

Non-Statutory Licensing Committee

8 July 2020

Time 10.05 am **Public Meeting?** YES **Type of meeting** Licensing

Venue Online Meeting

Membership

Chair Cllr Alan Bolshaw (Lab)
Vice-chair Cllr Obaida Ahmed (Lab)

Labour

Cllr Greg Brackenridge
Cllr Keith Inston
Cllr Rita Potter
Cllr Milkinderpal Jaspal
Cllr Asha Mattu
Cllr Anwen Muston
Cllr Zee Russell

Conservative

Cllr Jonathan Crofts

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Minutes of previous meeting (Pages 1 - 4) |
| 4 | Matters arising |
| 5 | Pavement Licences (Pages 5 - 28) |
| 6 | 'My Driver Portal' and Online Registers (Pages 29 - 32) |
| 7 | Sports Ground Safety Advisory Group - Policy for Sports Ground Safety and Molineux Stadium Terms of Reference. (Pages 33 - 62) |
| 8 | Exclusion of press and public
To pass the following resolution:
That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as they involve the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the financial or business affairs of any particular person (including the authority holding that information). |
| 9 | Surveillance Cameras in Private Hire and Hackney Carriage Vehicles (Pages 63 - 70) |

Non-Statutory Licensing Committee

Minutes - 27 May 2020

Attendance

Members of the Non-Statutory Licensing Committee

Cllr Alan Bolshaw (Chair)
Cllr Greg Brackenridge
Cllr Keith Inston
Cllr Anwen Muston
Cllr Jonathan Crofts
Cllr Zee Russell

Employees

Donna Cope	Democratic Services Officer
Sarah Hardwick	Senior Solicitor
Chris Howell	Commercial Regulation Manager
Greg Bickerdike	Section Leader Licensing
Jaswinder Kaur	Democratic Services Manager

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies were received from Councillor Mattu, Councillor Ahmed, Councillor Potter and Dean Ball, Senior Compliance Officer.
- 2 Declarations of interest**
There were no declarations of interest.
- 3 Minutes of previous meeting**
Resolved:
That the minutes of the meeting of the Non-Statutory Licensing Committee held on 22 January 2020 be confirmed as a true record and signed by the Chair.

- 4 **Matters arising**
Chris Howell, Commercial Regulation Manager, informed Committee of the following:

Item 12 – Paragraph 8.2 of the report should state that the new charges will come into effect on 1 April 2020, not 1 May 2019.

Item 13 - Paragraph 3.11 of Appendix 1 and Paragraph 3.4 of Appendix 3 were included in error and would be removed. He added that as discussed at the previous meeting, there were also typos and administrative errors which had subsequently been amended and agreed by the Chair of Licensing. Final versions would be added as supplementary papers.

- 5 **Minutes - 18 February 2020 - Non-Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Non-Statutory Licensing Sub-Committee held on 18 February 2020 be confirmed as a true record and signed by the Chair.

- 6 **Outcome of Taxi Rank Review**

Greg Bickerdike, Section Leader Licensing, presented a proposed traffic regulation order (TRO) following a review and public consultation on taxi ranks within the city. He outlined the feedback received from the consultation.

Councillor Brackenridge commended the report and proposed the recommendations. Councillor Inston seconded the recommendations.

Resolved:

That Members of the Non-Statutory Licensing Committee noted:

1. Licensing Services' response to the consultation on taxi ranks.
2. The proposed traffic regulation order.

- 7 **Evaluation of Taxi & Private Hire Services Mystery Shopper Exercise**

Chris Howell, Commercial Regulation Manager, outlined a Mystery Shopper Exercise undertaken by Licensing Compliance in order to evaluate the operation, usage, accessibility and equal access provided to people who were physically disabled when using Hackney Carriages and Private Hire Vehicles.

He highlighted the key findings and asked Members to approve the extension of the Mystery Shopper Exercise to include individuals who identified as having a protected characteristic as defined under the Equality Act 2010.

Councillor Muston proposed the recommendations and Councillor Bolshaw seconded the recommendations.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Approved the extension of the Mystery Shopper Exercise in relation to private hire and hackney carriage licensed vehicles.
2. Noted the evaluation of the Mystery Shopper Scheme at Appendix 1.

8 **Review of Decision Making 2019 - 2020**

Chris Howell, Commercial Regulation Manager, presented the Review of Decision Making 2019-2020 report for approval. He outlined the annual report of the decisions made over the last municipal year and set out the delegations for the forthcoming year. The amendments to delegations were necessary due to restructuring within the Council and the resultant changes in Job titles.

Councillor Russell proposed the recommendations and Councillor Brackenridge seconded the recommendations.

Councillor Brackenridge commended Licensing Services and thanked Officers for using such a robust system which was reflected by the figures within the report.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Endorsed and approve the proposals in section 2 of this report relating to category 2 decisions.
2. Endorsed and approve the proposals in section 2 of this report relating to category 3 decisions.
3. Delegated category 3 decision making powers to the Director for City Environment.
4. Agreed to receive further annual delegation update reports at the beginning of each municipal year.
5. Noted the schedule attached at Appendix 1 to this report which includes further proposed delegations from the Director for City Environment.
6. Noted the schedule of employee decisions for 2019 - 2020 attached at Appendix 2 to this report in relation to new hackney carriage and private hire applications.
7. Noted the schedule of employee decisions for 2019 - 2020 attached at Appendix 3 to this report in relation to hackney carriage and private hire reviews.
8. Noted the schedule of decisions for 2019 - 2020 attached at Appendix 4 to this report in relation Magistrates and Crown Court appeals.

9 **Mid term Revision of fees for Hackney Carriage and Private Hire Licensing functions for 2020-2021**

Chris Howell, Commercial Regulation Manager, presented the proposed fees and charges for Hackney Carriage and Private Hire Vehicle Drivers with effect from 1 June 2020.

He advised that the trade had been severely affected by the Covid 19 pandemic and subsequent lockdown. He proposed a mid-term reduction in application fees for licences relating to hackney carriages, private hire vehicles and drivers.

The Commercial Regulation Manager further advised that the service was looking to reopen Hickman Avenue to the taxi trade with appropriate safety measures in place.

Members welcomed the reduction in fees but expressed concern regarding driver and passenger safety. In response to questions asked, the Commercial Regulation Manager stated that the authority was following the advice issued by the government.

Councillor Crofts proposed the recommendations and Councillor Russell seconded the recommendations.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Approved the proposed fees and charges for Hackney Carriage and Private Hire Vehicle Drivers as set out in Appendix 1 with effect from 1 June 2020.
2. Approved the proposed fees and charges for Hackney Carriage and Private Hire Vehicles as set out in Appendix 2 with effect from 1 June 2020.

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Non-Statutory Licensing Committee</h2> <p>8 July 2020</p>
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Report title	Pavement Licences	
Wards affected	All	
Accountable director	Ross Cook, Director for City Environment	
Originating service	Licensing Services	
Accountable employee	Greg Bickerdike	Section Leader
	Tel	01902 554030
	Email	Greg.Bickerdike@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendations for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Adopt the Pavement Licence regime;
2. Approve the implementation of the Pavement Licence Policy;
3. Approve the setting of a £25 application fee for a Pavement Licence; and
4. Delegate authority to determine applications, review licences and manage the appeal of decisions for Pavement Licences.

Recommendation for noting:

The Non-Statutory Licensing Committee is recommended to note:

1. That the activity regulated by Table and Chairs Permits is regulated by Pavement Licences, with a reduced public consultation period of seven days.

1.0 Purpose

- 1.1 To implement the provisions made relating to Pavement Licences by The Business and Planning Act 2020.

2.0 Background

- 2.1 As the country emerges from lockdown, pavement cafés have assumed a new importance given the strong scientific evidence of a lower risk of spreading coronavirus outdoors.
- 2.2 An outcome of the Council Plan is, “a vibrant, green city we can all be proud of”, which al fresco dining can help deliver. The hospitality industry has been particularly affected by the COVID-19 Pandemic and it is hoped that utilisation of highway space will foster a café culture, thus improving the City’s ambience.
- 2.3 The Business and Planning Act 2020 introduces a ‘Pavement Licence’, a temporary regime which will run in parallel to the Tables and Chairs Permit scheme operated under The Highways Act 1980. This is a temporary measure to support businesses in operating safely whilst social distancing is in place.
- 2.4 A licence permits a food and/or drink business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.
- 2.5 Pavement Licences are intended to help food and drink businesses quickly utilise highway space adjacent to their premises, for Summer 2020, as they have a seven-day public consultation period. This is much shorter than the Tables and Chairs Permit’s 28-day public consultation period. Businesses granted a licence can then use this space to sell food and drink from or furnish it for use by their customers.

3.0 Progress

- 3.1 A draft Pavement Licence Policy is included as Appendix 1 for consideration.
- 3.2 The government expects that Pavement Licences typically will last a year. It is proposed that Pavement Licences granted by the Council remain valid for the maximum amount of time permissible under the law, which is until 30 September 2021. This will financially support proactive food and drink businesses who apply before 30 September 2020, as they will not need to apply for a second Pavement Licence next year.
- 3.3 If the applicant has a licence to serve alcohol on-premises, temporary amendments to the Licensing Act 2003 contained elsewhere in the Bill will generally allow them to sell alcohol for consumption off the premises without needing to apply for a variation of their licence. Licensees who have had an application for an off-sales permission refused or had their off-sales permission excluded by variation or at review within the last three years, will be excluded from this provision.

- 3.4 The maximum Pavement Licence fee is £100. However, it is proposed that the application fee for a Pavement Licence is £25, which will cover the costs of providing the licence. Fees are non-refundable, including if the application is refused or the licence surrendered.
- 3.5 Businesses who want to apply for permission to put furniture on the highway may still apply for a Tables and Chairs Permit under The Highways Act 1980. Tables and Chairs Permits operate for the duration of one financial year. This is advantageous to any business applying after March 2021, as the Pavement Licence regime has a national expiry date of 30 September 2021, unless extended by statute.
- 3.6 This legislation has been hurried through to respond to the challenges caused by COVID-19. As such, the Pavement Licence Policy has not received consultation from statutory bodies nor the public, however the basis for the Pavement Licence Policy is the Council's, "A-Boards, Tables and Chairs and Goods on the Highway Policy" which has undergone full consultation.

4.0 Delegations

- 4.1 It is proposed that the following responsibilities are delegated:

Determination of applications with no representations:

- Licensing Officer, Licensing and Compliance Officer, Licensing Services

Determination of applications with representations or applications non-compliant with policy:

- Senior Licensing and Compliance Officer, Licensing Services
- Section Leader, Licensing Services

Issuing notices of breach of licence conditions, or revoking licences:

- Licensing and Compliance Officer, Licensing Services
- Environmental Health Officer/Senior Environmental Health Officer
- Senior Officer, Environmental Health
- Section Leader, Licensing Services

Review of decisions to refuse grant or revoke licence to:

- Service Lead, Business Services
- Commercial Regulation Manager, Business Services

5.0 Financial implications

- 5.1 The £25 fee will not generate additional income it has been set at cost recovery to financially support an industry that has suffered significantly from COVID-19, with many businesses prohibited from opening by law.
[HM/30062020/T]

6.0 Legal implications

- 6.1 Pavement Licences are provided for by The Business and Planning Act 2020
- 6.2 Without a Pavement Licence, using the highway for the purposes described would constitute an offence of wilful obstruction of the highway (s.137 of The Highways Act 1980).
- 6.3 Anything that is done by a licence-holder pursuant to a Pavement Licence does not need a Highways Act permit; it is deemed to have planning permission; and it is not street trading for the purposes of any of the various statutes regulating that activity.
[RP/30062020/A]

7.0 Equalities implications

- 7.1 In determining an application, a local authority must have regard to its wider duties, including:
- the prohibitions on unlawful discrimination etc. in s.29 of the Equality Act 2010;
 - the Public Sector Equality Duty contained in s.149 of the Equality Act 2020;
 - the prohibition on acting in a way which is incompatible with right under ECHR by virtue of s.6 of the Human Rights Act 1998;
- 7.2 The guidance accompanying The Business and Planning Bill advises that, “clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility”.
- 7.3 In turn, section 3.1 of Inclusive Mobility provides, “A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be 1000mm clear space”.
- 7.4 A requirement of licensing and a standard condition of licence is that a minimum of 1.5 metres from the furniture placed on the highway to the nearest obstruction and/or carriageway must be available to pedestrians on the pavement. Where the highway is restricted to 1.5 metres between the licensable area and an obstruction, this cannot be for more than 6 metres.

7.5 An Equalities Analysis is included as Appendix 2.

8.0 Climate change and environmental implications

8.1 In determining an application, a local authority must have regard to its duty under s.89 of The Environmental Protection Act 1990 to keep relevant highways clear of litter and refuse.

8.2 It is a standard condition that the licensable area must be kept clean and clear of all debris and litter during the licensed hours.

9.0 Human Resources implications

9.1 There are no Human Resources implications.

10.0 Corporate Landlord implications

10.1 There are no Corporate Landlord implications.

11.0 Covid Implications

11.1 Pavement licences will support the safe operation of businesses by providing more space for socially distancing customers.

11.2 Businesses are required to ensure that they are 'COVID Secure' before reopening, with a risk assessment which addresses coronavirus.

12.0 Schedule of background papers

12.1 Pavement licences: draft guidance (Ministry of Housing, Communities & Local Government)

12.2 Business and Planning Bill 2019-21 (Department for Business, Energy and Industrial Strategy)

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Pavement Licence Policy

8 July 2020

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Introduction

Pavement Licences are a temporary licensing regime introduced by The Business and Planning Act. They allow food and drink businesses the use of public highway adjacent to their premises to improve their customer capacity whilst maintaining social distancing.

Purpose

The Pavement Licence Policy's purpose is to facilitate socially distanced trade for food and drink businesses without compromising the safe and free movement of pedestrians, especially visually impaired and disabled people.

Scope

Relevant highway, or highway, means a highway to which Part 7A of the Highways Act 1980 applies and which is not over Crown land or maintained by Network Rail. The highway includes the carriageway for motor traffic and the pavement or footway for pedestrians.

Placing furniture on the highway without permission of the landowner, in this case the City of Wolverhampton Council Highway Authority, is an offence of, "wilful obstruction of the highway" (s.137 of The Highways Act 1980).

Items placed on private land are not subject to controls under the Highways Act 1980; however, businesses are advised to be mindful of the purpose of this policy and other legislation, such as The Health and Safety at Work etc Act 1974.

Anything that is done by a licence holder pursuant to a Pavement Licence does not need a Highways Act licence; it is deemed to have planning permission; and it is not street trading for the purposes of any of the various statutes regulating that activity.

A Tables and Chairs permit may still be applied for, as the Pavement Licence regime runs parallel, not instead of, the existing regime. Businesses are encouraged to apply for a 'Table and Chairs Licence' when the Pavement Licence regime expires on 30 September 2021.

It must be emphasised that the Council, in granting a Pavement Licence, cannot and does not seek to absolve anyone from any statutory risk which they may incur in placing or depositing any object on the highway.

Who can apply for a Pavement Licence?

Licences are granted to premises that are either:

- (a) used as a public house, wine bar or other drinking establishment;
- and/or
- (b) used for the sale of food or drink for consumption on or off the premises.

What can I do with a Pavement Licence?

The statutory purpose(s) of a Pavement Licence are

(a) to sell or serve food or drink supplied from, or in connection with the relevant use of the premises

and/or

(b) by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of the premises.

You can apply to place the following furniture on the highway adjacent to your business:

- (a) counters or stalls for selling or serving food or drink
- (b) tables, counters or shelves on which food or drink can be placed
- (c) chairs, benches or other forms of seating
- (d) umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink

This is a comprehensive list; no other types of furniture are licensable by a Pavement Licence.

Application Preparation

If the removal of existing street furniture is required for a business' intended use of the relevant highway, this must be agreed and completed by the Council prior to the application being made.

In exceptional circumstances, permission will be considered for those wishing to anchor enclosures but will be subject to the furniture within being removed at the end of each day.

Applicants will be expected to meet the cost of this work and provide full payment in advance. Requests of this nature should be made via email to licensing@wolverhampton.gov.uk

Application Fees

The fee of £25 is payable on application. This fee was set by the Non-Statutory Licensing Committee on 8 July 2020 and is subject to review. Application fees are non-refundable, including where the application is refused or the licence is surrendered.

The Application Process

Application Form and Notice of Application

All applications must be made via the Council's website.

Consultation

All applications are subject to public consultation. Upon application, a notice will be sent to the email address provided on the application. The applicant must, on the day of application, fix this notice to the premises so that it is readily visible to, and can be read easily by, members of the public who are not on the premises and securely so that the notice remains in place until the end of the public consultation period. The public consultation period is seven days beginning with the day after that on which the application is made. This excludes Christmas Day, Good Friday and bank holidays.

This notice is a statutory requirement. Failure to comply with this requirement will result in the application being rejected and application fees are non-refundable. The notice should be laminated or covered in a way to protect it from the weather.

Determination

Following the conclusion of the public consultation period, a seven-day determination period begins. This excludes Christmas Day, Good Friday and bank holidays. The local authority will also consult with Network Coordination, Traffic & Road Safety and the Disabled Access Team. The Council must take into account any representations made.

If the application is not determined within this period, the licence is deemed to be granted by the authority to the applicant.

Applications will be considered in light of the requirements below. Whilst applications that comply to these requirements will generally be granted, failure to do so does not necessarily mean an application will be refused as each application will be determined on its own merits.

- (a) A plan, detailing the premises, furniture, enclosure, highway and obstructions at a scale of no more than 1:100, should be included with the application. A red line should mark the perimeter of the premises and the area of relevant highway.
- (b) Furniture should not be located on the highway in areas where tactile paving is provided.
- (c) A minimum of 1.5 metres from the furniture placed on the highway to the nearest obstruction and/or carriageway should be available to pedestrians on the pavement. Where the highway is restricted to 1.5 metres between the licensable area and an obstruction, the maximum length of restricted width is six metres.

- (d) The licensable area should not prevent normal access to premises adjoining the relevant highway.
- (e) The licensable area should not prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway.
- (f) The licensable area should not prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
- (g) The licensable area should not prevent any use of vehicles which is licensed by a pedestrian planning order or which is not prohibited by a traffic order.
- (h) The furniture should not cause a visual obstruction likely to cause injury to pedestrians or drivers.
- (i) The licensable area should be enclosed, with an access/egress point at least 1.2 meters wide. These may be constructed with planters.
- (j) The enclosure should be of a solid nature and height between 1.0 – 1.2 metres above ground level and must include a tapping rail. The material used for the enclosure should be lightweight in construction and portable but stable enough to prevent collapse if accidentally walked/stumbled into. Rope barriers should not be used. The material used should offer good colour contrast from the floor. Livery is licensed on the enclosure. However certain types of advertising may require additional planning consent and guidance should be sought via email from Planning@wolverhampton.gov.uk.
- (k) The licensable area and furniture within should not detract from the amenity of the area. Plastic tables or chairs should not be used.
- (l) The licensable area should be immediately adjacent to the premises.
- (m) The hours of operation shall not include 22:00 – 06:00.
- (n) The applicant should have a minimum of £5million Public Liability Insurance for the premises.
- (o) Any other reasonable requirement, particularly where there are challenges due to the location of the premises.

A Pavement Licence may be granted in respect of any or all of the purposes in relation to which the application is made and some or all of the part of the relevant highway specified in the application.

All Pavement Licences granted by City of Wolverhampton Council will expire on 30 September 2021. All Pavement Licences deemed to be granted shall have a duration of one year. A licence will only apply to one premises' location.

Interaction with Alcohol Licensing

A Pavement Licence, in respect of a business which has a current Premises Licence permitting the sale or supply of alcohol under The Licensing Act 2003, authorises off-sales and the consumption of alcohol within the licensable area. Every off-sale must be made at a time when the premises licence permits alcohol to be sold for consumption on the premises. The premises licence is treated as if it has been varied by the Pavement Licence. Licensees who have had an application for an off-

sales permission refused or had their off-sales permission excluded by variation or at review within the last three years, will be excluded from this provision.

If the premises is situated within an area where there is an order prohibiting the consumption of alcohol, signage advertising the prohibition of consuming alcohol outside of the licensable area must be displayed so as to be visible when exiting the licensable area. The licensable area must be supervised at all times. These are standard conditions of licence.

Delegated Authority

Authority is delegated by Non-Statutory Licensing Committee for the following actions:

Determination of applications with no representations:

- Licensing Officer, Licensing and Compliance Officer, Licensing Services
- Section Leader, Licensing Services

Determination of applications with representations or applications non-compliant with policy:

- Licensing Officer, Licensing and Compliance Officer, Licensing Services
- Section Leader, Licensing Services

Issuing notices of breach of licence conditions, or revoking licences:

- Licensing Officer, Licensing and Compliance Officer, Licensing Services
- Section Leader, Licensing Services

Review of decisions to refuse grant or revoke licence to:

- Section Leader, Licensing Services
- Commercial Regulation Manager, Business Services

Licence Condition Compliance

The licence holder may surrender a Pavement Licence at any time by giving written notice to the Council via email to licensing@wolverhampton.gov.uk.

A Pavement Licence does not give permission for the business to use the licensable area for any purpose in the regime, only those granted or deemed to have been granted. If there is a material difference between the way the space is being utilised by the business and the description provided in the application, the activities will be considered unlicensed.

Breaching the conditions of the licence will normally result in the serving of a notice on the licence holder requiring action to remedy the breach within a specified time. If the licence holder fails to remedy the breach within the specified time, the Council

may remedy the breach itself and recover the costs of doing so from the licence holder.

A serious breach, multiple breaches and/or failure to remedy a breach will normally result in revocation of the licence.

The Council may also revoke the licence if:

- some or all of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted;
- as a result of the licence there is a risk to public health or safety;
- as a result of the licence anti-social behaviour or public nuisance is being caused or risks being caused;
- as a result of the licence the highway is being obstructed (other than by anything done by the licence holder pursuant to the licence);
- anything material stated by the licence holder in their application was false or misleading;
- the licence holder did not fix the notice of application as prescribed in legislation.

Decision Appeals

Where an application is refused or a licence is revoked, an explanation will be provided to the applicant. Whilst there is no statutory right of appeal against a refusal to grant a Pavement Licence, a request to review the decision of the officer may be made to the Licensing Section Leader via email to licensing@wolverhampton.gov.uk. The Section Leader, or the Commercial Regulation Manager, can overturn the decision if they believe the deciding officer was wrong i.e. that no reasonable person would have made that decision.

Appendix A - Standard Pavement Licence Conditions

1. Any conditions published by the Secretary of State apply to this licence, including those published after the grant of this licence.
2. The conditions attached to this licence may be varied and added to by the Council at any time.
3. The licensable area must not prevent pedestrians from entering or passing along the highway.
4. A minimum of 1.5 metres from the furniture placed on the highway to the nearest obstruction and/or carriageway must be available to pedestrians on the pavement. Where the highway is restricted to 1.5 metres between the licensable area and an obstruction, the maximum length of restricted width is six metres.
5. The licensable area must not prevent normal access to premises adjoining the relevant highway.
6. The licensable area must not prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway.
7. The licensable area must not prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
8. The licensable area must not prevent any use of vehicles which is licensed by a pedestrian planning order or which is not prohibited by a traffic order.
9. The furniture must not cause a visual obstruction likely to cause injury to pedestrians or drivers.
10. The licence holder must always have a valid public liability insurance policy for at least £5,000,000 covering the licensable area.
11. The licence holder must indemnify the Council against any claim in respect of injury, damage or loss arising out of the grant of the licence except where any claim in respect of such injury damage or loss is attributable to the negligence of the Council.
12. The licence holder must not allow the area to be used for any purpose other than that detailed in the granted licence. The layout of the area as detailed at the time of application must be maintained, unless expressly licensed otherwise in writing by the Council
13. Tables and chairs must be sited so that they are always clearly visible from inside the premises. Alternatively, the licensable area must always be supervised.
14. No music or entertainment is to be provided in the area licensed for tables and chairs.
15. If the premises is licensed to sell alcohol under The Licensing Act 2003 and the premises is situated within an area where there is an order prohibiting the consumption of alcohol, signage advertising the prohibition of consuming alcohol outside of the licensable area must be displayed so as to be visible when exiting the licensable area. The licensable area must be supervised at all times.
16. If the premises is licensed to sell alcohol under The Licensing Act 2003, no alcohol is to be served less than 30 minutes prior to the end of the Pavement Licence's operating hours.

17. All furniture must be cleared away no later than an hour after the Pavement Licence's operating hours.
18. No glassware must be permitted in the licensable area.
19. The licensable area must be kept clean and clear of all debris and litter during the licensed hours. The provision of suitable litter bins or ashtrays must be made available.
20. Any furniture used in the licensable area must be removed at the end of the licensable hours.
21. Any furniture used is safe, including but not limited to:
 - a. all tables and chairs are in good repair and stable;
 - b. any parasol and umbrella are fully secured to prevent them being dislodged;
 - c. the area to be used is defined and protected in the manner prescribed by the Council with regards to material, colour and dimensions.
22. Any damage to Council property caused as a result of the licence holder's activity will be repaired by the Council with all costs recharged to the business in question.
23. The licence holder must ensure adherence to any direction from the Council on livery, advertisements and logos.
24. A copy of the licence must be displayed in a prominent position as near as reasonably possible to the licensed area ideally on the door or window of the premises.
25. The licence holder agrees that the licence may be suspended if the Council is required to make the licensed area available for any event, works, or issues of public safety or any other reason it requires the area for.
26. Any heaters and/or electric lighting must be installed by a competent person and conform to IP65 for outdoor use.
27. The hours of trading must be as determined on the licence.
28. The licence holder must remove all or part of the tables and chairs for an identified period at the request of an authorised officer of the Council or a police constable.
29. All items placed on the highway must be free-standing. No drilling or excavation of the highway must be licensed.
30. The business must assist with any reasonable request, including inspection, from an authorised officer of the Council or police at any time when the business is open.
31. The Council may withdraw this licence at any time for any other reason than those stated above.

NOTICE

for display by an applicant for a Pavement Licence.

[ClauseS 2] of the Business and Planning Act 2020.

I/We *(name of applicant)*,

do hereby give notice that on *(date the application is made/submitted)*

[I/we] have applied to City of Wolverhampton Council for a 'Pavement Licence' at: *(postal address of premises)*

known as *(name premises is known by)*

The application is for: *(brief description of application e.g outdoor seating to the front of the premises for serving of food and drink).*

Any person wishing to make representations to this application may do so by writing to: Licensing@wolverhampton.gov.uk

by: *(last date for representations being the date 7 days after the date the application is submitted to the local authority (excluding Christmas Day, Good Friday and bank holidays)*

The application and information submitted with it can be viewed on the Council's website: <https://consultation.wolverhampton.gov.uk/>

Signed

Dated *(date the notice was placed (must be the same date as date above)*

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Equality Analysis

Directorate: Place	Lead Officer: Greg Bickerdike
Service Area: Licensing Service	Date completed: 30 June 2020
Service / Function / Policy / Procedure to be assessed: Pavement Licence Policy	
Is this: New / Proposed <input checked="" type="checkbox"/> Existing/Review <input type="checkbox"/> Changing <input type="checkbox"/>	Review date: Ad-hoc review as required, no review planned as policy is finite (30 September 2021).

Part A – Initial Equality Analysis to determine if a full Equality Analysis is required.

What are the aims and objectives/purpose of this service, function, policy or procedure?

The Pavement Licence Policy’s purpose is to facilitate socially distanced trade for food and drink businesses without compromising the safe and free movement of pedestrians, especially visually impaired and disabled people.

Please indicate its relevance to any of the equality duties (below) by selecting Yes or No?

	Yes	No
Eliminating unlawful discrimination, victimisation and harassment	Yes	
Advancing equality of opportunity	Yes	
Fostering good community relations	Yes	

PART B: Full Equality Analysis.

Step 1 – Identifying outcomes and delivery mechanisms (in relation to what you are assessing)

What outcomes are sought and for whom?	Ensure that people with mobility or sensory disabilities do not suffer as a result of furniture placed on the highway.
Are there any associated policies, functions, services or procedures?	A-Boards, Tables and Chairs and Goods on the Highway Policy
If partners (including external partners) are involved in delivering the service, who are they?	Food and drink businesses will be the Pavement Licence holders

Step 2 – What does the information you have collected, or that you have available, tell you?

What evidence/data already exists about the service and its users? (in terms of its impact on the ‘equality strands’, i.e. race, disability, gender, gender re-assignment, age, religion or belief, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups) and **what does the data tell you?** e.g. are there any significant gaps?

There is no evidence to suggest that the existing Tables and Chair Permit regime has resulted in negative outcomes for disabled people, however the Council recognises that lax compliance or licensing could result in negative outcomes. As such, the impact on those with disabilities is considered in every application.

Has there been any consultation with, or input from, customers / service users or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven’t consulted yet and are intending to do so, please list which specific groups or communities you are going to consult with and when.

Each Pavement Licence must undergo public consultation. Where representations are made, the Council must consider them when making a decision.

Are there any complaints, compliments, satisfaction surveys or customer feedback that could help inform this assessment? If yes, what do these tell you?

Unfortunately, due to the short notice for implementation of this legislation, there has been insufficient time to collect this information.

Step 3 – Identifying the negative impact.

a. **Is there any negative impact on individuals or groups in the community?**

Equality Themes	Positive Impacts	Negative Impacts identified	Solutions (ways in which you could mitigate the negative impact)

Age (including children, young people and older people)	N/A	N/A	N/A
Disability (including carers)	N/A	<p>There is a risk that increased furniture on the highway could inconvenience those with mobility or sensory issues.</p> <p>The guidance accompanying The Business and Planning Bill advises that, “clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility”.</p> <p>In turn, section 3.1 of Inclusive Mobility provides, “A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be 1000mm clear space”.</p>	<p>It is a requirement of licence that furniture should not be located on the highway in areas where tactile paving is provided.</p> <p>A requirement of licensing and a standard condition of licence is that a minimum of 1.5 metres from the furniture placed on the highway to the nearest obstruction and/or carriageway must be available to pedestrians on the pavement. Where the highway is restricted to 1.5 metres between the licensable area and an obstruction, this cannot be for more than 6 metres.</p>

Gender (men and women)	N/A	N/A	N/A
Race (including Gypsies & Travelers and Asylum Seekers)	N/A	N/A	N/A
Religion or belief (including people of no religion or belief)	N/A	N/A	N/A
Gender Re-assignment (those that are going or have gone through a transition: male to female or female to male)	N/A	N/A	N/A
Pregnancy and Maternity	N/A	N/A	N/A
Sexual orientation (including gay, lesbian, bisexual and heterosexual)	N/A	N/A	N/A
Marriage and Civil Partnership	N/A	N/A	N/A
Human Rights	N/A	N/A	N/A

Step 4 – Changes or mitigating actions proposed or adopted

Having undertaken the assessment are there any changes necessary to the existing service, policy, function or procedure? What changes or mitigating actions are proposed?

No changes are proposed, the policy has been developed based on the outcome of the equalities analysis.

Step 5 – Monitoring

How are you going to monitor the existing service, function, policy or procedure?

Checking of compliance with licence conditions will be operated by Licensing Services.

Part C - Action Plan

Barrier/s or improvement/s identified	Action Required	Lead Officer	Timescale
A significant minimisation of available highway may cause mobility issues for those in wheelchairs.	Include requirements and conditions of licence to mitigate impact on those with disabilities.	Greg Bickerdike	8 July 2020
Furniture may cover tactile paving, affecting those with sight issues.	Include requirements and conditions of licence to mitigate impact on those with disabilities.	Greg Bickerdike	8 July 2020

Equality Analysis approved by:

Head of Service:	Date:
Colin Parr	30 June 2020

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<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Non-Statutory Licensing Committee</h2> <p>08 July 2020</p>
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Report title	'My Driver Portal' and Online Registers	
Wards affected	All	
Accountable director	Ross Cook, Director for City Environment	
Originating service	Licensing Services	
Accountable employee	Lorraine Jones	Section Leader - Licensing
	Tel	01902 553055
	Email	Lorraine.jones@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendations for noting:

The Non-Statutory Licensing Committee is asked to note:

1. The introduction of an online 'My Driver Portal' and register for all drivers, vehicle proprietors and operators licensed by of City of Wolverhampton Council.

1.0 Purpose

- 1.1 To inform Councillors of the introduction of the 'My Driver Portal' and online 'register' for all drivers, vehicle proprietors and operators licensed by of City of Wolverhampton Council.

2.0 Background

- 2.1 When a driver has a change in circumstances they are required to inform us in writing as part of their conditions of licence.
- 2.2 It is important to ensure that records are kept up to date in order to be able to contact the relevant and correct driver/proprietor or operator in a timely manner in the event of a circumstance or allegation that requires immediate action to be undertaken by Licensing Services.
- 2.3 The 'My Driver Portal' was created to allow a self-help function for drivers to maintain their records online and ensure they are kept up to date as per the conditions of licence issued.
- 2.4 It is a requirement of Section 51(3) of The Local Government (Miscellaneous Provisions) Act 1976 and Section 42 of the Town and Police Clauses Act 1847 to maintain a public register. Traditionally this would be a paper record, as we are working totally electronic, it was a natural step for the register to be electronic and it makes the register more easily accessible.
- 2.5 Section 51(3) of The Local Government (Miscellaneous Provisions) Act 1976 and Section 42 of the Town and Police Clauses Act 1847 requires local authorities to provide free public access to a register of private hire and hackney carriage licences.

3.0 Overview

- 3.1 The introduction of an online portal provides easier access to the information held against licence holders and the ability for licence holders to instantly update the information themselves. This helps to ensure that the data provided is up to date by streamlining the process.
- 3.2 Drivers will have the facility to provide the following information:-
To upload any additional or supporting documentation required to process their licence application
- Any criminal/motoring conviction or caution
 - Any change in name, address or contact details
 - Any change in Private Hire Operator
- 3.3 Vehicle proprietors will have the facility to notify Licensing Services of the following:-
- Any change in name, address or contact details
 - Any change in Private Hire Operator

- Any change in the driver, if the vehicle is licensed by a hire company
- A road traffic accident involving their licensed vehicle – the facility to notify online using the ‘My Driver Portal’ will save hours of resources recording the data involved with accident reporting.
- To request the removal, following repairs, of a Section 68 Suspension notice issued when a vehicle is not fit for use. (An Officer will still inspect the vehicle prior to the suspension being lifted)

3.4 Access to the driver portal is secure. It requires an email address which is specific to the driver, proprietor or operator. That email is then sent an authentication message which the must be confirmed to enable access to the My Driver portal.

3.5 A facility to include news feeds, announcements and advertisements is included. This will be developed and expanded over time to introduce an income stream. Advertisements are expected to include insurance, replacement car hire, repairs, tyres, valeting, etc.

4.0 Financial implications

4.1 The “My Driver Portal” was procured from Idox at a one off cost of £49,000, funded through licensing income. The Online register is part of a wider package of development works ordered from Idox.

4.2 There is a potential income stream from the advertisement function but this has not been costed as part of the development. [HM/30062020/L]

5.0 Legal implications

5.1 Section 42 of the Town and Police Clauses Act 1847 requires local authorities to provide free public access to a register of hackney carriage licences.

5.2 Section 51(3) of The Local Government (Miscellaneous Provisions) Act 1976 requires local authorities to provide free public access to a register of private hire licences. [RP/30062020/B]

6.0 Equalities implications

6.1 There are no direct equalities implications arising from this report.

7.0 Climate change and environmental implications

7.1 There are no climate change and environmental implications.

8.0 Human resources implications

8.1 There are no human resources implications.

9.0 Corporate landlord implications

9.1 There are no corporate landlord implications.

10.0 Covid Implications

10.1 There are no Covid implications arising from this report.

11.0 Schedule of background papers

11.1 There are no background papers associated with this report.

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Non-Statutory Licensing Committee</h2> <p>8 July 2020</p>
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Report title	Sports Ground Safety Advisory Group – Policy for sports ground safety and Molineux stadium terms of reference.	
Wards affected	All	
Accountable director	Ross Cook, Director of City Environment	
Originating service	Business Services	
Accountable employee	Chris Howell	Commercial Regulation Manager
	Tel	01902 554554
	Email	chris.howell@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Approve the amended Molineux Stadium Safety Advisory Groups constitution and term of reference.

Recommendations for noting:

The Non-Statutory Licensing Committee is asked to note:

1. The managing safety at sports grounds policy and that it has been subject to consultation.

1.0 Purpose

- 1.1 To update the Committee on the new terms of reference and policy document in relation to managing safety at sports grounds.

2.0 Background

- 2.1 In the Final Report of the inquiry into the Hillsborough Stadium Disaster, the then Lord Justice Taylor recommended that:
- The Safety Advisory Group “terms of reference should encompass all matters concerned with crowd safety and should require regular visits to the ground and attendance at matches. The Advisory Group should have a chairman from the local authority, and effective procedures. Its resolutions should be recorded and it should be required to produce regular reports for consideration by the local authority”.
- 2.2 The Sports Grounds Safety Authority has also recommended, among other matters that Council’s consider written policy statements identifying the specific responsibilities of particular individuals or groups of staff and the Safety Advisory Group should be properly constituted and have written terms of reference with effective procedures
- 2.3 The role of the Sports Ground Safety Advisory Group is to act as a specialist forum to consider issues relating to the safety of those present during an event and to advise the Council in order that appropriate decisions can be made in relation to safety.

3.0 Policy

- 3.1 The Molineux Stadium Safety Advisory Group is a multi-agency group established to provide specialist advice to the Council regarding the terms and conditions included within the Safety Certificate and on-going compliance with the Certificate. The terms of reference is attached at appendix A.
- 3.2 The managing safety at sports grounds policy aims to ensure that all people are protected from physical harm or injury at qualifying sports grounds. The policy document is attached at Appendix B.

4.0 Financial implications

- 4.1 There are no financial implications arising from this report.
[HM/30062020/U]

5.0 Legal implications

- 5.1 The Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987 place statutory duties on the City Of Wolverhampton Council (the

council) in relation to the certification of certain qualifying sports grounds and the monitoring of compliance of those certificates.
[RP/30062020/C]

6.0 Equalities implications

6.1 There are no direct equalities implications arising from this report.

7.0 Climate change and environmental implications

7.1 There are no climate change and environmental implications arising from this report.

8.0 Covid Implications

8.1 There are no direct Covid-19 implications arising from this report. At the time of writing the report, sports ground had been allowed to open 'behind closed doors'.

9.0 Schedule of background papers

9.1 None

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**CITY OF
WOLVERHAMPTON
C O U N C I L**

MOLINEUX STADIUM SAFETY ADVISORY GROUP

CONSTITUTION & TERMS OF REFERENCE

1.0 Introduction

- 1.1 The Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987 place statutory duties on the City Of Wolverhampton Council (the council) in relation to the certification of certain qualifying sports grounds and the monitoring of compliance of those certificates.
- 1.2 In line with Sports Ground Safety Authority guidelines on safety certification, a safety advisory group has been established to act specifically in relation to the Molineux Stadium. This group is to be known as the Molineux Stadium Safety Advisory Group (MSSAG).
- 1.3 The Molineux Stadium Safety Advisory Group is a multi-agency group established to provide specialist advice to the Council regarding the terms and conditions included within the Safety Certificate and on-going compliance with the Certificate.
- 1.4 The fundamental aim of the Council is to ensure the reasonable safety of those present during an event at the Stadium.
- 1.5 The Molineux Stadium Safety Advisory Group has a direct link to Wolverhampton's corporate plan of keeping the city safe.

2.0 Roles and Responsibilities

- 2.1 Responsibility for the function of sports grounds safety certification rests with the Council's Non-Statutory Licensing Committee (LC).
- 2.2 The Head of Business Services will oversee compliance with the statutory duties imposed by the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987.
- 2.3 The Commercial Regulation Manager will chair the Molineux Stadium Safety Advisory Group. The Vice Chair will be a Section Leader (Licensing) or an alternative suitable officer.
- 2.4 The operational role will be carried out by Senior Officers within Environmental Health Commercial.
- 2.5 The role of the MSSAG is to act as a specialist forum to consider issues relating to the safety of those present during an event at

Molineux Stadium and to advise the Council in order that appropriate decisions can be made in relation to safety. Such decisions can be made by the Head of Business Services and other appropriately authorised officers but may in some circumstances be referred to the Non-Statutory Licensing Committee for a decision.

2.6 Members of the group should advise the Council on matters within their specialist area that are relevant to securing the aim of the MSSAG, the safety of those present during an event.

2.7 Details of individual organisations roles and responsibilities are detailed in Appendix 1.

3.0 **Terms of Reference**

3.1 The main role of the Safety Advisory Group is:

- Members of the group provide specialist advice to the Council to help it discharge its functions under sports ground legislation.
- Provide a forum in which all the agencies concerned with the safety of those present during an event can develop a consistent and proportionate approach, providing advice and assistance to certificate holders and event planners on safety related issues;
- Receive and discuss all proposals for any alterations to the ground;
- Undertake an annual inspection of the stadium;
- Accurately record and minute all of its business, whether it relates to the work of the main group or any sub-group and ensure the minutes of all meetings are forwarded to the LC.

4.0 **Constitution**

4.1 The MSSAG core group shall comprise of the following or their authorised representatives:-

- **Wolverhampton City Council**
 - Commercial Regulation Manager (Chair)
 - Section Leader (Licensing) (Vice Chair)
 - Senior Officer Environmental Health
 - Senior Building Inspector
- **West Midlands Police**
 - Football United Supervisor or
 - Dedicated Football Officer
- **West Midlands Police Counter terrorism officer**
- **West Midlands Fire Service**
 - Officer from the Licensing Team

- **West Midlands Ambulance Service**
 - Manager
 - **Sports Ground Safety Authority**
 - Appointed Inspector
 - **Wolverhampton Wanderers Football Club**
 - Head of Football Administration
 - Head of Operations
 - Deputy Safety Officer
 - **St John's Ambulance Service**
 - Event Delivery Co-ordinator
- 4.2 The various spectator groups attending the Wolverhampton Wanderers 'Fans' Parliament' shall be represented at the MSSAG by officers of the Wolverhampton Wanderers Football Club.
- 4.3 The quorum of the group shall be a minimum of three core members, one of whom must be the Commercial Regulation Manager or his appointed nominee or the Senior Officer Environmental Health (Commercial).
- 4.4 The core group shall meet on at least three occasions each year plus at any other time deemed necessary by the Commercial Regulation Manager, either on his or any other core members' request.
- 4.5 The Commercial Regulation Manager or nominee or the Senior Officer may, from time to time, convene an "Urgent Matters Group", at short notice, to consider any specific issue that falls within the general remit of the group or respond to incidents of concern or note. All meetings of the Urgent Matters Group shall be attended by the relevant people present for decisions to be made and minuted.
- 4.6 Minutes of all meetings will be sent for information to the Non-Statutory Licensing Committee.
- 4.7 Where a meeting will discuss confidential counter terrorism information and/or intelligence, only the following people/representatives shall be present for those discussions:
- **City of Wolverhampton Council:**
 - Commercial Regulation Manager (Chair)
 - Section Leader (Licensing) (Vice Chair)
 - Senior Officer Environmental Health
 - **West Midlands Police**
 - Chief Superintendent or Assistant Chief Superintendent
 - Counter terrorism officer (s)
 - **Wolverhampton Wanderers**
 - Head of Football Administration/Head of Operations/Deputy Safety Officer

- 4.8 Any written papers relating to confidential counter terrorism information and/or intelligence shall be marked according to the Government Security Classification Policy (GSCP).
- 4.9 The minutes of meetings will be adapted to ensure that, in relation to counter terrorism information and/or intelligence, the aims of the GSCP are not compromised.

Appendix 1

Roles/Responsibilities

Licensing Services/Environmental Health Commercial

- Fulfil the statutory duties of the Council under the Safety of Sports Grounds Act 1975 (As amended).
- To provide a named Senior Officer as a Lead Officer to co-ordinate correspondence between the Club and the Council. To provide technical advice and appraisal of published documents relating to safety of sports grounds and public events and to inform on any implications arising.
- Act in a co-ordinating role for all members of the SAG and arrange meetings as appropriate.
- Ensure that SAG meetings are properly constituted and documented and that the SAG properly discharges the responsibilities delegated to it by the Council.
- Ensure that SAG meetings are chaired by a person of suitable experience and status. In the event of clear divisions on matters of policy emerging amongst members of the SAG, this person will endeavour to seek a consensus view.
- Ensure that recommendations made by the SAG are considered and progressed as appropriate.
- To ensure that the conditions of the safety certificate issued are properly prepared, monitored, enforced, reviewed and where necessary amended on a regular basis.
- Advise on any breaches of the Safety Certificate and/or other occurrences which did or could affect the safety of those at the Stadium and to take action where appropriate.
- Arrange for reports to be made to inform relevant Council Cabinet Members of developments at the Stadium and action taken on the recommendation of the SAG.

Building Control

To provide a building control officer with appropriate experience to:

- Provide technical advice within the remit of the service regarding constructional and drainage matters, provision for disabled persons, means of escape in case of fire together with compliance with the provisions of the Building Act 1984 and the Building Regulations 2010 as they relate to sports grounds.
- Advise on any breaches of the Safety Certificate and/or other occurrences which did or could affect the safety of those at the Stadium.
- Attendance at the annual walkabout inspection.

West Midlands Police

To provide at least one representative of appropriate experience/competency who has full authority of the relevant service to give advice and guidance and make recommendations on safety issues and advise on:

- Any local information that may have a bearing on public safety
- All technical/legal aspects of legislation within the remit of the Service as they relate to sports grounds safety.
- Public safety and crowd management matters referred to in the Guide to Safety at Sports Grounds or other relevant publications including risks from crowd disorder and anti-social behaviour.
- Matters related to counter terrorism.
- Matters relating to the issue, monitoring, enforcement, review or amendment of a General/Special safety Certificate.
- Any breaches of the General/Special Safety Certificate safety.

West Midlands Fire Service

To provide at least one representative of appropriate experience/competency who has full authority of the relevant service to give advice and guidance and make recommendations on safety issues and advise on:

- Matters related to fire safety at the Stadium and to provide professional advice in respect of building design and construction in consultation with Building Control.
- Advise the SAG on the Contingency Plans for the Stadium to ensure that they are compatible with the Emergency Services Major Emergencies plan to the Stadium and surrounding areas.
- Advise on matters relating to the issue, monitoring, enforcement, review or amendment of a General/Special safety certificate or of any breaches of the Safety Certificate and/or other occurrences which did or could affect the safety of those at the Stadium.
- Attendance at the annual walkabout inspection.

West Midlands Ambulance Service

To provide a representative of appropriate experience/competency to:

- Advise on all matters relating to the provision of first aid and medical services at the Stadium to ensure compliance with relevant current guidelines and requirements.
- Advise the SAG on the Medical and Contingency Plans for the Stadium to ensure that they are compatible with the Emergency Services Major Emergencies Plan to the Stadium and surrounding areas.

St John's Ambulance

- To provide a representative to feed back on first aid provided during a match.
- To highlight any matters of concern relating to the provision of first aid and medical services at the Stadium

Wolverhampton Wanderers Football Club

- Participate in the discussions of the SAG and provide information on the Club's arrangements regarding safety management and general operations of the Stadium and surrounding areas.
- Advise the SAG of any proposed alterations to the Stadium.
- Report to the SAG on the performance of safety management arrangements and of any occurrences which did or could have affected the safety of the spectators at the Stadium or surrounding areas.
- Report to the SAG on the application of the standards and recommendations of the Guide to Safety at Sports Grounds ("The Green Guide") or from the Sports Grounds Safety Authority and any other relevant legislation, guidance and best practice to achieve safe conditions.

Sports Ground Safety Authority

- Arrange for the regional inspector to attend SAG meetings to provide advice and guidance.

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**CITY OF
WOLVERHAMPTON
C O U N C I L**

POLICY DOCUMENT

**MANAGING SAFETY
AT
SPORTS GROUNDS**

January 2020

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

This policy document has been produced by Business Services, Place, Wolverhampton City Council, and is the agreed policy and procedure for managing safety at sports grounds within the city. It identifies the roles and responsibilities of the Council in undertaking its statutory duties and has previously 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 that reasonable steps are taken to ensure that all people are protected from physical harm or injury at qualifying sports grounds.

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 to the sports ground or any part of it involves or will involve a serious 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. It should be noted that this power only applies where the risk is to spectators not to other people at the ground.

- To issue a Special Safety Certificate where appropriate.

Currently, the only sports ground within the city 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 all people 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 its management.

Business Services 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 Business Services who, in accordance with SGSA guidance, will oversee compliance with the legislation. The Commercial Regulation Manager will act as Chair for the Safety Advisory Group. As lead officer, the Head of Business 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 Senior Officer in Business Services with additional support from another Officer. Structural integrity of the stands is overseen by the Service Manager of Building Control. Competence and succession are maintained between the two officers by sharing knowledge and experience and by the introduction of additional officers being involved in the day to

day duties. 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 all people at the 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 and the public viewing of training sessions.*
- *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 Head of Business Services 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 <https://www.wolverhampton.gov.uk/licences/health-and-safety/safety-sports-grounds>.

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 ensuring safety for all and those relating to the safety of staff and visitors under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005. 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 (Business Services) 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 following any incident in which safety 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 all 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 a Senior Officer (Business Services) 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)

The Council has signed up to the Black Country Local Authorities Enforcement Policy. Any enforcement action will be considered in line with this policy. The Council has a range of options to deal with incidents and/or breaches of safety certificate terms and conditions. Any action by a local authority should be proportionate, targeted, consistent, transparent and accountable.

Choices of enforcement action

There are several courses of action open to the council's enforcement officers depending on the different circumstances that may be encountered or apply to the situation. The choices of enforcement action are:

- Informal Warning
- Reduction in Capacity
- Prohibition Notice
- Simple Caution
- Prosecution

Informal action includes offering advice, verbal warnings and requests for action, the use of letters/informal notices and reports.

Reducing the capacity of all, or part of, a sports ground is a formal action which would be appropriate in the following situations:

- if an incident suggests that the management of a sports ground is performing poorly; or
- if the Council's inspecting personnel identify any deficiencies in the fabric, equipment, records or management systems, which the authority has not already considered when accepting or calculating the permitted capacity.

Any new capacity should be properly calculated having regard to the change in circumstances and the procedures to be followed will be the same as during the routine annual review of the safety certificate. Ground management should be invited to submit its proposed revised (P) or (S) factor, but the Council reserve the right to overrule this if appropriate.

When reducing a capacity, it is important that

- officers act reasonably and in accordance with due process, not least because the certificate holder has a right of appeal against any reduction in capacity; and
- a formal amendment to the safety certificate is issued.

Once the remedial measures or improvements have been implemented consideration should be given to restoring the original capacity.

Prohibition notice

Unlike the other provisions of the 1975 and 1987 Acts, the power to issue a prohibition notice applies to all sports grounds, as defined in section 17 of the 1975 Act, including those that are neither designated nor contain a regulated stand.

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 “the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious, that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the sports ground or that part of the sports ground ought to be prohibited or restricted”. A prohibition notice is therefore a measure of last resort and should only be used where an amendment of the safety certificate (where issued) is not considered an effective way of dealing with the risk(s)

When issuing a prohibition notice consideration should be given as to whether the risk to spectators is or may be imminent and if so, the notice should take effect as soon as it is served. In all other cases it should come into force at the end of the period specified in the notice.

A prohibition notice must specify:

- the nature of the risk to spectators; and
- the number of spectators that may be admitted to the sports ground, or any part of the sports ground, until appropriate steps have been taken to address those risks.

The notice may also include directions as to the steps which will have to be taken to reduce the risk to a reasonable level.

Under the Environment and Safety Information Act 1988 the local authority is required to keep a register of any prohibition notices that it has issued.

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. As safety of sports grounds is a specialist area, delegated authority is conferred upon the Head of Business Services and the Lead officer i.e. Alison Stephens -Senior Officer.

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.

A simple caution should only be issued for offences where there is no imminent risk or where the offence is readily admitted, and immediate action has removed the imminent risk.

Prosecution

The decision to prosecute is very significant and should be related to risk. In general, it should be reserved for those who

- blatantly disregard the law;
- refuse to implement basic legal requirements and who put the public at risk.

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 (now Hayward) flank and the upper and lower quadrant in the Stan Cullis. The Hayward flank was the least satisfactory away position owing to the gradient and the antagonistic nature of the home support, the Hayward 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 fitting of barriers to the quadrant has reduced the risks associated with standing and therefore made it useable for visitors, however the divide is exceptionally long so it is resource intensive. The 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 remains 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.

4. Persistent Standing

Persistent standing is a common trait of the Jack Hayward stand and certain groups of travelling fans. Persistent standing is problematic for a few 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 with 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.

Following changes to the Green Guide Wolverhampton Wanderers have installed seats with barriers in the entire Jack Hayward Stand and freestanding barriers in front of seats in the Stan Cullis quadrant. This has been completed to mitigate the risks associated with persistent standing as all reasonable measures have failed to get spectators to sit down. This is alongside a management plan aimed to ensure

that spectators are aware that there is still a requirement to stay seated as all seater stadium is still government policy.

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.

Europa matches have requirements for 10% of away seats to be close to the centre line so in some cases this may mean that away supporters are positioned in W6 of the Billy Wright Stand. These are normally corporate, VIP supporters.

Risk assessment of fixtures

In order to identify these safety controls the safety officer will carry out a threat assessment of all matches, this assessment will point naturally to the measures needed to enhance the safety of an 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 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 safety for all.

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 Commercial Regulation Manager.

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 safety for all. 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. Democratic Services 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 three times a year (October, January, 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 the safety of those at the ground. 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.

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.

Dispute Resolution

The Authority is required to have a Dispute Resolution Process by the SGSA to ensure that if there is a dispute between the certificate holder and any of the statutory Category One responders (interested parties) as defined by the Civil Contingencies Act 2004 it can be addressed before it has an impact on the safety of an event.

This process is not to be used to resolve any civil debts that may have arisen but is to be limited to the attendance or non-attendance of the relevant body or authority at an event that is being held at the venue and at which the conditions of the general safety certificate shall be in force. It is also not to be used where there are contractual issues between the certificate holder and any commercial supplier.

The dispute resolution process is intended to create a space and environment in which the views of the relevant bodies and stakeholders can be discussed with the certifying authority in a timely manner to enable the certifying authority to consider the issues raised and where necessary, to take relevant proportionate enforcement action.

It is recognised that the process as outlined below is most likely to be engaged where there is a dispute between venue management/certificate holder and the police regarding the quantum and need for the presence of the police at an event.

Step	When *	Action
1	Day 1	<i>Information received from the certificate holder or the interested party to inform Wolverhampton Council relating</i>

		<i>to concerns over the presence or non-attendance at the event.</i>
2	Day 1	<i>Wolverhampton Council will convene a meeting of the relevant parties to discuss the issues relating to the dispute. In the event agreement cannot be reached the local authority should consider following the process.</i>
3	< Day 3	<i>Wolverhampton Council will consider convening an extraordinary safety advisory group meeting to be held at the earliest possible date.</i>
4	< Day 7	<i>Extraordinary safety advisory group meeting. Consider the need to escalate any decision to senior management team and or elected members.</i>
5	< Day 14	<i>Consider imposing revised or additional conditions through the safety certificate or undertaking enforcement action against the certificate holder following previous discussions and the safety advisory group meeting. Draft revised and or additional safety certificate conditions Consider the need for advice from legal services. Advise elected members.</i>
6	< Day 17	<i>Review the position of the parties that are in dispute and reaffirm any enforcement action, or revised conditions within the safety certificate. Revised and/or additional conditions are included within an updated safety certificate.</i>
7	Day17 onwards	<i>Review the position of the parties that are in dispute and reaffirm any enforcement action, or revised conditions within the safety certificate. Issue as necessary.</i>
8		<i>Opportunity should be given to the certificate holder and interested party to continue to have dialogue and to seek agreement without the need for action on the part of the local authority.</i>

* Timescales are a guide only and may need to be shorter depending on when the council is made aware of the issue compared to next match/race etc.

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