

29th April 2014**Agenda Item: 12****REPORT OF THE SERVICE DIRECTOR,
ACCESS AND PUBLIC PROTECTION****POLICY AND STRATEGY FOR SAFETY AT SPORTS GROUNDS****Purpose of the Report**

1. To seek the Committee's endorsement of the proposed suite of policy and strategy documents for Safety at Sports Grounds in Nottinghamshire, and agreement for the Policy Documents to be referred to the Policy Committee for approval.

Information and AdviceBackground

2. The safety of spectators attending events at UK sports grounds is regulated by law. In Nottinghamshire, the County Council's emergency planning team is responsible for enforcing this legislation, and works with sports grounds to promote and encourage a proactive safety culture. In accordance with recommendations from Lord Justice Taylor following the Hillsborough disaster, the team chairs regular meetings of Safety Advisory Groups for each relevant sports ground. These bring together the emergency services, local authorities and representatives of the sports club to discuss safety matters.
3. Under the Safety of Sports Grounds Act 1975, a General Safety Certificate is required for each ground with a capacity of 10,000 or more (5,000 if the club is in the football league) and which have been designated by the relevant Secretary of State. Also, under the Fire Safety and Safety of Places of Sport Act, 1987, a General Safety Certificate is required for grounds with covered stands of a capacity of 500 or more according to a specific calculation. These are known as "regulated" stands. Responsibilities under the Regulatory Reform (Fire Safety) Order 2005 require the County Council to monitor and enforce fire safety at sports grounds.
4. A General Safety Certificate includes whatever conditions are deemed necessary to ensure the reasonable safety of spectators. It also includes a capacity for the ground or stand, and a list of activities that the club or ground is permitted to hold. A breach of a Safety Certificate is a criminal offence.
5. The designated grounds in Nottinghamshire are:

- The City Ground (Nottingham Forest Football Club)
 - Trent Bridge Cricket Ground (Nottinghamshire County Cricket Club)
 - The One Call Stadium - formerly known as Field Mill (Mansfield Town Football Club).
6. The regulated stands in the County are:
- Grandstand and Tatts Stand at Southwell Racecourse
 - The main stand at Watnall Road, home of Hucknall Town Football Club.
 - The East and West Stands at Coronation Park, Eastwood, previously the home of Eastwood Town Football Club (not currently in use).
7. The emergency planning team also has powers to issue a Special Safety Certificate if one of the grounds applies to hold an event not specified in their General Safety Certificate.
8. The team monitors clubs and grounds regularly to ensure they are adhering to the conditions of their safety certificate. This includes match day or race day inspections.

Safety at Sports Grounds Policies

9. Good practice guidance from the Sports Grounds Safety Authority requires that local authorities record their policies for safety at sports grounds, and that these are agreed by the appropriate committee. Accordingly, this report provides the Community Safety Committee with a suite of draft documents for consideration, prior to submission of the Policy Documents to the Policy Committee for approval. These are as follows:
- Policy (attached as Appendix A)
 - Enforcement Policy (Appendix B)
 - Framework (Appendix C)
 - Financial Framework (Appendix D)
10. The draft Safety at Sports Grounds Policy proposes that the County Council seeks to ensure the reasonable safety of spectators attending sports grounds within the County. The draft Enforcement Policy proposes that the County Council seeks to ensure compliance with all relevant safety at sports grounds legislation, and that any necessary enforcement action is proportionate, open, consistent and clear.
11. Of the four documents listed above, it is only the two Policies that require formal committee approval. The other two provide details of how the policies are carried out in practice. These are included for background information for members. The Service Director has authority to approve the framework document.
12. By means of this report, the Community Safety Committee is invited to endorse the Policy and Enforcement Policy, and then refer these to the Policy Committee for formal approval. These will then be added to the County Council's Policy Library.

Other Options Considered

13. The content of the policies and frameworks attached to this report describe the processes required to enable the County Council to meet the legal requirements in respect of safety at sports grounds.

Reason/s for Recommendation/s

14. The report provides the Community Safety Committee with the opportunity to consider in detail the policies and procedures required to ensure safety at sports grounds. The recommendation that these are referred to the Policy Committee for approval is made to conform to the good practice guidance of the Sports Grounds Safety Authority.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required:

Crime and Disorder Implications

Nottinghamshire Police are represented at Safety Advisory Group meetings and are closely involved in decision-making in respect of any implications a sporting event may have for crime and disorder.

RECOMMENDATION/S

- 1) It is recommended that the Community Safety Committee endorses the proposed suite of policy and strategy documents for Safety at Sports Grounds in Nottinghamshire, and agrees for the policy documents to be referred to the Policy Committee for approval.

PAUL MCKAY

Service Director, Access and Public Protection

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Constitutional Comments (NAB 31.03.14)

1. Community Safety Committee has authority to approve the recommendations set out in this report by virtue of its terms of reference.

Financial Comments (CS .14)

2. There are no financial implications contained in this report

Background Papers and Published Documents

None

The legislation cited in this report is publically available.

Electoral Division(s) and Member(s) Affected

The content of this report will be of interest to all Members as their constituents may attend sporting events as spectators. It will be of particular interest to Members who have relevant sports ground in their areas. These relate to the following Electoral Divisions:

West Bridgford Central & South - Nottingham Forest and Trent Bridge
South Mansfield - Mansfield Town Football Club
Eastwood – Coronation Park, Eastwood
Hucknall - Hucknall Town Football Club
Southwell and Caunton - Southwell Racecourse



(Draft) Safety at Sports Grounds Policy

Policy

It is the policy of Nottinghamshire County Council to seek to ensure the reasonable safety of spectators attending sports grounds within the County. In undertaking this duty, the Council works in partnership with sports clubs and grounds, the emergency services, other local authorities and the Sports Grounds Safety Authority, to promote a culture of safety at sports grounds.

Context

Nottinghamshire County Council recognises its statutory duty for the safety certification of sports grounds under the Safety of Sports Grounds Act 1975 (as amended) (1975 Act) and the Fire Safety and Safety of Places of Sport Act 1987 (1987 Act), (hereafter referred to as 'the Acts') and its responsibilities for the monitoring and enforcement of the Regulatory Reform (Fire Safety) Order 2005 in respect of sports grounds. The Council also recognises its responsibilities for the safety of spectators at all sports grounds in the County.

Scope of this policy

Nottinghamshire County Council has the statutory duty under the Safety of Sports Grounds Act 1975 (as amended):

- To issue a General Safety Certificate for each designated sports ground within the County, containing "such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety at the sports ground"
- To serve a prohibition notice in respect of a sports ground if the Authority considers that "the admission of spectators to 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". It is important to note that this duty applies to any sports ground, not just those which are designated or have a regulated stand.
- To issue a Special Safety Certificate where required.

Fire Safety and Safety at Places of Sports Act 1987:

- To issue a General Safety Certificate for each regulated stand within the County, containing “such terms and conditions as the local authority consider necessary or expedient to secure the reasonable safety in the Stand when it is in use for viewing the specified activity or activities at the Ground”.

Regulatory Reform (Fire Safety) Order 2005

- To enforce the order, and regulations made under it, in relation to designated sports grounds and regulated stands.
- Under the Licensing Act 2003, where applications for, or variations to, premises licences are made by a designated sports ground or one with a regulated stand, Nottinghamshire County Council will be consulted as the responsible authority for fire safety.

The sports grounds covered by this policy are:

- Designated grounds for Nottingham Forest Football Club (the City Ground), Mansfield Town Football Club (One Call Stadium) and Nottinghamshire County Cricket Club (Trent Bridge);
- Regulated stands at Coronation Park (Eastwood), Watnall Road (Hucknall) and Southwell Racecourse;
- Any sports grounds in the County of Nottinghamshire which gives rise to serious concerns about spectator safety.

Principles and Commitments

Nottinghamshire County Council, working in conjunction with partner agencies, endeavours to ensure the reasonable safety of spectators attending any sports ground determined by the Acts in Nottinghamshire.

In undertaking its role in respect of safety at sports grounds, the Council will:

- Seek to ensure that a reasonable standard of spectator safety is maintained at all sports grounds but particularly those, which are designated or have regulated stands within the County of Nottinghamshire
- Encourage and promote a safety culture within sports grounds in the County of Nottinghamshire
- Delegate its power to take and implement decisions on safety certification to a designated council officer
- Appoint a lead council officer to chair the Safety Advisory Group (SAG) for each sports ground subject to a safety certificate
- Provide for adequate resources and appoint appropriate council officers as necessary to assist the council in carrying out its statutory duties relating to the

safety of spectators at sports grounds under the 1975 and 1987 Acts, and the 2005 Order

- Convene regular SAG meetings to assist in its statutory duty to sports grounds, whose membership will include representatives of the police, fire service, ambulance service, building control, relevant certificate holder and invite the Sports Grounds Safety Authority where applicable
- Determine if any sports grounds contain regulated stands and expediently process and issue safety certificates in respect of those stands and any sports grounds designated by the secretary of state under the provisions of the 1975 Act
- Put in place policies and procedures for monitoring, by inspection and audit, compliance with the terms and conditions of any safety certificate issued and taking appropriate and proportional action in response to any identified defect or incident compromising spectator safety
- Provide prompt advice on spectator safety on request from sports ground venue operators, and
- Keep under review its procedures and arrangements in pursuit of ensuring the reasonable safety of spectators at sports grounds within its responsibility.

Key actions to meet the commitments set out in the policy

Delegated powers

The Council has delegated its powers for the safety certification of sports grounds and the appointment of inspectors under the 1975 Act and 1987 Act and the Regulatory Reform (Fire Safety) Order 2005 to the:

Service Director for Access and Public Protection

The Service Director has delegated day to day responsibility to the Group Manager for Emergency Planning and Registration, who is nominated as the designated officer for safety at sports grounds.

Day to day operational management of the process is devolved by the Group Manager to the Team Manager, Emergency Planning, who is nominated as the lead officer and chairs the Safety Advisory Groups.

Consultation

In imposing terms and conditions for spectator safety (such as when issuing or amending General or Special Safety Certificates), Nottinghamshire County Council is legally required to consult with Nottinghamshire Police, Nottinghamshire Fire and Rescue Service and the relevant building authority (district or borough council).

East Midlands Ambulance Service, although not a statutory consultee, is in practice also consulted.

Suitably trained and competent staff

Individual officers who are responsible for the issue and review of safety certificates and the undertaking of inspection and enforcement duties under the 1975 and 1987 Acts will be suitably trained and qualified to ensure their competency.

The Council will ensure that:

Duties are specified in job descriptions and experience is built up over time with provision made in individual appraisals for monitoring progress.

All officers undertaking the above duties have professional qualifications, experience in other sectors and are on CPD cycles as well as regular participation in sports grounds work and SAGs, and appropriate succession planning is in place to ensure that staff have the necessary training and experience to carry out the roles they may be expected to undertake.

Officers involved in safety at sports grounds will be given the opportunity to share information with, and learn from, others through participation in the East Midlands Chairs of SAGs Group, the Test Cricket Grounds Chairs of SAGs Group and the Core Cities Sports Grounds and Public Events Safety Group.

Related documents

- Safety at Sports Grounds Enforcement Policy
- Safety at Sports Grounds Framework
- Safety at Sports Grounds Financial Framework



(Draft) Safety at Sports Grounds Enforcement Policy

Policy

It is the policy of Nottinghamshire County Council to ensure compliance with all relevant safety at sports grounds legislation. In undertaking this duty it is the Council's aim to ensure that any enforcement action taken is proportionate, open, consistent and clear.

Context

Nottinghamshire County Council has a statutory duty for the safety certification of sports grounds under the Safety of Sports Grounds Act 1975 (as amended) (1975 Act) and the Fire Safety and Safety of Places of Sport Act 1987 (1987 Act), (hereafter referred to as 'the Acts') and its responsibilities for the monitoring and enforcement of the Regulatory Reform (Fire Safety) Order 2005 in respect of sports grounds. The Council also recognises its responsibilities for the safety of spectators at all sports grounds in the County.

Scope of this policy

The Council seeks to ensure that in enforcement and regulation the interests of the public are protected.

The purpose of this policy is to ensure that the law is applied in a fair, equitable and consistent manner and to guide officers into taking the appropriate action.

In general and where appropriate, consideration will be given to alternatives to prosecution, for example giving advice and assistance, or obtaining assurances about future conduct.

Before formal action is taken, officers will normally provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of spectator safety, health and safety or to prevent evidence being destroyed).

All decisions will be impartial and will not be influenced by race, politics, gender, disability, age, sexual orientation, religious beliefs or any other belief or status of the alleged offender.

Officers will have due regard to the principles contained within the Enforcement Concordat, and any other published and relevant guidance and legislation including compliance with the Council's public sector equality duty.

The Council will take into account the comments of any victim, injured party or other relevant person to establish:

- His or her views about the circumstances in which enforcement action is deemed appropriate; and
- The nature and extent of any harm or loss, and its significance relative to the individual circumstances.

Principles and Commitments

The Council will seek to ensure that enforcement is fairly applied by committing to the following principles of fairness:

Proportionate – Any action taken by the Council, to achieve compliance or to bring regulated entities to account for non-compliance, will be proportionate to the risk to public safety, or to the severity of non-compliance, which includes any actual or potential harm arising from the failure under the law. We will seek to minimise the costs of compliance by ensuring that any action we require is in proportion to the risk.

Consistency – There will be a consistent approach from the Council in relation to any advice given, enforcement action, prosecutions and in response to incidents and complaints. The Council will discuss and compare enforcement decisions and policies amongst our own officers, and where appropriate, with other authorities and enforcement bodies.

Targeted – By adopting a risk based system for prioritising regulatory action the Council aims to make sure, through targeting, that the direction of regulatory effort takes account the level of risk and ensures action will be targeted at those situations that give rise to the more serious risks or the least well controlled risks.

Transparent – The Council will be open about how we set about our work and will provide information and advice in plain language. We will ensure we help those we regulate to understand the standards expected from them and the standards that they should expect from the local authority.

Accountable – The Council will be able to justify all enforcement decisions and be accountable for the efficiency, effectiveness and cost. Consultation and feedback opportunities are given to stakeholders. The emergency planning team reports regularly to the Community Safety Committee, including any pertinent developments and the outcomes of annual audits.

Key actions to meet the commitments set out in the policy are set out in the Safety at Sports Grounds Framework.

For further information on Nottinghamshire County Council's Safety at Sports Grounds work, please see www.nottinghamshire.gov.uk

Appendix C



Safety at Sports Grounds Framework

Version 3
April 2014

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Consultees:	Safety Advisory Groups, Emergency Planning Team
Next review:	April 2015

CONTENTS

1. INTRODUCTION	13
1.1 Scope and purpose	13
1.2 Definitions.....	13
1.3 Guidance	14
2. ISSUE & REVIEW OF SAFETY CERTIFICATES	15
3.1 Introduction.....	15
3.2 Qualified person	15
3.3 Safety certificate applications and information required	16
3.4 Timetable.....	16
3.5 Contents of a safety certificate	17
3.6 Ratification of the certificate	17
3.7 Rights of appeal	17
3.8 Review of safety certificate.....	18
3.9 Public access	18
4. INSPECTION & MONITORING	18
4.1 Purpose of monitoring and inspection	18
4.2 Annual inspection	19
4.3 During performance inspections.....	19
5. ENFORCEMENT	21
5.1 Introduction.....	21
5.2 Risk assessed approach to enforcement	21
5.3 Enforcement considerations	21
5.4 Choices of enforcement action	22
5.5 Appeals	25
5.6 Penalties.....	25
6. SAFETY ADVISORY GROUPS	25
6.1 Introduction.....	25
6.2 Membership.....	25
6.3 Terms of reference	25
6.4 Decision making	26
6.5 Meetings.....	26
7. ROLES AND RESPONSIBILITIES	27
7.1 Introduction.....	27
7.4 Chartered Engineer	29
7.5 Safety Advisory Group liaison officer - Nottinghamshire Fire and Rescue Service	29
7.6 Safety Advisory Group liaison officer - Nottinghamshire Police.....	30
7.8 Safety Advisory Group liaison officer - District or Borough Council	31
7.9 Sports Grounds Safety Authority Inspector	31
7.10 General Safety Certificate Holder	32
7.11 Supporters club representative.....	32

8. REGULATORY REFORM (FIRE SAFETY) ORDER 2005.....	33
8.1 Legislative duty.....	33
8.2 Role of Nottinghamshire County Council.....	33
8.3 Responsibilities of the sports grounds.....	34
8.4 Inspection and audit process.....	34
8.5 Enforcement.....	35
APPENDIX 1 Safety Advisory Group members.....	36
APPENDIX 2. REFERENCES.....	37

1. INTRODUCTION

1.1 Scope and purpose

This document has been produced by Nottinghamshire County Council emergency planning team, following consultation with members of the Safety Advisory Groups for sports grounds within the County (see Appendix 1).

Nottinghamshire County Council recognises its statutory duty for the safety certification of sports grounds under the Safety of Sports Grounds Act 1975 (as amended) (1975 Act) and the Fire Safety and Safety of Places of Sport Act 1987 (1987 Act), (hereafter referred to as ‘the Acts’) and its responsibilities for the monitoring and enforcement of the Regulatory Reform (Fire Safety) Order 2005 in respect of sports grounds. The Council also recognises its responsibilities for the safety of spectators at all sports grounds in the County.

This document explains how we manage, monitor and enforce safety at sports grounds. It also incorporates terms of reference for Safety Advisory Groups for sports grounds within the County.

Please see also Nottinghamshire County Council’s Safety at Sports Grounds Policy, Safety at Sports Grounds Enforcement Policy, and Safety at Sports Grounds Financial Framework.

Any queries about this document should be directed to the Nottinghamshire County Council emergency planning team.

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1.2 Definitions

The Safety of Sports Grounds Act 1975 defines a *sports ground* as:

‘A place where sports or other competitive activities take place in the open air, where accommodation has been provided for spectators, consisting of artificial structures or of natural structures artificially modified for the purpose’.

Under the 1975 Act, a ‘*Designated Ground*’ is defined as ‘Any sports ground that has accommodation for more than 10,000 spectators, or 5,000 in the case of Premier League and Football League grounds in England and Wales’. It is ‘designated’ as such by the Secretary of State.

The Fire Safety and Safety of Places of Sports Act 1987 defines regulated stands. Under this Act, the local authority decides which stands are regulated.

Under the 1987 Act, a ‘*Regulated Stand*’ is defined as ‘Any covered stand with accommodation for 500 or more spectators, whether seating or standing’. The determination calculation for Regulated Stands is outlined in the Home Office Circular 97/88.

A *Safety Advisory Group* (SAG) is a multi-agency advisory group consisting of officers of the County Council, District or Borough Council and representatives from Police, Fire and Rescue Service and Ambulance Service. Representatives of the Club (including the safety officer) and supporters club are also invited to attend. The primary function of the SAG is to provide specialist advice to the County Council on how it may effectively discharge its responsibilities under the 1975 and 1987 Acts.

1.3 Guidance

Guidance on the application of the legislation referenced above can be found in the following Home Office Circulars:

Home Office Circular No 7/1986 – Annex C of which provides guidance on the procedure regarding applications for general safety certificates under the provisions of the Safety of Sports Grounds Act 1975.

Home Office Circular No 96/1988 – which includes advice on the issue of safety certificates for regulated stands, including the determination calculation. In brief, this is calculated as:

- number of seats or marked places on bench seats in seated areas,
- number of places available on bench seats allowing 530mm per person,
- number of spectators who can be accommodated on a terraced or sloping viewing area at a rate of 2.7 per square metre after disregarding gangways, stairways and landings, or,
- number of spectators who can be accommodated in the front of two metres of a flat standing area at a rate of 2.7 per square metre.

This calculation is the determination calculation not a ‘safe capacity’, which would be calculated incorporating the “P” and “S” referred to in the current edition of the Guide to Safety at Sports Grounds (‘Green Guide’).

Home Office Circular No 97/1988 – which includes statutory guidance to local authorities under section 26 (8) of the 1987 Act on the methodology that must be applied in determining whether a stand at a sports ground is a ‘regulated’ stand, and on the frequency and scope of inspections of regulated stands. It also reminds local authorities that section 34 of the Act applies to the whole of a sports ground which contains a regulated stand but that the extent of the inspection of any un-certificated parts of the ground should be determined by the local authority.

Home Office Circular No 72/1987 – this circular sets out the statutory guidance given by the secretary of state on the scope of inspections of designated sports grounds.

DCMS Circular, 16 November 1995 – contains detailed guidance on prohibition notices.

Further advice is contained in the ‘Guide to Safety Certification of Sports Grounds’, published by the Sports Grounds Safety Authority.

The Sports Grounds Safety Authority also publishes guidance on the design of premises and safety of spectators within a “**Guide to Safety at Sports Grounds**” (known as the “Green Guide”), and on the safety management of such venues within a guide called “**Safety Management**”. Nottinghamshire County Council recommends that sports grounds follow this guidance.

Guidance is also issued from time to time by the Home Office and the Health and Safety Executive with regard to non-sporting activities taking place in grounds, i.e. concerts and mass gatherings. Nottinghamshire County Council will consider, and discuss in SAGs where appropriate, all applicable guidance in the event of proposals being made to hold other types of events at any of the designated or regulated sports grounds within the County.

2. ISSUE & REVIEW OF SAFETY CERTIFICATES

3.1 Introduction

This section sets out Nottinghamshire County Council’s approach to discharging its powers and responsibilities in respect of the issue and review of safety certificates for sports grounds.

3.2 Qualified person

Upon receipt of an application for a safety certificate the Council must determine if the applicant is a ‘qualified person’. This is defined in the 1975 Act as a person who is likely to be in a position to prevent any contravention of the terms and conditions of the safety certificate. The certificate holder should be in a position of authority within

the management of the sports grounds and could include the chairman, chief executive, club secretary, ground manager, safety officer or a director, depending on the sports ground/club.

Under the 1987 Act, the definition of a person qualified to hold the safety certificate for a regulated stand is more tightly drawn. In the case of a general safety certificate, it is the person responsible for the management of the sports ground; for a special safety certificate it is the person responsible for organising the activity being watched by the spectators. This apart, the procedure mirrors that for the issue of the safety certificate for a designated sports ground.

If the Council determines that the applicant is not a qualified person, it must notify him/her in writing. The applicant may then appeal against this determination to a magistrates court within 28 days or 7 days in the case of a special safety certificate.

3.3 Safety certificate applications and information required

The format of an application for a safety certificate for a designated ground or a regulated stand are set out in the Safety of Sports Grounds Regulations 1987 and Safety of Places of Sport Regulations 1988 respectively. In accordance with the European Services Directive of December 2006 the Council is required to make provision for online safety certificate applications. Application forms for a safety certificate under either the 1975 or 1987 Act are accessible on the Council's website.

Applications are processed through the Council's Emergency Planning Team. The Council must supply the chief officer of police, and, where it is not itself that authority, the fire authority or the building authority, with a copy of any application received. It will also formally consult them about the terms and conditions of the certificate. The normal forum for this consultation will be the SAG.

The application should be accompanied by detailed information as to structure, capacity and safety management systems. The Council may, by writing, require the applicant to submit within a reasonable period such additional information and plans it considers necessary to enable it to determine what terms and conditions to include.

3.4 Timetable

We would encourage any potential applicant to contact the emergency planning team to discuss the application and timeframe at the earliest opportunity.

Following receipt of a completed application form, the applicant will receive an acknowledgement by email within **2 working days**. This acknowledgement is the start of the application process and does not indicate automatic issue of the certificate.

We aim to process applications for new General Safety Certificates within four months of receipt of the application, and Special Safety Certificates within two months. However, this is a guide, and depending on the complexity of the application, it may take longer, particularly in the case of new designated grounds,

which will require liaison with the Department for Culture, Media and Sports, and the creation of a Statutory Instrument in Parliament.

3.5 Contents of a safety certificate

In accordance with section 2 of the 1975 Act and section 27 of the 1987 Act the Council is required to include in the safety certificate such terms and conditions it considers necessary or expedient to secure the reasonable safety of spectators. Safety certificates issued by the Council will include the capacity of the designated ground, or regulated stand, as well as capacities for each part thereof. The certificate will also include the terms and conditions with which the holder must comply to maintain that capacity. In determining the contents of a safety certificate the Council will take account of the advice of the safety advisory group and the guidance contained in the Guide to Safety at Sports Grounds (the Green Guide) and that published by the Sports Grounds Safety Authority in its 'Guide to the safety certification of sports grounds'.

The latter guidance document recommends a new style of safety certificate, with the onus placed upon the ground management to carry out risk assessments and develop an operations manual. Nottinghamshire County Council has committed to working in partnership with the sports grounds towards this risk based type of certificate, but will implement it only as and when it considers that each ground is ready to do so.

3.6 Ratification of the certificate

In accordance with its standing orders, the Council has delegated its power to issue and amend a safety certificate to the Group Manager for Emergency Planning and Registration.

3.7 Rights of appeal

The 1975 and 1987 Acts both provide right of appeal to the magistrate's court to:

- Any person against a determination by the local authority that he/she is not qualified to hold a safety certificate
- Any interested party against the inclusion of anything in, or omission or anything from a safety certificate or the refusal of the local authority to amend or replace it, or
- Any person, upon whom the local authority has served a notice that it, has determined that a particular stand is a regulated stand, against that determination.

Appeals must be lodged within 28 days if they relate to a general safety certificate.

3.8 Review of safety certificate

The Council will undertake a review of issued safety certificates on an annual basis, or at a lesser time in response to physical changes at sports grounds, incidents or 'near misses' brought to their notice, changes in safety management performance or in response to changes to legislation or spectator safety guidance.

The review will consider the terms and conditions of safety certificates to validate that they remain relevant for providing for the reasonable safety of spectators at the designated sports ground or regulated stand. The review will be undertaken by the Group Manager for Emergency Planning and Registration, who shall consult with the SAG and any other relevant parties at an annual audit meeting of the SAG. The outcome of the review shall be recorded and reported to the Community Safety Committee.

3.9 Public access

The safety certificate is a public document, to which any person who is either responsible for applying it or likely to be affected by it should have access. The Safety at Sports Grounds Regulations 1987 and 1988 require the Council to notify every interested party, as defined by the regulations as

- The holder of a safety certificate
- Any other person who is or may be concerned in ensuring compliance with the terms and conditions of a safety certificate
- The chief officer of police, and
- The building authority.

This notice must specify that a copy of the safety certificate and any application is available for inspection at a specified time and place. The Council must also publish a similar notice in a local newspaper.

4. INSPECTION & MONITORING

4.1 Purpose of monitoring and inspection

The monitoring and inspection regime is intended to provide reassurance to the Council that the terms and conditions of safety certificates issued under the provisions of the 1975 and 1987 Acts are being complied with and that ground management are maintaining the sports ground and its safety management regime at a level which provides for the reasonable safety of spectators.

The regime will include:

- Annual inspections; and
- During performance inspections (also known as match/race day inspections)

4.2 Annual inspection

An annual inspection of the ground will be undertaken at each designated ground at least once every 12 months.

The inspection of grounds with regulated stands will depend on the size of the largest regulated stand.

Where a ground contains a regulated stand that has accommodation for more than 2000 spectators an annual inspection of that stand, plus any other regulated stands and such un-certificated parts of the ground as the Council considers necessary, will be undertaken at least once every calendar year following the date of the last inspection.

At all other grounds with regulated stands an inspection of the regulated stands and such un-certificated parts of the ground as the Council considers necessary will be carried out at least once every alternate calendar year following the date of the last inspection.

All members of the Safety Advisory Group for the relevant ground will be invited to take part in the inspection, which will be chaired by the Council's designated officer for safety at sports grounds.

The inspection of designated sports grounds will include all items detailed in the Secretary of State's statutory guidance as set out in Home Office Circular 72/1987. For regulated stands the inspection will cover the items in the statutory guidance set out in Home Office Circular 97/1988. The inspections will 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.

4.3 During performance inspections

During performance inspections (also known as match/race day inspections) will be made from time to time, on event days, to ensure that the terms and conditions in the safety certificate are suitable and appropriate for the use taking place and to monitor the ground management's compliance with the terms and conditions of the safety certificate.

When undertaking during performance inspections the council's inspecting officer will work to a Standing Operational Procedure for during performance inspections, and will:

- Make their presence known to the duty safety officer and others in the control room;
- Tour all accessible parts of the sports ground and 'walk the ground', that is to say, not stay in one particular area of the sports ground for a large part of the time;
- Observe the safety management arrangements and crowd, recording any problems and noting the time of the incident etc;
- Record items examined in a log book or check sheet;
- After the event produce detailed reports of the management of the activity which shall be copied to the Council's lead and designated officers for safety at sports grounds, and sent to the club/ground, where appropriate with request for action or explanations to enable consideration to be given to further control and/or enforcement action.

During performance inspection reports will be shared with the relevant Safety Advisory Group for discussion at meetings, and where appropriate, with the Sports Grounds Safety Authority.

Where breaches in the terms and conditions of safety certificates are noted, these will be brought to the attention of the holder and duty safety officer immediately, and a record will be made in the log book of the inspecting officer. Following the inspection, the Council will write to the holder regarding the breach, indicating what action may be taken as a result.

The responsibility for the safety of spectators lies at all times with the holder of the general safety certificate. Therefore, when the inspecting officer is at the ground, s/he should not try to enforce the terms and conditions of the safety certificate on the spectators, but should refer breaches and concerns immediately to the club's duty safety officer.

The frequency of during performance inspections will be determined by risk assessment which will take account of the safety management culture at the ground and ground management's compliance with the safety certificate. However as a minimum, designated grounds will be inspected at least three times per season. One of these inspections will normally be carried out by the Chartered Engineer who is a member of the Safety Advisory Groups. Regulated stands will be inspected at least once per year, with an inspection carried out by the Chartered Engineer at least once every two years.

At either a designated ground, or regulated stand, inspections may be carried out more frequently if there are concerns about any aspect of safety management at the ground, or if there are significant changes to the ground, its management, or the type of events being held there.

During performance inspections will be undertaken in a variety of situations, for example, policed and police free fixtures, daytime and nighttime events, with notice and no-notice, and other times when it is necessary to monitor a specific issue.

5. ENFORCEMENT

5.1 Introduction

Nottinghamshire County Council's Safety at Sports Grounds Enforcement Policy sets out the overall approach and principles to be used in carrying out enforcement activities in relation to sports grounds. This section of the plan provides information about how the Enforcement Policy will be put into practice.

5.2 Risk assessed approach to enforcement

Any enforcement action should be proportionate to the risks and the seriousness of the situation. Officers will use their professional judgement and experience to make an assessment of the most appropriate enforcement action from the options specified in 5.6 below, taking account of the enforcement considerations at 5.5 below.

5.3 Enforcement considerations

The Council's officers dealing with safety at sports grounds will consider a number of factors and questions before deciding when to act. These questions will include:

- The seriousness of compliance failure i.e. could the offence lead to a serious risk of injury or has serious injury or death already occurred, if the problem is not rectified will it lead to a significant risk?
- The degree of wilfulness involved i.e. does the individual or organisation concerned appear to be willing to carry out the necessary action immediately or in a specified time frame or has the problem resulted from deliberately ignoring conditions or the law?
- The ground managements past performance and its current practice i.e. is this a recurring problem, has the business had a previous high standard of practice?
- The risks being controlled and their consequence – what type of risks are involved and will they have serious consequences that could affect the public?
- Legal, official or professional guidance – has all legislation and guidance been taken into consideration when taking a decision? Has the issue been referred to the local authority legal department for their consideration and interpretation?

5.4 Choices of enforcement action

There are several courses of action open to the Council's officers depending on the different circumstances that may apply to the situation. These are:

- Informal warning
- Reduction in capacity
- Prohibition notice
- Simple caution
- Prosecution

The following gives a more detailed explanation of each of the enforcement options:

Informal warning

Informal action includes offering advice, verbal warnings and requests for action, the use of letters/informal notices and reports.

Informal action is appropriate where:

- The act or omission is not serious
- It can reasonably be expected that informal action will achieve compliance
- Confidence in the business management is reasonably high, and
- The consequences of non-compliance will not pose a significant risk to health, safety or the public

An informal warning will be in the form of a written letter that clearly and in plain language will:

- Contain all information necessary to ensure that the club/organisation knows what is required and why it is necessary
- Indicate the regulations contravened and the measures that will achieve compliance with the legal requirements and that other means of compliance may be chosen
- Where recommendations of good practice are included make it clear that they are not legal requirements; and
- Set out the timescales for compliance.

Reduction in capacity

Reducing the capacity of all, or part of, a sports ground is a formal action which would be appropriate in the following situations:

if an incident suggests that the management of a sports ground is performing poorly;
or

if the Council's inspecting personnel identify any deficiencies in the fabric, equipment, records or management systems, which the authority has not already taken into account when accepting or calculating the permitted capacity.

Any new capacity should be properly calculated having regard to the change in circumstances and the procedures to be followed will be the same as during the routine annual review of the safety certificate. Ground management should be invited

to submit its proposed revised (P) or (S) factor, but the Council reserve the right to overrule this if appropriate.

When reducing capacity it is important that

officers act reasonably and in accordance with due process, not least because the certificate holder has a right of appeal against any reduction in capacity; and a formal amendment to the safety certificate is issued.

Once the remedial measures or improvements have been implemented consideration should be given to restoring the original capacity.

Prohibition notice

Unlike the other provisions of the 1975 and 1987 Acts, the power to issue a prohibition notice applies to all sports grounds, as defined in section 17 of 1975 Act, including those that are neither designated nor contain a regulated stand.

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 “the admission of spectators to a sports grounds 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 sports ground or that part of the sports ground ought to be prohibited or restricted”. A prohibition notice is therefore a measure of last resort and should only be used where an amendment of the safety certificate (where issued) is not considered to be an effective way of dealing with the risk(s).

When issuing a prohibition notice consideration should be given as to whether the risk to spectators is or may be imminent and if so the notice should take effect as soon as it is served. In all other cases it should come into force at the end of the period specified in the notice.

A prohibition notice must specify:

- the nature of the risk to spectators; and
- the number of spectators that may be admitted to the sports ground, or any part of the sports ground, until appropriate steps have been taken to address those risks.

The notice may also include directions as to the steps which will have to be taken to reduce the risk to a reasonable level.

Under the Environment and Safety Information Act 1988 the local authority is required to keep a register of any prohibition notices that it has issued. Nottinghamshire County Council's register is kept on the safety at sports grounds page of the Council's website.

Simple cautions (formerly known as formal cautions)

A simple caution should only be issued for offences where there is no imminent risk or where the offence is readily admitted and immediate action has removed the imminent risk. A caution can be used to:

- deal quickly and simply with less serious offenders
- to divert them from unnecessary appearance in the criminal courts and
- to reduce the chances of their re-offending.

A record of the caution is required to be kept on the Council's computer system.

If the offender commits a further offence, the caution may influence our decision to take a prosecution.

Simple cautions should not be used as an alternative to prosecutions where insufficient evidence is available. Officers should be prepared to prosecute where an individual or business refuses to accept a simple caution.

More information can be found in Home Office Circular 016/2008 – "Simple Cautioning Adult Offenders".

Prosecution

The decision to prosecute is very significant and must be related to risk. In general, it should be reserved for those who

- blatantly disregard the law;
- refuse to implement basic legal requirements and who put the public at risk.

Factors to consider are:

- the seriousness of the offence, including the seriousness of the result of the offence
- the previous history of the defendant/organisation
- availability, co-operation and reliability of witnesses
- the willingness of persons involved to put matters right
- the probable public benefit and importance of the case
- whether other action e.g. prohibition notices would be more effective (if may be appropriate in some circumstances to serve a prohibition notice as well as to prosecute if the risk to employees or the public remains high)
- any explanation offered by the defendant/organisation.

Before deciding to proceed with a prosecution officers must be satisfied that there is a relevant, admissible, substantial and reliable evidence that the offence has been committed by the defendant and that there is a realistic prospect of conviction. Any prosecutions should be brought without delay.

5.5 Appeals

Appeals against a reduction in capacity imposed by way of an amendment to a safety certificate or against a prohibition notice are to a Magistrates Court. Where an appeal is made against an amendment to a safety certificate the amendment cannot take effect until the appeal is heard. However, in the case of an appeal against a prohibition notice any reduction in capacity remains in place until the appeal is heard.

5.6 Penalties

It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice. These offences are associated penalties, along with the defences of absence of consent and due diligence, are listed in section 12 of the Safety of Sports Grounds Act 1975 and section 36 of the Fire Safety and Safety of Places of Sport Act 1987.

6. SAFETY ADVISORY GROUPS

6.1 Introduction

The County Council has established Safety Advisory Groups for each ground to provide specialist advice to the Council on safety at sports grounds. This includes the terms and conditions of the General Safety Certificate and the monitoring of those conditions. These are multi-agency groups and are chaired by the Team Manager, Emergency Planning as the Council's lead officer for safety at sports grounds.

6.2 Membership

A table showing the membership for Safety Advisory Groups is shown in Appendix 1. While Nottinghamshire County Council has chosen not to designate members of SAGs as 'core' and 'invited', the chair reserves the right to ask any member of the group to withdraw from a meeting or a particular agenda item if the chair deems it appropriate to do so. The chair may also invite any other specialist to attend a meeting if it is appropriate to assist the group in considering any issue.

6.3 Terms of reference

Safety Advisory Groups have been established to:-

- Provide a forum within which the Council and other agencies may develop a co-ordinated approach to spectator safety and assist in developing a safety culture at sports grounds in the County.
- 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.

- Provide advice and assistance to sports grounds certificate holders on public safety related issues
- Consider aspects of and possible changes to the terms and conditions in the General/Special Safety Certificate
- Consider the implications of changes to Operations Manuals produced by clubs operating under the new style of safety certification
- Receive and discuss all proposals for new sports grounds and public events taking place in sports grounds
- Receive and approve proposals, where acceptable, for alterations to the designated sports grounds and regulated stands.
- Receive any relevant reports in relation to matters found during inspections by group members
- Discuss any significant incidents with potential safety implications or “near misses” at a sports ground/public licensed event.
- Monitor the implementation of the terms and conditions contained within the General and Special Safety Certificates
- Receive notification of the issue of any prohibition notice and any prosecutions under sports grounds legislation
- Consider all relevant published guidance documents
- Provide a forum for the development of Major Incident Plans for sports grounds where it is considered necessary.

Members of the SAGs agree to:

- Attend SAG meetings to advise the County Council on safety issues.
- Attend an annual audit meeting, which will incorporate the annual inspection of the ground/stand and review of the General Safety Certificate.

6.4 Decision making

The Safety Advisory Group is not a legal entity and cannot take any decisions on behalf of the local authority. The local authority's decision making power is delegated as described in section 2.3 and 2.4 above.

6.5 Meetings

Designated ground Safety Advisory Groups will meet yearly for the purpose of undertaking the annual audit. This will incorporate the annual inspection of the ground/stand, and the review of the General Safety Certificate, including the P and S factors. This will normally take place prior to the start of the sporting season.

In addition, the designated football ground Safety Advisory Groups will meet at least three times per year. The designated cricket ground Safety Advisory Group will meet at least twice per year.

Regulated stand Safety Advisory Groups will meet at least every other year to carry out the annual audit, incorporating the annual inspection and review of the General Safety Certificate, including the P and S factors.

Ad hoc Safety Advisory Groups will meet as required to consider issues concerning safety at a particular ground following an emergency or other crowd safety issues that are not connected to a specific ground.

7. ROLES AND RESPONSIBILITIES

7.1 Introduction

Nottinghamshire County Council relies on a number of partner organisations to provide advice and support to assist in fulfilling its statutory duty. Working together will assist in developing a safety culture and help ensure the safety of the public attending events.

7.2 Designated Officer – Group Manager, Emergency Planning and Registration

To oversee the lead officer's role in ensuring that the Council properly discharges its responsibilities under safety at sports grounds legislation.

To ensure the elected members of the Community Safety Committee are kept informed of safety at sports ground activities by providing a committee report on a regular basis.

To be the authorised signatory for the County Council on General and Special Safety Certificates.

In the event of division or dispute emerging from a Safety Advisory Group, to ensure that any decisions reflect the policies of Nottinghamshire County Council.

To initiate and conduct prosecutions authorised by Nottinghamshire County Council for breach of the conditions of a General or Special Safety Certificate and any other offences under the Acts.

To nominate the Team Manager, Emergency Planning to act as his/her deputy should the designated officer not be available.

To attend on selected match / race days as appropriate to observe and understand the operation of the grounds.

In the absence of the lead officer, to issue and amend General and Special Safety Certificates.

In the absence of the lead officer, to draft, issue, suspend and withdraw Prohibition Notices under Section 10 of the Safety at Sports Grounds Act 1975 (as amended).

7.3 Lead Officer – Team Manager, Emergency Planning

To ensure that the County Council properly discharges its responsibilities under safety at sports grounds legislation.

To manage the day to day activities of safety at sports grounds work for the County Council and ensure that clubs / grounds satisfy the conditions as indicated in the General Safety Certificate or Special Safety Certificate.

To ensure that each SAG undertakes appropriate activities to determine the terms and conditions of General Safety Certificates and Special Safety Certificates and monitors their implementation.

To chair meetings of each Safety Advisory Group for designated grounds, regulated stands and any ad hoc SAG which is required, and to ensure that resulting decisions are implemented.

To ensure that membership of each SAG reflects the interests of all parties as recommended in the Taylor Report (Final Report by The Rt Hon Lord Justice Taylor, following the inquiry into the Hillsborough Stadium Disaster on 15th April 1989).

To issue and amend General and Special Safety Certificates, once signed off by the designated officer.

To draft, issue, suspend and withdraw Prohibition Notices under Section 10 of the Safety at Sports Grounds Act 1975 (as amended).

To act in a co-ordinating role for all members of a SAG and be responsible for arranging meetings and inspections as appropriate.

To attend on selected match / race days to observe and understand the operation of the ground and to undertake inspections on aspects that the lead officer is competent to inspect.

To attend any re-development sub-groups as required.

To deputise for the designated officer should he/she not be available.

To determine fees to be charged to sports grounds for work carried out to issue, amend or transfer general and special safety certificates, as permitted by the 1975 and 1987 Acts. See Nottinghamshire County Council's Safety at Sports Grounds Financial Policy for further details.

To determine fees to be charged to sports grounds for advice, guidance and other discretionary services relating to safety at sports grounds carried out on request of the sports ground. See Nottinghamshire County Council's Safety at Sports Grounds Financial Policy for further details.

To enforce the Regulatory Reform (Fire Safety) Order 2005 in respect of designated sports grounds and regulated stands (see section 5 for details).

To keep the designated officer informed of relevant issues.

7.4 Chartered Engineer

To provide technical advice to each SAG in respect of structural and safety matters as referred to in the “Green Guide” and other relevant documentation.

To consult with the Fire and Rescue Service as required to check information and proposals made by sports grounds on:

- safe capacities for sports grounds
- means of ingress and egress to and from sports grounds
- widths of all routes, staircases, gates, and vomitories
- siting of signage
- any other safety related matter.

Verify information and calculations provided by sports grounds to support their proposals as to the safe number of spectators for all areas of the sports grounds for all specified activities.

Attend meetings of Safety Advisory Groups for designated grounds and regulated stands.

Attend the annual audit of each sports ground to advise on structural issues and safety issues with reference to the ground structural inspection reports.

Review the annual structural assessment report for each sports ground, and monitor the progress of each sports ground in carrying out essential maintenance work as highlighted in the reports.

To attend on selected match / race days (as agreed in consultation with the lead officer) to observe and understand the operation of the ground and to undertake inspections on aspects that the Chartered Engineer is competent to inspect.

Advise on any developments, proposals, changes or proposed installations, including temporary demountable structures at the sports ground.

To chair any re-development sub-groups as required and advise on technical / specialist matters.

7.5 Safety Advisory Group liaison officer - Nottinghamshire Fire and Rescue Service

To advise the SAG and/or Nottinghamshire County Council on the implementation of fire safety matters referred to in the “Green Guide”; these include:-

- safe capacities for sports grounds, in liaison with the Chartered Engineer from the County Council.

- means of ingress and egress to and from sports grounds
- widths of all routes, staircases, gates and vomitories
- positioning of signage
- the provision of fire-fighting equipment and water supplies
- control of flammable materials and storage areas in sports grounds
- control of heating installations in sports grounds
- control and location of catering and merchandising outlets and other installations and provisions including the fire protection of temporary demountable structures.

[NOTE: Nottinghamshire Fire and Rescue Service can advise on fire safety matters but is not the responsible authority for fire safety at designated sports grounds, or regulated stands – this falls to Nottinghamshire County Council under the Regulatory Reform (Fire Safety) Order 2005. See section 5 for details.]

Attend meetings of the Safety Advisory Groups.

Attend annual audit meetings for each sports ground and advise as appropriate.

7.6 Safety Advisory Group liaison officer - Nottinghamshire Police

To attend meetings and advise the Safety Advisory Group on safety issues for designated grounds and regulated stands

To attend the annual audit meeting for each sports ground and advise on crowd management and public order issues as appropriate.

For football clubs, provide a match classification based on risk in order to determine the policing arrangements required for a particular event.

Where appropriate, and subject to data protection legislation, to advise the clubs / grounds of aspects of police risk assessments and intelligence in order to assist them in decisions around stewarding and crowd control measures.

To assist the issuing authority with the content and formulation of the General Safety Certificate.

To inform and advise any organisation that has responsibility for any aspect of crowd safety of any deficiency or issue, which may come to light through information received or through attendance at the ground.

To provide specialist advice from a police perspective at all stages of development or redevelopment of a sports ground.

In consultation with the club / ground, produce a Statement of Intent detailing how police will work with the club / ground.

7.7 Safety Advisory Group liaison officer - East Midlands Ambulance Service NHS Trust

To advise on health and first aid matters as referred to in the “Green Guide”.

To act as point of reference for first aiders attending for specified activities

Attend meetings of each Safety Advisory Group.

To attend on selected match / race days as appropriate to observe and understand the operation of the ground, or to undertake inspections on aspects that the liaison officer is suitably qualified to inspect.

Attend the annual audit meeting for each sports ground and advise on health issues as necessary.

To provide an ambulance officer to attend multi-agency control rooms as appropriate.

7.8 Safety Advisory Group liaison officer - District or Borough Council

To advise on building control issues with regard to the sports grounds.

To advise on environmental health issues with regard to the sports grounds.

To advise and enforce where necessary on licensing issues with regard to sports grounds.

To provide co-ordination between the Safety Advisory Group and the district or borough council on other issues such as town & country planning.

Attend meetings of the Safety Advisory Groups.

Attend the annual audit meeting for the appropriate sports ground/s and advise on safety issues as necessary.

To attend on selected match / race days as appropriate to observe and understand the operation of the ground or to undertake inspections on aspects that the liaison officer is suitably qualified to inspect.

7.9 Sports Grounds Safety Authority Inspector

The core functions of the Sports Grounds Safety Authority are to ensure the implementation of government policy concerning the safety and comfort of spectators at designated football matches (as developed from the recommendations of the late Lord Justice Taylor's Final Report on the Hillsborough Stadium Disaster) and specifically in relation to local authorities to:

Keep under review the discharge by the local authority of their functions under the Safety at Sports Grounds Act 1975 with regard to sports grounds at which designated football matches are played.

Offer guidance on good practice with regard to the organisation of Safety Advisory Groups.

Attend meetings of each Safety Advisory Group where possible.

Attend annual inspections of designated Sports Grounds where possible

Advise on crowd management and safety issues where appropriate.

7.10 General Safety Certificate Holder

To be responsible for the safe operation of the sports ground including crowd safety and movement, segregation, entering, exiting, ticketing, stewarding and first aid.

To ensure that all the terms and conditions of the General Safety Certificate and Special Safety Certificate, where applicable, are complied with at the sports ground.

Where applicable, to ensure that the ground is run according to the policies, plans and procedures set out in the club's Operations Manual, and to notify the Council of any changes to the Manual.

To provide relevant information as contained within the terms and conditions of the General Safety Certificate, as required to the Safety Advisory Group and / or Nottinghamshire County Council.

To notify the local authority of any developments, proposals, changes or proposed installations, including temporary demountable structures at the sports ground that affect the safety of spectators.

To complete and return the annual self-assessment questionnaire issued by the County Council, in order to assess the ground's compliance with the General Safety Certificate.

To bring to the attention of the lead officer any areas of concern with regard to technical equipment, e.g. turnstile operation, lighting etc.

To action requirements to promote safety issued by the Safety Advisory Group and / or Nottinghamshire County Council.

Attend meetings of the Safety Advisory Group.

Attend the annual audit meeting of the sports ground.

7.11 Supporters club representative

To provide a link between the recognised supporters club and the SAG at designated football grounds.

To communicate appropriate information between the Safety Advisory Group and supporters club.

To consider and input the views of supporters at SAG meetings.

Attend meetings of the Safety Advisory Group.

Attend the annual audit meeting of the sports ground.

8. REGULATORY REFORM (FIRE SAFETY) ORDER 2005

8.1 Legislative duty

The Regulatory Reform (Fire Safety) Order 2005 places a range of duties on the 'responsible person' for fire safety in public buildings including sports grounds. Local authorities are responsible for enforcing the Order at sports grounds covered by the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.

For designated grounds, Nottinghamshire County Council's responsibilities under the Order apply to all buildings within the curtilage of the ground.

The duties placed on Nottinghamshire County Council under the Order apply to all activities taking place at the sports ground, at all times it is in use – not just during matches / race days.

For grounds with regulated stands, Nottinghamshire County Council is responsible only for the regulated stand itself, and the means of escape from the regulated stand to a place of safety. Nottinghamshire Fire and Rescue Service is responsible for enforcing the Order in the rest of the ground.

Within Nottinghamshire County Council, responsibility for enforcing the Order at sports grounds is delegated to the emergency planning team along with other safety at sports grounds matters.

8.2 Role of Nottinghamshire County Council

The County Council is responsible for ensuring that the occupier of the premises has provided suitable fire safety measures and management principles to ensure the safety of employees, spectators, contractors and those that use the premise.

In order to meet these responsibilities, officers will:

- Determine the 'responsible person' for fire safety at each sports ground
- Ensure that fire risk assessments are carried out by each sports ground
- Determine whether the fire risk assessments are suitable and sufficient
- Carry out fire safety inspections at each sports ground to identify any deficiencies in fire safety management, at suitable intervals determined by the level of risk
- Provide information to each sports ground following the fire safety inspection, on any deficiencies found, and remedies to be undertaken
- Where serious breaches of fire safety are found, to take enforcement action under the most appropriate legislation, up to and including prosecution where necessary.

8.3 Responsibilities of the sports grounds

The 'responsible person' for fire safety at each sports ground is ultimately responsible for ensuring that the fire safety arrangements meet the required standard and must provide evidence to the local authority that processes are in place to ensure this.

The responsible person at each sports ground shall ensure that a suitable and sufficient fire risk assessment is completed for each part of the ground as appropriate.

Fire risk assessments shall be reviewed on an annual basis, and following any redevelopment work, or any other change which may affect fire safety.

The responsible person for each sports ground shall ensure that appropriate fire prevention and detection measures are put into place as required by the fire risk assessment.

The responsible person for each sports ground shall ensure that a fire evacuation plan is produced for the ground, and that it is regularly tested.

Proposed structural alterations to the premises must be advised to the Council on plans to scale indicating the proposal before any alteration takes place. In some cases these may also require building approval and the lead officer of the Council will liaise with building control from the district or borough council and agree the process to be adopted.

8.4 Inspection and audit process

The lead officer will require copies of the fire risk assessments and records of fire safety arrangements such as test records and staff training records, to be made available for inspection on demand at any reasonable time, by an inspector authorised by the County Council.

Following inspection of the fire risk assessments, if it is deemed necessary, a fire safety inspection of the ground will be carried out by an inspector authorised by Nottinghamshire County Council, accompanied by the lead officer. The frequency of this inspection will be determined by reviewing the fire risk assessments, and making an assessment of the risk posed by the type and construction of building, its use, and the level of competence of the ground management in fire safety matters. Where the building is used for several different functions (ie. conferences and weddings as well as sporting events) it may be necessary to carry out an inspection during each type of event.

8.5 Enforcement

Following the review of fire risk assessments and the fire safety inspection, the sports ground will be notified of the outcome, including any defects which must be rectified, and any recommendations on good practice for the ground to consider.

If the review and inspection process reveals serious problems, the lead officer may deem it necessary to issue alterations, enforcement or prohibition notices, and in extreme circumstances, may consider prosecution. However the use of formal notices and prosecution will be a last resort. Attempts will be made to resolve issues with less formal action, unless serious and / or deliberate breaches of law have put people at serious risk.

The result of the review of the fire risk assessments and the fire safety inspection will be reported to the Safety Advisory Group, and will be taken into account by the County Council in issuing the General Safety Certificate and determining the P and S factors for the ground.

APPENDIX 1 Safety Advisory Group members

Organisation	Job title
Nottinghamshire County Council	Team Manager, Emergency Planning (Chair)
Nottinghamshire County Council	Chartered Engineer, Technical Advisor to SAG
Nottinghamshire Police	Major Incident Commander
Nottinghamshire Police	Liaison Officer
Nottinghamshire Fire & Rescue Service	Specialist Advisor
East Midlands Ambulance Service	Emergency Planning Manager
East Midlands Ambulance Service	Events Manager
District / Borough Council	Environmental Health Officer / Building Control Officer / Emergency Planning Officer
Sports Ground	Certificate Holder
Sports Ground	Safety Officer
Sports Ground	Deputy Safety Officer
Supporters club	Supporters representative (designated football grounds only)
Sports Grounds Safety Authority	Regional Inspector

APPENDIX 2. REFERENCES

The following publications have been referred to on the production of this policy:

- Safety of Sports grounds Act 1975 (As amended)
- Safety of Places of Sport Act 1987
- Guide to Safety of Sports Grounds Fifth Edition
- Regulatory Reform (Fire Safety) Order 2005: Guidance Note No.1: Enforcement
- Final Report of Lord Justice Taylor into the Hillsborough Disaster
- Guide to the Safety Certification of Sports Grounds (Sports Grounds Safety Authority)

(Draft) Safety at Sports Grounds Financial Framework

1 Introduction

This document sets out a framework for managing financial arrangements between Nottinghamshire County Council and sports grounds within the County, in relation to safety at sports grounds work.

Nottinghamshire County Council has a duty to provide value for money to taxpayers. This duty must be balanced with the duty to promote spectator safety, and to support local businesses and community organisations.

This document aims to set out a balanced approach, whereby routine safety at sports grounds services will be provided to sports grounds free of charge, with some services provided on request by the club to be charged for on a cost-recovery basis where legislation permits.

Nottinghamshire County Council considers that spectator safety is of primary importance. Sports grounds should not hesitate to contact the County Council if they have any issue relating to crowd safety which they wish to discuss.

Sports grounds will be informed at the time if the assistance they are seeking will be chargeable.

This document is produced by the Nottinghamshire County Council emergency planning team. Any queries about this document should be directed to the team:

Telephone: 01159 773 471

Email: emergency.planning@nottscc.gov.uk

2 Legislative basis

The Safety of Sports Grounds Regulations 1976 and Fire Safety and Safety of Places of Sport Regulations 1988 make provision for the local authority to charge fees for the issue, amendment, replacement or transfer of a safety certificate, and for the cancellation of a certificate for a regulated stand.

In addition, under the Local Government Act 2003, local authorities are able to charge fees for discretionary services such as the provision of advice and guidance.

3 Chargeable services

Sports grounds will be charged for the issuing, amending, replacement or transfer of a general or special safety certificate, when it is done in response to a request by the ground, or in response to changes made or proposed by the ground (ie. not 'routine').

Charges will be made for the full amount of officer time spent in researching, liaising with other agencies, and preparing for changes to be made to certificates as well as the time taken to retype and reissue the document.

Sports grounds will be charged for the provision of technical advice on proposals to alter the structure of the ground, whether provided directly to the ground or to the architect working on behalf of the ground. This includes redevelopment sub-groups of the SAG formed to consider such proposals.

Charges may also be made for the provision of advice and guidance on safety at sports grounds issues, where a significant amount of officer time is involved in dealing with the issue. This will be discussed with the sports ground when the request for advice is made.

Charges will be made to cover the fees incurred in placing public notices in local newspapers regarding changes to safety certificates, where the change is in response to a request by the ground, or in response to changes made or proposed by the ground.

4 Non-chargeable services

Charges will not be made for routine safety at sports grounds work including:

- Routine Safety Advisory Group meetings
- Annual audit meetings including annual inspections and review of the General Safety Certificate
- Inspections and audit of policies, procedures and documents produced by the sports grounds
- During performance inspections
- Routine inspections on non-match days
- Fire safety inspections
- Review of fire safety risk assessments
- Routine queries, discussions and update meetings
- Major Incident Planning

Charges will not be made for changes to safety certificates which are due to changes in legislation or guidance, or initiated by the County Council (unless in response to actions taken or proposed by the ground).

Charges will not be made for advice or guidance given to assist grounds in complying with requests made by the safety advisory group (unless the SAG is responding to changes made or proposed by the ground).

Charges will not be made for minor enquiries or requests for advice.

5 Fees & administration

Sports grounds will be notified of the hourly rate for chargeable safety at sports grounds work.

A log will be kept by all officers involved in chargeable safety at sports grounds work, in order to enable an accurate fee to be determined.

Invoices will usually be sent out shortly after the completion of a significant project. An annual invoice may also be sent in February or March, to cover any miscellaneous chargeable services provided in that financial year.