


Licensing Sub Committee

23 October 2018

Subject:	Safety at Sports Grounds
Director:	Amy Harhoff – Regeneration & Growth
Contribution towards Vision 2030: <i>(Insert all that apply from drop down choice).</i>	
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DECISION RECOMMENDATIONS

That Licensing Sub Committee note the report.

1 PURPOSE OF THE REPORT

- 1.1 This report is to provide Members with a regular overview regarding how Sandwell Council discharges its statutory duties with regards to the Safety at Sports Grounds legislation.
- 1.2 The report provides an overview of the agreed policy and procedure for managing safety at designated sports grounds within the borough and identifies the roles and responsibilities of the Council in undertaking this statutory duty.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 The work contributes to the Council's Vision 2030 - Ambition 5, our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 Sandwell Council, working in conjunction with its partner agencies, aims to ensure the safety of spectators attending the Hawthorns football ground. However, the primary responsibility for the safety of spectators rests with the management of West Bromwich Albion Football Club.
- 3.2 The council is responsible for overseeing that the recommendations contained in the "Guide to Safety at Sports Grounds" (published by the Government and often known as the Green Guide) are carried out. The Guide lays down detailed advice relating to such matters as adequate structures, provisions of gangways, fire escapes, crash barrier design and setting capacities.
- 3.3 The statutory duties and powers imposed by the 1975 Act have been delegated to the Director – Regeneration and Economy who has appointed the Service Manager; Development Planning and Building Consultancy to act as Lead Officer/ Chair for the Safety Advisory Group with responsibility for ensuring that legal requirements relating to safety of sports grounds are implemented.
- 3.4 The general safety certificate for the designated sports ground is to contain those terms and conditions that the council considers necessary to secure the reasonable safety of spectators at the sports ground when it is being used for the activities specified in the certificate.
- 3.5 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.
- 3.6 The current inspection process commences with the council undertaking an annual meeting and inspection of the stadium whereby the club submit a range of detailed information as to the structure, capacity and safety management systems in place. The council may also amend the safety certificate to reflect changes at the ground such as improvements or alterations to the physical structure, safety management improvements or changes in the personnel identified in the safety certificate.
- 3.7 The physical inspection of the ground by the council is for checking that the 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 ground is empty. Further inspections are likely to be necessary only in the event of significant structural modifications.

- 3.8 The council has a duty to monitor the suitability of the terms and conditions of the certificate and to ensure that these are being observed. In consultation with the Sports Ground Safety Authority (SGSA) local inspector, the suggested number of match day inspections to be carried out over a season in respect of the Hawthorns is to be **four**. The criteria in deciding which specific fixtures council inspecting officers attend include:
- Timing of the 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 previously raised
 - Following improvements or alterations to the stadium.
- 3.9 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 current appointed inspecting officers are the Service Manager; Development Planning and Building Consultancy (Lead Officer) supported by Senior Building Control Surveyors who have undertaken the required training in the discipline of safety of sports grounds. This training has been supplemented by relevant continuous professional development as required. Any remedial actions resulting from an inspection by the council are conveyed to the certificate holder
- 3.10 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.

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 safety.

- 3.11. In the event of a breach of safety certificate conditions, a warning, formal caution or prosecution can be pursued. 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. Rights of appeal exist in respect of prohibition notices and any reduction in capacity.
- 3.12 Match Day Inspection Reports are submitted to the SGSA local inspector. This inspector also conducts an annual audit of the council's role in the dispensing of it's duties with regards to the Safety at Sports Grounds legislation.
- 3.13 The role of the Safety Advisory Group (SAG) is to develop a body of expertise and to provide a forum within which the local authority can maintain a consistent approach to spectator safety. The Chair of the SAG is the council's Service Manager; Development Planning and Building Consultancy. 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 remit of the local authority on spectator safety. The terms of reference identify the roles and responsibilities of the SAG and its members and thereby its potential liability.
- 3.14. The composition of the SAG includes core members represented by the football club and the emergency services along with other invited representatives as considered appropriate such as the Highways Agency and supporter's club chairman. The SAG for the Hawthorns Stadium meets a minimum of twice a year. Special SAG meetings have been called, for example, following incidents on a match day or to discuss proposals to extend the ground.

4 THE CURRENT POSITION

- 4.1 There are no current issues or outstanding matters that Members need to be made aware of.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 All relevant parties are invited to attend the Safety Advisory Group as well as kept up to date with on-going issues as and when they need to be informed.

6 ALTERNATIVE OPTIONS

- 6.1 None applicable at this moment in time.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 Staffing provision to undertake match day inspections and associated work is undertaken in addition to existing duties.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Under the Safety of Sports Grounds Act 1975 (as amended) “the 1975 Act”, Sandwell Metropolitan Borough 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 5,000 spectators 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 council consider that the admission of spectators to the sports ground 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.

Currently, the only sports ground within the borough that is designated is the Hawthorns Stadium, home of West Bromwich Albion Football Club.

- 8.2 In the Final Report of the Inquiry into the Hillsborough Stadium disaster, Lord Taylor recommended that local authorities set up advisory groups to provide specialist advice to assist them in the effective discharge of their duties under the 1975 Act.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 The work follows a statutory process which is intended to protect all groups.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 The Albion’s safety certificate and match day inspection reports are available to be viewed publicly.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 West Midlands Police are a key partner and in conjunction with the football club, a number of match day operational plans have been produced.

12 SUSTAINABILITY OF PROPOSALS

12.1 Staffing provision to undertake match day inspections and associated work is undertaken in addition to existing duties.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 The majority of supporters who attend the Hawthorns are Sandwell residents and the work described above contributes to their safety on a match day.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 Some proposed works in and around the Hawthorns stadium may impact on the public highway and will need appropriate agreements entering into between the football club and Sandwell Council.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The report is for information only and does not seek support for a particular action.

16 BACKGROUND PAPERS

16.1 None directly applicable.

17 APPENDICES:

17.1 None.