

# **NAME OF COMMITTEE / BODY - REGULATORY AND APPEALS 25<sup>th</sup> September 2017**

<b>Title of paper:</b>	Review of General Safety Certificate: Regulated Stand Nottingham Racecourse		
<b>Director(s)/ Corporate Director(s):</b>	Andrew Errington Director Community Protection	<b>Wards affected:</b>	
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<b>Other colleagues who have provided input:</b>	Catrin Styles– Principal Environmental Health Officer (Health & Safety) Richard Bines – Solicitor		
<b>Date of consultation with Portfolio Holder(s) (if relevant)</b>			
<b>Relevant Council Plan Strategic Priority:</b>			
Cutting unemployment by a quarter			<input type="checkbox"/>
Cut crime and anti-social behaviour			<input checked="" type="checkbox"/>
Ensure more school leavers get a job, training or further education than any other City			<input type="checkbox"/>
Your neighbourhood as clean as the City Centre			<input type="checkbox"/>
Help keep your energy bills down			<input type="checkbox"/>
Good access to public transport			<input type="checkbox"/>
Nottingham has a good mix of housing			<input type="checkbox"/>
Nottingham is a good place to do business, invest and create jobs			<input type="checkbox"/>
Nottingham offers a wide range of leisure activities, parks and sporting events			<input checked="" type="checkbox"/>
Support early intervention activities			<input type="checkbox"/>
Deliver effective, value for money services to our citizens			<input type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>			
This report deals with the review and issue by Nottingham City Council as Certifying Authority of the General Safety Certificate for the Regulated Stand at Nottingham Racecourse.			
<b>Recommendation(s):</b>			
<b>1</b>	<p>It is recommended that:</p> <p>(i) the existing General Safety Certificate for the Regulated Stand at Nottingham Racecourse be replaced by the proposed General Safety Certificate ("the Certificate") appended to this report at Annex 1.</p> <p>(ii) The Committee notes the deviations to the 5th edition of the Green Guide as listed in Appendix 4 of the Certificate are not considered by the Safety Advisory Group to be of such significance as to jeopardise safety of spectators.</p> <p>(iii) it acknowledges the appointment of James Knox as the Holder of the Certificate.</p>		

## **1. REASONS FOR RECOMMENDATIONS**

Where there is a covered stand that provides accommodation for 500 or more standing or seated spectators at any non-designated ground, such as the Main Grandstand at the Nottingham Racecourse, the local authority (Certifying Authority) is responsible for issuing and enforcing a General Safety Certificate for the Regulated Stand in accordance with the provisions of the Fire Safety and Safety of Places of Sport Act 1987.

The certificate should contain the conditions that the Certifying Authority considers necessary or expedient to secure the reasonable safety of spectators at the ground. A certificate should therefore be regularly reviewed.

A review of the existing certificate has taken place and the proposed Certificate has been subject to consultation with the Certificate Holder, Police, Fire, Ambulance and Building Control Services as well as the Sports Grounds Safety Authority. Any comments or observations received have been carefully considered and incorporated as appropriate, subject to compliance with statutory and non-statutory guidance.

The Certifying Authority carries out periodic inspections of the Regulated Stand during race and non-race days and facilitates an annual Safety Advisory Group (SAG) meeting to discuss and advise on any safety issues that may have implications for Nottingham Racecourse. Safety Advisory Group meetings were held on the 19<sup>th</sup> June 2014, 01 July 2015, 16<sup>th</sup> June 2016 and 24<sup>th</sup> July 2017. Four inspections including race day and non-race day have occurred since the last revision of the certificate in 2014.

## **2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

The Grandstand at Nottingham Racecourse has a standing capacity of more than 500 and is therefore a Regulated Stand. The purpose of a safety certificate is to ensure that provisions are in place to secure reasonable safety at that ground.

A safety certificate must be held by an individual who is, in the Certifying Authority's determination, a person likely to be in a position to prevent contravention of the terms and conditions of a certificate (referred to within the legislation as a "qualified person").

The Grandstand at Nottingham Racecourse comprises of a tiered concrete stepped standing area which has the capacity for 1557 spectators. The Regulated Stand has a number of banqueting suites, bars and catering facilities within it.

Since the last revision of the General Safety Certificate by the Committee in 2012, the following changes have occurred at the Racecourse which are relevant to safety at the ground:-

- (a) The certificate holder changed from Claire Kirkby to James Knox. James Knox took over role of General Manager of the Nottingham Racecourse from Claire Kirkby in 2014 and has been the Certificate Holder for the last two and a half years.
- (b) The safety officer Alex McMahon retired at the end of 2016 and was replaced by the current Safety Officer, Paul Simmons in January 2017.

- (c) Four Safety Advisory Group meetings have been held each year since 2014. These meetings are chaired by Community Protection's Safer Business Manager, and were attended by:-
- the Certificate Holder;
  - the Safety Officer;
  - Nottinghamshire Police,
  - Nottinghamshire Fire and Rescue Service.
  - The City Council's Principal/Environmental Health Officers (Health & Safety).
- (d) The revision and renewal of the GSC in 2012 coincided with greater focus on the Regulated Stand at the racecourse and the Jockey Clubs safety management systems. Four inspections have occurred since 2012; two race day inspections (2013, and 2016) and two non-race inspections 2013 and 2014. Recommendations from the inspections have led to a number of improvements in the Regulated Stand, including a reduction in maximum capacity from 2,100 to 1,557, a number of fire safety improvements, tightening of security around suspect packages and a bag storage system.
- (e) The Safety of Sports Grounds Act 1975 provides for the amendment and replacement of a safety certificate, which is supported by the requirement for a review in the present Certificate. A comprehensive review of the style of safety certificates was carried out in 2009 which led to a certificate where the operator of a venue is responsible for identifying any risks and the steps to be taken to reduce those risks to an acceptable level. This approach leaves the initiative and the responsibility with the Holder, who is able to tailor the requirements more closely to its particular needs and circumstances. This style of certificate primarily consists of a requirement for the management to undertake appropriate risk assessments, to set out in a manual or policy, how reasonable safety is to be maintained and a requirement to adhere to the manual or policy. Clause 7 of the proposed Certificate now ensures the Holder produces and complies with a written safety policy to be understood by all involved in the grounds safe operation. The Safety Policy will make reference to various plans that relate to safety matters such as facility maintenance, crowd management, stewarding, medical and first aid arrangements, and fire safety, which are themselves predicated upon appropriate risk assessment. Whilst incorporating the risk based approach, the Certificate also retains a number of prescriptive requirements within the Schedules to the Certificate that the Certifying Authority deems appropriate. Representatives of the Emergency Services and the Sports Grounds Safety Authority who are members of the Safety Advisory Group support the 2017 annual review and replacement of the existing safety certificate with the Certificate at Annex 1.
- (h) The key issues to note on the proposed Certificate are:-
- (i) That it permits a maximum capacity of 1,557 spectators to watch the Racing from the Regulated Stand as detailed in Appendix 1. The permitted capacity has resulted from a calculation produced by a consultant contracted by the Jockey Club. The P and S factors in accordance with the 5th edition of the Green Guide, have been assessed. The P factor (Physical Condition) considers the working condition and effectiveness of structural matters through structural surveys, installation inspections of electrical, mechanical, communication and fire detection systems. Access/egress for emergency vehicles and medical facilities are also considered in a P factor analysis. The S factor (Safety Management) considers how the club manages the stewarding, medical and first aid

provisions, spectator safety, fire safety and compliance with other legislation such as Health and Safety at Work Act. Each factor is given a score, dependant on the Nottingham Racecourse's compliance, between 0.0 and 1.0. The lowest (worst score) of either the P or S factor is then used as a multiplying factor to the maximum ground capacity. The Nottingham Racecourse has been assessed as achieving broad compliance with the Certificate and it is deemed appropriate to set the S factor at 1.0 and the P factor at 1.0. The P and S factor scores are subject to review throughout the term of the Certificate and can be altered by the Certifying Authority. Officers of the Certifying Authority (Community Protection Food/Health & Safety) are committed to undertaking race day inspections during the season to assess on-going compliance with the Certificate.

(ii) That it reflects the deviations to the 5th edition of the Green Guide as listed in Appendix 4 of the Certificate.

(iii) That it acknowledges the appointment of James Knox as the Holder of the Certificate.

(iv) That the scope of the Certificate continues to be restricted to the Specified Activity of Horse Racing. Any spectator events or series of events other than this Specified Activity would require a 'Special Safety Certificate' to be issued by the Certifying Authority. The Club are required to apply to the Certifying Authority at least three months before any such events.

### **3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

None.

### **4. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)**

There are no direct financial implications or value for money issues arising from this report.

### **5. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)**

The Fire Safety and Safety of Places of Sports Act 1987, places on a Certifying Authority the duty to determine whether any of the stands at sports grounds within its area are Regulated Stands within the meaning of the 1987 Act, and to issue a safety certificate in respect of those stands. The Certificate must contain the terms and conditions that the Authority considers are necessary and expedient to secure the reasonable safety of spectators when the stand is in use. Regulated Stands are stands that provide covered accommodation for 500 or more standing or seated spectators, as determined by the local authority under section 26 of the 1987 Act. The terms and conditions may require alterations or additions to the stand and must contain certain matters such as a plan of the stand means of access and exit etc.

A safety certificate may be amended or replaced by the Local Authority if it feels that it is appropriate. Under section 10B of the 1975 Act, it is the duty of the Local Authority to enforce the provisions of the Act and of the Regulations made under it and, for that purpose, to arrange for the periodical inspection of a designated sports grounds within its area. Section 34 of the 1987 Act imposes a broadly similar duty

with regard to sports grounds containing regulated stands. For regulated stands with accommodation for over 2,000 spectators, the 1988 Circular (Home Office Circular 97/88) lays down a minimum of one inspection in the calendar year following the issue of the last safety certificate and once in every calendar year thereafter. In all other cases the minimum is once in every two calendar years.

There is nothing to preclude the Local Authority from inspecting the sports ground more frequently. The number of inspections reasonably required will vary from venue to venue. This will be for the local authority to determine, having regard to its duty to monitor the suitability of the terms and conditions of the certificate and ground management's compliance with the operations manual or safety certificate conditions and to ensure that these are being observed.

In discharging their function of determination as respects the stands at sports grounds in their areas, Local Authorities shall act in accordance with such guidance as the Secretary of State may give them. Home Officer Circular 97/1988 provides such guidance. The Green Guide is guidance issued by the Department for Culture, Media and Sport. It has no statutory force and has advisory status. It does not attempt to provide a universal standard for existing grounds and deviations from it are acceptable provided that they are both necessary and reasonable. The Guidance does however require that any deviations from it should be listed in the General Safety Certificate together with the reasons why those deviations are acceptable. The proposals outlined in the recommendations are therefore within the Local Authority's powers.

The 1987 Act gives powers of entry and inspection of the sports ground in which a Regulated Stand is located, to the Local Authority. Any contravention of the terms of a Regulated Stand Safety Certificate is punishable as a criminal offence under section 36 of the 1987 Act.

**6. EQUALITY IMPACT ASSESSMENT**

Has the equality impact been assessed?

Not needed. This report does not contain proposals or financial decisions and does not include proposals for new or changing policies, services or functions.

**7. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

Current General Safety Certificate: Main Grandstand at Nottingham Racecourse

**8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

Safety of Sports Grounds Act 1975 (as amended)

Fire Safety and Safety of Places of Sports Act 1987 as Amended

Guide to Safety at Sports Grounds (the Green Guide) published by Department of Culture, Media and Sport (5<sup>th</sup> edition, 2008)