

## DELEGATION OF SPORTS GROUNDS SAFETY FUNCTIONS TO OFFICERS

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### Summary

This Report is made to seek Council's approval of the delegation of functions under the Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places of Sport Act 1987 and Regulatory Reform (Fire Safety) Order 2005 to Officers. Under part 3 of the Council's constitution, the Area Licensing Committees have primary responsibility for this legislation and must discharge those functions on behalf of the Authority.

In the interests of speed, efficiency and cost effectiveness, the Strategic Licensing Committee recommends the delegation of these functions to Officers.

This Report seeks the Council's approval and confirmation of the delegations to officers. The delegations do not fundamentally change the way the function is discharged but are intended to clarify these arrangements within the Constitution.

### Recommendations

That Council amend Part 8 of the Constitution as endorsed by the Strategic Licensing Committee on 15 December 2009 to include the following delegations:

- A. That the Assistant Director Public Protection and the Head of Public Protection (Area) discharge the Council's powers in relation to the following enactments:
  - Safety of Sports Grounds Act 1975
  - Fire Safety and Safety of Places of Sport Act 1987
  - Regulatory Reform (Fire Safety) Order 2005
- B. That the Assistant Director Public Protection and the Head of Public Protection (Area) are authorised to issue notices, certificates, exemptions, cancellations or other directions, or take any steps on

behalf of the Council and institute any legal proceedings from the operation of the Safety of Sports Grounds Act 1975 or any regulations issued under them.

- C. That the Assistant Director Public Protection and the Head of Public Protection (Area) are authorised to designate Officers as “authorised officers” for the purposes of Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places of Sport Act 1987 and Regulatory Reform (Fire Safety) Order 2005 to exercise powers of entry, investigation and enforcement and that the Strategic Licensing Committee receives an annual report detailing the exercise of delegated functions by Officers. The report will briefly identify any key issues or concerns identified throughout the year as well as any action taken and general information on the performance of the sports grounds safety procedures. A summary of the exercise of delegated functions will also be included in the regular licensing member updates for information.

## REPORT

### 1. The Safety of Sports Grounds Act 1975

The Act sets out the following statutory duties:

- To consider applications for and issue of Safety Certificates for designated sports grounds in the local authority area. The Safety Certificate contains terms and conditions which the local authority consider necessary or expedient to secure reasonable safety at the sports grounds
- To serve a prohibition notice in respect of a sports ground if the authority considers that the admission of spectators to the sports ground or any part of the 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 must be prohibited or restricted.
- To enforce within its area the provisions of the 1975 Act.

### 2. The Fire Safety and Safety of Places of Sports Act 1987

This Act requires the Local Authority to issue Safety Certificates for Regulated Stands in the County, 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.

**3. The Regulatory Reform (Fire Safety) Order 2005 as amended**

The Order sets out statutory duties at designated sports grounds under the Safety at Sports Grounds Act 1975 and regulated stands under the Fire Safety and Safety of Places of Sport Act 1987. Shropshire Council, as the enforcing authority for designated sports grounds and regulated stands will issue Alteration Notices, Enforcement Notices and Prohibition Notices as appropriate. The Council can get advice on fire prevention and means of escape from Shropshire Fire & Rescue Service.

**4. Delegation of Functions**

Part 3 of the Constitution states that the limits of the current delegations are set out in Part 8 of the Constitution. Therefore it is necessary to amend Part 8 of the Constitution to include the additional delegations set out in this report. Such a change to the Constitution requires a decision of Council.

**5. Authorised Officers**

Within the legislation there are references to an "authorised officer". Where an authorised officer exercises a power conferred on them by the Act they must produce evidence of their authority to exercise that power. Although it would be possible to specify the Officers who are the authorised officers, they are likely to change from time to time and the most convenient method of dealing with this issue is to delegate to the Assistant Director Public Protection and the Head of Public Protection (Area) the power to designate Officers as authorised persons and authorised officers for the purposes of Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places of Sport Act 1987 and Regulatory Reform (Fire Safety) Order 2005 .

**6. Responsibility for Safety at Sports Grounds**

Prior to the 1<sup>st</sup> April 2009, the Highways and Transport Team at Shropshire County Council were responsible for the safety at sports ground function. This function transferred to the Public Protection team on the 1<sup>st</sup> April 2009. The Public Protection service also has responsibility for health and safety, food safety, noise control and licensing at these premises.

<p><b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b></p> <p>Safety of Sports Grounds Act 1975  Fire Safety and Safety of Places of Sport Act 1987  Regulatory Reform (Fire Safety) Order 2005</p>
<p><b>Human Rights Act Appraisal</b></p> <p>Human Rights considerations are relevant as the restriction of numbers of spectators or the issue of a Safety Certificate with conditions will affect an applicants business and similarly might affect the safety of spectators. Various rights have to be balanced and weighed against one another.</p> <p>It is believed that the Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places of Sport Act 1987 and Regulatory Reform (Fire Safety) Order 2005 are compatible with the Human Rights Act and all convention rights and individual rights are adequately protected. That any person's rights would only be affected proportionately in all the circumstances.</p>
<p><b>Environmental Appraisal</b></p> <p>There are no environmental implications arising from the recommendation.</p>
<p><b>Risk Management Appraisal</b></p> <p>Decisions made by Officers will be taken in accordance with the relevant legislation and available guidance.</p>
<p><b>Community / Consultations Appraisal</b></p> <p>The views of the Strategic Licensing Committee have been sought and are included within the report.</p>
<p><b>Cabinet Member:</b> Councillor David Roberts</p>
<p><b>Local Member:</b> Covers all areas of the council</p>
<p><b>Appendix</b></p>