Safety of Sports Grounds (NI) Order 2006

Issuing “Regulated Stands”

General Safety Certificates

September 2014

This guidance document is issued by Sport NI to provide additional guidance to the District Councils regarding safety certification for Regulated Stands.

The information contained in this publication is intended to provide useful guidance, but may not be a definitive statement applicable in all circumstances. Further advice may be required as appropriate.
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Introduction

1.1 Purpose of the guidance

This guidance provides a single source of reference on the principles and procedures governing the safety certification of ‘Regulated Stands’ in Northern Ireland. It will be of value to all District Councils that exercise the provisions of the Safety of Sports Grounds (Northern Ireland) Order 2006. It distils current good practice relating to the Safety of Sports Grounds as developed by local authorities and others in Great Britain over the past number of years.

This document does not cover measures to be taken by the District Council or other agencies under the Fire and Rescue Services (Northern Ireland) Order 2006 / Fire Safety Regulations (Northern Ireland) 2010, the Health and Safety at Work (Northern Ireland) Order 1978 and related legislation, the Building Regulations or any other legislation that may affect the safety of spectators.

1.2 Background to the guidance

This document provides guidance to District Councils involved in the Safety Certification processes. Much of the information is based on the ‘Guidance on Safety Certification’ as issued by the Football Licensing Authority (now the Sports Grounds Safety Authority).

1.3 Need for guidance

The Safety of Sports Grounds (Northern Ireland) Order was enacted in 2006 and it is important that it is enforced in an effective and consistent manner throughout Northern Ireland. It is appreciated that many officers involved in the certification processes will have a wide variety of other duties and few if any will concentrate solely on safety issues at sporting venues in their area.

1.4 Applying the guidance

The legislation and related guidance referred to in this document should be followed by District Councils. The guidance itself provides District Councils with information to enable them to take reasonable decisions in each individual case having considered the particular facts on their merits. It is given in good faith but does not purport to cover every eventuality.

Nevertheless, any District Council considering adopting an alternative approach should be prepared to justify this course of action. Sport NI will use this document as its benchmark when monitoring the implementation of the legislation and will advise the Department of Culture Arts and Leisure (DCAL) accordingly.
General Principles of Safety Certification

2.1 Responsibilities of the District Council

Article 13(5) of the Safety of Sports Grounds Order, states that District Councils are responsible for determining if a stand should be Regulated and for issuing a Safety Certificate accordingly. These are stands that have the potential to accommodate more than 500 spectators at ‘Sports Grounds’ that have not been ‘Designated’ under the Order. The ‘regulation’ process is described in detail in Part III of the Order.

Article 12(2) of the 2006 Order defines a stand as ‘a permanent artificial structure which—

(a) provides accommodation for spectators and is wholly or partly covered by a roof; or
(b) provides seated accommodation for spectators.’

Article 12(3) of the Order defines a structure as permanent—

(a) if it is in place for more than 28 days; (b) notwithstanding that it is demountable.

2.2 Consultation and co-ordination

A Safety Certificate should be seen as part of a total, integrated system for managing health and safety at a ‘Designated’ Sports Ground or a Regulated Stand within a Sports Ground that has not been ‘Designated’. While the District Council alone is responsible for issuing a Safety Certificate for a ‘Designated’ Sports Ground, or for a Regulated Stand(s) within a Sports Ground that has not been ‘Designated’, safety cannot be achieved by one agency acting in isolation. The District Council is therefore under a statutory duty to consult with the Chief Constable, and with the Northern Ireland Fire and Rescue Service.

In practice, it also needs to consult with the Council’s department responsible for the enforcement of Health and Safety legislation (or the Health and Safety Executive for Northern Ireland where applicable), the Council’s department for the enforcement of the Building Regulations, the Northern Ireland Ambulance Service and to have regard to the views of the ‘Qualified Person’, any other regular users of the Sports Ground and, where relevant, representatives of the supporters of the club(s) concerned. This issue is discussed more fully in section 4.4

The District Council should ensure that there is no conflict between its requirements on spectator safety and those relating to the safety of staff and visitors under Health and Safety legislation and Fire Safety legislation.
2.3 Responsibility for safety

The Regulated Stand General Safety Certificate should contain those terms and conditions that the District Council considers necessary or expedient to secure the reasonable safety of spectators using the Regulated Stand(s), when it is being used for the activities specified in the certificate. It may cover all activities for an indefinite period, or be limited to one or more specific events.

The primary responsibility for the safety of spectators using a ‘Regulated Stand’ within a Sports Ground rests at all times with the management of the Sports Ground. This will normally be either the owner or the lessee of the Sports Ground, who may not necessarily be the promoter of the event hosted at the Sports Ground. This responsibility should not be assumed by either the District Council department who enforce the Safety of Sports Grounds (NI) Order, or by any other authority or agency.

It is for the District Council to decide which directorate or department is responsible for the safety certification function having regard to its administrative structure. It is usually advisable that this department should be responsible for some similar or related subject. A District Council may delegate the power to take decisions in respect of applications for a safety certificate to one or more officers. The person(s) should be clearly identified and authorised by the District Council. (Template of Council report on officer authorisation is provided at Appendix 1)

Members or officers of the District Council with responsibility for the certification processes should not become involved in the management of the Sports Grounds/Regulated Stand(s) located within a Sports Ground or events that take place at the Sports Grounds, or take any action that could be interpreted as involvement.

Initially, the District Council will undertake much of the work involved in formulating the terms and conditions of a Safety Certificate. This may however lead to the management of a Sports Ground regarding these as measures imposed upon it, to which it is not committed. It is recommended that after a suitable period of time the District Council encourages the Qualified Person to carry out risk assessments in respect of spectator safety, and to take the lead in identifying possible improvements in spectator safety. If accepted by the District Council, these could be reflected in changes to the terms and conditions contained in the certificate.

2.4 Safe capacities

The most important condition in a Safety Certificate sets the maximum number of spectators that may be accommodated. The Safety Certificate issued for a Regulated Stand(s) should prescribe the capacities for the structure as a whole and where appropriate for each part of the Stand(s).

Chapter 1 and Annex A of the ‘Red Guide’ provides detailed and comprehensive guidance on how to determine the safe capacity of a Sports Ground – the principles of this guidance should be extended to cover Regulated Stands. This Chapter emphasises
that the capacity depends not merely on the available viewing accommodation and the capacities of the entrances and exits, including the emergency exits, but also on the physical condition (the ‘P’ Factor) and the quality of the safety management (the ‘S’ Factor) of the Regulated Stand(s) at the Sports Ground. These latter two elements are defined in Chapter 1 of the ‘Red Guide’.

District Councils should initially take responsibility for assessing the ‘P’ and ‘S’ Factors and calculating the safe capacity of a Regulated Stand(s). The District Council should then progressively encourage the management of the Sports Ground where the Regulated Stand(s) is located to assume this responsibility. Then if the District Council is satisfied that the proposed ‘P’ and ‘S’ Factors are reasonable and that the methodology and calculations are correct, it may accept the recommended capacity and state this in the Safety Certificate.

In calculating the permitted capacity, the District Council (or in future years the management of the Regulated Stand(s)) should set a single ‘P’ Factor and a single ‘S’ Factor. It should then use whichever of these factors is the lower to determine the capacity of the Regulated Stand(s). It should neither multiply the two factors by each other, nor adopt the average. Both these approaches would distort the final figure.

Capacity calculations should take account of all the recommendations in the ‘Red Guide’, not merely those with which the stand already complies. Unless, following a risk assessment, the District Council is satisfied, and has recorded in writing, that any deviation from the ‘Red Guide’ provides an equal or greater degree of safety for spectators, it should reduce either the ‘P’ or ‘S’ Factors, and hence the permitted capacity. (Further advice on assessing the ‘S’ Factor for a Regulated Stand is provided in Appendix 2).

2.5 Terms and conditions in the Safety Certificate

The Safety Certificate should set out what the ‘Qualified person’ must do in order to operate the stand at its permitted capacity. If the holder is unable to comply with one or more of these terms or conditions, the District Council, using the ‘P’ or ‘S’ Factor, should reduce the capacity to whatever figure it considers necessary to ensure the reasonable safety of spectators. This capacity should always reflect the current circumstances relating to the stand, not those it is planned or hoped to achieve in the future.

District Councils should advise the operators of the Sports Ground where the stand(s) is located of the factors that could limit the potential capacity of the structure(s). Such advice should follow the contents of the ‘Red Guide’ and any other guidance issued by DCAL or Sport NI on behalf of DCAL. The terms and conditions of a Safety Certificate should not consist of a list of specific improvements or alterations to be implemented at some future date whilst allowing a higher capacity to be permitted in the interim period.

If a particular stand(s) is rarely filled to capacity, the District Council may base its requirements on the actual levels of attendance over a given period. The capacity may not be increased unless or until the District Council has stated this in the Safety Certificate, and the Qualified Person has adopted the conditions necessary to ensure the
reasonable safety of a larger number of spectators. A similar approach may be adopted if an area of the stand(s) has been taken out of use.

Some Sports Grounds where Regulated Stands are located may regularly host a variety of sporting fixtures or activities or categories of fixture that attract different numbers of spectators. In such cases the District Council could reasonably insert conditions specific to different categories of sporting fixtures or activities in the Safety Certificate for a Regulated Stand(s) at the Sports Ground.

2.6 Coverage of the Safety Certificate

The terms and conditions of the Safety Certificate should cover all areas to which the spectators have access, including licensed bars, and concourses.

The Safety Certificate for a Regulated Stand(s) should also consider any other areas of the Sports Ground that may impact on the use of the Stand(s), and all matters, over which the management of the Sports Ground has either direct or indirect control, which may affect the safety of spectators using the stand(s). This could encompass offices or players’ facilities and media facilities within a stand(s).

2.7 External factors

The Qualified Person cannot be held responsible for circumstances outside his control, for example hazards presented by local industrial premises, or restricted access for emergency vehicles because of congestion on the public highway, even if these could adversely affect the safety of spectators using the stand(s).

However, the District Council may reasonably take account of any such factors, together with the Sports Ground management’s plans for responding to them, when considering issues regarding the safety of spectators whilst using the stand(s), when setting the safe capacity(s) of the stand(s).

The permitted capacity of a Regulated Stand(s) could be reduced because of circumstances in other areas of the Sports Ground that are not themselves covered by the Safety Certificate.

2.8 Policing

The District Council has no responsibility for operational policing either inside or outside a Sports Ground including a Regulated Stand(s) located inside of a Sports Ground. The 2006 Order states explicitly that, where a condition within a Safety Certificate requires the attendance of police officers at an event, the number of police officers deployed is entirely a matter for the Chief Constable. All issues concerning the deployment of police officers within a Sports Ground/ Regulated Stand(s) located within a Sports Ground are for the police themselves.

The Safety Certificate may require the Qualified Person to notify the police of particular events and to consult them about their attendance in such numbers as the Chief Constable
may determine. It may not direct the police to accede to such a request, nor may it
prescribe their functions.

The boundary between spectator safety, for which the ‘Qualified Person’ is responsible,
and the maintenance of public order, which falls to the police, is not always clear cut. It
is important that both parties are agreed on their respective responsibilities. This is
normally best achieved through the production of a written statement of intent. The
District Council may require the ‘Qualified Person’ to use his best endeavors to agree
such a statement with the police. This document should be attached to the Safety
Certificate and may properly be taken into account by the District Council when setting
the permitted capacity of the Regulated Stand(s).

If the Chief Constable decides that police officers need to attend a particular event, but
the management of the Sports Ground disagrees, the District Council must consider
whether the absence of police would adversely affect the safety of spectators within the
Regulated Stand. The District Council should seek information from both the police and
the ‘Qualified Person’ to support their respective views. If the District Council having
assessed all information available considers the absence of police would adversely affect
the safety of spectators within the Regulated Stand (and police officers will not be present
at the fixture), it should close part or all of the Regulated Stand(s) or reduce its permitted
capacity for the event concerned, or require that other appropriate measures are
undertaken. The options available to the District Council are described in section 7
below.
The Certification Process

3.1. Regulated Stands

Article 12 (2) of the 2006 Order states that a ‘stand’ is a permanent artificial structure which provides accommodation for spectators and is wholly or partly covered by a roof; or provides seated accommodation for spectators, and is in place for more than 28 days.

Article 13(2) of the 2006 Order states that a Safety Certificate is required if a stand provides accommodation for 500 or more spectators to view activities at the ground, and that one certificate may be issued for several stands at the ground. Article 13 (4) of the Order refers to such a structure as a Regulated Stand.

Article 13 (5) of the 2006 Order states that the District Council is required to determine whether any, and if so which, of the stands at Sports Grounds within its area are Regulated Stands, and issue Safety Certificates accordingly.

In accordance with Article 13(7) of the 2006 Order and Paragraph 5 of the Explanatory Memorandum, DCAL will arrange for guidance to be issued to District Councils on the methodology for determining whether or not a stand provides accommodation for 500 or more spectators, and therefore may be deemed to be a Regulated Stand within the terms of the legislation (see Appendix 3).

It is stressed that this methodology should be used only for determining whether the stand(s) in question should be a Regulated Stand(s). When calculating the safe capacity for inclusion in the Regulated Stand General Safety Certificate, the District Council should follow the principles of the Guide to Safety at Sports Grounds (Red Guide). This may well result in a substantially lower capacity, which may even fall below 500.

It should be noted, that Article 13(8) of the 2006 Order makes clear that the District Council makes the final determination as to whether or not a stand at a Sports Ground is a Regulated Stand. Article 16(1) of the 2006 Order sets out the arrangements under which the District Council may, at any time revoke its determination.

3.2 Determination of Regulated Stands

The District Council should survey Sports Grounds in their area that have not been ‘Designated’ under the provisions of the Safety of Sports Grounds Order to identify stands that may meet the criteria for ‘Regulation’ (see 3.1). Following its survey it is recommended Councils write to venue owners and operators advising that it is considered that the stand(s) within their Sports Grounds are likely to be “Regulated” and seek to meet them to discuss the implications of “Regulation”. (Appendix 4)

The District Council (or the District Council Officer delegated to take decisions on Council behalf) should consider any reports from the Council Officer(s) regarding the Criteria for Determining whether a Stand should be Regulated and will make a
determination as to whether a Stand should be Regulated or not (See Appendix 5 Template report to Council that a Stand at a Sports Ground is a “Regulated” Stand)

Where a Council determines that such a stand should be “Regulated” for the issue of a Safety Certificate it must serve on the person who appears to qualify a notice stating the Councils determination and the effects of it (Appendix 6a).

Where the management of the ground considers that the determination that the “Stand” is a “Regulated” Stand is incorrect or that the procedures used to determine the capacity of a stand for Regulation purposes is incorrect they may appeal to the Magistrates Court using Form Appendix 6b (Appeal form)

3.3 Applying for a Safety Certificate

An application for a Safety Certificate for a Regulated Stand(s) should be forwarded in a similar format to that of the template as that drafted by Sport NI (see Appendix 7a) together with the accompanying letter (Appendix 7b).

The District 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 in the Regulated Stand General Safety Certificate (Appendix 8a). Since the Regulated Stand General Safety Certificate should relate to the actual condition of the stand, District Councils should not be deterred from seeking further information when they consider this necessary in the interests of spectator safety.

The management of the Sports Ground may apply for an extension to the period given for supplying the information. Council may accept or deny this application in accordance with Article 15(13) (Appendix 8b)

The District Council must supply the Chief Constable and the Fire and Rescue Service with a copy of the application form along with information and plans etc. It should also formally consult them about the terms and conditions of the certificate (Appendix 9a and 9b). The normal forum for this consultation will be the Safety Advisory Group (SAG). This process is described in section 4.3.

The District Council should endeavor to issue a Regulated Stand General Safety Certificate within 2 - 3 months of an application being received and other than in exceptional circumstances a Safety Certificate should be issued within 4 - 6 months of an application being received.

Under Article 18 of the 2006 Order it is an offence to admit spectators to a Regulated Stand two months after a final determination has been made unless an application for a Safety Certificate has been submitted to the District Council. The District Council may, and in practice should, issue a single certificate in respect of two or more such stands at the same Sports Ground. Different conditions may apply to the various stands.
3.4 Temporary demountable structures and stands providing accommodation for less than 500

A stand is deemed to be permanent if it is in place for 28 days under Article 12 of the 2006 Order. Where a stand is in place for less than 28 days it does fall within the remit of the certification process. Similarly where a stand at a Sports Grounds provides accommodation for less than 500 people it does fall within the remit of the certification process. Should the District Council have concerns regarding the safety of these structures it may issue a Prohibition notice as detailed in Article 9 of the 2006 Order.

Chapter 14 of the Red Guide offers guidance on the safety, design and management of temporary demountable structures. Further detailed advice may be found in the third Edition of ‘Temporary Demountable Structures: Guidance on Procurement, Design and Use’, published by the Institution of Structural Engineers ("ISE") in April 2007. Section 4, addressed to venue owners, event organisers and District Councils, deals specifically with statutory control.

The ISE document emphasises the importance of venue owners and event organisers making early contact with the District Council to establish the procedures for giving notice of temporary demountable structures and the required technical standards. It stresses that it is normally the client, venue owner and/or event organiser, rather than the supplier of the temporary demountable structure, who is legally responsible for complying with relevant legislation while the structure is in use.

3.5 Qualified person

Before it may issue a Safety Certificate for a Regulated Stand, the District Council must determine whether the applicant is a ‘Qualified Person’. This is defined in the 2006 Order at Article 15 (1) as ‘the person who is responsible for the management of the ground.” The Qualified Person 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, or a Director, depending upon the Sports Ground and/or club.

If the District Council determines that the applicant is a Qualified Person, Article 13(5) of the 2006 Order requires it to issue the Safety Certificate. If it determines to the contrary, it must serve a notice on the applicant (Appendix 10a) and notify the applicant in writing and give reasons for the refusal (10c). The applicant may appeal against this determination to the magistrates’ court within a period of 28 days (Appendix10d).

The same principles apply if the District Council receives an application to transfer the Safety Certificate to another holder (Appendix 11a). If it determines that the applicant is not a Qualified Person, it must serve a notice on the existing Qualified Person and notify the applicant in writing and give reasons for the refusal (Appendix 11b-11e). The District Council may cancel a certificate if the holder dies or (if the body corporate) is dissolved and should send a letter to the venue operator to inform of the cancellation of the certificate. (Appendix 12)
3.6 Regulated Stand General Safety certificate

Article 13(9) of the 2006 Order provides that a Safety Certificate may be issued in respect of the use of a Regulated Stand at a Sports Ground for an activity or number of activities specified in the certificate

- either for an indefinite period commencing with a date so specified;
- or on an occasion or series of occasions so specified.

These are known as a Regulated Stand General Safety Certificate and a Regulated Stand Special Safety Certificate respectively.

There is no provision in the Order for a Regulated Stand General Safety Certificate to be issued for a finite period. It must be assumed, therefore, that such a certificate should run indefinitely, unless or until it is revoked, replaced or surrendered.

Article Article 16 of the 2006 Order provides that the District Council may either amend or replace the Regulated Stand General Safety Certificate in any case in which this appears appropriate. It may do this either on its own initiative or in response to an application from the Qualified Person (Appendix 13). Replacing Regulated Stands General Safety Certificates can normally only be justified where the change of circumstances or the number and scale of the amendments makes this the most practical option. (Appendix 14)

3.7 Review of the Regulated Stand General Safety Certificate

The District Council should formally review the Regulated Stand General Safety Certificate as soon as reasonably practicable after any incident in which the safety of the public may have been put at risk or where doubts have been cast on the condition or management of the Regulated Stand. A "near miss" should be always treated as an incident for these purposes.

This review should not be limited to the circumstances of the incident. It should identify and analyse any underlying safety weaknesses that need to be addressed. These weaknesses and the District Council’s response should be recorded in writing.

The District Council should conduct at least one such a review every year, even if nothing untoward has occurred. Where the Regulated Stand in the Sports Ground is used on a seasonal basis, this review should take place in sufficient time (where possible) for any necessary remedial work to be completed during the close season. This should enable the District Council to amend or replace the relevant sections of the certificate before the start of the new season. At those Sports Grounds where events are held throughout the year, the District Council and Qualified Person should liaise about the most appropriate time for the annual review.
3.8 Amendments to the Regulated Stand General Safety Certificate

The District Council or the Qualified Person may need to amend the Regulated Stand Safety Certificate to reflect changes at the Sports Ground (Appendix 13). Planned changes may include improvements or alterations to the physical structure, safety management improvements or changes in the personnel identified in the Safety Certificate. While these may lead to capacity increases, an interim cut may be required while any construction work is carried out, or new systems are tested. Hence Article 20 (2) of the 2006 Order requires the Qualified Person to notify the District Council of any proposed alterations or extensions that are likely to affect the safety of spectators. (Appendix 16)

In some cases the District Council may consider it necessary to reduce the permitted capacity of part or all of the Regulated Stand, either following an incident or because of deterioration in its structure, maintenance or management. This is most easily achieved by decreasing either the ‘P’ or ‘S’ Factor as appropriate. Such decisions should be taken in accordance with laid down procedures and be formally recorded. This is explained further in sections 4.4 and 4.5

3.9 Rights of appeal

The 2006 Order provides a right of appeal to the magistrates’ court for:

- any person against a determination by the District Council that he or she is not qualified to hold a Safety Certificate for a Regulated Stand;

- any interested party against the inclusion of anything in or omission of anything from a Safety Certificate for a Regulated Stand or the refusal of the District Council to amend or replace it; (Appendix 16)

- the applicant against the refusal of the District Council to issue a special Safety Certificate; and

- any person, upon whom the District Council has served a notice that is has determined that a particular stand is a Regulated Stand, against that determination.

Note that any aggrieved person can appeal against a Prohibition notice or an amendment to a Prohibition notice, as described in section 7.5.

Appeals must be lodged within 28 days if they relate to a Regulated Stand General Safety Certificate. If the appeal is against an amendment to the Regulated Stand General Safety Certificate, the original terms and conditions remain in force until the appeal has been determined. The content of a Prohibition notice continues to apply unless or until overturned by the court.
3.10 Fees

Under Article 19(1) (b) of the 2006 Order DCAL may, by regulation, prescribe the fees (if any) to be paid in respect of an application for the issue, amendment, replacement or transfer of a Safety Certificate, or the cancellation of a certificate for a Regulated Stand. DCAL has chosen to exercise this power and the fees that will be charged by District Councils are as follows:-

- £50 for the issue of a certificate for a Regulated Stand; and
- £25 for the amendment, replacement or transfer of a certificate for a Regulated Stand.

These fees are prescribed in the Safety of Sports Grounds (Fees and Appeals) Regulations (Northern Ireland) 2009 (S.R. 2009/289).
The Administrative Process

4.1 Delegated powers

The District Council, in accordance with its standing orders, may delegate its power to take and implement decisions on safety certification to a committee, sub-committee or to a particular officer(s), most commonly the officer who chairs the District Council’s Safety Advisory Group (SAG). The SAG nor any outside body cannot make decisions on behalf of the District Council.

4.2 Lead department

The District Council should determine which of its departments or services should take the lead on safety certification having regard to its particular administrative structure. It is usually advisable that this department should be responsible for some similar or related subject. It is considered logical that where the District Council has previously issued a General Safety Certificate to a “Designated Sports Ground” that lead department/authorised officer undertakes the work on behalf of the District Council in relation to “Regulated Stand(s)”

If the staff concerned do not themselves possess the necessary qualifications, competence and professional experience to perform the function effectively, it is essential that they have ready access to such resources.

The latter might be found either in-house or from an external source on a consultancy basis. In such cases, the District Council may properly obtain such assistance as it may require from another District Council or public body under a service level agreement. However, it remains solely responsible for any decisions on safety certification.

The Safety Compliance Unit of Sport NI will be available to provide assistance to District Councils on certification and related matters.

It may be helpful for District Councils to draw up written policy statements identifying the specific responsibilities of particular individuals or groups of staff.

4.3 Safety Advisory Groups

In the Final Report of the Inquiry into the Hillsborough Stadium Disaster, Lord Taylor recommended that each local authority (District Councils in Northern Ireland) set up an advisory group

A Safety Advisory Group (SAG) should provide specialist advice to the District Council so that it may effectively discharge its functions under the 2006 Order. In practice, it should also provide the vital forum within which the District Council and other agencies may develop a corporate approach to spectator safety at the Regulated Stand(s) at the Sports Ground concerned, while each exercising its own responsibilities.
The management of a Sports Ground may frequently benefit from the expertise of the SAG. However, it is the District Council, not the SAG, that issues the Safety Certificate and is also responsible for advising and assisting the Qualified Person where necessary.

All communication with the Qualified Person or management of the Sports Ground on spectator safety, and all requirements relating to the Safety Certificate should be initiated by or routed through the responsible committee or officers of the District Council. Other individuals or agencies should avoid dealing unilaterally with the Qualified Person on such matters, lest this cause confusion or conflict over requirements and thereby undermine the work of the District Council.

4.4 Membership of the Safety Advisory Group

It is for the District Council alone to determine which member or officer shall chair the SAG. This individual should have the status and authority to act quickly where necessary, as well as having sufficient time to commit to the task. The other District Council staff attending the SAG should likewise be suitably senior, as should the representatives of the participating agencies and bodies. Members should be able to speak with knowledge and authority, and be empowered to take operational decisions on behalf of their organisations, unless where matters being discussed relate to new policy issues.

Membership of the SAG should include representatives of PSNI, Northern Ireland Fire and Rescue Service, the Northern Ireland Ambulance Service, the council department responsible for building regulations, the council department responsible for emergency planning, the council department responsible for the enforcement of Health and Safety legislation (or where appropriate the Health and Safety Executive for Northern Ireland) and the relevant first aid agency.

Experience in Great Britain has shown that it is desirable for the Qualified Person to attend at least some SAG meetings, particularly those at which, or as a result of which, the District Council may reach any significant decision affecting the Regulated Stand. This should facilitate an informed discussion within the SAG. It should also ensure that the Qualified Person is aware of the issues underlying the District Council’s requirements.

District Councils are encouraged to consult representatives of a recognised supporters’ group where possible. Indeed there are no objections in principle to such a representative attending SAG meetings, if this is considered beneficial. However, it may not always be easy to identify a suitable representative, especially where there are rival supporters’ organisations. It may not always be appropriate to include representatives of supporters groups when particular issues are being discussed.

4.5 Management of the Safety Advisory Group

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 should be properly constituted, have written terms of reference and effective procedures. These terms of reference should encompass all matters falling within the remit of the District
Council regarding spectator safety. (Further advice on Model Terms of References for establishing a Safety Advisory Group is provided in Appendix 17)

The District Council should identify the responsibilities and potential liability of the SAG and its members. It should lay down written procedures for them to follow if they observe or are alerted to a safety weakness either during an inspection of a Sports Ground or when they are present in the course of their normal duties. The role of the SAG and its members in inspecting Regulated Stands and attending events is described in greater detail in section 7.

The District Council should provide an appropriate level of administrative support to the SAG and should draft procedures for ensuring that it runs in an efficient manner. Meetings should have formal agendas with all members being invited to submit agenda items, accompanied, where applicable, by written reports. The chair should ensure that the agenda is circulated prior to any meeting along with relevant papers and minutes of the previous meeting. It should minute the proceedings of the SAG and produce regular written reports to the Council committee to which it is accountable. These reports should normally include the results of any monitoring visits by members of the SAG and details of any exercises by the Qualified Person to test the Sports Ground’s contingency plans.

4.6 Minutes of the Safety Advisory Group

Accurate minute taking is particularly important when new stands are under construction or existing stands are undergoing a major redevelopment. The District Council, advised by the SAG, may be required to reach decisions at very short notice, often during a visit to the site. Unless all these decisions are recorded at the time and the minutes are agreed as soon as possible thereafter, there is the potential for disagreement at a later date.

It is also essential to record why the SAG has proposed and / or the District Council has accepted any deviations from the recommendations of the Red Guide when setting the capacity of the Regulated Stand. The onus will be on the District Council to demonstrate that it has acted reasonably.

The minutes should record the reasons for any amendments to the terms and conditions in the Safety Certificate. In the absence of such information, the District Council could be vulnerable to an appeal by the Qualified Person. Such minutes do not themselves constitute the amendment to the Safety Certificate. The District Council must formally issue a written amendment.

4.7 Audit trail

Such minutes constitute an important part of the audit trail that the District Council should establish for the SAG. This should cover the procedures for ensuring that:

- the annual inspection of the Regulated Stand and the annual review of the Safety Certificate have been completed;
- any identified safety weaknesses have been analysed and addressed;
• any recommendations of the SAG have been properly reported to the District Council;

• the decisions of the District Council have been properly communicated to all interested parties;

• these recommendations and decisions have been followed up and fully implemented; and

• this action has been reported back to the SAG and thence to the District Council.

4.8 Frequency of meetings

The District Council should always convene a meeting of the SAG as soon as possible after any significant incident or "near miss" at a Regulated Stand, in order to ascertain whether there were any breaches of the Regulated Stand General Safety Certificate and whether the Regulated Stand General Safety Certificate should be reviewed.

Such cases apart, in general a District Council should endeavor to hold at least one Safety Advisory Group meeting per year to discuss any issues pertinent to that Regulated Stand. The number of SAG meetings in any year will largely depend upon the particular circumstances of the stand at the Sports Ground concerned for example the District Council may deem it appropriate to meet at least twice per year for larger more complex Regulated Stands.

The District Council should balance the need to retain a sufficient overview against its desire to avoid overburdening a Qualified Person who is acting responsibly. These meetings should be scheduled well in advance.

4.9 Separate Safety Advisory Groups

The District Council may wish to establish a separate SAG for each Sports Ground with a Regulated Stand General Safety Certificate in its area. There may be individuals who are members of a number of SAGs. It may therefore be useful where possible to endeavour to schedule the meetings of several SAGs on the one day to facilitate such individuals. Members who are not involved in all of the SAGs can attend the appropriate meeting(s) relevant to them.

4.10 Role of Sport NI

Sport NI (SNI) is the body with responsibility for overseeing the certification processes as implemented by the District Councils. SNI officers authorised by DCAL under the provisions of the 2006 Order should be invited to attend all SAG meetings, however, SNI officers should not be full members of the SAG. These officers will be available as observers and to provide advice and guidance.

Sport NI will provide regular reports to DCAL on the implementation of the Safety of Sports Grounds (NI) Order 2006.
Sport NI will also promote the importance of adopting a safety culture and is a source of advice and good practice. The SAG meeting is often the forum in which SNI officers can engage with and assist the District Council in a constructive and proactive manner.
Contents of the Safety Certificate

5.1 Introduction

The District Council is responsible for determining what terms and conditions should be included in the Regulated Stand General Safety Certificate. These should reflect the particular circumstances of the Regulated Stand concerned, having regard to the detailed advice in the Red Guide. However, the general format of the Regulated Stand General Safety Certificate can be the same whatever the size of the stand or the nature of the event.

SNI will issue a template of a Regulated Stand General Safety Certificate (Appendix 18). Such a certificate might not be appropriate in every case and might be seen as a constraint on District Councils.

5.2 Format of the certificate

It is recommended that District Councils issue all Safety Certificates in modular form. Experience in Great Britain has shown this format to be particularly suitable. It is easy to amend and to keep up to date. It avoids the need for amendment sheets or annotations that can cause confusion.

A modular Safety Certificate should consist of:

- a core section containing a general statement of the duties laid upon the Qualified Person;
- appendices setting out in detail what the Qualified Person must do to comply with the general conditions in the core section; and
- documents referred to in the core section and / or appendices.

The Regulated Stand General Safety Certificate should emphasise the overall responsibility of the Qualified Person for spectator safety. This is best achieved through a series of general conditions in the core section. These will apply whatever the state of the stand.

District Councils should employ a risk assessment process in determining the terms and conditions to be applied to Regulated Stand(s) at individual Sports Grounds. It is considered reasonable that each certificate for a Regulated Stand should contain terms and conditions specifying:

- the structural stability of the stand(s)
- the safety of the installations contained within the stand for example, electrical, mechanical or gas installations
• The number, size and situation of entrances to and exits from the stand(s) or any part of it (them) including means of escape in case of fire or other emergency
• Fire Risk Assessment for the Regulated Stand(s),
• Safe Capacity of each Regulated stand and how this will be managed.
• First Aid Arrangements for the Spectators in the Regulated Stand(s)

The particular detailed terms and conditions that relate to the particular circumstances of the Regulated Stand(s) concerned are best set out in a series of appendices, linked to the individual core conditions.

It is essential that a Regulated Stand General Safety Certificate is both easy to follow and complete within itself. The terms and conditions with which the Qualified Person must comply should be set out in the certificate and not in other documents. General provisions to the effect that tasks must be undertaken to the satisfaction of the District Council, the Chief Constable, the Fire and Rescue Service or any other persons, should be avoided, not least because the Qualified Person should not be deprived of the statutory right of appeal against the contents of the certificate.

A Regulated Stand General Safety Certificate should not require the holder to comply with a general recommendation in the Red Guide. All terms and conditions should be specific to the Regulated Stand concerned. If it is evident that a stand is rarely filled to capacity the District Council may consider it proper to base the safety requirements on the actual levels of attendance. However, in such circumstances the terms and conditions of the Regulated Stand General Safety Certificate may not be sufficient for a particularly attractive event or fixture when a larger than normal crowd can be expected to attend. As such fixtures could arise at relatively short notice, District Councils may wish to work out in advance the modifications and or additional controls to the normal terms and conditions of the Regulated Stand General Safety Certificate which would enable an increase in the number of spectators to be accommodated. It is suggested that this may be achieved through the categorization of events and any increase in the number of spectators attending the Regulated Stand conditional upon the employment of additional Safety Marshals for example.

5.3 Core section

The core section should begin by identifying the legislation under which the certificate is issued; the responsible District Council; the Qualified Person and the Regulated Stand(s) to which it applies. The activities to which the certificate relates may either be set out in this section or, if this is more convenient, be listed in an appendix.

This section should also require the Qualified Person to notify the District Council in advance of any change of circumstances that may affect the certificate, and to supply it with details of all forthcoming events. The District Council should consider how much advance notice it requires and, in the case of forthcoming events whether the Qualified Person needs also to advise the emergency services.

The core section should inform the Qualified Person the general requirements to:
• ensure that the capacity of the Regulated Stand(s) are not exceeded;

• provide the necessary equipment, supervisory staff i.e. Marshals, for monitoring, directing, controlling and assisting spectators within the Regulated Stand;

• ensure the provision of first aid and medical staff, equipment, facilities and accommodation at those fixtures where the Regulated Stand will be utilized.

• ensure that all permanent and temporary buildings, structures and installations, including means of ingress and egress, are maintained in such condition that they safely fulfil their required function;

• take all reasonable precautions to prevent the outbreak and spread of fire, maintain suitable equipment and train staff to deal with an outbreak of fire within the Regulated Stand; and

• maintain and make available for inspection as required, full records of inspections and tests of the buildings, structures, installations and safety management systems associated with the Regulated Stand;

Subject in each case to the detailed requirements of the related appendices.

The core section should also require the holder to:

• draw up a plan of action to cover all reasonably foreseeable contingencies; and

• appoint "a Chief Safety Marshal" of sufficient competence, status and authority to take day to day responsibility for spectator safety of those within the Regulated Stand.

• Dependent on the size and complexity of the Regulated Stand appoint Safety Marshals to assist the Chief Safety Marshal in relation to the safety of spectators within the Regulated Stand.

The District Council should be satisfied that the contingency plan is sufficiently clear and comprehensive, and that the Chief Safety Marshal (and where necessary Safety Marshals) is/are competent. If not satisfied in this regard, it should reduce the ‘S Factor’ and hence the capacity of the Regulated Stand. However, it is not up to the District Council to ‘approve’ the contingency plans or the employment of the individual(s) concerned. These must remain, and be seen to remain, the responsibility of the Qualified Person.

5.4 Appendices

The detailed requirements should then be set out in the appendices.

These might cover all requirements relating to:

• specified activities;
• buildings, structures and installations;
• structures / equipment testing arrangements;
• permitted numbers of spectators within the Regulated Stand(s);
• locations and numbers of Safety marshals;
• first aid / medical;
• fire safety;
• communication arrangements;
• plans and related documents,

The appendices should include plans of the Regulated Stand(s) along with:

• its permitted capacity;
• any detailed lists of equipment or installations to be maintained by the Qualified Person, such as first aid equipment and supplies; fire fighting equipment; and communication equipment; and
• an index of the key locations and details of all exit gates and doors.

5.5 Documents to be held with the certificate

The Safety Certificate is not merely a document of record but a living management tool for use by both the District Council and the Qualified Person. It should be kept where it is readily available whenever required.

The District Council and the Qualified Person should attach to the certificate those other documents that, while not part of the certificate, are integral to the safe management of the Regulated Stand. These are likely to include:

• the contingency plans for the Regulated Stand;
• any statement of intent agreed between the police and the management of the Sports Ground.
Monitoring by the District Council

6.1 The need for monitoring

The achievement of reasonable safety is a continuous process that does not end with the issue of the Regulated Stand General Safety Certificate. The District Council must monitor the Qualified Person’s compliance with the terms and conditions. Under Article 22 of the 2006 Order it is the duty of the District Council to enforce the provisions of the Order, the provisions of any regulations made under it and for that purpose and to arrange for the periodical inspection of the Regulated Stand(s).

6.2 Scope of the inspection

Inspections by District Council officers should consider the following:

- the certificates covering structural performance, dynamic performance (where appropriate) and electrical tests for the Regulated Stand;
- the records maintained by the management of the Regulated Stand in the Sports Ground, in particular of attendances, accidents, maintenance, equipment tests, marshal training and contingency plans;
- the condition of the Regulated Stand and its fixtures and fittings; and
- the lighting, public address, fire warning and entry control equipment.

6.3 Responsibility for inspections

The physical inspection of the Regulated Stand by the District Council in compliance with the SNI Guidance is not intended to duplicate work that should be undertaken on behalf of the Qualified Person. Instead it is for checking that the Regulated Stand and its fittings have been properly maintained and, ideally, for noting and agreeing remedial action on problems identified.

The Qualified Person is responsible for appointing competent persons, in accordance with the content of the Red Guide, to undertake the annual structural appraisal and the other inspections or tests required under the Regulated Stand General Safety Certificate. The District Council should check that the required inspections have indeed taken place and that the persons concerned were duly qualified. Unless the District Council has doubts about the independence, competence or approach of these persons, the submission of a certificate that the structure or fitting meets the appropriate requirements should normally suffice. Nevertheless, the District Council remains free to carry out sample testing if it considers this to be necessary.

6.4 Inspections during events

The safety management arrangements at a Sports Ground is seen as an important factor in determining the safe capacity, through the use of the ‘S Factor’. The District Council should therefore monitor not merely the Qualified Person’s general compliance with the terms and conditions of the Safety Certificate but also other general matters such as:
• the competence of the Chief Safety Marshal;
• the competence of the Safety Marshals; and
• whether there are effective systems for identifying and tackling problems.

The scrutiny of records may indicate whether tasks have been performed; it may also give
an impression of good or poor management. However, it cannot adequately convey
whether Safety within the Regulated Stand is being operated safely. Experience in Great
Britain has shown that the Local Authority can only monitor this effectively if it
periodically observes the performance of the management immediately before, during,
and after a fixture or event.

6.5 Frequency of inspections

The 2006 Order states that inspections of Regulated Stands should take place "at least
once every twelve months". There is nothing to preclude the District Council from
inspecting the Sports Ground more frequently. The number of inspections reasonably
required will vary between Regulated Stand(s). This will be for the District Council to
determine, having regard to its duty to monitor the suitability of the terms and conditions
of the certificate with regard to differing classes of fixtures, and to ensure that these are
being observed. Relevant factors will include the capacity, design and layout of the
Regulated Stand, the management’s level of commitment to safety, and the quality of the
marshals and safety management procedures. Improvements in safety management
should normally lead to a reduction in the number of inspections.

At most Sports Grounds with Regulated Stands, it will normally be sufficient for the
District Council to inspect the structures and fittings once a year while the Regulated
Stand is empty. It might be sensible to conduct this inspection at different times each
year, so as to observe the Regulated Stand within the Sports Ground under a variety of
conditions. Further inspections are likely to be necessary only in the event of significant
structural modifications.

However, the Sports Ground management’s performance during events may need to be
checked more frequently. Without checks there is a risk of potentially hazardous
situations developing without appropriate control mechanisms being implemented. The
same considerations apply to the District Council’s checks of the records of attendances,
accidents, maintenance, Marshal training and contingency plans, though some of these
could be carried out on non-event days.

In only the most exceptional cases would it be necessary for the District Council to be
present at every event or fixture staged at the Sports Ground. Nevertheless the District
Council needs to be alerted quickly to anything that may affect spectator safety so that it
may take any necessary action as soon as practicable. It should also invite feedback from
other sources, in particular from the other agencies represented on the SAG who may
attend events in the course of their normal duties. This should be seen as in addition to
and not a substitute for, inspection by the District Council.
When inspecting the Sports Ground during an event, the District Council should be sensitive to the operational responsibilities of the management. Any requests made by the inspecting Officer(s), should be reasonable and should not distract safety personnel from the performance of their duties.

6.6 Inspection personnel

It is for the District Council to determine how best to structure inspections. It must be satisfied that the inspecting officers are competent for that purpose. There is no legal requirement for inspections to be undertaken by staff from a particular professional discipline.

The inspecting personnel may need to respond immediately if they become aware of a serious safety hazard. The District Council should therefore identify and formally record what enforcement powers it has delegated and to whom. Moreover, under Article 23 of the 2006 Order any staff who may need to exercise a right of entry to a Sports Ground/Regulated Stand must be formally authorised by the District Council. This too should be properly recorded in the minutes of the relevant committee.

6.7 Records of inspections

The District Council should maintain detailed records of all inspections as part of its audit trail. It may wish to consider sending a copy to the Qualified Person, if only to ensure that there is no confusion about any need for immediate remedial action.

District Council staff undertaking inspections of Designated Sports Grounds have found written checklists invaluable. The example in Appendix 19 is intended to assist not constrain District Councils with respect to inspections of Regulated Stands. District Councils are free to modify it to meet their particular needs. They could, for instance, include references to other matters, such as environmental health issues, for which they may be responsible under other legislation. Staff using it should be encouraged to comment as fully as necessary on each item and not merely to tick entries on a form. This is particularly important where there are any deviations or problems since these will need to be noted in writing and investigated.
Enforcement

7.1 Initial response

The District Council may need to respond quickly to any incident that puts the public at risk or any safety weakness identified by its inspecting personnel. This is particularly important if the terms and conditions of the Regulated Stand General Safety Certificate appear to have been contravened or if these do not appear adequately to cover the situation that has arisen. The District Council should ensure that it has the necessary powers and procedures in place to enable it to take any necessary action in sufficient time.

The response of the District Council must be proportionate to both the urgency and the seriousness of the case. It may choose between the following options:

- a reduction in the permitted capacity of all or part of the Regulated Stand;

- the issue of a Prohibition notice; and

- in the event of a breach of the Regulated Stand General Safety Certificate conditions, a warning, formal caution or prosecution.

The enforcement policy of the District Council should be considered when taking any of the actions above.

7.2 Reduction in the capacity of a Regulated Stand

If an incident suggests that the management of a Sports Ground is performing poorly, the District Council should review the ‘S Factor’ and hence the capacity of the Regulated Stand. The same applies if there has been no incident but the Sports Ground management’s overall performance during an event appears deficient and/or it does not appear to be fully in control. Similarly, if the District Council inspecting personnel identify any deficiencies in the fabric, equipment, records or management systems, which the District Council has not already taken into account when calculating the permitted capacity of the Regulated Stand, it should review either the ‘P’ or ‘S’ Factor as appropriate.

The revised capacity should be properly calculated having regard to the change in circumstances. The District Council should follow the same procedures as during the routine annual review of the Regulated Stand General Safety Certificate. It is essential to involve the Qualified Person in this process. Wherever possible, a programme of remedial measures or improvements should be agreed. Once these have been implemented, the District Council should consider whether the original capacity might be restored. There is a clear onus on the District Council to act reasonably, not least because the Qualified Person has a right of appeal against any reduction in capacity.
7.3 Prohibition notices

A review of the ‘P’ and ‘S’ Factors and a possible cut in capacity is likely to be the appropriate response in the majority of cases. However, Article 9 of the 2006 Order empowers the District Council to issue a Prohibition notice in respect of all or part of any Regulated Stand if it considers that spectators cannot be accommodated in reasonable safety. The prohibition may be general or may apply to a particular fixture or event.

Unlike the other provisions of the 2006 Order, the power to issue a Prohibition notice applies to all Sports Grounds, as defined in Article 2 of the 2006 Order, including those that neither contain a Regulated Stand nor are a Designated Sports Ground.

Before issuing a Prohibition notice, the District Council must consider 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. In practice, it is likely to be required only if the problem is urgent or the Qualified Person or management of the Sports Ground appears unable or unwilling to rectify the situation immediately or before the next event.

If the District Council considers and states in the notice that the risk to spectators is or may be imminent, the notice takes 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 District Council may amend or withdraw the notice at any time. Guidance on the use and issue of Prohibition notices is set out in DCAL/SSG/01/2007 and DCAL/SSG/02/09.1 (Appendix 20)

The Environment and Safety Information (Northern Ireland) Order 1993 requires the District Council to keep a register of any Prohibition notices that it has issued.

7.4 Procedures for issuing Prohibition notices

The District Council should ensure that Prohibition notices can be issued at very short notice and without reference to senior officers or to members. In accordance with the council’s enforcement policies, it should formally identify the officers who may serve Prohibition notices on its behalf, the extent of their delegated powers and the circumstances in which they may be used. These officers concerned are likely to be those who already conduct inspections at fixtures on event days.

The issuing and enforcement of Prohibition notices depends upon the District Council having appropriate administrative procedures in place. In particular, there is unlikely to be time to locate the required form and prepare a Prohibition notice after the problem has arisen. The necessary documentation should be drawn up in advance on a contingency

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1 [http://www.dcalni.gov.uk/information_circular_1_07_.doc](http://www.dcalni.gov.uk/information_circular_1_07_.doc)  
basis. Indeed, it may be advisable for the authorised personnel to carry a blank proforma that can be completed where appropriate. (Appendix 21)

The District Council must send copies of any Prohibition notice to the Chief Constable and the Fire and Rescue Service. The District Council should also advise the Safety Compliance Unit of Sport NI.

The District Council should be aware that no Prohibition notice may include any directions, compliance with which would require the provision of police, unless the Chief Constable has consented to their inclusion. Only the Chief Constable may determine the extent of that provision.

7.5 Appeals against a Prohibition notice

An aggrieved person may appeal to the magistrates’ court against a Prohibition notice within 21 days of the serving of the notice. However 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 District Council should, wherever possible, serve it well in advance so that any aggrieved person has a reasonable opportunity to exercise this right of appeal.

7.6 Penalties for contravention of the Safety Certificate

It is an offence for any responsible person, not merely the Qualified Person, to contravene the terms and conditions of a Safety Certificate or a Prohibition notice. These offences, along with the defences of absence of consent and due diligence with respect to Regulated Stands, are listed in Article 18(5) of the 2006 Order.

Where it appears to the District Council that an offence, however minor or technical, may have been committed, it should consider its response, having regard to the facts and merits of the case and taking care to apply the normal rules of evidence. In very minor cases, particularly if the Qualified Person has immediately taken action to prevent any repetition, the District Council may determine that no further action is warranted, though it may wish to warn those responsible as to their future conduct.

In more serious cases, for example where spectators have been put at risk but the offence appears to be an isolated incident, the District Council might wish to administer a formal caution. However, in the event of persistent or flagrant breaches of a Regulated Stand General Safety Certificate, or those which have seriously prejudiced spectator safety, the District Council should give serious consideration to bringing a prosecution under the 2006 Order.

Again the Council should consider its enforcement procedures.