

8 November 2018**Agenda Item: 9****REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES****SAFETY AT SPORTS GROUNDS POLICIES****Purpose of the Report**

1. The report is to seek approval for changes to the Safety at Sports Grounds Policy and the Safety at Sports Grounds Enforcement Policy, and a decision by members on the approach to be taken to non-regulated sports grounds in the County.

InformationLegislative background

2. The Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987 place responsibilities on local authorities to issue safety certificates to designated sports grounds and those with regulated stands. Breach of a condition of a safety certificate is an offence under the relevant Act and the local authority is responsible for enforcement.
3. The 1975 Act also provides a special procedure in case of serious risk. This gives local authorities the power to issue a prohibition notice, preventing the admission of spectators to the ground (all or part of it). This power applies to any sports ground as defined by the Act, not just those which have been issued with a safety certificate.
4. In addition, the 1975 Act gives local authorities powers to send an inspector to enter a sports ground, to make enquiries and examine records for the purposes of the 1975 Act. This also applies to all sports grounds not just those which are in receipt of a safety certificate.

Changes in official guidance from the Sports Grounds Safety Authority

5. In early 2017, the Sports Grounds Safety Authority (SGSA), the UK Government's expert body on safety at sports grounds, reviewed its understanding of the primary legislation noted above. The review led to a change in the SGSA's interpretation of the legislation, and a public consultation led to revised guidance being issued to local authorities.
6. The new guidance expands the definition of safety in relation to sports grounds, and therefore expands the remit of Nottinghamshire County Council as certifying and enforcement authority for sports grounds in the county. In previous guidance, only risks to the safety of spectators were considered. Matters relating to counter terrorism, crowd disorder and anti-social behaviour at a sports ground were not explicitly addressed as they were considered to be largely the remit of the police.

7. The SGSA now considers that the matters which should be considered within the purview of a Safety Certificate include anything which may pose a danger of physical harm. This explicitly includes risks from terrorist activity, crowd disorder and antisocial behaviour. In addition, the SGSA considers that a Safety Certificate should now ensure that all people at a sports ground are protected, not just spectators.
8. In response to these changes, officers have commenced a wide ranging review of all policies, procedures and documentation relating to safety at sports grounds to ensure that the reasonable safety of all persons present at sports grounds in Nottinghamshire, under this wider definition of safety, is fully addressed. This includes a review of the Nottinghamshire County Council Safety at Sports Grounds Policy, and Safety at Sports Grounds Enforcement Policy. Current versions of these documents were approved by the former Community Safety Committee.
9. Accordingly, the Safety at Sports Grounds Policy has been reviewed and amended, and the revised version is at Appendix 1. The Safety at Sports Grounds Enforcement Policy has likewise been reviewed and amended and the revised version can be seen at Appendix 2.
10. The changes to the policies at Appendix 1 and 2 are as follows:
 - a. In both documents: references to the safety of spectators have been changed to refer instead to the safety of 'all persons present', 'people' or 'those present at the ground' (except references to spectator safety in relation to prohibition notices as this wording is from the legislation and has not changed).
 - b. In Appendix 1: the job title of the Group Manager responsible for safety at sports grounds has been updated.
 - c. In Appendix 2: Under 'Principles and Commitments - Accountable', the sentence 'The emergency planning team reports regularly to the Community Safety Committee, including any pertinent developments and the outcomes of annual audits' is replaced by 'The emergency planning team is accountable to the Communities and Place Committee as set out in the Council's Constitution'.

Duties and powers in relation to non-regulated sports grounds

11. The County Council currently operates a de facto reactive policy in relation to non-regulated sports grounds, making contact only when officers are alerted to a potential safety concern by a partner organisation such as Nottinghamshire Police, by a member of the public, or through the local press.
12. The County Council has a responsibility to all those present at non-regulated sports grounds during events, and should make a formal decision on the approach to be taken to those grounds, specifically whether officers should pursue a proactive policy involving regular contact and periodic inspections, or continue with the current reactive policy, only acting in response to a known or suspected safety issue.

Other Options Considered

13. A pro-active approach to safety at non-regulated sports grounds would have a significant impact upon the ability of the emergency planning team to fulfil other priority objectives. It is believed that there are 19 non-regulated sports grounds in the County which, if a proactive policy were to be adopted, officers would need to make contact with and periodically inspect. Including time for correspondence, travel, inspections, report writing and follow up with grounds after each inspection, a policy of annual inspection of non-regulated grounds would result in approximately 28.5 days additional work for officers, plus any additional costs incurred if inspections require input from a structural engineer.
14. No other options have been considered with respect to the proposed changes to the Safety at Sports Grounds Policy and Safety at Sports Grounds Enforcement Policy.

Reason/s for Recommendation/s

15. The proposed changes to the Safety at Sports Grounds Policy and Safety at Sports Grounds Enforcement Policy are necessary to bring the policies in line with SGSA guidance.
16. The recommendation to continue with a reactive approach to non-regulated sports grounds is made on the basis of both risk and resources. Small grounds by their nature have relatively small numbers of attendees at events, and do not have large or complex stands. As such, the risk they pose is of a lesser magnitude than large stadia with many thousands of attendees. There are well established avenues for reporting concerns about any sports ground in the County to the lead officer for Safety at Sports Grounds, emergency planning team manager Wendy Harnan-Kajzer, who maintains regular contact with the emergency services, district and borough councils, and receives information from members of the public via the Council's website and contact centre.

Statutory and Policy Implications

17. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

18. The County Council's wider remit in relation to safety at sports grounds, arising from the SGSA's expanded definition of safety, creates a more onerous regime for inspection and monitoring of designated and regulated sports grounds. The resource implications of this are currently being considered by Place Department.
19. A reactive approach to non-regulated sports grounds enables available resources to be concentrated on the larger sports grounds which pose a greater inherent risk due to their size and number of spectators, whilst allowing flexibility to work with smaller sports grounds should a significant safety concern arise.

RECOMMENDATION/S

It is recommended that:

- 1) Approval be given for the continuation of a reactive approach to safety at non-regulated sports grounds in the County, and
- 2) The revised Safety at Sports Grounds Policy and Safety at Sports Grounds Enforcement Policy as set out in Appendix A and Appendix B be approved, and
- 3) The policies be passed to Policy Committee for adoption.

Derek Higton
Service Director, Place and Communities

For any enquiries about this report please contact: Robert Fisher, Group Manager for Emergency Planning and Registration

Constitutional Comments [SLB 19/10/2018]

20. Communities and Place Committee is the appropriate body to consider the content of this report.

Financial Comments [SES 02/10/2018]

21. The financial implications are set out in paragraphs 19 and 20 of this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Safety at Sports Grounds Framework (draft revised policy, pending committee approval of this report)
- Safety at Sports Grounds Financial Framework

Electoral Division(s) and Member(s) Affected

- All