

Luton

Luton Council

Safety at Sports Grounds Policy

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1.0 Policy for the Issue and Review of General Safety Certificate

1.1 Introduction

- 1.1.1 It is the policy of Luton Council to seek to ensure the reasonable safety of all persons attending any sports ground within the Borough. In undertaking this duty, the Council works in partnership with Luton Town Football Club, the emergency services, the Sports Grounds Safety Authority and the supporters group to promote a culture of safety at sports grounds.

1.2 Context

- 1.2.1 Luton 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.

1.3 Scope of this policy

- 1.3.1 Luton 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 Borough, 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 those present during an event 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 those present during an event 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.
- 1.3.2 Fire Safety and Safety at Places of Sports Act 1987:
- To issue a General Safety Certificate for each regulated stand within the Borough, containing "such terms and conditions as the local authority consider necessary or expedient to secure the reasonable safety of all persons in the Stand when it is in use for viewing the specified activity or activities at the Ground".
- 1.3.3 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, Luton Council will be consulted as the responsible authority for fire safety.

1.4 The Sports Grounds Covered by this Policy are:

- Luton Town Football Club Ltd, Kenilworth Road, Luton, Beds, LU4 8AW
- Any sports grounds in the Borough of Luton which gives rise to serious concerns about spectator safety.

1.5 Principles and Commitments

1.5.1 Luton Council, working in conjunction with partner agencies, endeavours to ensure the reasonable safety of all persons attending any sports ground for an event determined by the Acts in Luton.

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

- Seek to ensure that a reasonable standard of safety for those present during an event is maintained at all sports grounds but particularly those, which are designated or have regulated stands within the Borough of Luton.
- Encourage and promote a safety culture within sports grounds in the Borough of Luton.
- 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, relevant certificate holder and relevant council officers 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 the safety of all persons present at an event 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.
- Annually review the relevant P and S factors, and the capacity calculations for each sports ground and check these are being adhered to by the grounds management.

1.6 Key actions to meet the commitments set out in the policy

1.6.1 Delegated powers

1.6.1.1 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 – Property & Construction

1.6.1.2 The Service Director has delegated day to day responsibility to the Service Manager – Building Control Consultancy, who is nominated as the designated officer for safety at sports grounds.

1.6.1.3 The Civil Protection Team within Luton Council will undertake the role of 'Chair' for the SAG meetings.

1.6.1.4 In imposing terms and conditions for spectator safety (such as when issuing or amending General or Special Safety Certificates), Luton Council is legally required to consult with Bedfordshire Police, Bedfordshire Fire & Rescue Service and the building authority.

1.6.1.5 East of England Ambulance Service, although not a statutory consultee, is in practice also consulted as are other core members as detailed in the SAG Terms of Reference.

1.6.2 Suitably trained and competent staff

1.6.2.1 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 and taking the below actions;

- Duties are specified in job descriptions and experience is built up over time with provision made in individual performance reviews 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 relevant regional and national groups and conferences.

1.6.2.2 Additional external resources may be procured by the Council to support the in-house team when required.

1.7 Application process

1.7.1 The format of an application for a safety certificate for a designated ground and for a regulated stand are set out in the Safety of Sports Grounds Regulations 1987 and Safety of Places of Sport Regulations 1988 respectively.

1.7.2 Applications are processed through the Council's Building Control Service. The Council will supply the police authority 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.

1.7.3 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.

1.7.4 LBC will aim to complete the certification process within 28 days of receiving the application. However, this may be extended should further information be required or inspections need to be carried out.

1.7.5 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 and those present at the sports ground. 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 and that published by the Sports Grounds Safety Authority in its "Guide to the safety certification of sports grounds".

- 1.7.6 In accordance with its standing orders, the Council has delegated its power to issue, amend and withdraw a safety certificate to the Service Director for Property & Construction.

1.8 Rights of Appeal

- 1.8.1 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 of 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 designated stand, against that determination.
- 1.8.2 Appeals must be lodged within 28 days if they relate to a general safety certificate.

1.9 Review of safety certificate

- 1.9.1 The Council will undertake a review of issued safety certificates on a periodical basis:
- Designated grounds - reviewed annually.
 - or at a lesser time in response to physical changes at the 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.
- 1.9.2 The review will consider the terms and conditions of safety certificates to validate they remain relevant for providing for the reasonable safety of all persons

attending events at the designated sports ground.

1.9.3 The outcome of the review shall be recorded in the minutes of the SAG.

1.10 Public Access

1.10.1 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 police authority; and
- the building authority.

1.10.2 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.

2.0 Monitoring and inspection policy

2.1 Introduction

2.1.1 Luton Borough Council (“LBC”, “the Council”) recognises its statutory duty for the safety certification of sports grounds under Safety of Sports Grounds Act 1975 (as amended) (1975 Act) and the Fire Safety and Safety of Places of Sport Act 1987 (1987 Act), and also recognises its responsibilities for spectators safety at all sports grounds within its boundary, and in furtherance of meeting its role will implement the following procedures and arrangements in respect of monitoring and inspection of sports ground.

2.1.2 In discharging its monitoring and inspection responsibilities the Council will:

- delegate its power to take and implement decisions on safety certification to a designated council officer (see 1.6 above);
- appoint a council officer to chair the Safety Advisory Group (SAG) to each sports ground subject to a safety certificate and be delegated with powers to make decisions on behalf of the Council;
- provide for adequate resources and appoint appropriate council officers and/or engage competent specialist agencies/external consultants as necessary, to assist the Council in carrying out its statutory duties relating to the monitoring and inspection sports grounds under the provisions of the 1975 and 1987 Acts;
- convene regular SAG meetings to assist in its statutory duty in respect of sports grounds.
- regularly monitor by inspection/audit compliance with the terms and conditions of any safety certificate issued; and
- keep under review its procedures and arrangements in pursuit of ensuring the reasonable safety of spectators at sports grounds within its responsibility.

2.2. Legislation and Guidance

2.2.1 The legislation that applies to the monitoring of the safety of all persons attending an event at sports grounds should be read in conjunction with this policy and procedures. The relevant legislation is as follows –

- Safety of Sports Grounds Act 1975 – Section 10B of which provides that it shall be the duty of every local authority to enforce within their area the Act and regulations made under it and for that purpose to arrange for the periodical inspection of designated sports grounds. “Periodical” is defined in that section as meaning at least once in every 12 months.
- Fire Safety and Safety of Places of Sport Act 1997 – Section 34 of which

provides that it shall be the duty of every local authority to enforce within their area the provisions of Part III of the Act and for that purpose to arrange for the periodical inspection of sports grounds at which there are regulated stands.

2.2.2 Both Acts also require local authorities to act in accordance with such guidance as the Secretary of State may give them. Such guidance has been given in the following Home Office Circulars.

- 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.
- Home Office Circular No 97/1988 - This circular sets out the Statutory Guidance given by the Secretary of State on the frequency and scope of the inspections of the 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.

2.2.3 In addition the “Guide to Safety Certification of Sports Grounds” published by the Sports Ground Safety Authority provides further guidance on monitoring by local authorities.

2.3 Purpose of monitoring and inspection

2.3.1 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.

2.3.2 The regime will include:

- periodic inspections; and
- during performance inspections.

2.4 Scope

2.4.1 The monitoring and inspection procedures set out in this document will apply to the sports grounds listed in **1.2**.

2.5 Delegated powers

2.5.1 Luton Borough Council has authorised officers to enforce the provisions of both the Safety at Sports Grounds Act 1975 and Fire Safety and Safety at Places of Sport Act 1987. This includes powers of entry as well as the ability to serve a Prohibition notice under the above legislation.

- 2.5.2 They are specifically authorised under section 11 Safety of Sports Grounds Act 1975 with powers of entry and inspection, and to draft, issue, suspend and withdraw prohibition notices under section 10 of the Safety at Sports Grounds Act 1975.
- 2.5.3 In addition to the officer with delegated authority for undertaking the inspections any other person deemed appropriate by the officer will be part of the inspection team.

2.6 Inspection Frequency

2.6.1 The achievement of reasonable safety is a continuous process that requires monitoring and inspections by appropriate members of each SAG. The inspection programme for grounds within Luton is as follows:

- For designated grounds a match day safety inspection will be undertaken at least two times a year. An additional non match day ground inspection will also be undertaken where records required to be held by the Certificate Holder will be inspected.

Note – these are minimum frequencies. Additional inspections may be required based on risk and taking into account the safety management culture at the ground and ground management’s compliance with the safety certificate.

2.6.2 The inspection of designated sports grounds will include all items detailed in the guidance issued by the Safety at Sports Ground Authority. The inspections will encompass the following (but not exclusively):

- 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.

2.7 During Performance Inspection (match day inspection)

2.7.1 During Performance Inspections will be made from time to time (see 2.6), 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.

2.7.2 When undertaking during performance inspections the council’s inspecting officer 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 any length of time;
- observe the safety management arrangements and crowd, recording any problems and noting the time of the incident etc;
- record items examined on an inspection check sheet a copy of which will be annexed to the officer's report of the inspection; and
- after the event produce detailed reports of the management of the activity which shall be reported to the SAG as appropriate, and submitted at any debriefing meeting or sent to the club requesting action and/or explanations, to enable consideration to be given to further control and/or enforcement action.

2.7.3 For designated grounds only, the inspection report should be shared with the Sports Grounds Safety Authority.

2.7.4 Where breaches in the terms and conditions of safety certificates are noted, these will be brought to the attention to the holder and duty safety officer immediately. This will be followed up by formal letters of confirmation.

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

2.7.6 Any non-compliances will be recorded on the appropriate inspection form.

2.8 Suitably trained and competent staff

2.8.1 Officers who undertake inspection duties under the 1975 and 1987 Acts will be suitably trained and qualified to ensure their competency; any staff in training will be accompanied on inspections.

3.0 Enforcement Policy

Officers will have due regard to the principles contained within the Enforcement Concordat, the Councils' Enforcement Policy and the Regulators Code.

3.1 Scope

3.1.1 The sports grounds primarily covered by these arrangements are listed in 1.2.

3.1.2 Under the provisions of section 10 of the Safety of Sports Grounds Act 1975 the Council has the power to issue a prohibition notice to limit the capacity, or totally prohibit the admittance of spectators to any sports ground within LBC.

3.2 Choices of enforcement action

3.2.1 There are several courses of action open to the council's enforcement officers depending on the different circumstances that may be encountered or apply to the situation. The choices of enforcement action are:

- Informal Warning
- Reduction in Capacity
- Prohibition Notice
- Simple Caution
- Prosecution

3.3 Reduction in capacity

3.3.1 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.

3.3.1.1 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.

3.3.1.2 When reducing a 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.

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

3.4 Prohibition notice

3.4.1 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 the 1975 Act, including those that are neither designated nor contain a regulated stand.

3.4.2 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 all persons attending 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 any persons 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 an effective way of dealing with the risk(s)

3.4.3 When issuing a prohibition notice consideration should be given as to whether the risk to any persons present at the sports ground 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.

3.4.4 A prohibition notice must specify:

- the nature of the risk to any persons present; and
- the number of any persons 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.

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

3.4.6 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.

3.5 Appeals

3.5.1 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.

3.5.2 However, in the case of an appeal against a prohibition notice any reduction in capacity remains in place until the appeal is heard.

3.6 Penalties

3.6.1 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.

3.6.2 These offences and 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.

4.0 Revisions to this Document and Review

- 4.1 This policy and procedures will be reviewed at intervals not exceeding 12 months and amended at any stage to reflect any changes that may occur in operation procedure or to current legislation.
- 4.2 Following any amendment a complete replacement will be distributed.