

TRAFFORD COUNCIL

Report to: Safety at Sports Grounds Sub - Committee.
Date: 14th March 2014
Report for: Approval.
Report of: The Director of Environment.

Report Title

Sports Grounds Safety Authority monitoring of Local Authorities and Grounds – Overview of Safety Certification Review

Summary

The Sports Ground Safety Authority (SGSA) carried out a review of 30 General Safety Certificates issued by Local Authorities and produced guidance in May 2013 based upon the review findings. The SGSA require that their recommended conditions should be considered as part of the next annual review of safety certification.

Recommendation

The re-issue of the General Safety Certificates for Manchester United Football Club and Altrincham Association Football Club should be subject to the consideration of attaching the recommended conditions of the SGSA.

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Financial Implications:	N/A
Legal Implications:	N/A
Human Resources Implications:	N/A
Asset Management Implications:	N/A
E-Government Implications:	N/A
Risk Management Implications:	N/A

Sports Grounds Safety Authority monitoring of Local Authorities and Grounds

Overview of Safety Certification Review

Background

In 2010 the Football Licensing Authority (FLA) introduced a new guidance document on the safety certification of sports grounds under the Safety of Sports Grounds Act 1975.

The document offered the respective local authority the choice of moving to a less prescriptive safety certification based on risk assessments, in conjunction with the implementation of an operations manual produced and maintained by the ground management. Whilst the FLA favoured this approach, it recognised that it should not become compulsory, as some grounds prefer a traditional type of certification with fixed conditions.

Trafford Council has for many years operated successfully the risk based certification procedure, prior to the recommendation made by the FLA.

The latest guidance from the Sports Grounds Safety Authority (SGSA) in May 2013, formerly the FLA, has resulted from the survey of around 30 local authorities who operate the more traditional prescriptive type of safety certificate. The findings are aimed predominately at those authorities who continue to operate that type of certification procedure.

Current Position

The recommendations in the latest guidance from the SGSA's 'Overview of Safety Certification' (attached as Appendix 1 to this report) have been considered against the safety certificates granted by Trafford Council and many either do not apply or are already contained in it.

However, I would suggest the consideration of including a number of additional conditions and / or amendments to the General Safety Certificates granted, to reflect the recommendations contained in the SGSA's current guidance.

For information, the following comments and recommendations are contained in the recent SGSA guidance.

- General.

Trafford's certificate does not contain any conditions worded in a way that have been recommended by the SGSA for removal from a Certificate. For example, conditions stating 'to the satisfaction of

- Safety Management.

The football authorities have now changed the title of the training package and renamed the sections within the training documentation as units. Therefore, in order to bring the safety certificate in line with the current training methodology, it is recommended where applicable that the relevant condition should be amended to include:

“Stewards should not work unaccompanied until they have satisfied the following criteria:

- a) ***they have received training to provide the underpinning knowledge for the following units in the National Occupational Standards (NOS) for Spectator Safety:***
 - i) ***C29 – Prepare for spectator events***
 - ii) ***C35 – Deal with accidents and emergencies***
 - iii) ***C210 – Control the entry, exit and movement of people at spectator events***
- b) ***they have attended 4 events as a steward”***

To bring the certificates into line with current legislation and guidance it is recommended that the remaining three conditions in the SGSA Overview, under this heading, should be added to the certificate:

“Stewards should be fit and active with the maturity, character and temperament to carry out the duties required of them, and be able to understand and communicate verbal and written instructions in English.”

“The holder shall appoint a safety officer who shall be of sufficient competence, status and authority to take responsibility for safety at the sports ground and be able to authorise and supervise safety measures. The safety officer shall have, or be working towards, a level 4 spectator safety qualification.”

“Unless there is a nominated safety officer present, whose appointment has been notified to the Council, the capacity of the sports ground shall be zero.”

- Fire Safety.

The following recommended condition should be included in the certificate:

“No condition of a safety certificate shall require a person to contravene any provision of the Regulatory Reform (Fire Safety) Order 2005 or regulations made under it”

It is considered that the additional fire safety conditions in the SGSA Guidance under this heading are intended for the old style prescriptive certificate.

- Structural Appraisal.

It is considered that the conditions in the safety certificates are adequate and that the manner of compliance is contained in the Safety Procedures Manual. The recommendation of the SGSA overview is for a structural report to be prepared every 6-10 years which is significantly less onerous than that carried out at Manchester United Football Club where an independent structural inspection report is carried out annually.

- Temporary Structures.

The conditions in the safety certificates are considered adequate and that the manner of compliance is contained in the Safety Procedures Manual.

- Events attracting a large number of children.

Manchester United Football Club does not run events specifically for children. They do have a family stand and they employ a child protection officer and have in place a comprehensive Safeguarding Children Policy. Children are only admitted when accompanied by an adult. Stewards who are required to deal with children in the family stand have satisfied the CRB process.

Taking the above into account, it is recommended that the following suggested condition should be considered to be attached to the General Safety Certificates. The condition has been agreed with the local SGSA Inspector Rick Riding.

‘The Holder shall produce and maintain a written Safeguarding Children Policy setting out the policies and procedures to ensure the safety and protection of children when attending events at the Stadium’

APPENDIX 1

Recommendations of Sports Ground Safety Authority

Overview of safety certification review

As part of the SGSA's statutory role of keeping under review how local authorities discharge their safety certification functions at grounds at which designated football matches are played we have recently completed a review of a representative sample of 30 old style prescriptive safety certificates. In line with our published guidance local authorities are expected to undertake an annual review of all safety certificates they issue. As these reviews are commonly undertaken during the close season we are circulating details of the findings of our review to enable all local authorities to consider the issues detailed below as part of this year's review of their safety certificate.

The issues identified below do not represent an exhaustive list of every issue identified in our review but does seek to flag up those which we found were common to a number of the prescriptive style safety certificates we reviewed.

General

We identified a number of safety certificates which contained provisions requiring the holder to do things "to the satisfaction of the local authority, chief of police etc". In the SGSA's "*Guidance to Safety Certification of Sports Grounds*" which is available on our web site at

<http://www.safetyatsportsgrounds.org.uk/sites/default/files/publications/safety-certification-guidance.pdf> we advise that it is essential that a safety certificate is both easy to follow and complete within itself. General provisions to the effect that tasks must be undertaken to the satisfaction of the local authority, the chief officer of police, chief fire officer etc. should be avoided, not least because the certificate holder should not be deprived of the statutory right of appeal against the contents of the certificate. We would therefore recommend that all such general conditions be reviewed and replaced with conditions which clearly set out what is required of the holder.

Similarly the safety certificate should be complete within itself and any conditions requiring the holder to comply with sections of the Green Guide should be replaced with conditions setting out specifically what is required of the holder. Such an approach not only ensures the safety certificate is a self contained document it also removes the possibility of any confusion when, as we found in a small number of cases, the reference in the safety certificate was not to the current edition of the Green Guide.

Safety management

In October 2006 we wrote to all local authorities requesting that certificates should be amended to include specific conditions in respect of stewards training and qualifications, and in particular the need for all stewards to have completed specific sections of the Football Authorities steward training package before working

unaccompanied. In 2010 the Football Authorities introduced a new training package with revised modules. Any certificates which still contain the conditions set out in our letter of 6 October 2006 should be amended to bring them into line with section 4.8 of the current edition of the Green Guide. It is recommended the following conditions are inserted:

“All stewards shall be trained and assessed to a level 2 spectator qualification within the National Qualifications Framework, or undergoing such training.

Stewards should not work unaccompanied until they have satisfied the following criteria:

- a) *they have received training to provide the underpinning knowledge for the following units in the National Occupational Standards (NOS) for Spectator Safety:*
 - i) *C29 – Prepare for spectator events*
 - ii) *C35 – Deal with accidents and emergencies*
 - iii) *C210 – Control the entry, exit and movement of people at spectator events*
- b) *they have attended 4 events as a steward”*

When the fifth edition of the Green Guide was published in 2008 it was recognised that the advice contained in earlier editions in respect of age limits for stewards was now contrary to the equalities legislation. Where a safety certificate still contains a condition which age limits the employment of stewards it is recommended it is replaced with the following to bring it in line with section 4.5 of the Green Guide:

“Stewards should be fit and active with the maturity, character and temperament to carry out the duties required of them, and be able to understand and communicate verbal and written instructions in English.”

Just as the Green Guide recommends that that stewards should have, or be working towards a level 2 spectator safety qualification it also recommends that safety officers should have, or be working towards, a level 4 qualification. The vast majority of safety officers already hold such a qualification and you may wish to consider the inclusion of a condition in the safety certificate along the following lines:

“The holder shall appoint a safety officer who shall be of sufficient competence, status and authority to take responsibility for safety at the sports ground and be able to authorise and supervise safety measures. The safety officer shall have, or be working towards, a level 4 spectator safety qualification.”

Although all certificates may require the attendance of the safety officer at every specified activity some make the position explicitly clear with the inclusion of the following condition:

“Unless there is a nominated safety officer present, whose appointment has been notified to the Council, the capacity of the sports ground shall be zero.”

It is recommended that consideration be given to including it in all safety certificates.

Fire safety

Section 2(2B) of the Safety of Sports Grounds act 1975 provides that:

“No condition of a safety certificate shall require a person to contravene any provision of the Regulatory Reform (Fire Safety) Order 2005 or regulations made under it”

The RRO imposes a requirement on management to plan, organise, control, monitor and review the necessary preventative and protective fire safety measures and record these arrangements in writing. However a number of safety certificates continue to contain a schedule of detailed prescriptive terms and conditions in respect of fire safety. Where this is the case it is important that the local authority satisfies itself that there are no conflicts between the safety certificate and ground managements fire safety plan. To avoid the possibility of tension between the safety certificate and the fire safety plan consideration should be given to replacing any schedules of prescriptive condition in respect of fire safety in the safety certificate with a condition along the lines of the following:

As required under the provision of the Regulatory Reform (Fire Safety) Order 2005 the Holder shall, on the basis of a risk assessment, identify and apply precautions to prevent the outbreak and spread of fire; measures to ensure the safety of spectators should fire break out; provision and maintenance of fire safety equipment and the training of staff to deal with an outbreak of fire. These shall be set out in a fire safety plan, a copy of which is appendix xx to this Certificate. The holder shall comply with the fire safety plan at all specified activities.

Such an approach would enable the holder to have the fire safety plan, developed under the RRO, to be incorporated into the safety certificate, thereby removing the potential of any conflict between the two. If the local authority has any concerns about the adequacy of the fire safety plan it would still be open to them to set the capacity of the ground accordingly.

Structural appraisal

Section 5.14 of the Green Guide highlights advice published by the Standing Committee on Structural Safety (SCOSS) that owners of stadia should arrange a detailed structural inspection and appraisal of the structures periodically by a competent person to ensure their safety is adequate in the light of current circumstances and use. Although all safety certificates we reviewed contained conditions in respect of the annual inspections of structures as described in section 5.13 of the Green Guide a number made no mention of a detailed structural appraisal. Where such a condition is not already included it is recommended consideration be given to including the following condition:

“The Holder shall arrange a detailed structural inspection and appraisal of the structures periodically by a competent person to ensure their safety is

adequate in the light of current circumstances and use. The Standing Committee on Structural Safety (SCOSS) advises that an interval between appraisals of 6-10 years is likely to be appropriate for most large stadia.”

Temporary Structures

The use of temporary demountable structures to provide spectator accommodation within sports grounds is increasing. Section 8 of the Safety of Sports Grounds Act 1975 requires that before any proposed alteration to the ground is begun the holder of the safety certificate give notice of the proposals to the local authority. However in view of the speed at which temporary demountable structures can be installed and removed together with the perception that they are not permanent alterations a number of local authorities also include the following specific condition in the safety certificate:

“Where it is proposed to use a temporary demountable structure as part of the spectator accommodation it shall be erected and used in strict accordance with the design criteria approved by the Council prior to assembly. The design shall be subject to an independent check by a competent person and a certificate of that check submitted to the council.”

Where a certificate does not contain such a condition consideration should be given to including one.

Events attracting large numbers of children

An increasing number of clubs now run events with a pricing structure specifically designed attract children to the event. As such events are likely to require some changes to the normal safety management systems it is sensible for local authorities to be aware of what is being proposed by specifically requiring the holder to notify the local authority of such events.

“No specific activity which is especially presented for children or at which the number of children is likely to exceed [INSERT APPROPRIATE FIGURE] shall take place until the Council’s consent has been given. At least [14 days written] notice shall be given to the council of any intention to provide such a specified activity”