

Licensing Committee

**Tuesday 13th November 2018 at 10.00am
in Annex 2
at Sandwell Council House, Freeth Street, Oldbury**

Agenda

(Open to Public and Press)

1. Apologies for absence.
2. Members to declare any interest in matters to be discussed at the meeting.
3. To confirm the minutes of the meeting of the Licensing Committee held on 1 June 2018 as a correct record.
4. Establishment of Licensing Sub Committees.
5. Safety at Sports Grounds.

Jan Britton
Chief Executive

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution:

Councillor Piper (Chair);
Councillors Dr Crumpton and White (Vice Chairs);
Councillors Allen, S Crumpton, K Davies, P Davies, S Davies,
Downing, Eaves, L Giles, Lewis, Millard, Padda and Tranter.

**Agenda prepared by Shane Parkes
Democratic Services Unit
Tel No: 0121 569 3190
Shane_parkes@sandwell.gov.uk**

This document is available in large print on request to the above telephone number. The document is also available electronically on the Committee Management Information System which can be accessed from the Council's web site on www.sandwell.gov.uk

Please note that this meeting may be filmed by members of the public and press, and may be filmed by the Council for live or subsequent broadcast on the Council's website.

Apologies

To receive any apologies from members

Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.

Minutes of the Licensing Committee

**1st June 2018 at 10.00am
at the Sandwell Council House, Oldbury**

- Present:** Councillor Piper (Chair);
Councillors Dr T Crumpton and White (Vice Chairs);
Councillors S Crumpton, K Davies, P Davies,
Downing, Eaves, Lewis, Millard and Padda.
- Apologies:** Councillor Allen, S Davies, L Giles and Tranter.

4/18 **Minutes**

Resolved that the minutes of the meeting of the Licensing Committee, held on 1st March 2018, be confirmed as a correct record.

5/18 **Establishment of Licensing Sub Committees**

Approval was sought to establish Licensing Sub Committees for the municipal year 2018/2019.

Under the provisions of the Licensing Act 2003, the Licensing Committee may establish one or more Licensing Sub Committees to assist in the discharge of the licensing functions under the Licensing Act, 2003. Further such functions of the Gambling Act, 2005 may also be discharged by those Sub Committees.

The Licensing Act 2003 specifies that each Sub Committee shall consist of three members of the Licensing Committee. The Council at its meeting on 22 May, 2018 appointed a Licensing Committee comprising 15 members, including one Chair and two Vice Chairs.

Licensing Committee – 1st June, 2018

It is proposed that three Sub Committees, consisting of five members, with a Chair/Vice Chair each sitting on a Sub Committee, be appointed for 2018/19. However, in accordance with the provisions of the Act, Sub Committees sitting to consider Licensing Act 2003/Gambling Act 2005 functions must consist of only three members.

The Director – Monitoring Officer, in consultation with the Chair of the Licensing Committee, was authorised to select members from the Licensing Committee to serve on Sub Committees as necessary and to ensure a quorum should a named member not be available for a meeting or unable to consider a particular case due to a conflict of interest.

Approval was also sought to the terms of reference for the Sub Committees, as set out in Appendix 1.

Resolved:-

- (1) that the Terms of Reference for the Licensing Sub Committees, as set out in Appendix 1, be approved;
- (2) that three Sub Committees be established, to undertake those functions set out in the terms of reference referred to in (1) above, each comprising three members of the Licensing Committee when considering matters in relation to the Licensing Act 2003/Gambling Act 2005 and five members of the Licensing Committee when considering matters affecting applications for licences and licences previously granted under the terms of the Local Government (Miscellaneous Provisions) Act 1976;
- (3) that, in connection with (1) and (2) above, members be appointed to the Sub Committees, as set out in Appendix 2;
- (4) that the Director – Monitoring Officer, in consultation with the Chair of the Licensing Committee, be authorised to select members from the Licensing Committee as necessary to serve on Licensing Sub Committees to ensure a quorum should a named member not be available for a meeting or unable to consider a particular case due to a conflict of interest;

Licensing Committee – 1st June, 2018

- (5) that the Head of Governance be authorised to make the necessary changes to the Council's Constitution in order to reflect the decisions of the Committee on the above recommendations.

6/18

Annual Report of the Licensing Committee 2017-2018

The Committee considered the proposed Annual Report of the Licensing Committee for the 2017-2018 municipal year.

Members discussed the annual report and concluded that it included the pertinent points required to enable Council to gain an understanding of the business conducted.

Resolved that the Annual Report of the Licensing Committee for the 2017-2018 municipal year be approved and submitted to Council on 17th July, 2018.

(The meeting ended at 10.13am)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

Licensing Sub Committee

Terms of Reference

Statutory Licensing Committee

- (1) Exercise those functions of the Licensing Committee under the Licensing Act 2003 and any regulations made under that Act, together with any related functions, with the exception of:-
- a) any function conferred on the Licensing Authority by Section 5 of the Licensing Act 2003 (Statement of Licensing Policy);
 - b) any function discharged under Section 7(5)(a) of that Act by a committee other than the Licensing Committee;
 - c) any function specifically reserved to the Licensing Committee;

and in particular, deal with the following matters in the circumstances indicated:-

Application for personal licence.	If a police objection has been made.
Application for personal licence with unspent relevant convictions.	If a police objection is made
Application for premises licence / club premises certificate.	If a relevant representation is made.
Application for provisional statement.	If a relevant representation is made.
Application to vary premises licence / club premises certificate.	If a relevant representation is made.
Application to vary designated premises supervisor.	If a police objection has been made.
Application for transfer of premises licence.	If a police objection has been made.
Applications for interim authorities.	If a police objection has been made.
Determination of interim steps pending summary review	All cases

Licensing Committee – 1st June, 2018

Decision to give counter notice following police objection to temporary event notice	All cases
Review following review notice	If a police objection has been made.
Review following closure order	If a police objection has been made.
Application to review premises licence / club premises certificate.	All cases.
Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases.
Determination of a police or environmental health objection to a temporary event notice.	All cases.
Review of provisional licence to consider revocation or suspension.	All cases.

- (2) Exercise those functions of the Licensing Committee under the Gambling Act 2005 and any regulations made under that Act, together with any related functions, with the exception of:-
- a) any function conferred on the Licensing Authority by Section 166 of the Gambling Act 2005 (Casino Resolution);
 - b) any function conferred on the Licensing Authority by Section 212 of the Gambling Act 2005 (Fees);
 - c) any function conferred on the Licensing Authority by Section 349 of the Gambling Act 2005 (Statement of Principles);
 - d) any function specifically reserved to the Licensing Committee;

Licensing Committee – 1st June, 2018

and in particular, deal with the following matters in the circumstances indicated:-

Application for premises licence.	If a relevant representation is made
-----------------------------------	--------------------------------------

Application for a variation to a licence.	If a relevant representation is made
---	--------------------------------------

Application for a transfer of a licence.	If a relevant representation is made
--	--------------------------------------

Application for provisional statement.	If a relevant representation is made
--	--------------------------------------

Application for club gaming/club machine permits.	If a relevant representation is made
---	--------------------------------------

Application for licensed premises gaming machine permits	If a relevant representation is made
--	--------------------------------------

Cancellation of club gaming/club machine permits.

Review of premises licence.

Decision to give a counter notice to a temporary use notice.

Section 101 of the Local Government Act 1972

- (3) Functions relating to the licensing of private hire and hackney carriage licenses, with the exception of any review and recommendations to the Cabinet on the guidance for use in connection with applications for private hire and hackney carriage licenses;
- (4) Exercise those functions of the Licensing Committee under Section 101 of the Local Government Act 1972 the Council's powers and duties under the following Acts and Regulations:-

Betting, Gaming and Lotteries Act 1963;

Town Police Clauses Act 1847;

Local Government (Miscellaneous Provisions) Act 1976;

House to House Collections Act 1939;

Local Government (Miscellaneous Provisions) Act 1982;

Theatres Act 1968;

The Police, Factories etc. (Miscellaneous Provisions) Act 1916;

Safety of Sports Grounds Act 1975.

- (5) The registration and licensing of matters under other existing or future miscellaneous statutes, government directives or directions not referred to or dealt with by any other Committee, including in particular, and where appropriate to this Council, those functions B 1 to B 72 inclusive set out in Appendix 1 (Functions not to be the responsibility of an Authority's Executive) to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- (6) Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (Health, safety and welfare in connection with work, and the control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.
- (7) Functions for the licensing of sex establishments in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Section 2 and Schedule 3, together with any regulations made under the Act.

ends

Statutory Licensing Sub Committee

	Councillor Piper (Abbey)	Councillor Dr Crumpton (Old Warley)	Councillor White (Cradley Heath & Old Hill)
A	Councillor P Davies (Hateley Heath) Councillor L Giles (Wednesbury North)	Councillor Lewis (Friar Park) Councillor Millard (Blackheath)	Councillor S Crumpton (Oldbury) Councillor S Davies (Langley)
B	Councillor Allen (Great Bridge) Councillor Downing (Oldbury)	Councillor Eaves (Rowley) Councillor Padda (Greets Green & Lyng)	Councillor K Davies (Smethwick) Councillor Tranter (Rowley)

Non-Statutory Licensing Sub Committee

Sub Committee 1

Councillor Piper
Councillor P Davies
Councillor L Giles
Councillor Allen
Councillor Downing

Sub Committee 2

Councillor Dr Crumpton
Councillor Lewis
Councillor Millard
Councillor Eaves
Councillor Padda

Sub Committee 3

Councillor White
Councillor S Crumpton
Councillor S Davies
Councillor K Davies
Councillor Tranter

Licensing Committee

13 November 2018

Subject:	Establishment of Licensing Sub Committees
Director:	Director - Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Trisha Newton Trisha_newton@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Licensing Committee:

- 2.1 approve the revised membership of the three Sub Committees, as set out in appendix 1, to undertake those functions set out in the terms of reference, each comprising three members of the Licensing Committee when considering matters in relation to the Licensing Act 2003/Gambling Act 2005 and five/six members of the Licensing Committee when considering matters affecting applications for licences and licences previously granted under the terms of the Local Government (Miscellaneous Provisions) Act 1976.

1 PURPOSE OF THE REPORT

- 1.1 At its annual meeting on 22 May 2018, the Council appointed a statutory Licensing Committee which the Council also declared would also sit as the Council Committee to carry out other licensing functions. The Committee comprised 15 members, including one Chair and two Vice Chairs.
- 1.2 Under the provisions of the Licensing Act 2003, the Licensing Committee may establish one or more Licensing Sub Committees to assist in the discharge of the licensing functions under the Licensing Act, 2003. Further such functions of the Gambling Act, 2005 may also be discharged by those Sub Committees.

- 1.3 At its meeting on 1 June 2018, the Licensing Committee appointed members to the three Licensing Sub Committees (Minute No. 5/18 refers).
- 1.4 One of the Vice Chairs has resigned from the position and it is therefore recommended that the Committee confirms the membership of the three Sub Committees, pending the appointment of a second Vice Chair by Council.
- 1.5 For the interim period, Sub Committee 3 would consist of six members.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 The Licensing Act 2003 has four licensing objectives which are highly pertinent to the Council's Scorecard priorities, these being:-
 - (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance;
 - (d) the protection of children from harm.
- 2.2 Similarly, the Gambling Act 2005 has three licensing objectives, as follows:-
 - (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - (b) Ensuring that gambling is conducted in a fair and open way;
 - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.3 Trading Standards and Licensing is a member of the Sandwell Drug and Alcohol Policy group, which reports to the Safer Sandwell Partnership.

3 STRATEGIC RESOURCE IMPLICATIONS

- 3.1 The costs arising from the administration and servicing of the Licensing Sub Committees will be met from existing budgets.

4 LEGAL AND GOVERNANCE CONSIDERATIONS

- 4.1 In order for the same members to make all licensing decisions, the Council may appoint a statutory licensing committee and then declare that that committee may also sit as a Council committee to carry out other licensing functions.
- 4.2 Section 3 of the Licensing Act 2003 provides that the Council is a Licensing Authority and as such the Council must carry out its functions under the Licensing Act, 2003.
- 4.3 Under Section 6 of the Licensing Act, 2003 each Licensing Authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority.
- 4.4 Section 9 of the Licensing Act, 2003 states that a licensing committee may establish one or more sub-committees consisting of three members of the committee, and Section 10 provides that the committee may arrange for the discharge of any functions exercisable by it by a sub-committee established by it, or an officer of the licensing authority.
- 4.5 Section 2 of the Gambling Act 2005 further states that the Council is a licensing authority. The Gambling Act 2005 places a duty on the Council to undertake the licensing functions specified in the Act.
- 4.6 Section 154 of the Gambling Act 2005 provides that all decisions, subject to exceptions, relating to premises licences are delegated to the licensing committee of the authority that has been established under Section 6 of the Licensing Act, 2003.
- 4.7 Section 154(3) of the Gambling Act, 2005 states that Section 10 of the Licensing Act 2003 shall apply in relation to a function delegated to a licensing committee as they apply in relation to a function delegated under that Act.
- 4.8 The 2003 Act and the 2005 Act allow the Licensing Committee to arrange for the discharge of any of its functions by a Sub-Committee or by an Officer of the Licensing Authority. Arrangements may provide for more than one sub-committee or officer to discharge the same functions concurrently.
- 4.9 Article 6 of the Human Rights Act 1998 state that in determination of a persons civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

- 4.10 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.
- 4.11 Part II, Article 1 of the Act states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles on international law.
- 4.12 The Licensing Committee will review the membership of the Sub Committees each year following the appointment of members to the Licensing Committee at the Annual Council meeting.
- 4.13 Parliament has given the Council various licensing functions but legislation does not always allow choice in how a Council may operate those functions, for example, Scrap Metal Dealers licensing regime is a matter for the Leader and Cabinet to operate and the Licensing Act 2003 requires the Council to establish a statutory licensing committee to undertake licensing functions, as set out in the Act. Otherwise, the Council has general discretion to create Council committees under the Local Government Act 1972 to make licensing related decisions.

5 EQUALITY IMPACT ASSESSMENT

- 5.1 There is no requirement for an equality impact assessment.

6 DATA PROTECTION IMPACT ASSESSMENT

- 6.1 There is no requirement for a data protection impact assessment.

7 CRIME AND DISORDER AND RISK ASSESSMENT

- 7.1 There is no requirement for a crime and disorder and risk assessment.

8 APPENDICES:

Proposed Sub Committees.
Terms of Reference.

Surjit Tour
Director – Monitoring Officer

Statutory Licensing Sub Committee (Chair + 2 members)

	Councillor Piper (Abbey)	Councillor Dr Crumpton (Old Warley)	Councillor Piper/Councillor Dr Crumpton (Abbey) (Old Warley)
A	Councillor P Davies (Hateley Heath) Councillor L Giles (Wednesbury North)	Councillor Lewis (Friar Park) Councillor Millard (Blackheath)	Councillor S Crumpton (Oldbury) Councillor S Davies (Langley)
B	Councillor Allen (Great Bridge) Councillor Downing (Oldbury)	Councillor Eaves (Rowley) Councillor Padda (Greets Green & Lyng)	Councillor K Davies (Smethwick) Councillor Tranter (Rowley) Councillor White (Cradley Heath & Old Hill)

Non-Statutory Licensing Sub Committee

Sub Committee 1

Councillor Piper
Councillor P Davies
Councillor L Giles
Councillor Allen
Councillor Downing

Sub Committee 2

Councillor Dr Crumpton
Councillor Lewis
Councillor Millard
Councillor Eaves
Councillor Padda

Sub Committee 3

Councillor Piper or Councillor Dr Crumpton
Councillor S Crumpton
Councillor S Davies
Councillor K Davies
Councillor Tranter
Councillor White

Licensing Sub Committee

Terms of Reference

Statutory Licensing Committee

- (1) Exercise those functions of the Licensing Committee under the Licensing Act 2003 and any regulations made under that Act, together with any related functions, with the exception of:-
- a) any function conferred on the Licensing Authority by Section 5 of the Licensing Act 2003 (Statement of Licensing Policy);
 - b) any function discharged under Section 7(5)(a) of that Act by a committee other than the Licensing Committee;
 - c) any function specifically reserved to the Licensing Committee;

and in particular, deal with the following matters in the circumstances indicated:-

Application for personal licence.	If a police objection has been made.
Application for personal licence with unspent relevant convictions.	If a police objection is made
Application for premises licence / club premises certificate.	If a relevant representation is made.
Application for provisional statement.	If a relevant representation is made.
Application to vary premises licence / club premises certificate.	If a relevant representation is made.
Application to vary designated premises supervisor.	If a police objection has been made.
Application for transfer of premises licence.	If a police objection has been made.
Applications for interim authorities.	If a police objection has been made.

Determination of interim steps pending summary review	All cases
Decision to give counter notice following police objection to temporary event notice	All cases
Review following review notice	If a police objection has been made.
Review following closure order	If a police objection has been made.
Application to review premises licence / club premises certificate.	All cases.
Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases.
Determination of a police or environmental health objection to a temporary event notice.	All cases.
Review of provisional licence to consider revocation or suspension.	All cases.

- (2) Exercise those functions of the Licensing Committee under the Gambling Act 2005 and any regulations made under that Act, together with any related functions, with the exception of:-
- a) any function conferred on the Licensing Authority by Section 166 of the Gambling Act 2005 (Casino Resolution);
 - b) any function conferred on the Licensing Authority by Section 212 of the Gambling Act 2005 (Fees);
 - c) any function conferred on the Licensing Authority by Section 349 of the Gambling Act 2005 (Statement of Principles);
 - d) any function specifically reserved to the Licensing Committee;

and in particular, deal with the following matters in the circumstances indicated:-

Application for premises licence.	If a relevant representation is made
Application for a variation to a licence.	If a relevant representation is made
Application for a transfer of a licence.	If a relevant representation is made
Application for provisional statement.	If a relevant representation is made
Application for club gaming/club machine permits.	If a relevant representation is made
Application for licensed premises gaming machine permits	If a relevant representation is made
Cancellation of club gaming/club machine permits.	
Review of premises licence.	
Decision to give a counter notice to a temporary use notice.	

Section 101 of the Local Government Act 1972

- (3) Functions relating to the licensing of private hire and hackney carriage licenses, with the exception of any review and recommendations to the Cabinet on the guidance for use in connection with applications for private hire and hackney carriage licenses;
- (4) Exercise those functions of the Licensing Committee under Section 101 of the Local Government Act 1972 the Council's powers and duties under the following Acts and Regulations:-

Betting, Gaming and Lotteries Act 1963;

Town Police Clauses Act 1847;

Local Government (Miscellaneous Provisions) Act 1976;

House to House Collections Act 1939;

Local Government (Miscellaneous Provisions) Act 1982;

Theatres Act 1968;

The Police, Factories etc. (Miscellaneous Provisions) Act 1916;


Safety of Sports Grounds Act 1975.

- (5) The registration and licensing of matters under other existing or future miscellaneous statutes, government directives or directions not referred to or dealt with by any other Committee, including in particular, and where appropriate to this Council, those functions B 1 to B 72 inclusive set out in Appendix 1 (Functions not to be the responsibility of an Authority's Executive) to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- (6) Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (Health, safety and welfare in connection with work, and the control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.
- (7) Functions for the licensing of sex establishments in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Section 2 and Schedule 3, together with any regulations made under the Act.

ends

Licensing Sub Committee

13 November 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>	
Contact Officer:	John Baker Service Manager – Development Planning and Building Consultancy john_baker@sandwell.gov.uk 0121 569 4037

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.