

Safety at Sports Grounds Enforcement Policy



Coventry City Council

1 | Introduction

This enforcement policy sets out the arrangements that Coventry City Council has put in place for ensuring compliance with the relevant safety at sports grounds legislation. It explains the Council's powers and approach to enforcement activity, how the Council deals with businesses and the approach to be taken when infringements of the law are established. In applying this policy the Council's aim is to ensure that any enforcement action taken is proportionate, open, consistent and clear.

This document should be read in conjunction with the following policies so as to provide a full understanding of the safety at sports ground role carried out by Coventry City Council:

- Monitoring and Inspection Policy,
- Policy for the Issue and Review of the General Safety Certificate,
- Terms of Reference for the Sports Ground Safety Advisory Group

2 | Definitions

The Safety of Sports Ground Act 1975 (as amended) defines a sports ground as a place where sports and other competitive activities take place in the open air, where accommodation has been provided for spectators, consisting of artificial structures or natural structures artificially modified for the purpose.

Under the provisions of Section 1 of the 1975 Act, the Secretary of State for Culture, Media and Sport may designate as requiring a safety certificate, any sports ground that has accommodation for more than 10,000 spectators, or 5,000 in the case of Premier League and Football League grounds in England and Wales. These sports grounds are referred to as Designated Grounds.

A Regulated Stand is defined in the Fire Safety and Safety of Places of Sport Act 1987 as any covered stand at a sports ground with accommodation for 500 or more spectators, whether seating or standing.

The Safety Advisory Group (SAG) is a multi-agency advisory group consisting of the following core members or their authorised representatives:

- Coventry City Council - Lead Officer for sports ground safety.
- Coventry City Council - Building Control Officer.
- West Midlands Police – Superintendent or Chief Inspector.
- West Midlands Fire Service – Watch Manager.
- West Midlands Ambulance Service – Emergency Preparedness Officer.

Plus:

- Invited representation.

3 ■ Legislation and guidance

The relevant legislation that applies to sports grounds safety enforcement and which should be read in conjunction with this policy are as follows:

Safety of Sports Grounds Act 1975

Section 10(b) states it shall be the duty of every local authority to enforce within their area the Act and regulations made under it and to arrange periodical inspection of designated sports grounds.

Fire Safety and Safety of Places of Sport Act 1987

Section 25 states it shall be the duty of every local authority to enforce within their area the provisions of this Act and of Regulations made under it for designated grounds.

It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice.

The penalties for contraventions of the safety certificate are listed in section 12 of the 1975 Act and section 36 of the 1987 Act.

DCMS Circular of 16 November 1995

Provides detailed guidance on prohibition notices.

Guide to Safety Certification of Sports Grounds (Green Guide)

Published by the Sports Grounds Safety Authority, this gives authoritative and detailed guidance on safety at sports grounds.

4 ■ Purpose

The Council seeks to ensure that in enforcement and regulation, the interests of the public are protected.

The purpose of this policy is to ensure that the law is applied in a fair, equitable and consistent manner and to guide officers into taking the appropriate action.

In general and where appropriate, consideration will be given to alternatives to prosecution, for example giving advice and assistance, or obtaining assurances about future conduct.

Before formal action is taken, officers will normally provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of the safety of all those present at an event, health and safety or to prevent evidence being destroyed).

All decisions will be impartial and will not be influenced by race, politics, gender, sexual orientation, religious beliefs or any other belief or status of the alleged offender.

Officers will have due regard to the principles contained within the Regulators Code and any other published and relevant guidance.

The Council will take into account the comments of any victim, injured party or other relevant person to establish:

- his or her views about the circumstances in which enforcement action is deemed appropriate; and
- the nature and extent of any harm or loss, and its significance relative to the individual circumstances.

Coventry City Council is a public authority for the purposes of the Human Rights Act 1998. Officers will therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

5 | Scope

The sports grounds primarily covered by these arrangements are:

The Ricoh Arena

The Butts Park Arena

Under the provisions of Section 10 of the Safety of Sports Grounds Act 1975 the Council has the power to issue a prohibition notice to limit the capacity, or totally prohibit the admittance of spectators to any sports ground within Coventry City Council's area.

6 | Delegated powers

Responsibility for the issue or amendment of certificates and carrying out all associated functions including the authorisation of emergency action in connection with sports grounds and places of sports sits primarily with Licensing and Regulatory Committee. The Council within its scheme of delegation has delegated these powers to:

Director of Streetscene and Regulatory Services, Place Directorate.

7 | Consistency

The Council will seek to ensure that enforcement is fairly applied by committing to the following principles of fairness:

- **Proportionality** Any action taken by the Council, to achieve compliance or to bring regulated entities to account for non-compliance, will be proportionate to the risk to public safety, or to the severity of non-compliance, which includes any actual or potential harm arising from the failure under the law. We will seek to minimise the costs of compliance by ensuring that any action we require is in proportion to the risk.
- **Consistency** There will be a consistent approach from the Council in relation to any advice given, enforcement action, prosecutions and in response to incidents and complaints. The Council will discuss and compare enforcement decisions and policies amongst our own officers and, where appropriate, with other authorities and enforcement bodies.
- **Targeted** By adopting a risk based system for prioritising regulatory action the Council aims to make sure, through targeting, that the direction of regulatory effort takes into account the level of risk and ensure action will be targeted at those situations that give rise to the more serious risks or the least well controlled risks.
- **Transparency** The Council will be open about how we set about our work and will provide information and advice in plain language. We will ensure we help those we regulate to understand the standards expected from them and the standards that they should expect from the local authority.
- **Accountability** The Council will be able to justify all enforcement decisions and be accountable for the efficiency, effectiveness and cost. Consultation and feedback opportunities are given to stakeholders. The performance of the safety at sports ground function will be reported to the Cabinet Member for Policing and Equalities.

8 | Risk assessed approach to enforcement

Coventry City Council has adopted a risk based approach to enforcement at sports grounds and this is based upon the combined effect of:

- the potential impact of non-compliance on regulatory outcomes; and
- the likelihood of non-compliance.

Reference should also be made to the following:

- Monitoring and Inspection Policy.

9 | Enforcement considerations

The Council's enforcement officers will consider a number of factors and questions before deciding when to act, these questions will include:

- the seriousness of compliance failure,
- the degree of wilfulness,
- the certificate holder's past performance and its current practice,
- the risks being controlled and consequences i.e. risk to public safety; and
- legal, official or professional guidance.

10 | 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

The following gives a more detailed explanation of each of the enforcement options:

Informal warning

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

Informal action is appropriate where:

- the act or omission is not serious,
- it can reasonably be expected that informal action will achieve compliance,
- confidence in the business management is reasonably high; and
- the consequences of non-compliance will not pose a significant risk to health, safety or the public.

An informal warning will be in the form of a written letter that clearly and in plain language will:

- contain all information necessary to ensure that the club/organisation knows what is required and why it is necessary,
- indicate the regulations contravened and the measures that will achieve compliance with the legal requirements and that other means of compliance may be chosen,
- where recommendations of good practice are included, make it clear that they are not legal requirements; and
- set out the timescales for compliance.

Reduction in capacity

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 taken into account 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 all those present at an event 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 those present at an event; and
- the number of people 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.

Simple cautions

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. A caution can be used to:

- deal quickly and simply with less serious offenders,
- to divert them from unnecessary appearance in the criminal courts; and
- to reduce the chances of their re-offending.

A record of the caution is required to be kept on the Council's computer system.

If the offender commits a further offence, the caution may influence the Council's decision to take a prosecution.

Simple cautions should not be used as an alternative to prosecutions where insufficient evidence is available. Officers should be prepared to prosecute where an individual or business refuses to accept a simple caution.

More information can be found in Home Office Circular 016/2008 – “Simple Cautioning Adult Offenders.”

Prosecution

The decision to prosecute is very significant and must be related to risk. The Council will follow the Code for Prosecutors and ensure that the evidential and public interest stages are satisfied. In general, it should be reserved for those who:

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

Factors to consider are:

- the seriousness of the offence, including the seriousness of the result of the offence,
- the previous history of the alleged offender or organisation,
- availability, co-operation and reliability of witnesses,
- the willingness of persons involved to put matters right,
- the probable public benefit and importance of the case,
- whether other action would be more effective; and
- any explanation offered by the alleged offender or organisation.

Where a decision is made to seek authority to prosecute, a report will be prepared for the Director of Streetscene and Regulatory Services and Head of Planning, as detailed in the Council's Constitution.

Any prosecutions should be brought without delay.

11 ■ Appeals

Appeals against a reduction in capacity imposed by way of an amendment to a safety certificate or against a prohibition notice are to a Magistrates Court. Where an appeal is made against an amendment to a safety certificate the amendment cannot take effect until the appeal is heard. However, in the case of an appeal against a prohibition notice, any reduction in capacity remains in place until the appeal is heard.

12 ■ Penalties

It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice.

These offences and associated penalties, along with the defences of absence of consent and due diligence, are listed in section 12 of the Safety of Sports Grounds Act 1975 and section 36 of the Fire Safety and Safety of Places of Sport Act 1987.

13 ■ Suitably trained and competent staff

Individual officers who undertake enforcement duties under the 1975 and 1987 Acts will be suitably trained and qualified to ensure their competency.

The Council will ensure that:

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

14 ■ Revisions to this document and review

This policy and all safety at sports grounds procedures will be reviewed at intervals not exceeding 12 months and amended at any stage to reflect any changes that may occur in operational procedure or to current legislation.

Following any amendment a complete replacement will be distributed.

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July 2018

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August 2019

Reviewed by

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