

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

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

2. Legislation and Guidance

- 2.1 The council will exercise its powers under

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

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

- York Racecourse (Horse Racing) – regulated stands

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

2.2 Safety of Sports Grounds Act 1975 (as amended)

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

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

and;

- b) If necessary, serve a prohibition notice in respect of a sports ground if the council are of the opinion that “the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted”.

The above conditions are applicable to designated and non-designated sports grounds, under Section 10 of the 1975 Act.

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

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

2.4 Health and Safety at Work etc. Act 1974

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

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

2.5 Licensing Act 2003

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

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

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

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

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

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

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

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

3.3 Specific Terms of Reference

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

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

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

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

5. Composition of the Sports Grounds Safety Advisory Group

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

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

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

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

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

6. Administration of the Sports Grounds Safety Advisory Group

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

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

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

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

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

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

7.4 During performance inspections which are carried 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 Sports Grounds Safety Advisory Group

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

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

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

9. Roles and responsibilities of the Core Members

9.1 Role of the Chair:

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

9.2 Role of the lead council service:

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

with members of the SAG.

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

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

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

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

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