

Appendix 1

Safety at Sports Grounds: General Safety Certification Policy 2014

1. Purpose

- 1.1 This document sets out Middlesbrough Council's approach to discharging its powers and responsibilities in respect of the issue and review of safety certificates for sports grounds and regulated stands.

2. Scope

- 2.1 The sports grounds and regulated stands covered by these arrangements are:

Riverside Stadium

Middlesbrough Sports village (when complete)

3. Statutory duties and responsibilities

- 3.1 Middlesbrough 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.

- 3.2 This document should be read in conjunction with the following policies:

Safety at Sports Grounds: *Monitoring and Inspection policy*

Safety at Sports Grounds: *Enforcement policy*

so as to provide a full understanding of the Safety at Sports Ground role carried out by Middlesbrough Council

- 3.3 The Council delegates its power to take and implement decisions on safety certification to the Head of Transport and Infrastructure.
- 3.4 The Council appoints the Principal Engineer in Transport and Infrastructure to chair the Safety Advisory Group (SAG) for each sports ground subject to a safety certificate.
- 3.5 The Council will provide for adequate resources to meet its statutory minimum requirements and engage competent specialist agencies/external consultants 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.

- 3.6 The Council will 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, building control, the relevant certificate holder and invite the Sports Grounds Safety Authority where applicable.
- 3.7 The Council will determine if any sports grounds contain regulated stands and will expediently process and issue safety certificates in respect of those stands and/or any sports ground designated by the secretary of state under the provisions of the 1975 Act.
- 3.8 The Council will put in place policies and procedures for monitoring by inspection/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.
- 3.9 The Council will provide prompt advice on spectator safety on request from sports ground venue operators.
- 3.10 The Council will keep under review its procedures and arrangements in pursuit of ensuring the reasonable safety of spectators at sports grounds within its responsibility.

4. Definitions

- 4.1 The 1975 Act defines a sports ground as a place where sports or other competitive activities take place in the open air, where accommodation has been provided for spectators, consisting of artificial structures or natural structures artificially modified for the purpose.
- 4.2 Under the provisions of section 1 of the 1975 Act the Secretary of state for Culture, Media and Sport may designate as requiring a safety certificate any sports ground that has accommodation for more than 10,000 spectators, or 5,000 in the case of Premier League and Football League grounds in England and Wales. These sports grounds are referred to as designated grounds.
- 4.3 A Regulated Stand is defined in the 1987 Act as any covered stand at a sports ground with accommodation for 500 or more spectators, whether seating or standing.
- 4.4 The Safety Advisory Group (SAG) is a multi-agency advisory group consisting of the appropriate members of local authority staff, representatives of

Cleveland Police, Cleveland Fire Brigade, North East Ambulance Service,
Cleveland Emergency Planning Unit and Sports Ground Safety Authority

5. Legislation and Guidance

- 5.1 This policy and procedures should be read in conjunction with the following legislation that applies to the safety of spectators at sports grounds:

Safety of Sports Grounds Act 1975

Fire Safety and Safety of Places of Sport Act 1987

Safety of Sports Grounds Regulations 1987

Safety of Places of Sport Regulations 1988

- 5.2 Guidance on the application of the legislation referenced above can be found in the following Home Office Circulars-

Home Office Circular No 7/1986 – Annex C of which provides guidance on the procedure regarding applications for general safety certificates under the provisions of the Safety at Sports Grounds Act 1975.

Home Office Circular No 96/1988 – Which includes advice on the issue of safety certificates for regulated stands.

Home Office Circular No 97/1988 – Which includes statutory guidance to local authorities under section 26 (8) of the 1987 Act on the methodology that must be applied in determining whether a stand at a sports ground is a "regulated" stand.

- 5.3 Further advice is contained in "Guide to safety certification of sports grounds" published by the Sports Grounds Safety Authority.
- 5.4 The powers of issue and review of the safety certificate are vested solely in Middlesbrough Council's officers with delegated authority for this activity.

6. Application process

6.1 Qualified Person

- 6.1.1 Upon receipt of an application for a safety certificate the Council will determine if the applicant is a "qualified person" This is defined in the 1975 Act as a person who is likely to be in a position to prevent any contravention of the terms and conditions of the safety certificate. The certificate holder should be in a position of authority within the management of the sports ground and could include the chairman, chief executive, club secretary,

ground manager, safety officer or a director, depending on the sports ground/club.

6.1.2 Under the 1987 Act, the definition of a person qualified to hold the safety certificate for a regulated stand is more tightly drawn. In the case of a general safety certificate, it is the person responsible for the management of the sports ground; for a special safety certificate, it is the person responsible for organising the activity being watched by the spectators. This apart, the procedure mirrors that for the issue of the safety certificate for a designated sports ground.

6.1.3 If the Council determines the applicant is not a qualified person, it must notify him/her in writing. The applicant may then appeal against this determination to a magistrate's court within 28 days or 7 days in the case of a special safety certificate.

6.2 Safety certificate applications and information required

6.2.1 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. In accordance with the European Services Directive of December 2006 the Council is required to make provision for online safety certificate applications. Application forms for a safety certificate under either the 1975 Act or 1987 Act are accessible on the Council's web site.

6.2.2 Applications are processed through the Council's Transport and Infrastructure service area. The Council must supply the chief officer of police 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 stadium specific SAG.

6.2.3 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.

6.3 Timetable

6.3.1 A decision back to the applicant will be made within six months from the date of receiving the completed application form.

6.4. Contents of a safety certificate.

6.4.1 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. 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".

6.5 Ratification of the certificate

6.5.1 In accordance with its standing orders, the Council has delegated its power to issue and amend a safety certificate to the ***Licensing Committee***

6.6 Rights of Appeal

6.6.1 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.

6.6.2 Appeals must be lodged within 28 days if they relate to a general safety certificate.

6.7 Review of safety certificate

6.7.1 The Council will undertake a review of issued safety certificates on an annual basis or at a lesser time in response to physical changes at 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.

6.7.2 The review will consider the terms and conditions of safety certificates to validate they remain relevant for providing for the reasonable safety of spectators at the designated sports ground or regulated stand. The review will

be undertaken by Principal Engineer, Transport and Infrastructure, who shall consult with all members of the SAG and the certificate holder. The outcome of the review shall be recorded and reported to Licencing Committee.

6.8 Public access

6.8.1 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 chief officer of police; and
- where the local authority is in Wales, Greater London or a metropolitan county, the fire authority or, in any other case, the building authority.

6.8.2 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.

7. Suitably trained and competent staff

7.1 Individual officers who are responsible for the issues and review of the safety certificates under the 1975 and 1987 Acts will be suitably trained and qualifies to ensure their competency

7.2 The Council will ensure that:

- duties are specified in job descriptions and experience is built-up over time with the provision made in individual appraisals for monitoring progress;
- all advisers have professional qualifications, experience in other sectors and are on CPD cycles as well as regular participation in sports ground work and SAGs; and
- appropriate succession planning is in place to ensure that staff have the necessary training and experience to undertake the roles they may be expected to undertake

8. Revisions to this Document and Review

8.1 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.

8.2 Following any amendment a complete replacement will be distributed.

Date of Issue –

Date of last review –

Reviewed by –