



KIRKLEES SPORTS GROUNDS AND PUBLIC EVENTS SAFETY ADVISORY GROUPS

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Introduction

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 (now generally known as Safety Advisory Group – SAG).

The purpose of the SAG is to assist the local authority in exercising its functions and to achieve this it will consist of appropriate members of its own staff and services together with representatives of the Police, Fire and Ambulance services. In addition representatives of the stadium will form an essential part of the group and be regularly consulted, as will other organisations and public event organisers as and when appropriate.

The SAG represents a fundamental core around which the safety planning of all sports grounds, and in particular the John Smith's Stadium and public events can be considered. The SAG will bring together inter-agency expertise to advise and guide Kirklees Council in both certified and non-certified sports grounds, as appropriate. The principal objective of the SAG is to create a consistent and well tried safety oversight process that can be used to enhance public safety at the John Smith's Stadium, sports grounds and public events. It is accepted that the council's involvement in safety at sports grounds and public events comes through democratic public accountability in response to legislation.

This document has been prepared in consultation with the Safety Advisory Group members.

1.0 Kirklees Council's policy for the Safety Advisory Group

This section contains the council's statement that reflects its aims and objectives in relation to relevant sports grounds and public events in its area. It is only a broad statement of the authorities overall objectives as they relate to sports grounds.

It is the policy of Kirklees Council to uphold reasonable standards of public safety at all sports grounds herein and public events held in Kirklees and to encourage the well being of the public at those sports grounds and public events. To aid this the Local Authority maintains a Safety Advisory Group for sports grounds, public events and partnerships with selected agencies to offer specialist advice to the Local Authority, and the event organiser.

Legislation

1.1 Sports Grounds

This section provides a record of the legislation relevant to the area of work that the Safety Advisory Group will give advice on.

The Local Authority will exercise 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 of the following sports ground:

The Huddersfield Stadium currently known as:

The John Smith's Stadium

- 1.2 **Safety of Sports Grounds Act 1975 (as amended)**, which requires stadium accommodation for over 10,000 spectators, to have a 'safety certificate'.

Duty: The Local Authority has a statutory duty under the above legislation to:

- a) Issue General and Special Safety Certificates for designated sports grounds in Kirklees, containing 'such terms and conditions as the local authority 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 authority 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 to that part of the ground ought to be prohibited or restricted'. (Section 10. Is applicable to designated and non designated sports grounds).

1.3 Fire Safety and Places of Sport Act 1987 Part III, which requires stadiums with covered stands accommodation over 500 spectators, to have a 'safety certificate' for those stands.

Duty: The Local Authority has a statutory duty under the above legislation to:

- a) Issue a Safety Certificate for Regulated Stands in Kirklees containing 'such terms and conditions that 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.

For Stadiums known as;

The Tetley Stadium, Dewsbury

Mount Pleasant Stadium, Batley

1.4 Health & Safety at Work etc. Act 1974

The local authority 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 local authority will:

- a) 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 in the designated sports ground.

1.5 Licensing Act 2003

The local authority is the 'Licensing Authority' under the terms of the above Act and is required to carry out its licensing functions within its authority area, in consultation with the responsible authorities in respect of all licensable activities, which include: the sale of retail of alcohol, the supply of alcohol to a club, the provision of regulated entertainment and the provision of late night refreshment.

Duty: the Licensing Authority has a duty under the above legislation to:

- a) Determine premises and personal licence applications and undertake enforcement activity, and in doing so promote the four licensing objectives:
 1. Prevention of Crime and Disorder
 2. Public Safety
 3. Prevention of Public Nuisance
 4. Protection of Children from Harm

1.6 Regulatory Reform (Fire Safety) Order 2005

As an employer, the Stadium Safety Certificate Holder is responsible for the safety of their employees and that of any "relevant person" lawfully on the premises, or in the immediate vicinity of the premises and at risk from a fire on the premises. At sports grounds designated under the provisions of section 1 of the Safety of Sports Grounds Act 1975 and for regulated stands within the meaning of section 26(5) of the Fire Safety and Safety of Places of Sport Act 1987 the enforcing authority will be the local authority responsible for the issue of the safety certificate under those Acts.

Do we need to add Environmental Health legislation here? Environmental Protection Act 1990, Food Safety Act, Private Water Supplies Regs 2009

2.0 Terms of Reference for the Safety Advisory Group

The main role of the Safety Advisory Group is to provide specialist advice to the Local Authority to help it discharge its functions under sports grounds and public events legislation. The Group will also provide an overarching role considering enhancing safety at sports grounds and public events by providing advice and assistance to Certificate Holders and licensees. The Group will provide advice and assistance to the Local Authority and other 'responder' authorities in respect of Civil Contingencies Act responsibilities for off-site planning. The Group will consider all matters within its remit and make recommendations to the appropriate Officer or Committee of

Kirklees Council. The Safety Advisory Group will operate within a defined (recorded) role, in order that it effectively carries out this function.

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 of Places of Sport Act 1987 in respect of the safety certification.
- To advise the Local Authority 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 sports grounds/public events that does not require being certified/licensed.
- To provide a forum within which the Council and other agencies can develop and coordinate off-site plans in respect of their Civil Contingencies Act responsibilities and integrate them with those of the certificate/licence holder.
- To provide advice and assistance to sports grounds certificate holders, event licence holders and event planners 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/Licensed Condition.
- To receive and discuss all proposals for new sports grounds and public events and alterations to existing designated Sports Grounds and licensed public events.
- To receive any relevant reports in relation to matters found during inspections by group members.
- Monitor that any matters raised by the Group have been reported to the Local Authority, other relevant Authority, certificate holders or, event licence holder and that these matters are reported back to the Group.

- To discuss any significant incident with potential safety implications or ‘near miss’ at a sports ground/public licensed event.
- To receive notification of the issue of any prohibition notice and any prosecutions under sports grounds/events legislation.
- To consider the advice published in all available guidance documents.

3.0 Authority to Take Decisions

This section records the decision making and reporting process.

- The Safety Advisory Group cannot take any decisions on behalf of the Council. The Council’s decision making power is delegated to the Head of Service for Building Control and Licensing or his representative as Chair of the Safety Advisory Group or deputy as is specified (*both are delegated officers under Kirklees Council’s constitution*).
- Kirklees Council’s core members of the Safety Advisory Group must declare any material conflict of interest in relation to any item put before the Group, prior to any discussion on that matter. If the interest could be considered prejudicial, then that person should consider if they should withdraw and be replaced by an appropriate party agreed with the Group.

4.0 Composition of the Safety Advisory Group

This section records which authorities or bodies shall be represented on the Safety Advisory Group. The Group will consist of persons 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, save where these raise new policy issues.

The Group will be constituted in the following manner; however it is the prerogative of the Council to determine the specific constitution of its Group;

- **Core members**
- **Invited members**

4.1 Core Members

The core members are defined as those authorities whom the certifying/licensing authority is required to consult under sports grounds/licensing legislation and as recommended in Paragraph 31 of the Final Report into the Hillsborough Stadium Disaster.

Core Membership:

- Chair (from Kirklees Council and Lead Service)
- Lead Service – Building Control & Licensing Service
- Council Highways representative
- Environmental Health
- West Yorkshire Police
- Fire Service
- Ambulance Service

4.2 Invited Representation

Those persons/services/bodies who are invited to the Safety Advisory Group meetings to make a presentation or offer advice to the Group can not be party to the decision making process of the Group. However, they will be allowed to freely contribute to any meeting, to which they are invited and will have their view considered, reported and recorded.

Invited representatives will form two categories, those who will be invited to all Group meetings and those who can be invited as considered appropriate to the meetings. Where any person etc, may only be invited infrequently to a Group 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.

Invited Representation

The following are considered as persons/services/bodies that will be invited where appropriate to Safety Advisory Group meetings in respect of the John Smith's Stadium:

- The Stadium Safety Certificate Holder and the Safety officer (*or other relevant officers of the certified sports ground*).
- Sports Ground Safety Authority (*formerly the Football Licensing Authority*)

The following may be invited either to all Safety Advisory Group meetings, or to a particular meeting as considered appropriate:

- An event organiser and /or safety officer
- Primary Care Trust
- Legal service representation (*The relevant solicitor for the Council with the remit of sports ground legislation*).
- Relevant Local Authority service representation e.g. Environmental Health, Emergency Planning Officer, Corporate Health & Safety
- Supporters Associations/Groups representation
- Local tourism representation
- Public Transport Undertakings
- Voluntary first aid services

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

5.0 Administration of the Safety Advisory Group

This section provides a record about the general administration of the Group from the appointment of the Chair/lead service, through to the role of the administrative support and consultation procedures for the Group.

- **Chair:** The Group Chair will be a senior officer appointed by Kirklees council with appropriate delegated authority to take decisions under the Council's constitution.
- **Lead Service:** The Building Control and Licensing Service of Kirklees Council will act as Lead Service to the Safety Advisory Group.
- **Consultation:** The Safety Advisory Group will consult all core members of the Group, invited representation, other council services and national bodies as considered appropriate.
- **Administrative support – must be provided by the Local Authority**

6.0 Frequency of meetings of the Safety Advisory Group

- The number of Safety Advisory Group meetings in any year can be flexible and responsive to particular circumstances but normally a minimum of two will be held each year. Any core member may request an additional special meeting or series of meetings.
- The Safety Advisory Group may request a site visit or inspection/s of the stadium or for an event as determined by the Chair of the Group in consultation with the stadium/event management, or undertake a visit to observe a specific issue or attend a tabletop exercise. Such members as the Group considers appropriate can attend the inspection/visit. Formal minutes/a record of the inspection/visit will be circulated to all relevant parties.
- It will be within the remit of the Safety Advisory Group to constitute smaller working parties to address specific issues relating to the stadium and its development/alteration. The outcome of any such groups will be reported to the next Safety Advisory Group.
- Any such Safety Advisory Group visits are considered as separate from the inspections that are required to be undertaken by the Local Authority as during performance inspections will be carried out by officers of the Local Authority in conjunction with other appropriate authorities, as determined by their enforcement policy.

7.0 Form of minutes of the Group

- Each meeting of the Safety Advisory Group will be prearranged to an agenda published in advance of the meeting with minutes recorded in accordance with the council's set procedures.
- The minutes of the meeting will be circulated to all Group members, the Sports Grounds Safety Authority (*formerly the Football Licensing Authority*), where appropriate and to such other parties as may be determined by the chair.
- The minutes of the Safety Advisory Group will be held by the council as a public record and be subject to the Freedom of Information Act 2000(FOIA) and the Data Protection Act 1998.

8.0 Roles and responsibilities of the Core Members of the Safety Advisory Group

This section is important in that it records the roles and responsibilities of the core members and clarifies the level/limitations of accountability within a Group that is offering recommendations to Kirklees Council on compliance with national legislation.

It should be noted that the Chair of the Safety Advisory Group must have the appropriate status, authority and time to commit to the role.

8.1 Role of the chair of the Safety Advisory Group:

- To ensure that the Safety Advisory Group properly discharges the responsibilities delegated to it by Kirklees Council.
- To ensure that the conditions of the safety certificate/licenses issued by the Local Authority are properly monitored, enforced, reviewed and where necessary amended on a regular basis.
- To ensure that the membership of the Safety Advisory Group reflects the recommendations in the FINAL REPORT on the HILLSBOROUGH STADIUM DISASTER.

- To ensure that the decisions/recommendations made by the Safety Advisory Group accord with the overall strategic policies of the council.
- To ensure that due account is taken of the views of all members of the Safety Advisory Group, including those attending by invitation.
- To ensure that the work of the Safety Advisory Group is reported to the Licensing and Safety Committee, through an annual review detailing matters taken to SAG, lessons learned and recommendations for implementation.

8.2 Role of the lead Service on the Safety Advisory Group (*Building Control & Licensing Service*)

- The Service will be represented by a Senior Officer and/or his/her appointed deputy who will attend all meetings of the Safety Advisory Group.
- To act in a coordinating role to the Safety Advisory Group on all matters relating to spectator safety and liaise with Group members in the production of any items or reports.
- To provide technical advice and appraisal of published documents relating to Safety of Sports Grounds/public events and inform on any implications arising.
- To provide technical support to the Safety Advisory Group 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 Safety Advisory Group.
- To conduct or arrange such additional inspections as may be necessary during a sporting event/public event 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.
- Matters relating to applications for new sports grounds/stands/alterations to sports grounds/public events received by that service
- To issue, suspend or withdraw Prohibition Notices.
- To contribute any local information that may have a bearing on public safety.

8.3 Role of the Building Control Service on the Safety Advisory Group

- The Service will be represented by a Senior Officer and/or his/her appointed deputy who will attend all meetings of the Safety Advisory Group and advise on:
- All technical/legal aspects of legislation within the remit of the service as they relate to sports grounds/public events.
- Matters relating to the issue of a General/Special Safety Certificate/Licence Conditions where applicable.
- Matters relating to applications for new sports grounds/stands/alterations to sports grounds/public events received by that service.
- To contribute any local information that may have a bearing on public safety.

8.4 Role of Highways on the Safety Advisory Group

- The service will be represented by the Traffic Manager or his/her appointed deputy who will attend all meetings of the Safety Advisory Group.

Liaison with statutory authorities and other organisations, giving advice on and, as necessary, arranging for:

- The maintenance of clear and safe routes for emergency vehicles and traffic of all categories including pedestrians.
- Any road closure or other temporary traffic management measures which may be necessary.
- Liaison with the statutory undertakers.

The Traffic Manager or his /her appointed deputy will also be a member of the team. This is a statutory post as required under the Traffic Management Act 2004 and within the authority it is a duty of that person to deliver a co-ordinated, planned and effective

response to the network management duty across the whole organisation and to ensure that agreed actions are implemented.

8.5 Role of Environmental Health on the Safety Advisory Group

- The service will be represented by the manager or his/her appointed deputy who will attend all meetings of the Safety Advisory Group.
- To act in a co-ordinating role to the Safety Advisory Group on all matters relating to Environmental Health such as noise control and food safety and liaise with group 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 public safety and wellbeing at public events and inform on any implications arising.
- To prepare, monitor, enforce, review guidance and any relevant licensing conditions and advise in consultation with members of the SAG
- Provide advice and assistance as required and ensure compliance with food safety legislation.
- To provide advice on food safety where food vendors are to be in attendance
- To provide advice and assistance as required to ensure wholesomeness and prevent risk to human health from the drinking water supply (Private Water Supplies Regs 2009)
- Where the Council is the enforcing authority for health & safety, provide advice and assistance as required to ensure compliance.
- Recommend measures to control noise levels at any event to minimise the risk of the occurrence of a statutory noise nuisance.

Reference: CIEH document **Safety Advisory Groups and Event Planning:**
Supporting the environmental health contribution November 2010

8.5 Role of the Emergency Services on the Safety Advisory Group

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 advise on:

- All technical/legal aspects of legislation within the remit of the Service as they relate to sports grounds/public events.
- Public safety and crowd management matters referred to in the Guide to Safety at Sports Grounds/The Event Safety Guide, A Guide to Health Safety and Welfare at Music or Similar Events and other relevant publications.
- 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 to local information that may have a bearing on public safety.

8.6 Role of the Police on the Safety Advisory Group

- Provide advice and where appropriate, take action relating to the prevention and detection of crime.
- Provide advice and where appropriate, take action relating to the prevention of disorder or breaches of the peace.
- Provide advice and where appropriate, enforcement of traffic regulations within the legal powers provided by statute.
- Provide advice regarding the activation and implementation of contingency plans for foreseeable incidents. Where appropriate, coordinate emergency service activities.

Special Note: police resources will not be routinely deployed to tasks which the risk assessment suggests are necessary but for which there are no legal responsibilities or legal powers.

8.7 Role of the Fire Service on the Safety Advisory Group

- Advise on site issues relating to location, design and access
- Advise on Fire Risk Assessment, Fire Safety precautions and Emergency Evacuation Procedures.

8.8 Role of the Ambulance Service on the Safety Advisory Group

- While on site, to co-ordinate all ambulance service resources, Doctors and First Aid agency volunteers within the event.
- To ensure that the event cover is all within the event safety guidelines and major incident site evacuation plan.

General:

If at any time, a representative of any of the members of the Group witness/observes a matter that is the responsibility of another member then they shall inform the responsible member immediately working in accordance with the ' Enforcement Concordat'.