



Licensing Committee

25 September 2013

Report Title	Safety of Sports Grounds Policy Document Managing Safety at Sports Grounds
Classification	Public
Wards Affected	All
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Recommendation(s) for action or decision:

The Licensing Committee is recommended to:

Note and endorse the Policy Document Managing Safety at Sports Grounds.

1.0 Purpose of Report

1.1 To inform Councillors of the Policy Document and seek their endorsement

2.0 Background

2.1 The safety of the larger sports grounds within the City is the responsibility of the Licensing Committee. Accordingly, on 5 May 2004 Members approved proposals relating to the future arrangements for the discharge of the Council's function in respect of the regulation of the four sports grounds within the City i.e.

- Molineux Stadium, Waterloo Road
- Dunstall Racecourse, Dunstall Park
- Aldersley Leisure Village, Aldersley Road
- Monmore Green Stadium, Sutherland Avenue

2.2 On 7 November 2012 the Sports Grounds Safety Authority (SGSA) undertook a review of the Authority's self-assessment action plan. The review identified that although the Authority had extensive policies covering all areas of enforcement, no specific policy covered the Safety Certification process. The Authority committed to look at this matter and consider if a policy would be beneficial.

2.3 In line with modernising legislative approaches, the SGSA considered making available to Local Authorities and football clubs the opportunity to move to a more "goal setting" type of certificate. During the redevelopment of the Molineux stadium it was decided to review the General Safety Certificate for the Molineux Stadium and consider if it was an appropriate opportunity to change to the "goal setting" type of certificate.

2.4 The club were keen to explore the move to such a certificate and accordingly the Authority and the club have been jointly working on the new style of certificate over the last two years.

2.5 The move to a less prescriptive type of certificate results in a change to the enforcement approach and the need for policy guidance in order to maintain competencies, succession and ongoing Consistency.

2.6 As a result the attached policy document has been drafted to assist the Authority in the delivery of the certification process.

2.7 In addition to detailing the Council's policy the document details the types of other dynamic controls that can be used and have been used in the past in ensuring greater levels of safety and security to spectators.

2.8 A copy of the policy is attached at appendix A

3.0 Financial Implications

3.1 There are no financial implications in this report [TK/15082013/R]

4.0 Environmental Implications

4.1 This report has no direct environmental implications

5.0 Legal Implications

5.1 This report concerns the Council's duty in discharging its responsibilities to Designated Sports Grounds and Regulated Stands. There are no direct legal implications arising from this report. SH/16082013/W



POLICY DOCUMENT

MANAGING SAFETY AT SPORTS GROUNDS

September 2013

Introduction (1.0 Guide to the safety certification of sports grounds (GSCSG))

This policy document has been produced by Environmental Health (Commercial), Regeneration, Wolverhampton City Council, and is the agreed policy and procedure for managing safety at sports grounds within the borough. It identifies the roles and responsibilities of the Council in undertaking its statutory duties and has been consulted on with both the Emergency Services and the Sports Grounds Safety Authority.

Policy Aim

Wolverhampton Council's policy aim, working in conjunction with its partner agencies, is to ensure the reasonable safety of spectators attending any qualifying sports ground.

Legislative Duty

Under the Safety of Sports Grounds Act 1975 (as amended) "the 1975 Act" and the Fire Safety and Safety at Places of Sport Act 1987 "the 1987 Act" Wolverhampton City Council ("the Council") has a statutory duty:

- To issue a General Safety Certificate for each qualifying sports ground within the borough, containing such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety. These are sports grounds that, in his opinion, have accommodation for more than 10,000 spectators – (5,000 in the case of Premiership or Football League grounds in England and Wales) or contain a regulated stand, 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
- To serve a prohibition notice in respect of a sports ground if the authority consider that the admission of spectators the sports ground involves or will involve a high risk to them, so serious that until steps have been taken to reduce the risk to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted.
- To issue a Special Safety Certificate where appropriate.

Currently, the only sports ground within the borough that is designated is the Molineux Stadium, home of Wolverhampton Wanderers Football Club. Dunstall Park, Monmore Green and Aldersley all have regulated stands

Responsibility for Safety (2.1 GSCSG)

The primary responsibility for the safety of spectators at the sports ground rests at all times with the sports ground management.

In respect of the Molineux Stadium the certificate holder is Wolverhampton Wanderers Football Club 1986 Ltd. In respect of the other three regulated stands the holder is either a named individual or body corporate.

This responsibility for safety should not be assumed by either the Council nor should the Council become involved in the management of events or take any action that could be interpreted as involvement in their management.

Environmental Health (Commercial), on behalf of the Council, are responsible for enforcing the recommendations contained in the Guide to Safety at Sports Grounds published by the Department of Culture Media and Sport (DCMS) and often known as the "Green Guide". The Guide lays down detailed advice related to such matters as adequate structure, provisions of gangways, fire escapes, crush barrier design and engineering services.

The statutory duties and powers imposed by the 1975 Act have been delegated to the Head of Regulatory Services who, in accordance with SGSA guidance, will act as Lead Officer/Chair for the Safety Advisory Group. As lead officer, the Head of Regulatory Services is responsible for ensuring that new or revised legal requirements relating to safety of sports grounds are implemented. Day to day responsibility falls to a Section Leader in Environmental Health (Commercial). Structural integrity of the stands is overseen by the Service Manager of Building Control. Competence and succession is maintained between the two officers by sharing knowledge and experience. This policy document represents the primary resource for WCC Staff responsible for delivering the service.

General Safety Certificate (2.0 GSCSG)

The General Safety Certificate for the designated sports ground is to contain those terms and conditions that the Council considers necessary or expedient to secure the reasonable safety of spectators at the sports ground when it is being used for the activities specified in the certificate. When all matters related to safety are in place a Safety Certificate can be issued and may cover or be limited to one or more specific events.

- *For the Molineux Stadium the general safety certificate is to cover the activity of football matches.*
- *For Aldersley the specified activities are football, athletics, cycling.*
- *For Monmore Green the specified activities are greyhound racing and motorcycle speedway.*
- *For Dunstall Park the specified activities are horse racing / horse trotting and other associated equestrian events.*

The most important condition in the Safety Certificate is the setting of the maximum number of spectators that may be accommodated. The Safety Certificate should prescribe the capacities for the premises as a whole and for each separate area.

The Assistant Director or his/her appointed officer is to sign the Safety Certificates on behalf of the Council.

Applying for a safety certificate (3.3 GSCSG)

An application for a Safety Certificate for a designated sports ground must be on the prescribed form. Or via the web at

http://www.wolverhampton.gov.uk/business/licences/businesses/safety_certificate_sports_stands.htm

The application should be accompanied by detailed information as to the structure, capacity and safety management systems. The Council may, by notice in writing, require the applicant to submit within a reasonable period such information and plans as it considers necessary to enable it to determine what terms and conditions to include.

Before it may issue a safety certificate for a sports ground, the Council must determine whether 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 a safety certificate. The certificate holder should hold a position of authority within the management of the sports ground. This could include the chairman, chief executive, club secretary, sports ground manager, safety officer or a director, depending upon the sports ground and/or club.

The applicant has the right to appeal to the Magistrates Court against any refusal of a safety certificate.

Special safety certificate (3.10 GSCSG)

Where it is intended to hold an event of a type not specified in the general safety certificate, an application should be submitted to the local authority for a special safety certificate. The applicant may be required to supply whatever information is necessary for the local authority to discharge its functions. This should include details of any proposed changes to the normal accommodation or arrangements.

As with a general safety certificate, there is a right of appeal by the applicant for any refusal of a special safety certificate.

Consultation and co-ordination (2.8 GSCSG)

The Council is under a statutory duty to consult with the Chief Officer of Police, the Fire and Ambulance services, Building Control and the certificate holder. The Council needs to ensure that there is no conflict between its requirements on spectator safety and those relating to the safety of staff and visitors under the Management of Health and Safety at Work Regulations 1992 and the Fire Precautions (Workplace) (Amendment) Regulations 1999. The normal forum for this consultation will be the Safety Advisory Group ("the SAG").

Note: With regards to fire safety at sports grounds, the Council (Environmental Health) is the enforcing authority of the Regulatory Reform (Fire Safety) Order 2005

Review of the general safety certificate (3.8 GSCSG)

The holder shall formally review the relevant sections of the Operations Manual on an annual basis and also following any incident in which the safety of the public may have been put at risk or where doubts have been cast on the condition or management of the sports ground. A "near miss" should always be treated as an incident for these purposes. The annual review of the Operations Manual will be a standing agenda item on the SAG End-of-Season Meeting.

The Council may also need to amend the safety certificate to reflect changes at the sports ground. Planned changes may include improvements or alterations to the physical structure, safety management improvements or changes in the personnel identified in the safety certificate.

Monitoring by the Council (6.0 GSCSG)

The Council will monitor the holder's compliance with the terms and conditions and under the 1975 Act. It has a duty to enforce the provisions of the Act and to arrange for the periodical inspection of the Certificated sports grounds.

The Home Office Circulars prescribe what is to be examined by or on behalf of the local authority. In summary, this should encompass:

- the certificates covering structural, dynamic performance and electrical tests;
- the records maintained by the management of the sports ground, in particular of attendances, accidents, maintenance, equipment tests, steward training and contingency plans;
- the condition of the sports ground and its fixtures and fittings; and
- the lighting, public address, fire warning and entry control equipment.

The physical inspection of the sports ground by the Council in compliance with the Home Office Circulars is not to duplicate work that should be undertaken on behalf of the certificate holder. Instead it is for checking that the sports ground and its fittings have been properly maintained and, ideally, for noting and agreeing remedial action on problems already identified by the certificate holder. It will normally be sufficient for the local authority to inspect the structures and fittings once a year while the sports ground is empty. Further inspections are likely to be necessary only in the event of significant structural modifications. Structural inspections are undertaken on behalf of the Council by Building Control.

The General Safety Certificates for the Certificated grounds identifies the requirement for the annual structural appraisal and other required inspections or tests.

The Council remains free to carry out sample testing if it considers this to be necessary.

Any complaints or identified issues, relating to safety will be immediately investigated by the Council, with a view to ensuring appropriate action is taken to secure the continuing safety of persons attending the sports ground.

During performance inspections (6.4 GSCSG)

Management of safety at sports grounds is seen as an important factor in determining the safe capacity of a ground. The Council will therefore monitor not merely the holder's general compliance with the terms and conditions of the safety certificate but also other general matters such as:

- the competence of the safety officer;
- the competence of the stewards; and
- whether there are effective systems for identifying and tackling problems.
- The Contingency planning arrangements.

For designated sports grounds, the 1975 Act defines periodical as "at least once every twelve months". There is nothing to preclude the Council from inspecting the sports ground more frequently; this will be for the Council to determine, having regard to its duty to monitor the suitability of the terms and conditions of the certificate and to ensure that these are being observed. Relevant factors will include the capacity, design and layout of the sports ground, the management's level of commitment to safety, and the quality of the safety staff and safety management procedures.

Based upon the above factors and in consultation with the SGSA Inspector, the suggested minimum number of during performance inspections to be carried out over a season in respect of the Molineux Stadium is to be four. The criteria in deciding which specific fixtures the Council attends include:

- *Time of fixture in the football season, e.g. beginning of a season, end of a season.*
- *Envisaged attendance of the ground, i.e. full/part*
- *High/low profile fixture*
- *Policing levels, e.g. a police free fixture*
- *Daytime/Evening fixture*
- *Televised fixture*
- *Following specific concerns in respect of observance with the safety certificate.*
- *Following improvements or alterations as previously described*

Inspecting officers are required to be competent for the intended purpose and detailed records of all inspections are to be kept as part of an audit trail. The inspecting officers are to be the Section Leader (Environmental Health Commercial) and the Head of Building Control or his deputy who are required to be adequately trained in the discipline of safety of sports grounds, with this training being supplemented by relevant continuous professional development as required. Any remedial actions resulting from an inspection by the Council are to be conveyed to the certificate holder either verbally, communicated on the day, or more formally in writing.

Home Office Circular no. 97/1988 gives statutory guidance on inspection of regulated stands and the frequency of inspection. For covered stands with capacity in excess of 2000 spectators the minimum inspection frequency is once a calendar year. For covered stands with capacity less than 2000 spectators the minimum inspection frequency is once every other calendar year. This translates to a minimum annual inspection of Dunstall Park and every two years for Aldersley and Monmore Green.

Enforcement (7.0 GSCSG)

Enforcement action in all circumstances is taken in concert with the Education and Enterprise, Regeneration, Compliance and Regulatory Policy. The Council has a range of options to deal with incidents which put the public at risk, safety weaknesses and breaches of safety certificate terms and conditions. Any action by a local authority should be proportionate, targeted, consistent, transparent and accountable.

The available enforcement options are:

- Reducing the permitted capacity of all or part of the sports ground – this is done by the application of reduction factors on capacity relating to the physical condition (the (P) Factor) and the quality of the safety management (the (S) Factor) of the sports ground
- The issue of a prohibition notice - Section 10 of the 1975 Act empowers the Council to issue a prohibition notice in respect of all or part of any sports ground if it considers that spectators cannot be accommodated in reasonable safety. The prohibition may be general or may apply to a particular event. The Council needs to ensure that it can, if necessary, issue a prohibition notice at very short notice and without reference to senior officers or to members. Council standing orders identifies the Assistant Director, Education & Enterprise, the responsible officer for safety of sports grounds legislation. As safety of sports grounds is a specialist area, delegated authority is conferred upon the lead officer, i.e. the Section Leader Environmental Health Commercial.
- In the event of a breach of safety certificate conditions, a warning, simple caution or prosecution.

In extreme cases, where none of the above would sufficiently control an expected public safety hazard, the Council also has the option of seeking an injunction.

Rights of appeal exist in respect of prohibition notices and any reduction in capacity.

Other dynamic controls available to the Authority and Football Club to assist with managing a safe football event.

1. Alcohol Controls

One of the principle contributors to public disorder is the access to alcohol both before and during the event. Alcohol may be controlled in a number of ways. Within the ground alcohol may be restricted to one or both classes of fans, although this is usually reserved for away support. The restriction may apply to half time only or before kick-off and half time. Alcohol before the game may be restricted by kick off time and in exceptional circumstances the police may advise licenced premises not to open. Early kick off time and alcohol restrictions are usually reserved for high threat derby games. *Note: evening fixtures do not permit alcohol restrictions except in the ground, careful consideration should be given to the controls and teams to be played on evening fixtures.* Occasionally the offer of alcohol can be of benefit, providing for the away support an incentive to enter the ground early.

2. Ticketing Controls

Although cash turnstiles no longer operate, tickets are still sold to a variety of supporters and can represent both a useful control or an area vulnerable to disorder. Greatest levels of control can be achieved with home season ticket holders, this is because they have a designated seat every game, a history with the club, known name and address and supporter number. Least control would be with an away cash sale of a ticket to a walk up away supporter. This is because the club has no information as to the identity of the individual and they may not sit in allocated seats. There are a variety of intermediate possibilities between these two opposing states that can be used to impose controls. Firstly tickets may only be sold to individuals who give a name and address, greater security can be achieved with a known history of sales and address, some supporters may have a membership or supporter number or both, but will have a history of sales, finally they may be an existing and long term season ticket holder. Away fans are very much harder to control, both from a ticketing perspective and as a supporter group as a whole. Away fans are more inclined to stand, take unallocated seats and block radial gangways. Away fans can be uncooperative with stewards and generally more difficult to control. Normally away ticket allocation is sold to the away fans by the away club, tickets are usually sent two weeks prior to the game. On occasion, if there has been disorder in the past the home club may request conditions be placed on the ticket sale, such as to members only, or only supporters with a purchase history. The most draconian of away controls is the operation of a voucher system or a "Bubble" in conjunction with other controls. This requires all the away fans to travel by coach and arrive at a RV point

at the same time. The vouchers are then exchanged for tickets by the police, the police then escort the coaches to the coach park and then fans to the away turnstiles.

3. Seating Controls

Seating location and strategy can contribute to safety and security for both home and away spectators. Locations for away support have varied in the past, the main location has been the lower Steve Bull, this is of particular value when dealing with challenging sets of supporters owing to its low gradient and physical segregation. Other locations are the Jack Harris flank and the upper and lower quadrant in the Stan Cullis. The Harris flank was the least satisfactory away position owing to the gradient and the antagonistic nature of the home support, the Harris flank should no longer be used since the redevelopment of the Stan Cullis. The use of the lower Steve Bull with another location should be discouraged as it spreads both club and police resources. The quadrant is now the preferred location for the away support, however it does have disadvantages. The quadrant is very expensive in resources as the divide is exceptionally long, the upper tier is very steep and should not be used by persistent standing visitors. On a positive note, risk of pitch incursion is almost non-existent, the upper tier gradient may discourage standing, the facilities are well received and in the event of a hostile home pitch invasion the away support remain secure. Within grandstands seating can be controlled by restricting access to seats by the use of netting, this technique can be used to reduce the viewing area in the event that limited sales have been made, this has the advantage of reducing the number of open vomitories and thereby reducing the number of statutory stewards and concentrating spectators in a more manageable area. Rows may also be netted off, either to concentrate fans into an area or to exclude access to an area. The club may use this technique for commercial reasons such as the back two rows of the lower Steve Bull to separate away spectators from the executive boxes, or it could be required to sterilise an area such as all or part of the upper Steve Bull front two rows in the event of home over away where a credible risk of throwing exists. Other controls include placing "known" or season ticket holders in these positions instead of netting.

3.1. Persistent Standing

Persistent standing is a common trait of the Jack Harris stand and certain groups of travelling fans. Persistent standing is problematic for a number of reasons, standing in seated areas, where the gradient of the seating deck exceeds the maximum gradient for a standing terrace i.e. 25° should be regarded as unsafe by definition. The steeper the gradient of the seating deck equates to greater danger to spectators. Modelling of crowd dynamics has shown that progressive crowd collapse is a possibility that would result in multiple injuries, the risk increases with gradient. Generally the club response to known persistent standing away clubs is to site the away support in the lower Steve Bull. Standing however takes up more room than sitting and consequently pressure develops with some fans to block radial gangways, this condition does not arise with every group of supporters, some will stand and keep radials clear, others however will spill into gangways and be uncooperative in returning to their seat position. With clubs that present a risk of encroaching into radials an aisle seat reduction can be imposed, this is a reduction of one aisle seat per row for every seating block. In extreme cases a double aisle seat reduction has been implemented.

4. Non-League games excluding testimonials and friendlies.

Cup Games and Play-off games can attract occasional supporters, particularly if quite advanced for cup games and undoubtedly in the case of a play off or a local derby. Although season ticket holders will have options to retain their seat, all of the sales will be on a match to match basis which runs the risk of irregular supporters occupying home seats that may provide opportunity to provoke the away support. Such provocations may become excessive owing to the lack of concern over repercussions of irregular supporters. Particular care should be taken particularly where home is over away. Cup games are arranged at very short notice by the nature of the draw, depending on the opposition drawn and the competition a variety of pressures may arise. Certain cup competitions are always midweek and replays are

always midweek. The FA cup is subject to the 15% rule which may create pressure to site away support in two locations. Certain draws may on the face of it appear low risk candidates for Club Security only. Occasionally these have been anticipated by risk groups as police free and subsequently targeted by risk groups leading to disorder outside the ground.

5. Risk assessment of fixtures

In order to identify these safety controls the safety officer will carry out an a threat assessment of all matches, this assessment will point naturally to the measures needed to enhance the safety of a particular event. In combination with this assessment the police will carry out a similar assessment known as Strat I. Invariably these two assessments come to a similar conclusion as to the categorisation of the fixture although intelligence nearer the game can inform further controls.

Reporting of Performance

Minutes of the Safety Advisory Group are forwarded to the Licensing Committee on a periodic basis. The impact of any new arrangement or major safety failures, which may affect spectator safety, are reported promptly to senior management and Councillors.

Safety Advisory Group (4.3 GSCSG)

In the Final Report of the Inquiry into the Hillsborough Stadium disaster, Lord Taylor recommended that local authorities set up advisory groups to provide specialist advice to assist them in the effective discharge of their duties under the 75 Act.

The role of the Safety Advisory Group (SAG) is to develop as a body of expertise and to provide a forum within which the local authority can maintain a consistent approach to spectator safety.

With the delegated powers and authority to act quickly and appropriately to protect public safety and prevent dangerous situations arising, the Chair of the SAG is to be the Head of Regulatory Services.

The SAG fulfils an important safety role. This could well come under scrutiny in the event of a serious safety failure at a sports ground. Accordingly the SAG is properly constituted, has written terms of reference and effective procedures. These terms of reference encompass all matters falling within the purview of the local authority on spectator safety. The terms of reference identify the roles and responsibilities of the SAG and its members and thereby its potential liability.

The composition of the SAG includes core members and invited representatives, along with, other Council Services and national bodies as considered appropriate. Environmental Health provide the secretariat support to the SAG. SAG minutes constitute an important part of the audit trail that the Council is properly exercising its legal duties.

The SAG for the Molineux Stadium is to meet a minimum of four times a year (October, December, February, May) and following any major incident or near miss or prior to an event requiring significant safety management planning.

Review of (P) and (S) Factors (7.3 GSCSG)

(P) and (S) factors used in determining the safe capacity of a sports ground are to be subject to ongoing review by the Council. The calculation and methodology in determining these factors is to be formally reviewed by the SAG on an annual basis or after major safety failure.

Role of the Sports Grounds Safety Authority (4.10 GSCSG)

The Sports Grounds Safety Authority (SGSA) has the task of keeping under review the discharge by the Council of its safety certification functions under the 1975 Act. It may require the Council to include in any safety certificate such terms and conditions as it may specify.

The SGSA promotes the adoption and maintenance of a safety culture and is a source of advice and good practice. The SAG meeting is often the forum in which the SGSA can best engage with and assist the Council in a proactive and constructive manner.

The Sports Grounds Safety Authority undertakes audits of the Council's safety certification procedures.

Role of the Emergency Services – Police, Fire and Ambulance (4.4 SGCSG)

Each of the emergency services has its own policy guidance on how it undertakes its duties and responsibilities. Each service is to be represented by an appropriate person or persons on the SAG who will assist the local authority in exercising its functions, thereby serving to ensure a coordinated approach to spectator safety. The SAG Terms of Reference document identifies the role of the emergency services within the group to achieve these purposes. The Council is the enforcing authority for fire safety at certified sports grounds under the Regulatory Reform (Fire Safety) Order 2005. Wolverhampton City Council and the West Midlands Fire Safety Centre (WMFS) have a Memorandum of Understanding with respect to enforcement at certified sports grounds in the City. WMFS provide consultancy services for the Council.

Cost Recovery (3.12 GSCSG)

The Council may charge an applicant the cost of work reasonably and actually involved in the processing of an application for the issue, amendment, replacement, transfer or cancellation of a certificate. The Council may not charge for the annual review of a general safety certificate or for monitoring except in connection with the issue, amendment, replacement or transfer of a certificate.