

# **Policy Document**

## **Managing Safety at Designated Sports Grounds**

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# 1. Introduction

- 1.1 This policy document has been produced by the Building Control Section, Department of Place, Bolton Council, and is the agreed policy and procedure for managing safety at designated sports grounds within the borough. It identifies the roles and responsibilities of the Council in undertaking its statutory duties.

# 2. Policy Aim

- 2.1 Bolton Council's policy aim, working in conjunction with its partner agencies, is to ensure the reasonable safety of spectators attending any designated sports ground.

# 3. Legislative Duty

- 3.1 Under the Safety of Sports Grounds Act 1975 (as amended) "the 1975 Act" Bolton Council ("the Council") has a statutory duty:

- To issue a General Safety Certificate for each designated sports ground within the borough, containing such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety. These are sports grounds that have accommodation for more than 10,000 spectators - 5,000 in the case of Premiership or Football League grounds in England and Wales.
- To serve a prohibition notice in respect of a sports ground if the authority consider that the admission of spectators the sports ground involves or will involve a high risk to them, so serious that until steps have been taken to reduce the risk to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted.
- To issue a special safety certificate where appropriate.

- 3.2 Currently, the only sports ground within the borough that is designated is the University of Bolton Stadium, home of Bolton Wanderers Football Club.

- 3.3 Note: The Fire Safety and Safety at Places of Sport Act 1987 lays a similar responsibility upon the Council in relation to regulated stands at non-designated sports grounds. Regulated stands are stands that provide covered accommodation for 500 or more standing or seated spectators, as determined by the local authority under Section 26 of the 1987 Act. The Council currently has no regulated stands in the Borough.

# 4. General Safety Certificate

- 4.1 The general safety certificate for the designated sports ground is to contain those terms and conditions that the Council considers necessary or expedient to secure the reasonable safety of all persons at the sports ground when it is being used for the activities specified in the certificate. When all matters related to Safety are in place a Safety Certificate can be issued and may cover or be limited to one or more specific events.

- 4.2 For the University of Bolton Stadium the general safety certificate is to cover the activity of football matches and for other specified ancillary uses for an indefinite period.
- 4.3 The most important condition in the safety certificate is the setting of the maximum number of spectators that may be accommodated. At a designated sports ground, the safety certificate should prescribe the capacities for the premises as a whole and for each separate area.

## **5. Responsibility for Safety**

- 5.1 The primary responsibility for the safety of spectators at the sports ground rests at all times with the sports ground management.
- 5.2 In respect of the University of Bolton Stadium the responsible person is a designated Director of Bolton Wanderers Football Club.
- 5.3 This responsibility for safety should not be assumed by either the Council nor should the Council become involved in the management of events or take any action that could be interpreted as involvement.
- 5.4 Building Control, on behalf of the Council, are responsible for enforcing the recommendations contained in the "Guide to Safety at Sports Grounds" published by the DCMS and often known as the Green Guide. The Guide lays down detailed advice related to such matters as adequate structure, provisions of gangways, fire escapes, crash barrier design and engineering services.
- 5.5 The statutory duties and powers imposed by the 1975 Act have been delegated to the Development Manager Building Control who, in accordance with SGSA guidance, will act as Lead Officer/Chair for the Safety Advisory Group. As lead officer, the Development Manager Building Control is responsible for ensuring that new or revised legal requirements relating to safety of sports grounds are implemented.
- 5.6 The Executive Cabinet Member Deputy Leader, the appointed officer, is to sign the safety certificate on behalf of the Council.
- 5.7 The safety certificate is part of a total, integrated system for managing health and safety at sports grounds. While the local authority is responsible for issuing the safety certificate, safety cannot be achieved by one agency acting in isolation. The Local Authority has a statutory responsibility to consult with Police, Fire and the Ambulance authorities. This duty will be discharged through the Safety Advisory Group (SAG) which is a multi-agency advisory group consisting of officers of the Local Authority and representatives from Greater Manchester Police, Greater Manchester Fire and Rescue Service, North West Ambulance Service, representatives from the club concerned including their Safety Officer, together with any other interested parties that the chair of the SAG considers appropriate. The primary function of the SAG is to provide specialist advice to the Local Authority.

## **6. Review of the General Safety Certificate**

- 6.1 The Council should formally review the general safety certificate on an annual basis and also following any incident in which the safety of the public may have been put at risk or where doubts have been cast on the condition or management of the sports ground. A "near miss" should always be treated as an incident for these purposes. The annual review of the safety certificate should be a standing agenda item on the SAG End-of-Season Meeting.
- 6.2 The Council may also need to amend the safety certificate to reflect changes at the sports ground. Planned changes may include improvements or alterations to the physical structure, safety management improvements or changes in the personnel identified in the safety certificate.

## **7. Monitoring by the Council**

- 7.1 The Council must monitor the holder's compliance with the terms and conditions and under the 1975 Act. It has a duty to enforce the provisions of the Act and to arrange for the periodical inspection of the designated sports ground.
- 7.2 The Home Office Circulars prescribe what is to be examined by or on behalf of the local authority. In summary, this should encompass:
- the certificates covering structural, 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.
- 7.3 The physical inspection of the sports ground by the Council in compliance with the Home Office Circulars is not to duplicate work that should be undertaken on behalf of the certificate holder. Instead it is for checking that the sports ground and its fittings have been properly maintained and, ideally, for noting and agreeing remedial action on problems already identified by the certificate holder. It will normally be sufficient for the local authority to inspect the structures and fittings once a year while the sports ground is empty. Further inspections are likely to be necessary only in the event of significant structural modifications.
- 7.4 The General Safety Certificate and Operations Manual for the University of Bolton Stadium identifies the requirement for the annual structural appraisal and other required inspections or tests.
- 7.5 The Council remains free to carry out sample testing if it considers this to be necessary.

- 7.6 Any complaints or identified issues, relating to safety are to be immediately investigated by the Council, with a view to ensuring appropriate action is taken to secure the continuing safety of persons attending the sports ground.

## **8. Inspections during events**

- 8.1 Management of safety at sports grounds is seen as an important factor in determining the safe capacity of a ground. The Council should therefore monitor not merely the holder's general compliance with the terms and conditions of the safety certificate but also other general matters such as:

- the competence of the safety officer;
- the competence of the stewards; and
- whether there are effective systems for identifying and tackling problems.

- 8.2 For designated sports grounds, the 1975 Act defines periodical as "at least once every twelve months". There is nothing to preclude the Council from inspecting the sports ground more frequently; this will be for the Council to determine, having regard to its duty to monitor the suitability of the terms and conditions of the certificate and to ensure that these are being observed. Relevant factors will include the capacity, design and layout of the sports ground, the management's level of commitment to safety, and the quality of the safety staff and safety management procedures.

- 8.3 Based upon the above factors and in consultation with the SGSA Inspector, the suggested minimum number of matchday inspections to be carried out over a season in respect of the University of Bolton Stadium is to be two. The criteria in deciding which specific fixtures the Council attends include:

- Time of fixture in the football season, e.g. beginning of a season
- Envisaged attendance of the ground, i.e. full/part
- High/low profile fixture
- Policing levels, e.g. a police free fixture
- Daytime/Evening fixture
- Televised fixture
- Following specific concerns in respect of observance with the safety certificate.
- Following improvements or alterations as previously described

- 8.4 Inspecting officers are required to be competent for the intended purpose and detailed records of all inspections are to be kept as part of an audit trail. The inspecting officers are to be the Development Manager Building Control (Lead Officer) supported by the Principal Building Control Surveyor who are required to be trained in the discipline of safety of sports grounds, with this training being supplemented by relevant continuous professional development as required. Any remedial actions resulting from an inspection by the Council are to be conveyed to the certificate holder.

## **9. Enforcement**

- 9.1 The Council has a range of options to deal with incidents which put the public at risk, safety weaknesses and breaches of safety certificate terms and conditions. Any action by a local authority should be proportionate.
- 9.2 The available enforcement options are:
- Reducing the permitted capacity of all or part of the sports ground – this is done by the application of reduction factors on capacity relating to the physical condition (the (P) Factor) and the quality of the safety management (the (S) Factor) of the sports ground
  - The issue of a prohibition notice - Section 10 of the 1975 Act empowers the Council to issue a prohibition notice in respect of all or part of any sports ground if it considers that spectators cannot be accommodated in reasonable safety. The prohibition may be general or may apply to a particular event. The Council needs to ensure that it can, if necessary, issue a prohibition notice at very short notice and without reference to senior officers or to members. Council standing orders identify the Executive Cabinet Member Deputy Leader as the responsible officer for safety of sports grounds legislation. As safety of sports grounds is a specialist area, delegated authority is conferred upon the lead officer, i.e. the Development Manager Building Control.
  - In the event of a breach of safety certificate conditions, a warning, formal caution or prosecution.
- 9.3 In extreme cases, where none of the above would sufficiently control an expected public safety hazard, the Council also has the option of seeking an injunction.
- 9.4 Rights of appeal exist in respect of prohibition notices and any reduction in capacity.

## **10. Reporting of performance**

- 10.1. Building Control Service's performance in administering and enforcing safety of sports grounds legislation is to be reported to the Director of Place and the Executive Cabinet Member Deputy Leader. Adoption of the Sports Ground Safety Authority's new risk-based approach to monitoring local authorities enables the service to score performance and identify key action areas thereby contributing to the culture of continuous improvement within the service.
- 10.2. The impact of any new arrangement or major safety failures, which may affect spectator safety, are reported promptly to senior management and members.



## **11. Safety Advisory Group**

- 11.1. The role of the Safety Advisory Group (SAG) is to develop as a body of expertise and to provide a forum within which the local authority can maintain a consistent approach to spectator safety
- 11.2. With the delegated powers and authority to act quickly and appropriately to protect public safety and prevent dangerous situations arising, the Chair of the SAG is to be the Development Manager Building Control.
- 11.3 The SAG fulfils an important safety role. This could well come under scrutiny in the event of a serious safety failure at a sports ground. Accordingly the SAG should be properly constituted, have written terms of reference and effective procedures. These terms of reference should encompass all matters falling within the purview of the local authority on spectator safety. The terms of reference should identify the roles and responsibilities of the SAG and its members and thereby its potential liability.
- 11.4. The composition of the SAG includes core members and invited representatives, along with, other Council Services and national bodies as considered appropriate. Building Control provide the secretariat support to the SAG. SAG minutes constitute an important part of the audit trail that the Council is properly exercising its legal duties.
- 11.5. The SAG for the University of Bolton Stadium is to meet a minimum of twice a year (end of season & mid-season) and following any major incident or near miss.

## **12. Review of (P) and (S) Factors**

- 12.1. (P) and (S) factors used in determining the safe capacity of a sports ground are to be subject to on-going review by the Council. The calculation and methodology in determining these factors is to be formally reviewed by the SAG on an annual basis or after major safety failure.

## **13. Role of the Sports Ground Safety Authority**

- 13.1. The Sports Ground Safety Authority (SGSA) has the task of keeping under review the discharge by the Council of its safety certification functions under the 1975 Act. It may require the Council to include in any safety certificate such terms and conditions as it may specify.
- 13.2. The SGSA promotes the adoption and maintenance of a safety culture and is a source of advice and good practice. The SAG meeting is often the forum in which the SGSA can best engage with and assist the Council in a proactive and constructive manner.
- 13.3. The Sports Ground Safety Authority undertakes audits of the Council's safety certification procedures.

## **14. Role of the Emergency Services – Police, Fire and Ambulance**

- 14.1. Each of the emergency services has its own policy guidance on how it undertakes its duties and responsibilities. Each service is to be represented by an appropriate person or persons on the SAG who will assist the local authority in exercising its functions, thereby serving to ensure a coordinated approach to spectator safety. The SAG Terms of Reference Document identifies the role of the emergency services within the group to achieve these purposes.

## **15. Cost Recovery**

- 15.1. The Council may charge an applicant the cost of work reasonably and actually involved in the processing of an application for the issue, amendment, replacement, transfer or cancellation of a certificate. The Council may not charge for the annual review of a general safety certificate.

## **16. Revisions to this Document and Review**

This policy and procedures will be reviewed at intervals not exceeding 12 months and amended at any stage to reflect any changes that may occur in operation procedure or to current legislation.

Following any amendment a complete replacement will be distributed.

Date of Review and Re- Issue – September 2019

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