



milton keynes council



SAFETY AT SPORTS GROUNDS etc.

**Procedure for Safety Certification in
Milton Keynes**

Version control

Author	Version	Date	Comments
EFisher	1.0	September 2012	Endorsed at committee
EFisher	2.1	February 2017	Consultation draft
E Fisher	2.2	March 2017	Regulatory Committee Endorsed
EFisher	3.0	February 2019	Draft for consultation
EFisher	3.1	April 2019	Revised policy
EFisher	3.1	September 2019	Endorsed at Regulatory committee

Contents

1.0	POLICY STATEMENT	4
2.0	LEGISLATION AND GUIDANCE	4
3.0	ISSUING A SAFETY CERTIFICATE	6
4.0	FEES	7
5.0	ISSUE PROCESS FOR A GENERAL OR SPECIAL SAFETY CERTIFICATE INCLUDING REGULATED STANDS	8
6.0	REVIEW AND CHANGES TO A CERTIFICATE	9
7.0	SPECIAL SAFETY CERTIFICATE	9
8.0	MONITORING AND INSPECTION	10
9.0	EVENT MONITORING	10
10.0	ANNUAL INSPECTION	11
11.0	CONTINGENCY PLANNING	11
12.0	LIAISON WITH SPORTS GROUND SAFETY AUTHORITY	11
13.0	ENFORCEMENT	11
14.0	PROHIBITION NOTICES	11

1.0 POLICY STATEMENT

- 1.1 This document sets out Milton Keynes Councils approach to discharging its powers and responsibilities in respect of the issue and review of Safety Certification (including Regulated Stands) at sports grounds. It also sets out the arrangements that the Council has put in place for ensuring compliance with the legislative concerned. It does not override the requirements specified in the relevant legislation
- 1.2 This document shall be reviewed at intervals not exceeding 36 months and amended at any stage to reflect any changes that may occur in operational procedure; legislation or appropriate guidance. Following any amendment a replacement document will be distributed.
- 1.3 The power to issue; refuse; amend; review and enforce Safety Certificates etc. is vested in duly authorised officers of the Council as reviewed from time to time. Duties will be overseen by officers within Regulatory Services.
- 1.4 In undertaking the role the Council recognises its statutory duty for the safety certification of sports grounds and regulated stands. It also recognises its responsibilities for promoting the safety of those present
 - i. Provide adequate resources and appoint appropriate council officers and/or engage competent specialist agencies/external consultants as necessary to assist the Council in carrying out its statutory duties relating to the safety of those persons present
 - ii. Provide prompt advice on safety of those present at the request from sports ground venue operators.
 - iii. Put in place policies and procedures for monitoring by inspection/audit or otherwise to oversee compliance with terms and conditions of any safety certificate issued, taking appropriate and proportional action in response to any identified defect or incident compromising spectator safety.
 - iv. Support any relevant Safety Advisory Group that considers premises or events relevant to safety certification.
 - v. Determine if any sports grounds contain regulated stands and expediently process and issue safety certificates in respect of those stands and/or sports ground designation by the secretary of state under the provisions of the Safety of Sports Grounds Act 1975.
 - vi. Keep under review its procedures and arrangements in pursuit of ensuring the reasonable safety of those present at grounds within its responsibility.

2.0 LEGISLATION AND GUIDANCE

- 2.1 The legislation that applies at sports grounds and regulated stands should be read in conjunction with this document. The relevant legislation is as follows:

- Safety of Sports Grounds Act 1975 ('the 1975 Act')
- Fire Safety and Safety of Places of Sport Act 1987
- Safety of Sports Grounds Regulations 1986
- Safety of Places of Sport Regulations 1987
- Safety of Places of Sport Regulations 1988
- Regulatory Reform (Fire Safety) Order 2005 – under the provisions of the Regulatory Reform (Fire Safety) Order 2005 the Local Authority is the enforcing authority for this legislation at designated sports ground and regulated stands. Reference is made to the Regulatory Reform (Fire Safety) Order 2005 Guidance Note No 1: Enforcement published by the Department for Communities and Local Government for advice on enforcement procedures in respect of fire safety
- Health and Safety at Work Act 1974

Guidance on the application of the above legislation can be found in the following Home Office Circulars:

- Home Office Circular No 7/1986 – Annex C of which provides guidance on the procedure regarding applications for general safety certificates under the provisions of the Safety at Sports Grounds Act 1975.
- Home Office Circular No 96/1988 – Which includes advice on the issue of safety certificates for regulated stands
- Home Office Circular No 97/1988 – which includes statutory guidance under section 26 (8) of the 1987 Act to local authorities on the methodology that must be applied in determining whether a stand at a sports ground is a 'regulated' stand
- Home Office Circular of 16th November 1995 – the purpose of which reminds Chief Executives of their powers and responsibilities under section 10 of the Safety of Sports Grounds Act 1975, which allows Local Authorities to issue prohibition notices if they are of the opinion that those present are likely to be at serious risk of injury.

Further advice is contained in the Guide to Safety Certification of Sports Grounds (often referred to as The Green guide) and other guidance published by the Sports Grounds Safety Authority; and the Compliance Code produced by Department for Business Innovation and Skills together with other publications.

Guidance and legislation can change over time and the above should not be regarded as a definitive list.

- 2.2 Under the Safety of Sports Grounds Act 1975 the Local Authority is responsible for issuing a Safety Certificate in respect of sports grounds designated by the Secretary of State. These are Sports Grounds that have accommodation for more than 10,000 spectators and / or 5,000 spectators in the case of Premiership or Football League grounds in England and Wales. Such certificates should contain such terms and conditions as considered necessary or expedient to secure reasonable safety at sports

grounds. There are further responsibilities to issue Special Safety Certificates with such terms and conditions as considered necessary or expedient to secure the reasonable safety at sports grounds and certificates for 'Regulated' (covered) stands accommodating 500 persons or more.

3.0 ISSUING A SAFETY CERTIFICATE

- 3.1 An application for a safety certificate must be in the form prescribed in the Safety of Sports Grounds Regulations 1987 and for a regulated stand in the form prescribed in the Safety of Places of Sport Regulations 1988. There are two types of certificate; a General Certificate for premises used regularly for the same type of event and a Special Certificate typically for one off events where the safety controls required may be temporary in nature and event specific. The Council will consider changes or amendments to an existing certificate as a form of application.
- 3.2 Detailed information may be required to accompany an application covering the structure, capacity and safety management systems in place to ensure the reasonable safety of those present. In respect of what is termed a risk based safety certificate these should be set out in an operations manual supported by the relevant specific risk assessments and an assessment of Physical (P) and Safety (S) factors should form part of this. In line with SGSA guidance Milton Keynes Council supports the risk based system of safety certificates.
- 3.3 Upon receipt of an application Milton Keynes Council is required to ensure that the applicant for a Safety Certificate is a qualified person. This is defined as someone who is in a position to prevent contravention of terms and conditions of a certificate (1975 Act) and / or, someone who is responsible for the management of the ground (1987 Act). The Council considers that a corporate body can potentially fulfil the definition of a suitable person. The Council must notify an applicant in writing if it is determined that they are not a qualified person, the applicant may then appeal against this decision to a magistrates court within 28 days or 7 days in the case of a Special Safety Certificate.
- 3.4 Applications received shall be sent to relevant persons defined in the legislation for consultation. The Council may choose to also consult with other parties it considers appropriate such as members of any relevant Safety Advisory Group.
- 3.5 The council will expect standards to meet or exceed those detailed within relevant guidance (such as the Green Guide) unless there are appropriate reasons and safeguards to not do so.
- 3.6 Milton Keynes Council will determine an application following a consultation period (normally of up to 28 days). Applications received less than 28 days before an event will not normally therefore be considered.

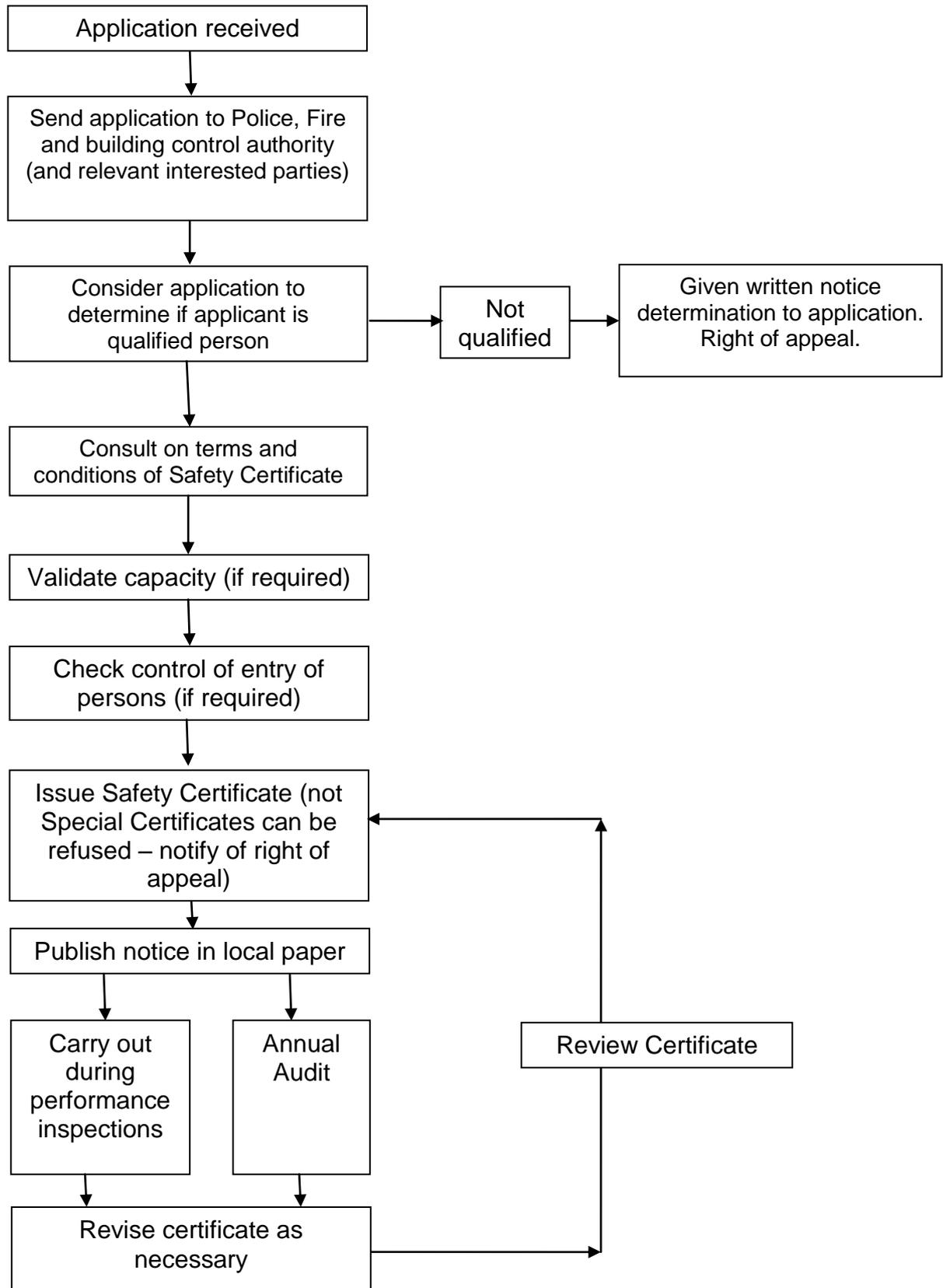
Complex applications are likely to require more than 28 days and should thus be submitted three months in advance. The Council would consider an application to host a concert in the stadium as a complex application.

- 3.7 Once a decision is made to issue, amend, replace or refuse a safety certificate any interested party shall be notified in writing. The regulations define interested parties as:
- The holder of the safety certificate
 - Any other person known to the local authority to be, or likely to be concerned in ensuring compliance with the terms and conditions of the safety certificate
 - The Chief Officer of Police
- 3.8 A safety certificate shall include such terms and conditions as the Council considers necessary or expedient to secure the reasonable safety of persons present. It will include the capacity of the designated ground or regulated stand, as well as capacities for each part thereof. It will also include the terms and conditions with which the holder must comply to maintain that capacity.
- 3.9 The Council must also publish the decision to issue, refuse or amend a safety certificate in a newspaper circulating in the locality of the sports ground concerned specifying that a copy of the safety certificate is available for inspection at the Council Offices during normal office hours.
- 3.10 A safety certificate once issued is a document to which the public or others can apply to have access to.
- 3.11 A flow diagram at section 5 demonstrates the process.

4.0 FEES

- 4.1 The Council are authorised, as detailed in the 1987 Regulations, to make a charge for, or in connection with, each of the following functions.
- a. The issue of a safety certificate
 - b. The amendment of an existing safety certificate
 - c. The replacement of a safety certificate
 - d. The transfer of a safety certificate
- 4.2 The overriding objective is that the Council shall only make a charge which equates to the costs incurred by the Council in performing the functions in 4.1.
- 4.3 The Council shall determine the charge using
- a. The hourly rate at which the time of their officers will be charged
 - b. Where the Council consider it necessary to engage and incur the costs of a third party to provide specialist advice or services in relation to the functions in 4.1 those costs shall also be included.

5.0 ISSUE PROCESS FOR A GENERAL OR SPECIAL SAFETY CERTIFICATE INCLUDING REGULATED STANDS



6.0 REVIEW AND CHANGES TO A CERTIFICATE

- 6.1 Any certificate shall be reviewed at least annually by authorised officers of the Council with due regard to relevant guidance and legislation. More frequent reviews may be required following any incident in which the safety of the public may have been put at risk or where doubts have been raised on the condition or management of the sports grounds.
- 6.2 The review will consider the terms and conditions of the safety certificate to ensure they are appropriate for providing for the reasonable safety of persons present at the designated sports ground or regulated stand. A review will normally include a physical inspection of the premises dependant on the circumstances of the issue. A review may also take into account any issues arising over the previous compliance period and any matters raised by interested parties. An assessment of safety management standards may also be relevant. Further information is detailed in Sections 8 to 10.
- 6.3 Where the Council believes an amendment is required it will:
- Notify the certificate holder of the proposed changes to seek their views
 - Consult any other relevant or interested persons as appropriate
 - Prepare and issue a revised safety certificate if considered appropriate
 - Inform all interested parties and issue a copy to the Police, publishing as appropriate.
- 6.4 The Council also recognises that the certificate holder may wish to seek an amendment to a certificate in place. In such cases the Council will follow the procedure laid down in Section 3 of this document.

7.0 SPECIAL SAFETY CERTIFICATE

- 7.1 A general safety certificate can cover any event, both sporting and non-sporting that is held regularly at the sports ground. Where it is intended to hold an event of a type not specified in the general safety certificate, an application should be submitted for a special safety certificate. Unless the applicant is already the holder of a general safety certificate it must first be determined whether they are a qualified person. Unlike general safety certificates the Council has the discretion to refuse to issue a special safety certificate, the Council will act reasonably and the applicant has the right to appeal any decision within 7 days.
- 7.2 A different capacity and different conditions and restrictions may be applied to a special safety certificate when compared with that in the general safety certificate at the same premises because the use of the premises may be different and appropriate controls will change.
- 7.3 Detailed information may be required to accompany an application covering the structure, capacity and safety management systems in place to ensure the reasonable safety of those persons present. In respect of risk based

safety certificate these should be set out in an operations manual supported by the relevant specific risk assessments.

8.0 MONITORING AND INSPECTION

- 8.1 A monitoring and inspection regime is intended to verify that the terms and conditions of safety certificates are being complied with and that ground management are maintaining the sports ground and its safety management regime at a level which provides for the reasonable safety of persons present. MKC has an inspection regime that includes both annual inspections and during performance (event day) inspections.
- 8.2 Officers who undertake inspection duties under the 1975 and 1987 Acts shall be suitably experienced, trained and qualified to ensure their competency.
- 8.3 The Council shall ensure that:
- Any advisers used are competent
 - 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.

9.0 EVENT MONITORING

- 9.1 The Council will ensure there is a risk based event inspection programme for certificated premises based on factors including information from interested parties and relevant bodies (such as the Police); previous history; the nature of the event taking place.
- 9.2 Inspections allow the local authority to monitor the certificate holder's general compliance with the safety certificate, and operations manual and also provide an overview of the safety management and the appropriateness of the S (safety) factor and P (physical) factor.
- 9.3 When undertaking inspections officers will:
- Make their presence known to the duty safety officer and others in the control room
 - Notify any identified breaches to the terms and conditions of safety certificates to the holder and duty safety officer.
- 9.4 Any issues of concern identified during a visit or inspections which pose an imminent and significant risk to public safety shall be brought to the attention of the relevant person without delay. The inspecting officer should determine and undertake the most appropriate course of action at the time.
- 9.5 The responsibility for the safety of spectator's lies at all times with the holder of the safety Certificate therefore when an inspecting officer is at an event they should enforce the terms and conditions of the certificate referring

breaches and concerns without delay to the duty safety officer or their representative.

10.0 ANNUAL INSPECTION

10.1 Authorised officers will carry out an annual inspection of any general certificated premises. Inspections will encompass those matters detailed in statutory guidance and legislation as well as any other matters considered relevant.

11.0 CONTINGENCY PLANNING

11.1 The Emergency Planning Team of Milton Keynes Council as required by the Civic Contingencies Act has developed plans to deal with any emergency or incident that has the potential to cause major disruption.

12.0 LIAISON WITH SPORTS GROUND SAFETY AUTHORITY

12.1 The Council will liaise with the Sports Ground Safety Authority. The Authority may be notified of and provided with records of inspections undertaken by the Council.

13.0 ENFORCEMENT

13.1 Enforcement action will be consistent with Council's Enforcement Policy and relevant guidance.

14.0 PROHIBITION NOTICES

14.1 In most cases if a Local Authority has concerns over a sports ground the appropriate response is to review the P and S factors and a possible reduction in capacity is likely either to the whole ground or to part of the ground depending on the circumstance. However If the Local Authority are of the opinion that the admission of persons 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 persons to the ground or that part of the ground ought to be prohibited or restricted the local authority may serve a prohibition notice.

14.2 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 or contain a regulated stand.

14.3 A prohibition notice is likely to be required only if the problem is urgent or the certificate holder or management of the sports ground appears unable or

unwilling to rectify the situation before the next event and that situation is considered to pose a serious risk to safety.

- 14.4 Where the Local Authority considers and states in the notice that the risk to persons present or proposed to be present is or may be imminent, the notice may take effect as soon as it is served. In all other cases it comes into force at the end of the period specified in the notice. The Local Authority may amend or withdraw the notice at any time. Any requirement in a prohibition notice shall be clear and specific.
- 14.5 Any prohibition notice shall specify the matters which in their opinion give or, as the case may be will give rise to that risk and direct that no or no more than a specified number of persons shall be admitted to, or to a specified part of, the sports ground / regulated stand until the specified matters have been remedied.
- 14.6 A prohibition notice may prohibit or restrict the admission of persons generally or on a specified occasion.
- 14.7 A prohibition notice may include directions as to the steps which will have to be taken to reduce the risk to a reasonable level and these may require alterations or additions to the ground or things to be done or omitted which would contravene the terms or conditions of a safety certificate for the ground or for any stand at the ground.
- 14.8 No prohibition notice shall include any directions to compliance which would require the provision of the services at the sports ground of any members of a police force unless the chief officer of police of the force has consented to their inclusion and the extent of the provision of their services is reserved for his determination.
- 14.9 Any prohibition notice shall be served on the persons specified in the following paragraphs in the circumstances specified in those paragraphs, that is to say—
- I. If a general safety certificate is in operation for the ground, on the holder of it
 - II. If the prohibition or restriction applies to an occasion in respect of which a special safety certificate for the ground is in operation on the holder of that certificate
 - III. If no safety certificate is in operation for the ground on the person who appears to the local authority to be responsible for the management of the ground.
 - IV. If the prohibition or restriction applies to an occasion and no safety certificate is in operation for the ground each person who appears to the local authority to be responsible for organising an activity at the ground on that occasion.
 - V. If a general safety certificate is in operation for a stand at the ground on the holder of it

- VI. If the prohibition or restriction applies to an occasion in respect of which a special safety certificate for a stand at the ground is in operation on the holder of it.
- 14.10 The validity of a prohibition notice served on any person under any of the foregoing provisions shall not be affected by a failure to serve another person required to be served with such a notice under those provisions.
- 14.11 A copy of any prohibition notice shall be sent by the local authority to each of the following namely: the chief officer of police, the appropriate fire and rescue authority.
- 14.12 A copy of any prohibition notice served shall be recorded for any legal disclosure required.
- 14.13 Any person aggrieved by a prohibition notice may appeal to the court within 21 days. However the bringing of an appeal does not suspend the operation of the notice or of any amendment to it. If the prohibition notice is to apply to a single event the local authority should wherever possible serve it well in advance so that any aggrieved person has a reasonable opportunity to exercise its right of appeal. Any restrictions imposed under a prohibition notice remain in force unless or until amended or annulled by the court.