council (rather than by an officer or the Gambling, Licensing and Regulatory Committee) and should be captured in the constitution so the delegation across the authority is clear.

Officers in this authority would still have the delegated authority to carry out the same functions. All of this should also be captured in the relevant sub-delegation scheme of officers.

If policies need to be altered to reflect the above, then aside from minor variations changes to policies would be a decision for the Gambling, Licensing and Regulatory Committee.

- (e) **Crime and Disorder** – There are no crime and disorder implications.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

## **Risk Management**

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

**Contact Details**

<b>Author:</b>		<b>Chief Officer Responsible for the report:</b>	
Lesley Cooke Licensing Manager 01904 551515		Steve Waddington Assistant Director – Housing and Community Safety	
<b>Report Approved</b>	√	<b>Date</b>	1 <sup>st</sup> July 2016
<b>Specialist Implications Officer(s)</b>			
Senior Solicitor Ext:			
<b>Wards Affected:</b>		<b>All</b>	√
<b>For further information please contact the author of the report</b>			

**Background papers**

Deregulation Act 2015

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**Gambling, Licensing & Regulatory Committee**

11 July 2016

Report from the Assistant Director – Housing and Community Safety

**Statement of Licensing Policy****Review of the Saturation & Cumulative Impact Zone****Summary**

1. This report seeks Members' recommendation to Full Council to amend the Special Policy, within the Statement of Licensing Policy, relating to Saturation and Cumulative Impact. This follows a consultation on the proposed amendments that were at the request of North Yorkshire Police.

**Recommendations**

2. The Committee is asked to:
  - Approve option 1 and amend the Special Policy relating to Saturation and Cumulative Impact as detailed in paragraph 14.

**Reason:** To assist with the effective implementation of the Licensing Act 2003 in the city and contribute to the reduction of alcohol related crime and disorder in the city centre.

**Background**

3. It is a legal requirement of the Licensing Act 2003 that licensing authorities must publish a 'Statement of Licensing Policy'. The Council's first Policy was published in 2005 and subsequent Policies have been published in 2008, 2011 and 2014.
4. The Council's Statement of Licensing Policy includes a Special Policy on saturation and cumulative impact, more commonly known as the cumulative impact zone (CIZ), for parts of the city centre. Cumulative impact being defined as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'. The effect of the

special policy is to create a rebuttable presumption that applications for new premises or material variations will normally be refused if relevant representations to that effect are received. That is, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already experienced.

5. The Special Policy was first approved by Council in April 2005 based on patterns of crime and disorder prior to that date. Since this date it has been amended on two occasions, July 2010 and March 2014. These amendments were based on changing crime and disorder patterns. The Special Policy can be found in Section 7 of the Statement of Licensing Policy.
6. It is a requirement of the Licensing Act 2003 that any decision relating to changes to the Statement of Licensing Policy must be approved by Full Council.
7. North Yorkshire Police submitted a report to the council requesting that the Special Policy be amended to include the consideration of applications for material variations to premises licences and club premises certificates that seek to extend licensed hours. The request was brought before Members on the 25<sup>th</sup> April 2016. Members determined that a formal consultation should take place in relation to the proposed amendments which would include material variations in relation to:
  - Change in style of operation
  - Physical extension of the premises that increases capacity
  - Extension of hours of operation

## **Consultation**

8. The consultation on the proposed amendments took place between the 26 April and 22 June 2016. A list of consultees can be found at Annex 1.
9. Three responses have been received to the consultation from:
  - North Yorkshire Police
  - Coppergate Shopping Centre Manager
  - operator of a city centre licensed premises

## Options

10. Option 1 – Recommend to Full Council that the Special Policy on Saturation and Cumulative Impact is amended as detailed in paragraph 14.
11. Option 2 – Recommend to Full Council that the Special Policy on Saturation and Cumulative Impact is amended with alternative wording agreed by members.
12. Option 3 - Take no further action.

## Analysis

13. The section within the Special Policy titled 'Effects of the Special Policy' currently states:
  1. This policy relates to applications for the grant and/or variation of premises licences or club premises certificates or the issue of provisional statements.
  2. Each application will be considered on its own merits.
  3. Where no representations are received any application will be granted in terms consistent with the operating schedule.
  4. Applications for the grant of a new premises licence or club premises certificate or provisional statement:

Where relevant representations are received there will be a presumption against the grant of such a licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.
  5. Application for the variation of a premises licence or club premises certificate due to a change of style of operation:

Any application for the variation of style of operation which is subject to relevant representations will be considered on its own merits having regard to the promotion of the licensing objectives.
  6. Application for the variation of a premises licence or club premises certificate resulting in an extension of the premises and increased capacity:

There will be a presumption to refuse such applications, where relevant representations are received and where the increase in capacity would undermine the licensing objectives unless the

applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

7. Application to vary the hours of operation attached to a premises licence or club premises certificate:

All applications that seek to extend the licensed hours will be considered on an individual basis. No different policy will apply in this area as opposed to the rest of the city.

14. The consultation related to changing the wording of points 5, 6 and 7 detailed above, as it is believed that variations have as much impact within the Special Policy Area as the grant of a new licence and /or certificate. The proposed changes consolidated these three points as follows:

5. The following variations are considered to be material:

- change in style of operation
- physical extension of the premises that increases capacity
- extension of hours of operation.

Therefore, there will be a presumption to refuse such applications, where relevant representations are received unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

15. North Yorkshire Police agreed with the change in wording as detailed in paragraph 14 (sub para 5).
16. The Coppergate Centre Manager agrees with the proposed amendment, they believe it should be no easier or more difficult to obtain an amendment to a licence than if it were a brand new licence.
17. The operator of the city centre licensed premises has stated that the amendment is in essence supported, however they suggest that:
  - The three areas identified in the special policy do not all create the same policing pressures, and strongly believe accountability and responsibility for the appropriate management of the licensed premises in the CIZ areas need to be a priority for the council and police before approving any more applications or variations in the CIZ;



- In some areas of the CIZ licensed premises are more troublesome than others, perhaps taking a stand in these hot spots for any further applications or variations needs to be considered;
- Holding individuals or company applicants more accountable for repeated irresponsible or poor performance needs to be supported by everyone, i.e. our licensed premise, the Shambles Tavern, falls within the CIZ and is also within an area of multiple licensed establishments. We however, take stringent and perhaps unusual action to manage access and capacity as we are a small establishment, we close our doors at 9pm although continue to serve under our licensing hours within our designated areas. This may be to the detriment of our business income but we take our licence approval seriously and fully support the need for a safer inner city accessible for all age groups;
- We also wish to add that in addition to established late licence premises that are open in the city. The approval of the late night food wagons licences on the streets in the CIZ also needs to be looked at. They attract customers by playing loud music which encourages groups of people leaving very late night venues to remain in the city centre drunk which creates its own problems;
- In the main the city council and police do a very good job managing the day and evening economy in a popular food and drink destination city.

### **Council Plan**

18. The Licensing Act 2003 has 4 objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
19. The promotion of the licensing objectives will support the Council's Plan for a prosperous city for all and a council that listens to residents.

### **Implications**

20. 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:** It is a legal requirement of the Licensing Act 2003 that the Council is required to review and publish a statement of licensing policy every five years. The policy, or any part of it, can be reviewed at any time within that five year period.
- **Crime and Disorder:** The ClZ promotes the licensing objective “the prevention of crime and disorder”.
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

### Risk Management

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

### Contact Details

**Author:**

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**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director (Housing and  
Community Safety)

**Report  
Approved**



**Date** 1<sup>st</sup> July 2016

**Specialist Officer Implications:**

Alison Hartley – Senior Solicitor  
Telephone (01904) 553487

**Wards Affected:**

All

**Background Papers:**

Statement of Licensing Policy 2014

**Annexes**

**Annex 1 – list of consultees**

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**CONSULTEES**

All ward councillors

All responsible authorities

Superintendent, North Yorkshire Police

Assistant Director, CYC Housing & Community Safety

Head of CYC Public Protection & Public Protection Managers

Make it York

York Bid

York Retail Forum

Coppergate Centre Management

All licensed premises within the Cumulative Impact Zone

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## Gambling, Licensing & Regulatory Committee

11 July 2016

Report from the Assistant Director – Housing and Community Safety

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

#### Summary

1. This report seeks members' approval for the Policies and Procedures, and Terms of Reference for the Safety at Sports 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 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
  - 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, as this is a regulatory function the council has delegated its powers under the above legislation to the Director of Communities and Neighbourhoods. Building Control and Licensing officers take the lead roles on the SAG.
8. The role of the SAG is to issue 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 5<sup>th</sup> May to the 17<sup>th</sup> June 2016, the following organisations were consulted:
  - North Yorkshire Police
  - North Yorkshire Fire and Rescue Service
  - Yorkshire Ambulance Service
  - Sports Grounds Safety Authority
  - Highways Authority
  - Safety Certificate Holders
  - Executive Member Culture, Leisure and Tourism
  - Director of Communities and Neighbourhoods
  - Director of Public Health



- Community Stadium Project Team
- Other relevant council officers

11. No responses were received to the consultation. Prior to going out for formal consultation these documents were discussed with representatives of the SAG for their comment/input, therefore it is not surprising that no responses were received.

### **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. A sports ground is defined 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.
16. 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.
17. A regulated stand is defined as any covered stand at a sports ground with accommodation for 500 or more spectators, whether seated or standing.
18. The council currently issues safety certificates to:
- York Racecourse (Horse Racing) – regulated stands
  - Bootham Crescent, York City Football Club (Association Football and Rugby League – designated sports ground
19. The SAG meets at least three times a year. Additional meetings are held as and when required.

## Council Plan

20. The provision of well regulated sports grounds supports the council plan of a prosperous city for all, where local businesses can thrive.

## 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 is no statutory requirement to adopt policies and procedures and terms of reference, it is best practice to do so, as recommended by 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  
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Phone: 551515

### Chief Officer Responsible for the report:

Steve Waddington  
Assistant Director (Housing and  
Community Safety)

Report  
Approved



Date 1 July 2017

**Specialist Officer Implications:**

Glen McCusker

Deputy Head of Legal Services

Ext: 1048

**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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## **SAFETY AT SPORTS ADVISORY GROUP**

### **POLICIES & PROCEDURES**

Further copies of this document can be obtained from:

e-mail: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)

tel: 01904 552512

web: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)

Licensing Section  
City of York Council  
Eco Depot  
Hazel Court  
York  
YO10 3DS

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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), and also recognises its responsibility for spectators safety 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 Director of Communities and Neighbourhoods.
- 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 XX XXXXXXXX 2015 to XX XXXXXXXX2016.
- 1.6 The council will determine if any sports grounds contain 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 spectator safety.
- 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 spectators at sports grounds within its responsibility.

### **2. Safety at Sports Advisory Group**

- 2.1 Under the requirements of the 1975 and 1987 Acts the council has established a Safety at



Sports Advisory Group (SSAG), with representatives from the council taking on the role of Chair and Secretary.

2.2 The council has appointed the Head of Building Control to Chair the SSAG for each sports ground subject to a safety certificate.

2.3 The following agencies are also represented on the SSAG:

- 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 SSAG will meet at least three 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 SSAG and safety certificate holders prior to meetings taking place, minutes will be taken of the meeting and circulated.

2.5 SSAG are established with the purpose of providing advice to assist the local authority in carrying out its statutory duties. Members of the SSAG will be consulted about the terms and conditions to be included in a safety certificate. However, the SSAG 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” 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)
- Bootham Crescent (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 Director of Communities and Neighbourhoods. The Director has authorised the following officer to exercise the delegation on their behalf:

- John Fowler, Head of Building Control (Sports SAG Chair)
- Lesley Cooke, Licensing Manager (Sports SAG Secretary)
- Andrew Keely, Principal Building Control Officer
- Janice Cockerill, Senior Licensing Officer

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 SSAG 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 SSAG is consulted at early planning stages, and prior to submitting a planning application, this will enable the SSAG to give relevant advice.
- 8.2 The council recommends that the SSAG 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 SSAG 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 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 spectator 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 spectators at the designated sports ground or regulated stand.

## **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 application is already the holder of a general safety certificate, the council must firstly determine whether he or she is 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 taken into account 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, toilet and 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 SSAG 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 spectators 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, so as 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 know to the duty safety officer and others in the control room;
- tour all accessible parts of the sports ground and 'walk the ground', that is to say, not stay in one particular 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 SSAG, 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 councils 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. 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 Director of Communities and Neighbourhoods is responsible for enforcement

functions under the 1975 and 1987 Acts. The Director has delegated these functions to the Head of Building Control, Licensing Manager, Principal Building Control Officer and 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 takes into account 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 councils enforcement officers will consider a number of 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 i.e. has this problem been highlighted previously, has the business had a previous high standard of practice?
- The risks being controlled and there 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 councils 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. The enforcement policy includes a statement of how the council will deal with premises that they may have an interest in.

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 3.1, 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 SSAG Chair's roles and responsibilities in the SSAG terms of reference, along with the roles and responsibilities of any deputy/deputies.

**32. Training and Competency**

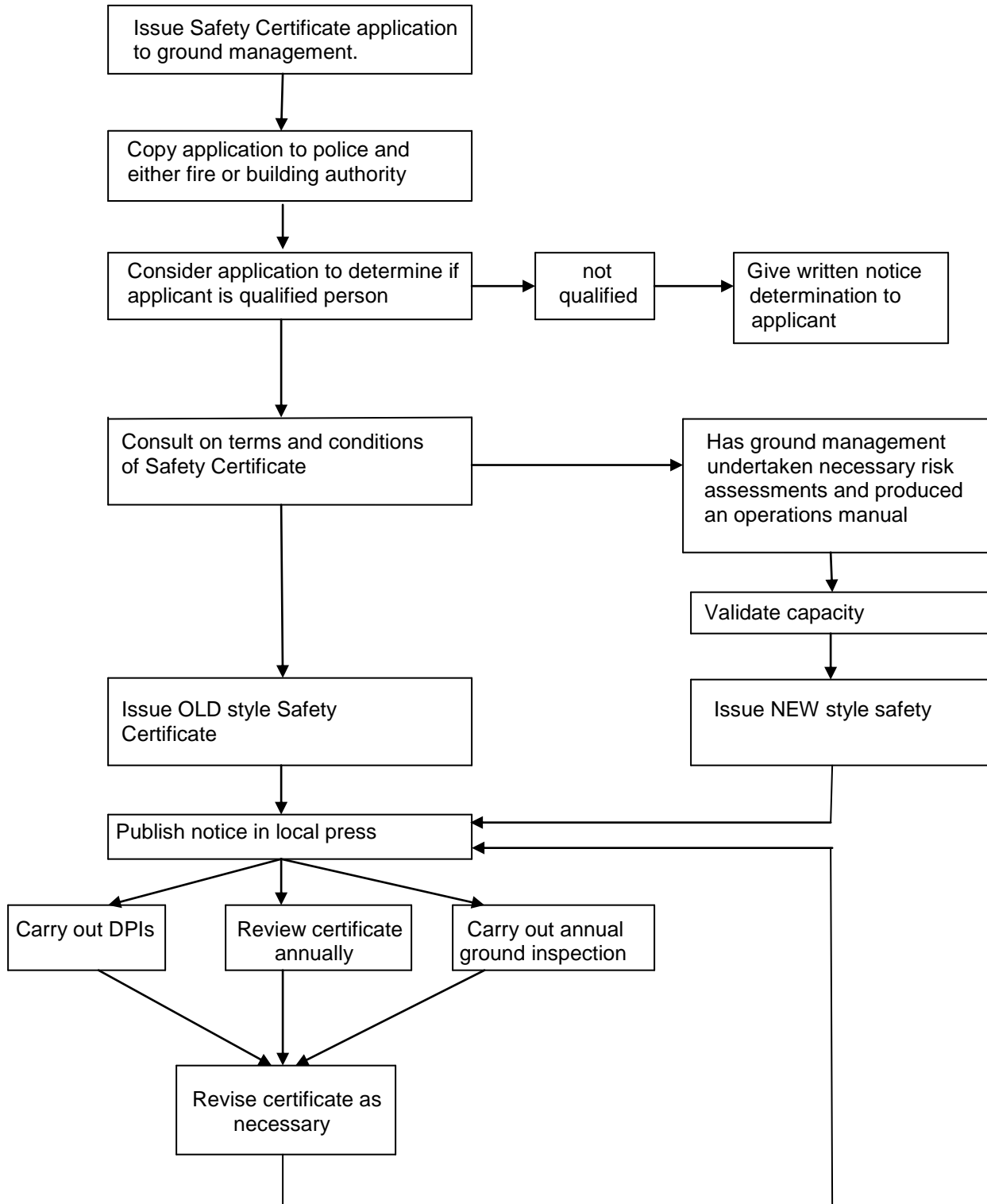
32.1 The council has in house training in place, which include:

- job shadowing;
- attendance at relevant courses;
- shared working with other local authorities.

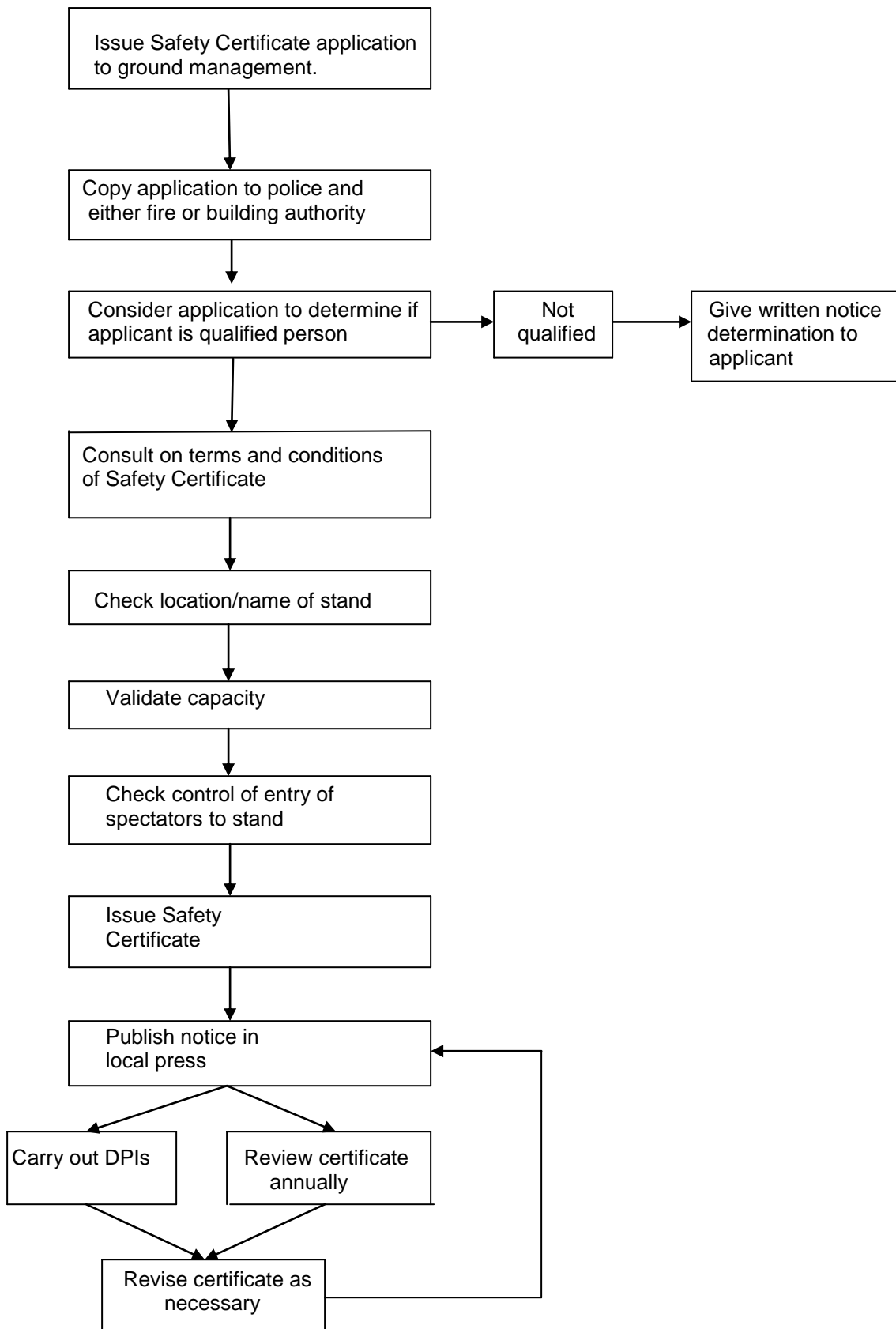
32.2 Competency include:

- testing the plan;
- deputy/deputies chairing SSAG.

**Process for the Issue of a Designated Ground Safety Certificate**



**Process for the Issue of a Regulated Stand General Safety Certificate**





## 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 taken into account 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 councils 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 who 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.

**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 Guidance Note No 1: Enforcement –

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



## **SAFETY AT SPORTS ADVISORY GROUP**

### **TERMS OF REFERENCE**

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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 advise 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 'Safety at Sports 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 – Highways and Environmental Health (Health & Safety)
  - Sports Ground 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 1987in respect of the safety certification of the following sports grounds:
  - York Racecourse (Horse Racing) – regulated stands
  - Bootham Crescent (Association Football and Rugby League) – sports ground

### 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 grounds.

### 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 Safety at Sports Advisory Group**

3.1 The main role of the Safety at Sports Advisory Group (SAG) is to provide specialist advice to the council to help it discharge its functions under the sports grounds legislations. 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 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 sports grounds 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.

### **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 Safety at Sports 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 Safety at Sports Advisory Group** – which authorities and bodies will be represented on the SAG

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:

- Chair (from City of York Council)
- Secretary (from City of York Council)
- City of York Council Building Control Service (when not acting in a dual role as Chair)
- North Yorkshire Police
- North Yorkshire Fire and Rescue Service
- Yorkshire Ambulance Service

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
- City of York Council Network Management (highways authority)
- City of York Council Environmental Health Officer (health and safety)
- City of York Council Emergency Planning Officer
- City of York Council Facilities Management (electrical)
- British Transport Police

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

- City of York Council Licensing (when not acting in a dual role as Secretary or Chair)
- 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 Safety at Sports 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 Building Control and Licensing Services will act as Lead Services to the SAG.
- **Secretariat:** The council's Building Control and Licensing Services 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 Safety at Sports Advisory Group**

7.1 The SAG shall meet a minimum of three 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 out 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 Safety at Sports 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 and the Data Protection Act 1998.

## **9. Roles and responsibilities of the Core Members of the Safety at Sports Advisory Group**

### 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 services (Building Control and Licensing):

- The lead services will be represented by senior officers and/or his/her appointed deputy who will attend all meetings of the SAG.
- To act in a coordinating role to the SAG on all matters relating to spectator safety and 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 and 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 Safety at Sports Advisory Group**

10.1 Each service will be represented by a person of appropriate experience/competency, or his/her 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.

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