

## REGULATORY AND APPEALS COMMITTEE - 16 JULY 2019

<b>Title of paper:</b>	Annual Review of General Safety Certificate: Notts County Football Club	
<b>Director:</b>	Andrew Errington Director Community Protection	<b>Ward affected:</b> Meadows
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### 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

This report deals with the annual review and issue by Nottingham City Council as Certifying Authority of the General Safety Certificate for the Meadow Lane Stadium, home to Notts County Football Club (“the Club”) for the forthcoming 2019/2020 football season.

### Recommendations

- 1** It is recommended that the:
- (i) existing General Safety Certificate for the Meadow Lane Stadium be replaced by the proposed General Safety Certificate (“the Certificate”) appended to this report at Annex 1;
  - (ii) Committee notes the deviations to the 6th 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;
  - (iii) Committee acknowledges the appointment of Justin Tose as Holder of the Certificate.

## **1. REASONS FOR RECOMMENDATIONS**

The Safety of Sports Grounds Act 1975 (as amended) requires that the Certifying Authority carries out an annual inspection of the designated Sports Ground; this has deemed to be satisfied through the match day inspections of:

- 8 November 2018 – Games of Remembrance charity match with predominantly school children in attendance;
- 8 January 2019 versus Cambridge United - 12,307 spectators;
- 16 February 2019 versus Mansfield Town - 12,560 spectators.

A number of additional non-match day inspections have also taken place throughout the season to examine documentation and provide compliance advice. A successful desktop exercise arranged by the City Council was held with the Club safety team and the emergency services to test contingency planning and response.

The present General Safety Certificate requires a review on an annual basis. By recommending the Certificate for adoption following the inspections, the Council as Certifying Authority will discharge its duty in this respect. The Certificate has been subject to consultation with the Club officials and 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)**

The Safety of Sports Grounds Act 1975 (as amended) provides that certain sports grounds be designated by the Secretary of State for Culture Media and Sport as requiring a general safety certificate. The Safety of Sports Grounds (Designation) Order 2015 deals with the classification of designated grounds between 2 schedules. Sports stadia with a capacity of more than 10,000 spectators or more than 5,000 spectators for football for clubs including members of the Football League Limited are so designated. The Meadow Lane Stadium has a capacity of more than 10,000 and is therefore a designated sports ground. The purpose of a general safety certificate is to ensure that provisions are in place to secure reasonable safety at that ground. A certificate must contain certain matters such as a plan, capacities, means of access and exit etc. The terms and conditions may therefore require alterations or additions to the sports ground.

A general 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 Meadow Lane is a 20,211 seater Stadium and comprises 4 stands equipped with seating for spectators; the Kop, Jimmy Sirrel, Derek Pavis and Family stands. Each stand is divided into blocks. For the season 2019/2020, the Club will play in the Vanarama National League and in appropriate cup competitions.

In relation to the 2018/2019 football season the following matters occurred which are relevant to the Club and safety at the ground:-

- (a) Alan Hardy remains as the Chairman having taken over in December 2016, although the Club is up for sale with imminent changes in ownership expected. The Club are to appear at a High Court hearing on 10 July regarding unpaid debt to HMRC. Amanda Fletcher, Commercial Director was the holder of the General Safety Certificate until 30 June 2019 when it was transferred to Justin Tose Commercial Director. Justin Tose has confirmed his awareness of the legal and procedural requirements regarding ground safety and he has the full support of the Board to oversee all matters relating to ground and public safety; he is deemed to be a 'qualified person' and in an active managerial position with authority to prevent contraventions of the terms and conditions of the Certificate.
- (b) Notts County FC were relegated from the English Football League at the end of the 2018/2019 season and the Club will now play football matches in the Vanarama National League. As a result of relegation the Meadow Lane Stadium no longer meets the designation criteria set out in Schedule 2 of the Safety of Sports Grounds (Designation) Order 2015. As the ground has capacity for over 10,000, this means that the entry for the Meadow Lane Stadium now needs to be reassigned to be designated under Schedule 1 of the Order. The Secretary of State for the Department for Digital, Culture, Media and Sport has exercised the powers to re-designate under Schedule 1 and remove Meadow Lane from Schedule 2. While this re-designation comprises a formal legal change to the status of the Sports Grounds designation to maintain accuracy, the practicalities applying to the Club remain the same in that they still require a general safety certificate to be issued for their activities hosting matches in the Vanarama National League.
- (c) Four routine meetings of the Safety Advisory Group were held during the season; 4 October 2018, 6 December 2018, 14 February 2019 and 14 May 2019. These meetings are chaired by Community Protection's Safer Business Operations Manager, and were attended by:
  - the Certificate Holder (Commercial Director);
  - the Club's Safety Officer / Deputy Safety Officer;
  - Nottinghamshire Police;
  - East Midlands Ambulance Service;
  - the Sports Grounds Safety Authority;
  - the City Council's Building Control Service;
  - the City Council's Principal / Environmental Health Officers (Health & Safety);
  - Nottinghamshire Fire and Rescue Service.
- (d) Three match day inspections took place during the season, undertaken by one or more of the Community Protection, Safer Business team (a combination of an Environmental Health Officer, Principal Environmental Health Officer and the Safer Business Operations Manager. There have also been a number of non-match day inspections and meetings during the season by Environmental Health Officers to assess and promote safety issues.
- (e) Since the last report to Committee in July 2018, there has been a continuation in the maintenance of match day safety management systems at the Club. The

key areas of discussion during Safety Advisory Group (SAG) meetings in the past year are summarised below:

- Fire Safety Management – The Club has been continuation of implementation of risk assessments and action plans. Progress has continued with the maintenance of fire safety and fire marshals' policy and management plans.
- Electrical Safety – There has been continued progress implementing the structured approach to maintenance and inspection of the stadium electrical systems. A risk-based approach has been put in place to ensure that the whole electrical installation is inspected in a planned sequential manner over a rolling three-year period.
- Major Incident Plan – The Club has cooperated fully with the Emergency Services to review and agree the Major Incident Plan, which has been updated in June 2019, and to ensure that the Club's own contingency plans are compatible. Aide-memoires were tested during the desktop contingency exercise with good feedback given about the benefits and effectiveness.
- The Safety Officer is a former Police officer and has experience in running matches with substantial spectator attendance, He has attended the NVQ Level 4 training and will fully achieve the qualification in the next few months. The Deputy Safety Officer is also a former police officer with a specialism in football spectator safety and he is currently attending the taught modules of the NVQ while obtaining the necessary practical training at the Club. In addition, an experienced senior steward has also passed the NVQ Level 4 safety qualification and can be called upon to assist with appropriate matches. In recent years, good progress has been made to ensure there is resilience in securing business continuity by the use of fully qualified and experienced safety officers from Nottingham Forest and Trent Bridge Cricket Ground. Cooperation between the Clubs is beneficial in ensuring that mutual support is available should there be a need for a Safety Officer to stand in at short notice due to illness etc.
- Pre-match planning and stewarding plans – During the 2015/16 season the Club moved to a risk-based approach for the deployment of numbers and locations of Stewards dependent upon the circumstances of the Specified Activity. This approach to safety management has continued and developed over the 2018/19 season with an intended outcome of achieving the premise of moving towards a risk-based approach is in keeping with the Sports Grounds Safety Authority strategy and this has been assessed throughout the season. There has been constructive feedback and dialogue with the Club in the season to assess and challenge Safety Officer risk assessments.

These assessments have taken account of Police feedback on the effectiveness of the use of Police intelligence on away fan risk groups travelling to matches and how the Club could deploy stewarding in a manner commensurate with the potential risk. Match day inspections have provided an objective view of the effectiveness of pre-match planning with key areas identified for improvement including, calculation of correct number of mobile stewards and those at fixed positions, effectiveness of communication between regular and contract stewards, robustness of entry search tactics to identify and intercept items such as pyrotechnics, management of queuing at

turnstiles to ensure separation from road traffic. The match day inspections have noted the continued improvement in the planning and management with key areas more robustly managed and a proportionate approach put in place to secure reasonable safety. For example the use of pyrotechnic search dogs and structured search lanes reduced the use of such devices in the ground. This work has assisted in developing the skills of the Safety Officer and the stewarding team to develop effective planning documentation and implementation on match days.

- The Club has been undertaking a comprehensive review of various plans and policies including the Operations Manual. Continuing changes are recommended for the coming season in how this is managed through the General Safety Certificate. Developing the approach first used last year, instead of certain documents being appended to the Certificate, it will be maintained separately as part of the Club's Operations Manual to enable more dynamic changes to take place through the season with continued safeguards provided by oversight and scrutiny from the Safety Advisory Group. The move towards the SGSA's new style safety certificate is supported by both the Club and the Certifying Authority; however in consideration of the current uncertainty at the Club it is recommended that the adoption of this is postponed to ensure there is support from the new owners for this approach of safety management and that the appropriate legal safeguards have been assessed. It is proposed that this is revisited for consideration during the first part of the new season and would be implemented following a period of satisfactory monitoring of the Holder by the Certifying Authority and to ensure his ability to adequately manage the relevant risks in practice.
- The report three years ago advised about a 'risk group' of home supporters comprising a small number of males in the 14-20 age range. The Police and Club have continued to monitor any groups and their determination to cause disorder and violence. The Club continue to cooperate and actively work with the Police as well as the other Nottinghamshire League Clubs through the Police and Clubs Together (PACT) arrangements to ban such disruptive persons from all the football grounds where their behaviour has given rise to serious concern and breached the Club's Ground Regulations.
- Jimmy Sirrel Stand and concourse capacity issues – At previous Committees the issue of spectator capacity of this stand at football matches has been raised to keep the matter highlighted as an ongoing management issue. This stand was built in the 1990s and was constructed with a narrow concourse. It is now appropriate to update on the joint reviews undertaken this season by the Club and Safer Business Team. By way of background information, this 5775 seater stand has the capability to be shared between the home and away supporters with the away area located adjacent to the Family Stand end. Using the stand in a shared manner automatically reduces capacity because of the segregation netting used to cover several hundred seats between the respective supporters.

Measures to mitigate the restricted concourse size were introduced in the 2010/11 season and comprise a stewarded and cordoned 'break out' area 'external' to the Jimmy Sirrel stand at half time; this permits a reduction in pressure on the internal concourses and provides an enlarged area where

taking refreshments is permitted for away supporters. This has provided some benefits in reducing the pressure on the limited space in the concourses where the three refreshment bars are located. Because of the limited space on the concourses beneath this stand, the Club Safety Officer has routinely assessed the maximum number of away supporters for each match. Last season the Club undertook a series of comprehensive assessments during matches to gather information about how the concourses are used at different phases of the event and how spectators used facilities in varying ways dependent upon a number of factors such as the weather conditions. The safety officer has undertaken match-to-match assessments to take account of the physical size of the stand and its circulation areas, knowledge and experience of the visiting supporters, as well as intelligence reports received from the Police about the crowd profile, behaviour and willingness to comply with Stewards' instructions.

At last year's committee it was agreed that there would be two 'trigger' levels to ensure that a suitable safety capacity for this stand was carefully assessed as below;

- 1) Where the capacity in the Jimmy Sirrel Stand is proposed to exceed 4,000 spectators, the Holder shall, no later than six days before the Specified Activity, produce and submit an event specific risk assessment and a management plan to the Certifying Authority detailing the measures to be implemented to address overcrowding risks associated with the concourse.
- 2) Where the capacity in the Jimmy Sirrel Stand is proposed to exceed 5000 spectators, the Holder shall, no later than fourteen days before the Specified Activity, produce an event specific risk assessment and a management plan that details the measures to be implemented to address overcrowding risks associated with the concourse, for discussion at an emergency Safety Advisory Group meeting.

The proposed certificate replaces the clauses listed above with the following:

- (1) Where the capacity in the Jimmy Sirrel Stand is proposed to exceed 4,400 spectators, the holder shall, no later than fourteen days before the Specified Activity, produce an event specific risk assessment and a management plan that details the measures to be implemented to address overcrowding risks associated with the concourse, for discussion at an extraordinary Safety Advisory Group meeting.

These changes have been proposed by the Club to reflect the work they have done to monitor and understand the physical limitations of this stand during typical football matches. The single 'trigger level' will simplify the notification procedure and it will continue to maintain public safety and ensure appropriate assessments are undertaken to control the risks of overcrowding.

- An issue related to the capacity of the Jimmy Sirrel stand, is the close proximity of the busy County Road immediately behind the final exit gates with only a relatively small apron of pathway. It has been noted during match day inspections that a large contingent of away fans does lead to them spilling over into the road with the risk of collision. This matter has been raised at SAG meetings with some concerns for the on-going safety of emerging fans. There has been positive action in the 2017/18 and 2018/19

season with a number of Temporary Traffic Regulation Order closures put in place for the matches with expected high spectator numbers. A traffic management company has been employed to enable the road closures and diversions to take place in a professional and compliant way. This has delivered a safer environment for spectators and club stewards and it is the intention to carry this through into 2019/20 season.

- A positive culture within the stewarding arrangements continues to be successfully reinforced through the recruitment processes and ongoing monitoring of stewarding standards. Training of stewards to NVQ Level 2 and supervisors to Level 3 has continued throughout the season for new and existing stewards in accordance with national guidelines. Some of the stewards who work at the Club also work at Nottingham Forest FC and/or Trent Bridge Cricket Ground. All stewards at the Club are within the training programme.
  - Match day inspections have confirmed that the Safety Management Team continue to deliver an effective safety culture in the team and stewards. Pre-match and post-match briefings are delivered in a structured way with PowerPoint presentations routinely used to illustrate the match plans to large numbers of stewards. Matters that require improvement are openly discussed within their own team and feedback from Environmental Health Officers and the Sports Ground Safety Authority is acted upon positively to enhance learning and development. This process has been improved through pre and post-match meetings between Environmental Health Officers and the Duty Safety Officer for higher risk matches.
  - The management of the physical condition of the stadium has continued with the maintenance team implementing a structured approach to property maintenance within the limitations of club resources. However, at the time of writing the report there are some current financial barriers at the Club that are restricting the ability to fulfil some of the testing of physical infrastructure within the usual timescales. This will be monitored by the Environmental Health team and SAG to ensure that timely progress is made to fulfil the requirements of the General Safety Certificate.
  - The Police, Ambulance Service, Fire, Community Protection Safer Business Service, Building Control and the Sports Grounds Safety Authority continue to have general confidence in the safety arrangements at the Club and have not expressed objections to the maintenance of the Club's own assessment of the 'S' and 'P' factors at the current level of 1.0.
- (f) The Commercial Director as Holder of the Certificate recognises that in accordance with the 'Green Guide', the Senior Management Team must keep the Safety Officer informed in good time of all proposals and material works taking place at the Sports Ground and not make unqualified assumptions about the impact on safety requirements.
- (g) For the 2019/20 season, the Club and its contractors are currently completing inspections of various structures, equipment and services in order to comply with a requirement in the present Certificate requiring the annual submission of satisfactory certificates for a range of items. All certificates and documents will

be submitted to the City Council before the commencement of fixtures at the ground.

- (h) 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 has been carried out to further embed within the certificate that 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 an operations manual or policy, how reasonable safety is to be maintained and a requirement to adhere to the manual or policy. Clause 6 of The Certificate ensures the Holder produces and complies with a written event safety policy to be understood by all involved in the grounds safe operation. Representatives of the Emergency Services who are members of the Safety Advisory Group support the 2019 annual review and replacement of the existing safety certificate with the Certificate at Annex 1.
- (i) The key issues to note on the proposed Certificate are:

- (i) That it permits a maximum capacity of 20,211 spectators at football matches and rugby matches as detailed in Appendix 1. The permitted ground capacity has resulted from the calculation of the P and S factors in accordance with the 5th edition of the Green Guide. 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 club'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. At the time of writing the report the Club is assessing their own broad compliance with the Certificate and it is anticipated that it is 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 Safer Business) are committed to undertaking match day inspections during the season to assess ongoing compliance with the Certificate;

- (ii) That it reflects the continued inclusion of the clause at Appendix 2 reflecting the 'trigger' of intended spectator capacity in the Jimmy Sirrel stand reaching 4400;
- (iii) That it reflects the deviations to the 6th edition of the Green Guide as listed in Appendix 4 of the Certificate;



- (iv) That it acknowledges the appointment of Justin Tose as the Holder of the Certificate;
- (v) That the scope of the Certificate continues to be restricted to Football and Rugby. Any spectator events or series of events other than these specified activities 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 Safety of Sports Grounds Act 1975 (as amended) places on the Local Authority, as a Certifying Authority, a duty to determine an application for a General Safety Certificate for a designated sports ground in its area containing such terms and conditions as it feels necessary or expedient to secure reasonable safety at that sports ground. The terms and conditions may require alterations or additions to the sports ground and a safety certificate must contain certain matters such as a plan, capacities, 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. The Local Authority is under a statutory duty to inspect the ground annually.

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 1975 Act gives powers of entry and inspection of the Sports Ground to the Local Authority. Any contravention of the terms of a General Safety Certificate is punishable as a criminal offence.

### **6. EQUALITY IMPACT ASSESSMENT**

Not needed as this report does not include proposals for new or changing policies, services or functions.

The Meadow Lane Stadium provides access and facilities to enable spectators with disabilities to be accommodated safely. There are 75 spaces for disabled supporters in total accommodated across 3 stands; Derek Pavis stand, Jimmy Sirrel stand and

Family stand. In addition, 150 seats in total are allocated for ambulant disabled in the stands mentioned above. For the visually impaired a commentary service is provided in conjunction with Soccer Sight and RNIB; radio headsets are available on a match-by-match basis. Away supporters can access these services by contacting the Club. A sensory room is also provided in the Executive Suite to accommodate children with additional needs.

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

Current General Safety Certificate: Notts County FC.

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

- Safety of Sports Grounds Act 1975 (as amended);
- Guide to Safety at Sports Grounds (the Green Guide) published by Department of Culture, Media and Sport (6<sup>th</sup> edition, 2018);
- Preparing Counter Terrorism Measures at Sports Grounds – Sports Grounds Safety Authority Guidance 2017/5;
- Prevention of Crowd Disorder and Antisocial Behaviour at Sports Grounds - Sports Grounds Safety Authority Guidance 2017/6.