



BARNSLEY
Metropolitan Borough Council

**TERMS OF REFERENCE
FOR
THE OAKWELL FOOTBALL STADIUM
SAFETY ADVISORY GROUP**

June 2019

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Introduction

In the Final Report of the inquiry into the Hillsborough Stadium Disaster, Lord Justice Taylor, recommended that each local authority set up an advisory group (now generally known as the Safety Advisory Group).

The purpose of the Safety Advisory Group is to assist the Council in exercising its functions and, to achieve this; it will consist of appropriate members of its own staff and services together with representatives of the Police, Fire and Rescue and Ambulance Services. In addition, representatives of the Stadium Safety Certificate Holder will form an essential part of the group and be regularly consulted, as will other organisations as and when appropriate.

The Safety Advisory Group will bring together inter-agency expertise to advise and guide Barnsley Metropolitan Borough Council as appropriate. The principal objective of the Safety Advisory Group is to create a consistent and well-trying safety oversight process that can be used to enhance public safety at the Oakwell Football Stadium. It is accepted that the Council's involvement in safety at sports grounds comes through democratic public accountability in response to legislation.

This document has been prepared with the consultation of the Safety Advisory Group members.

1. Policy for the Safety Advisory Group.

The following statement reflects the Council's Aims and Objectives in relation to the Oakwell Football Stadium. It is considered to only be a broad statement of the Authority's overall objectives as they relate to the sports ground.

- It is the policy of Barnsley Metropolitan Borough Council to uphold reasonable standards of safety at the Oakwell Football Stadium and to encourage the well being of the public at this sports ground. To aid this, the Council maintains a Safety Advisory Group for the Stadium, and partnerships with selected agencies that offer specialist advice to the Local Authority.

2. Relevant Legislation

The legislation relevant to the area of work that the Safety Advisory Group gives advice on is identified below:

Sports Grounds Legislation

- The Council will exercise its powers under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987 in respect of the safety certification of the following designated sports ground and regulated stand:

Oakwell Football Stadium

Covered Stand, Oakwell Training Ground

Safety of Sports Grounds Act 1975 (as amended)

Duty: The Council has a statutory duty under the above legislation to –

- a) Issue a General and Special Safety Certificates for designated sports grounds in Barnsley, containing “such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety at the sports grounds”.

And;

- b) If necessary, serve a prohibition notice in respect of a sports ground if the Authority are of the opinion 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 ground to that part of the ground ought to be prohibited to restricted”. (Section 10 is applicable to designated and non designated sports grounds).

Fire Safety and Places of Sport Act 1987 Part III

Duty: The Council has a statutory duty under the above legislation to –

Issue a Safety Certificate for Regulated Stands in Barnsley, containing “such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety in the Stand when it is in use for viewing the specified activity or activities at the ground”.

Regulatory Reform (Fire Safety) Order 2005

As an employer, the Stadium Safety Certificate Holder is responsible for the safety of their employees and that of any “relevant person” lawfully on the premises, or in the immediate vicinity of the premises and at risk from a fire on the premises. At sports grounds designated under the provisions of section 1 of the Safety of Sports Grounds Acts 1975 and for regulated stands within the meaning of section 26(5) of the Fire Safety and Safety of Places of Sport Act 1987 the enforcing authority will be the local authority responsible for the issue of the safety certificate under those Acts.

Health and Safety legislation

The Council is an “enforcing authority” as defined in the Health and Safety (Enforcing Authority) Regulations 1998 for work activities where the main activity includes cultural, entertainment or sporting activities.

- The Council will enforce the relevant statutory provisions to ensure the health, safety and welfare of employees, members of the public and any other person affected by a work activity. This includes all outdoor public events including the erection and dismantling of any structures or equipment used in the event.

Note: the Council’s powers in respect of the Health and Safety (Enforcing Authority) Regulations 1998 are vested with the Council’s Regulatory Services Section.

3. Terms of reference for the Safety Advisory Group.

The role of the Safety Advisory Group is defined below:

- To advise the Council in the exercise of its powers under the Safety of Sports Grounds Act 1975 (as amended) and the Fire Safety and Safety of Places of Sport Act 1987 in respect of the safety certification.
- To advise the Council as the enforcing authority as defined in the Health and Safety (Enforcing Authority) Regulations 1998 for enforcement of the relevant statutory provisions.
- To provide advice and assistance to the Oakwell Stadium certificate holders on public safety related issues.
- To provide a forum within which the Council and other agencies may develop a coordinated approach to spectator safety.
- Consider aspects of and possible changes to the terms and conditions in the General Safety Certificate.

- To receive any relevant reports in relation to matters found during inspections by Group members.
- Monitor that any matters raised by the Group have been reported to the Council, other relevant Authority or certificate holder and that these matters are reported back to the Group.
- To discuss any significant incident with potential safety implications or “near miss” at the Stadium.
- To receive notification of the issue of any prohibition notice and any prosecutions under sports grounds legislation.
- To consider the advice published in all available guidance documents

4. Authority to Take Decisions

The decision making and reporting process are identified below.

- The Safety Advisory Group, as such, cannot take any decisions on behalf of the Council. The Council’s decision making power is delegated to the Chair of the Safety Advisory Group who holds the power of approval on any recommendations made by the Group.
- The core members of the Safety Advisory Group must declare any material conflict of interest in relation to any item put before the Group, prior to any discussion on that matter. If the interest could be considered prejudicial, then that person should consider if they should withdraw and be replaced by an appropriate party agreed with the Group.

5. Composition of the Safety Advisory Group.

The Group will be constituted in the following manner, however, it is the prerogative of the Council to determine the specific constitution of its Group:

- Core members.
- Invited representation.

Core members

- The core members are those authorities whom the certifying authority is required to consult under sports ground legislation and as recommended in the Paragraph 31 of the Final Report into the Hillsborough Stadium Disaster.

Membership –

- Chair (from the Council).
- Building Control Service (may also assume the role of Chair)
- Police Service (including Police Security Advisor(s) as required)
- Fire and Rescue Service.
- Ambulance Service.

Invited representation

- Sports Ground Representation
 - The Safety Certificate Holder.
 - The Stadium Safety Officer or his/her representative
- Sports Grounds Safety Authority.

The following may be invited either to all Safety Advisory Group meetings, or to a particular meeting as appropriate.

- St John Ambulance Service.
- Emergency Planning Unit.
- Primary Care Trust.
- Legal Service representation.

- Any Relevant Council e.g. Licensing, Regulatory Services, Highways, etc
- Elected Members of the Council.
- Local Supporters Associations/Groups representation.

The above list is not exhaustive. The Chair may invite such other specialist as he/she feels appropriate to assist the Group fully consider any issue.

Where a meeting will discuss confidential counter terrorism information and/or intelligence then only the Chair, appropriate representatives of the emergency services, the certificate holder and safety officer shall be present.

6. Administration of the Safety Advisory Group.

This general administration of the Group from the appointment of the Chair/ Lead Service, through to the role of administrative support and consultation procedures for the Group is identified below:

- **Chair:** The Chair is appointed by the Council.
- **Lead Service:** Building Control will act as Lead Service to the Safety Advisory Group.
- **Secretariat:** Building Control will provide the administrative support to the Safety Advisory Group.
- **Consultation:** The Safety Advisory Group will consult all core members of the Group, invited representation, other Council Services and national bodies as considered appropriate.

7. Frequency of meetings of the Safety Advisory Group.

- The Safety Advisory Group shall meet a minimum of two times a year, unless any core member requests an additional special meeting or series of meetings.
- The Safety Advisory Group may be called to meet by the Chair to discuss any dispute between the Police and Football Club with regards police attendance.

- The Safety Advisory Group may request an inspection/s of the stadium for a sporting event as determined by the Chair of the Group in consultation with the Stadium event management. Such members as the Group considers appropriate can attend the inspection. Formal minutes/a record of the inspection will be circulated to all relevant parties.

8. Form of minutes of the Group

- Each meeting of the Safety Advisory Group will be prearranged to an agenda published in advance of the meeting with minutes recorded in accordance with the Council's set procedures.
- The minutes of the meetings will be circulated to all Group members, the Sports Grounds Safety Authority and to such other parties as may be determined by the Chair.
- Any written papers relating to confidential counter terrorism information and/or intelligence shall be marked according to the Government Security Classification Policy (GSCP).
- 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.

9. Roles and responsibilities of the Core Members of the Safety Advisory Group.

The roles and responsibilities of the core members and clarification of the level/limitations of accountability within a Group that is offering recommendations to the Council on compliance with national legislation is identified below..

Role of the Chair of the Safety Advisory Group

- To ensure that the Safety Advisory Group properly discharges the responsibilities delegated to him/her by the Council.

- To ensure that the conditions of the safety certificate issued by the Council are properly monitored, enforced, reviewed and where necessary amended on a regular basis.
- To ensure that the membership of the Safety Advisory Group reflects the recommendations in the FINAL REPORT on THE HILLSBOROUGH STADIUM DISASTER.
- To ensure that all meetings of the Safety Advisory Group are reported, in accordance with the Council's procedures and reporting structure.
- To ensure that the decisions/recommendations made by the Safety Advisory Group accord with the overall strategic policies of the Council.
- To ensure that due account is taken of the views of all members of the Safety Advisory group, including those attending by invitation.

Role of the Building Control Service on the Safety Advisory Group

- The Service will be represented by the Building Control Group Leader and/or his/her appointed deputy who will attend all meetings of the Safety Advisory Group.
- To act in a coordinating role to the Safety Advisory Group on all matters relating to spectator safety and liaise with Group members in the production of any items or reports to be placed on the agenda for the meetings.
- To provide technical advice and appraisal of published documents relating to Safety of Sports Grounds and inform on any implications arising.
- To provide technical support to the Safety Advisory Group in relation to all matters concerning sports grounds and allied legislation.
- To prepare, monitor enforce, review and amend as necessary the General or any Special Safety Certificate on a regular basis following consultation with members of the Safety Advisory Group.

- To conduct or arrange such additional inspections as may be necessary during a sporting event to monitor compliance with the conditions of any General or any Special Safety Certificate.
- To identify and take appropriate action in respect of any breach of the General or any Special Safety Certificate.
- To issue, suspend or withdraw Prohibition Notices.
- To contribute any local information that may have a bearing on public safety.
- To advise on matters relating to applications for new stands/alterations to the stadium received by that Service.
- To contribute any local information that may have a bearing on public safety.

Role of the emergency services on the Safety Advisory Group

- Each respective service will be represented by a person of appropriate experience/competency (or his/her appointed deputy) who has full authority of the relevant service to give advice and guidance and make recommendations on safety issues and advise on -
 - All technical/legal aspects of legislation within the remit of the Service as they relate to sports grounds.
 - Matters relating to counter terrorism, crowd disorder and anti-social behaviour (the Police).
 - Public safety and crowd management matters referred to in the Guide to Safety at Sports Grounds/SGSA Safety Management Guide/SGSA Alternative Uses of Sports Grounds Guide/The Event Safety Guide and other relevant publications.
 - Matters relating to the issue, monitoring, enforcement, review or amendment of the General or any Special Safety Certificate.
 - Any breaches of the General or any Special Safety Certificate.
 - To contribute any local information that may have a bearing on public safety.

10. Dispute Resolution Procedure.

In case of a dispute between a member of the SAG and the Football Club, the Chair of the SAG will endeavour to work with both parties to find a mutually agreeable solution.

If the dispute relates to police attendance at the stadium, it is important to note that police are not obliged to provide officers under special police services (SPS) but once special police services are requested by the Football Club and agreed by both parties, it is the responsibility of the Police to determine the number of police officers required for the event. However, the Club can only be charged fees to cover the costs of those police officers who are carrying out their duties within the footprint of the stadium.

If the SAG Chair is unable to negotiate a mutually agreeable settlement between the Club and other party then the Chair, in conjunction with the Council's Head of Corporate Health, Safety and Emergency Resilience, will consider whether the matter constitutes a risk to the safety of people attending events at the stadium. Both parties will be given the opportunity to present their case and any solution they wish to propose. The Chair, on behalf of Barnsley Council, as the certifying authority, will then decide whether:

- A condition should be inserted into the Safety Certificate for the stadium.
- Enforcement action should be taken under Safety at Sports Grounds legislation
- The matter should be referred to a relevant council service for consideration of enforcement under the HSWA or Licensing Act, or
- Where the dispute is between the Police and Club in relation to counter terrorism measures, the matter should be referred to a national counter terrorism expert, facilitated by the Sports Grounds Safety Authority, along with a representative of the relevant competition organiser. If a workable solution still cannot be agreed, the certifying authority will make determination under the powers provided to it under the safety certificate.

Following any amendment a complete replacement will be distributed.

Date of Issue – June 2019

Date of last review – June 2019

Reviewed by - TVC