

NAME OF COMMITTEE / BODY - REGULATORY AND APPEALS 25 September 2017

Title of paper:	Review of General Safety Certificate: Regulated Stand Harvey Hadden Athletics Stadium		
Director(s)/ Corporate Director(s):	Andrew Errington Director Community Protection	Wards affected: Bilborough	
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Other colleagues who have provided input:	Angela Clark- Principal Environmental Health Officer (Health & Safety) Richard Bines - Solicitor		
Date of consultation with Portfolio Holder(s) (if relevant)			
Relevant Council Plan Strategic Priority:			
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"/>
Summary of issues (including benefits to citizens/service users):			
This report deals with the review of the current General Safety Certificate and issue of the proposed for the Regulated Stand at Harvey Hadden Athletics Stadium.			
Recommendation(s):			
1	That the existing General Safety Certificate for the Regulated Stand at Harvey Hadden Athletics Stadium be replaced by the proposed Certificate (the Certificate) attached at Appendix 1 of this report with effect from 25 th September 2017.		
2	That Committee note the recommended deviations from the Green Guide at appendix 5 to the General Safety Certificate		

1. REASONS FOR RECOMMENDATIONS

The Safety of Sports Grounds Act 1975 ('the 1975 Act') and The Fire Safety and Safety of Places of Sport Act 1987 ('the 1987 Act') require Regulated Stands such as the main

stand at the Harvey Hadden Athletics Stadium to have a Safety Certificate which is held by a “qualified person” (someone with authority and control over the way that the premises and Regulated Stand are run). The purpose of the Certificate is to ensure that provisions are in place to secure reasonable safety at that Regulated Stand. A ‘Regulated Stand’ is defined as any covered stand with accommodation for 500 or more spectators whether seated or standing at a non-designated ground. Responsibility for determining if a stand is a Regulated Stand rests with the Council as the Certifying Authority.

The current terms and conditions of the Certificate require reviewing to ensure that the Certificate remains appropriate and relevant to the circumstances specific to the Harvey Hadden Athletics Stadium. Amendments to the proposed Certificate have been undertaken in 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.

2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION) BACKGROUND

The Harvey Hadden Athletics Stadium Stand comprises 703 capacity for seated spectators and 29 spaces for wheelchair users and their carers. It is therefore a Regulated Stand.

In relation to safety at Regulated Stands, consideration is given, along with the 1975 and 1987 Acts, to the ‘Guide to Safety at Sports Grounds’ (The Green Guide). While the recommendations of the Green Guide are built on evidence and experience, the Guide is prepared with stadia events in mind, as it has its origins in official inquiry reports that came out following several stadia disasters. An athletics stadium is different to other sporting stadia events such as professional league football; the reasons for this are that the spectators are generally characterised by goodwill, tolerance and good behaviour. The stadium is currently used for a variety of sporting activities with a broad range of spectator occupancy levels; it is because of this variability that a risk based approach is required in determining the level of ‘safety staff’ that is commensurate with the event.

Additional Supporting Information:

- a) The Director of Sport and Culture for Nottingham City Council, Hugh White as Holder of the current General Safety Certificate and proposed Holder of the reviewed Certificate recognises that in accordance with the ‘Guide to Safety at Sports Grounds’ issued by the Department of Culture, Media and Sport; the senior management team must keep the Safety Officer (person with delegated responsibility for securing day-to-day safety at the stadium) informed in good time of all proposals and material works taking place at the regulated stand and not make unqualified assumptions about the impact on safety requirements.
- b) The services of the appointed consultant Safety Officer, Chris Parsons – an occupationally qualified safety practitioner with experience of working in sports grounds, have been retained until further notice. A Regulatory Compliance & Assistant Business Support Manager has also now been appointed to specifically enable the on-going management arrangements for the stadium sports grounds safety compliance.
- c) Following the last meeting of the Regulatory & Appeals Committee on 16 July 2015,

at which the General Safety Certificate for Harvey Hadden Athletics Stadium was discussed, key holder agreements have been entered in to with users of the Harvey Hadden Athletics Stadium concerning their use of the facility. This ensures relevant conditions of the Safety Certificate can still be met where only a small number of spectators are present within the Regulated Stand. Where larger events occur, a risk assessment must be undertaken to ensure that a suitable and sufficiently qualified Safety Staff are in attendance to secure spectator safety. This provides a cost effective and reasonable approach to comply with the relevant provisions of the General Safety Certificate.

- d) There have been no significant concerns noted during annual inspections of the Stand undertaken to verify operational compliance with the Certificate.
- e) The Safety Advisory Group (SAG) has met annually since the comprehensive review of the Safety Management System and Safety Certificate for the Harvey Hadden Athletics Stadium in 2015. The SAG is led by the Community Protection Food and Health & Safety Team and a Terms of Reference document has been drawn up and agreed by members consisting of the Emergency Services, Building Control, SGSA and Environmental Health Officers as well as the stadium managers. The SAG continues to meet once a year to support and promote high standards of safety at the Regulated Stand. No significant issues have been raised throughout this process.

Nevertheless, the Certifying Authority is minded to apply the provisions of the 1975 and 1987 Acts and amend the General Safety Certificate as appropriate.

The key issues to note on the revised Certificate are:-

- [I]. That it reflects the following deviation to the 5th edition of the Guide to Safety at Sports Grounds (Green Guide) as listed in Appendix 5 of the General Safety Certificate:

A 'Specified Person', i.e. a person holding the necessary ability, knowledge, and skill as agreed with the Certifying Authority who does not meet the requirement within the Green Guide to be occupationally competent (i.e. hold, or be working towards, a level 4 spectator safety qualification) may carry out the duties of the Safety Officer for certain specified, low risk events, with the express written consent of the Certifying Authority.

This allows for greater flexibility in the provision of Safety Staff certain, well managed events on site.

N.B. Officers of the Certifying Authority (Community Protection Food and Health & Safety Team) are committed to undertaking event day inspections during the season to assess ongoing compliance with the Certificate, in particular with regards the effective carrying out of Safety Officer duties by the Specified Person.

- [II]. That the existing permitted deviation relating to the minimum number of first aiders be removed from the General Safety Certificate, following a recommendation by the East Midlands Ambulance Service NHS Trust and consultation with the Certificate Holder.
- [III]. That a number of duplications, general inaccuracies and inconsistencies have been removed from the General Safety Certificate.

It is recommended that the Committee accept the deviation and other changes to the General Safety Certificate, as they are not considered by the Community Protection, Food and Health & Safety Team to be of such significance as to jeopardise safety of

spectators.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

To make no amendments to the existing General Safety Certificate, however, this would not be appropriate in meeting the expectations of both the Certificate Holder and the Certifying Authority in ensuring Spectator Safety at the Regulated Stand.

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 Sport Act 1987 places on the Certifying Authority a 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 safety certificates in relation to those stands. Such certificates must contain the terms and conditions the Certifying Authority considers are necessary and expedient to secure reasonable safety in the stand when it is in use by spectators. The terms and conditions of the Certificate may require alterations or additions to the stand and must contain certain matters such as a plan of the regulated Stand and the area in the immediate vicinity of it.

A General Safety Certificate may be amended or replaced by the Local Authority if it feels that it is appropriate. Section 34 of the 1987 Act imposes a duty with regard to sports grounds containing regulated stands to enforce the provisions of the Act and arrange for periodical inspection. 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.

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 (report does not contain proposals or financial decisions) ☐

No - This report does not include proposals for new or changing policies, services or functions. ☒

Yes – Equality Impact Assessment attached ☐

The Regulated Stand includes space for 29 wheelchair users and their carers; appropriate ramps are available to enable access to these locations.

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

Current General Safety Certificate: Harvey Hadden Athletics Stadium

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Safety of Sports Grounds Act 1975

The Fire Safety and Safety of Places of Sport Act 1987

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