Cumberland Council

Directorate of Communities & Public Protection

Terms of Reference Guidance Document for the Safety at Sports Grounds in Cumberland

Cumberland Council

Sports Ground Safety

15 September 2026

Cumberland Council

Sports Ground Safety Policy

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Policy for the issue and review of General Safety Certificate

1. Introduction

Cumberland Council recognises its statutory duty for the safety certification of sports grounds under Safety of Sports Grounds Act 1975 (as amended) (1975 Act) and the Fire Safety and Safety of Places of Sport Act 1987(1987 Act), and also recognises its responsibilities for the safety of those present at all sports grounds within its boundary. In undertaking this role the Council will:

- delegate its power to take and implement decisions on safety certification to a designated Council officer;

- appoint a designated Council officer to chair the Safety Advisory Group (SAG) for each sports ground subject to a safety certificate;

- provide for 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 at sports grounds under the 1975 and 1987 Acts;

- convene regular SAG meetings to assist in its statutory duty to sports grounds, whose membership will include representatives of the police, fire service, ambulance service, building control, the relevant certificate holder and invite the Sports Grounds Safety Authority, any relevant organisation or individual where applicable;

- determine if any sports grounds contain regulated stands and will expediently process and issue safety certificates in respect of those stands and/or any sports ground designated by the secretary of state under the provisions of the 1975 Act;

- put in place policies and procedures for monitoring by inspection/audit compliance with the terms and conditions of any safety certificate issued and taking appropriate and proportional action in response to any identified defect or incident compromising the safety of those present at the ground;

- provide prompt advice on the safety of those present at the ground on request from sports ground venue operators, and

- keep under review its procedures and arrangements in pursuit of ensuring the reasonable safety of those at sports grounds within its responsibility.

The Sports Ground management/event promoter or other Responsible Person is ultimately responsible for the safety of those present during an event.

To ensure that any decision taken by the SAG is reasonable and justifiable, this document should be used in conjunction with:

a) Cumberland Council Safety Advisory Group Constitution;
b) SAG 10 event checklist sheet;
c) Safety Management Guide (SGSG4);
d) audit documents for policies, records and certificates;
e) the relevant Sports Grounds guides;
f) the relevant sporting body's governing rules;
g) Sports Grounds Safety Authority's guidance on *Developing Policies & Procedures* and *Safety Advisory Groups*;
h) Stadium Watch Scheme.

1.1 Definitions

"Assistant Director" means the Assistant Director – Communities & Public Protection

"Authorised Officer" means a person authorised in writing by the Council to enforce safety of those present at the sports ground on its behalf as the Enforcing Authority.

"Conditions of Licence" means such terms and conditions as the Enforcing Authority considers necessary or expedient to include within a safety certificate to secure reasonable safety at the Sports Ground/Stadium when it is in use for a specified activity.

"Corporate Director" means the Corporate Director – Communities & Public Protection

"Council" means the relevant Enforcing Authority for Sports Grounds legislation, and in this case has the meaning Cumberland Council.

"Covered" means covered by the roof or other part of the structure which constitutes the Stand.

"Enforcing Authority" means Cumberland Council.

"Holder" means the Responsible Person who has authority to ensure that all conditions of the safety certificate are complied with. The Holder should be in a position of authority within the management of the Sports Ground and could

include the chairman, chief executive, club secretary, ground manager, safety officer or a director.
"Qualified Person" is defined in the 1975 Act as a person who is likely to be in a position to prevent any contravention of the terms and conditions of the safety certificate. This person will be known as the Holder. Under the 1987 Act, the definition of a person qualified to hold the safety certificate for a regulated stand is more tightly drawn. In the case of a general safety certificate, it is the person responsible for the management of the Sports Ground; for a special safety certificate, it is the person responsible for organising the activity being watched by those present during an event.

"Responsible Person" means any person who is responsible for managing a Sports Ground/Stadium or has control over a specified event at a Sports Ground/ Stadium e.g. director, safety officer, promoter.

"Sports Ground" means any place where sports or other competitive activities take place in the open air and where accommodation has been provided for spectators, consisting of artificial structures or of natural structures artificially modified for the purpose.

"Sports Grounds Licensing Officer" means an officer authorised in writing by the Corporate Director to undertake the day to day administration and enforcement of safety of those present at the sports ground and includes the nominated deputy.

"Stand", in relation to a Sports Ground, means an artificial structure (not merely temporary) which provides accommodation for those present during an event and is wholly or partly covered by a roof.

"the 1975 Act" means the Safety of Sports Grounds Act 1975 (as amended).

"the 1987 Act" means the Fire Safety and Safety of Places of Sport Act 1987.

1.2 Enforcement Legislation and Guidance

This policy and procedures should be read in conjunction with the following legislation that applies to safety at sports grounds:

The Safety of Sports Grounds Act 1975

This imposes a duty on an Enforcing Authority to issue a general safety certificate to a large Sports Ground/Stadia which has a designated sport therein (football/rugby/cricket) and provides accommodation for more than 10000 present during an event (5000 at Football League). This general safety certificate states the Conditions of Licence which the Sports Ground management must operate to, and covers a specified number of activities for an indefinite period. Although safety of those present during an event is the responsibility of ground management, the enforcement of the Conditions of Licence lies with the issuing authority.

A special safety certificate can be issued to the Sports Ground/event promoter where a general safety certificate is in force for the holding of a one off, or series of one-off activities such as a pop concert, firework display, etc. not covered by the general safety certificate. This special safety certificate alters some parts of the conditions of the general safety certificate to allow the event to go ahead safely.

Application for a safety certificate can be found on the Council's website at https://www.cumberland.gov.uk/parks-culture-and-leisure/apply-sports-ground-safety-certificate The Enforcing Authority can serve a Prohibition Notice on any sporting event Responsible Person, whether the Sports Ground is certificated or not, if they are of the opinion that those present during an event would be at so serious a risk.

The Fire Safety and Safety of Places of Sport Act 1987

This imposes a duty on an Enforcing Authority to issue a general safety certificate to any sports grounds containing regulated Stands, which provides Covered accommodation for 500 or more people present during an event for which there is a general safety certificate in force covering a specified number of activities for an indefinite period. This general safety certificate states the Conditions of Licence which the Sports Ground management must operate to, and covers a specified number of activities for an indefinite period. Although safety of those present during an event is the responsibility of ground management, the enforcement of the Conditions of Licence lies with the issuing authority.

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Application for a safety certificate can be found on the Council's website at https://www.cumberland.gov.uk/parks-culture-and-leisure/apply-sports-ground-safety-certificate The Enforcing Authority can serve a Prohibition Notice on any sporting event Responsible Person, whether the Sports Ground is certificated or not, if they are of the opinion that those present during an event would be at so serious a risk.

The Licensing Act 2003

This applies to the licensing authority in Cumberland responsible for the issuing of a licence for the sale of alcohol, provision of entertainment, or the provision of late night refreshment. In consideration of whether to issue a licence and safety of an event, the licensing authority may form a SAG to take consultation from all interested parties.

The Environmental Health Acts 1974, 1975 and 1990

This applies to the local environmental health department from the district councils who primarily look at the enforcement of environmental issues such as noise and pollution from the holding of an event. The environmental health officers are part of the SAG and make recommendations as appropriate within their field of expertise and enforcement.

The Health and Safety at Work Act 1974

This applies whether there is a licence in force for the event or not and is aimed at the event promoter and/or landowner/Sports Ground nominated Responsible Person/certificate Holder.

Here the “local authority” is defined in the Health and Safety (Enforcing Authority) Regulations 1998 for sporting/cultural/entertainment purposes, usually enforced by the local environmental health officers who are a part of the SAG, if the land being intended for the event is not council owned. Where this is council land, the enforcement is by the Health and Safety Executive.

Under this legislation, the local authority will enforce all the statutory provisions regarding the health, safety and welfare of persons attending the event – public, employees, contractors, visitors, etc. in relation to the event. Whether there is a safety certificate in force or not, this primary Act and all associated legislation, places a duty of care on any event organiser, landowner, Sports Ground certificate Holder or any other Responsible Person to ensure that the event is safe to proceed.

Safety of Sports Grounds Regulations 1987

Safety of Places of Sport Regulations 1988

Guidance on the application of the legislation referenced above 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 to local authorities under section 26 (8) of the 1987 Act on the methodology that must be applied in determining whether a stand at a sports ground is a "regulated" stand.

Further advice is contained in “Guide to safety certification of sports grounds” published by the Sports Grounds Safety Authority.

Compliance guidance applicable:

a) Guide to Safety at Sports Grounds;
b) Event Safety Guide;
c) SGSA - Safety Management Guide;
d) SGSA – Guidance on LA developing Policies and Procedures
e) Fire Safety Risk Assessment Guides;
f) Home Office Circulars;
g) Health & Safety Executive Risk Assessment Guides;
h) Good Practice Safety Guide;
i) LACORS Managing Large Events Guide;
j) Regulators Compliance Code;
k) Other compliance documents and guidance mentioned in the guidance.

1.3 Directorate Framework

The Corporate Director has overall responsibility on behalf of the Council for the enforcement of safety of those present during an event at Sports Grounds, and in his/her absence, the Assistant Director/Trading Standards Manager.

The Sports Grounds Licensing Officers will undertake the day to day administration and enforcement of safety of sports grounds on behalf of the Corporate Director as per the Council’s Constitution, Scheme of Delegation Part 11 E: Sections 4 – 9, and in his/her absence, the nominated deputy. The Sports Grounds Licensing Officers will ensure that all relevant meetings, discussions, inspections, alterations and decisions etc. are properly recorded and form a clear audit trail (subject to 3.3).

The Lead Officer for Sports Ground safety will also report on a regular basis to the Corporate Director/Assistant Director/Trading Standards Manager.

The Council recognises its statutory duty for the safety certification of Sports Grounds under the 1975 Act and the 1987 Act, and also recognises its responsibilities for the safety of those present during an event at all Sports Grounds within its boundary. In undertaking this role the Council will:

- Appoint a Sports Grounds Licensing Officer to Chair the Safety Advisory Group (SAG) for each Sports Ground, subject to a safety certificate as per the Safety Advisory Group Constitution detailed in Section **2** below;

- provide for 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 present during events at Sports Grounds under the 1975 and 1987 Acts;

- convene regular SAG meetings to assist in its statutory duty to Sports Grounds, whose membership will include representatives of the police, fire service, ambulance service, building control, the relevant certificate Holder and invite other relevant parties, including the Sports Grounds Safety Authority where applicable;

- determine if any Sports Ground is a designated ground and/or contains regulated Stands, and will expediently process and issue safety certificates in respect of those Sports Grounds designated by the Secretary of State under the provisions of the 1975 Act, and/or any regulated Stands under the 1987 Act. This will also include the issuing of any special safety certificates;

- undertake procedures for monitoring by auditing and inspecting for compliance with the terms and conditions of any safety certificate issued and taking appropriate and proportional action in response to any identified defect or incident compromising the safety of those present during an event;

- provide prompt advice on the safety of those present during an event on request from Sports Ground venue operators, and

- carry out a review of procedures and arrangements over the previous 12 months in enforcement of the safety of those present during an event at Sports Grounds within Cumberland, in December each year (see Section 6).

The Enforcing Authority will ensure that the Sports Grounds Licensing Officers are competent to undertake all of the duties required for their role.

1.4 Purpose

This document sets out Cumberland Council's approach to discharging its powers and responsibilities in respect of the issue and review of safety certificates for sports grounds.

1.5 Scope

The grounds covered by these arrangements are:

Designated stadia:

- Carlisle United Football Club

Regulated stands:

- Carlisle Racecourse
- Recreation Ground, Whitehaven Rugby League Football Club
- Workington Town Rugby League Football Club

The powers of issue and review of the safety certificate are vested solely in Cumberland Council's officers with delegated authority for this activity.

1.6 Delegated Powers

The Council has delegated its powers for the safety certification of sports grounds under the 1975 Act and the 1987 Act to:

The Corporate Director/Assistant Director/Trading Standards Manager and Sports Ground Licensing Officers

The delegated powers allow for the designated Council officer to issue and amend safety certificates.

1.7 Qualified person

Upon receipt of an application for a safety certificate the Council must determine if the applicant is a "qualified person" This is defined in the 1975 Act as a person

who is likely to be in a position to prevent any contravention of the terms and conditions of the safety certificate. The certificate holder should be in a position of authority within the management of the sports ground and could include the chairman, chief executive, club secretary, ground manager, safety officer or a director, depending on the sports ground/club.

Under the 1987 Act, the definition of a person qualified to hold the safety certificate for a regulated stand is more tightly drawn. In the case of a general safety certificate, it is the person responsible for the management of the sports ground; for a special safety certificate, it is the person responsible for organising the activity being watched by those at the sports ground. This apart, the procedure mirrors that for the issue of the safety certificate for a designated sports ground.

If the Council determines the applicant is not a qualified person, it must notify him/her in writing. The applicant may then appeal against this determination to a magistrate's court within 28 days, or 7 days in the case of a special safety certificate.

1.8 Safety certificate applications and information required

The format of an application for a safety certificate for a designated ground and for a regulated stand is set out in the Safety of Sports Grounds Regulations 1987 and Safety of Places of Sport Regulations 1988 respectively. In accordance with the European Services Directive of December 2006 the Council is required to make provision for online safety certificate applications. Application forms for a safety certificate under either the 1975 Act or 1987 Act are accessible on the Council's web site at:

https://www.cumberland.gov.uk/parks-culture-and-leisure/apply-sports-ground-safety-certificate

Applications are processed through the Sports Grounds Licensing Officers. The Council must supply the chief officer of police and the building authority with a copy of any application received. It will also formally consult them about the terms and conditions of the certificate. The normal forum for this consultation will be through the SAG.

The application should be accompanied by detailed information as to structure, capacity and safety management systems. The Council may, by writing, require the applicant to submit within a reasonable period such additional information and plans it considers necessary to enable it to determine what terms and conditions to include in the safety certificate.

1.9 Timetable

Following receipt of the completed application form, the applicant will receive an acknowledgement within 15 working days. This acknowledgement is the start of the application process and does not indicate automatic issue of the licence, which will only be issued subject to final approval by the Enforcing Authority. It is in the public interest that the Enforcing Authority must process the application before it can be granted.

Prior to issue, application details will be confirmed through dialogue and discussion with the applicant, meeting(s) or on-site inspections where applicable.

Following verification of the above to the satisfaction of the Enforcing Authority, a licence, in the form of a safety certificate, will be issued to the applicant. This licence will contain such terms and conditions that the applicant will have to abide by in order to meet the requirements of the licence.

1.10 Contents of a Safety Certificate

In accordance with section 2 of the 1975 Act and section 27 of the 1987 Act the Council is required to include in the safety certificate such terms and conditions it considers necessary or expedient to secure the reasonable safety of those present at the ground. Safety certificates issued by the Council will include the capacity of the designated ground, or regulated stand, as well as capacities for each part thereof. The certificate will also include the terms and conditions with which the holder must comply to maintain that capacity. In determining the contents of a safety certificate the Council will take account of the advice of the safety advisory group and the guidance contained in the Guide to Safety at Sports Grounds and that published by the Sports Grounds Safety Authority in its “Guide to the safety certification of sports grounds” and any other relevant statutory and non-statutory guidance.

1.11 Ratification of the Certificate

When the Enforcing Authority is satisfied that all the Conditions of Licence will be met by the applicant, the Corporate Director/Assistant Director/Trading Standards Manager, will issue the safety certificate, with or without any amendments, to the applicant.

1.12 Rights of Appeal

The 1975 and 1987 Acts both provide a right of appeal to the magistrates' court to:

- any person against a determination by the Enforcing Authority that he/she is not qualified to hold a safety certificate;
- any interested party against the inclusion of anything in or omission of anything from a safety certificate
- the refusal of the Enforcing Authority to amend or replace the safety certificate; or
- any person upon whom the Enforcing Authority has served a notice of a determination, which is or has become a final determination that any Stand at a Sports Ground is a regulated Stand may appeal against that determination.

Appeals must be lodged within 28 days if they relate to a general safety certificate (or 7 days in the case of a special safety certificate).

1.13 Review of safety certificate

The Council will undertake a review of issued safety certificates on an annual basis or earlier in response to physical changes at Sports Grounds, incidents or 'near misses' brought to their notice, changes in safety management performance or in response to changes to legislation or safety guidance for those present during an event.

This review will occur during the annual audit in May/June each year and cover the sections detailed in Section **3.7** below. The review will be undertaken by the Safety Advisory Group and outcomes and recommendations reported to the Development Control and Review Committee in the annual July report from the Corporate Director.

Following this, each General Safety Certificate will be re-issued, if necessary, with amended conditions by the Corporate Director.

1.14 Public access

The safety certificate is a public document, to which any person who is either responsible for applying it or likely to be affected by it should have access. The Safety of Sports Grounds Regulations 1987 and The Safety of Places of Sport Regulations 1988 require the Council to notify every interested party, in writing, of its decision to issue, amend, replace or refuse a safety certificate as defined by the Regulations as:

- the Holder of a safety certificate;
- any other person who is or may be concerned in ensuring compliance with the terms and conditions of a safety certificate;
- the chief officer of police; and
- the building authority.

The regulations also require the council to ensure publication in a local newspaper of the council's decision to issue, amend, replace or refuse a safety certificate, and state where and when that certificate can be inspected.

1.15 Suitably trained and competent staff

Individual officers who are responsible for the issue and review of safety certificates under the 1975 and 1987 Acts will be suitably trained and qualified to ensure their competency.

The Council will ensure that:

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

1.16 Revisions to this Document and Review

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

Following any amendment a complete replacement will be distributed.

Date of Issue – 15 September 2026

Date of last review – 15 September 2026

Reviewed by – C Drakes

2. Safety Advisory Group (SAG) Guidance

Following on from previous tragedies such as Bradford, Ibrox Stadium and Hillsborough, part of Lord Justice Taylor's recommendations to ensure that disasters like these could be prevented in the future was the establishment of Safety Advisory Groups to assist local authorities in exercising their function as the responsible authority for safety at sports grounds. All Enforcing Authorities should ensure that this has occurred within their responsible area. The Safety Advisory Group should consist of the following representatives:

2.1 Membership

Core Members

a) Council members of staff (senior licensing/departmental officer, structural engineer, or any other department representative deemed by the Council to be on the Group);
b) senior police officer;
c) senior fire service officer;
d) senior ambulance officer;
e) senior building control officer

Invited Members

f) Police Counter Terrorism Officer
g) Environmental Health
h) Health and Safety Executive
i) club members;
j) supporters groups;
k) St. John, Red Cross or other first aid personnel;
l) Sports Grounds Safety Authority (where applicable);
m) any other organisation relative to the meeting e.g. promoter of a special event.

2.2 Aim of the SAG

To assist the Council in the exercise of its powers as the Enforcing Authority 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 designated Sports Grounds and regulated Stands within Cumberland**.**

2.3 Objectives of SAG

a) to encompass all matters concerned with crowd safety;

b) to provide specialist advice to the Councillors on the Regulatory Committee so that they may effectively discharge their powers and duties on behalf of the Council as required under the 1975 and/or 1987 acts;

c) to provide a forum within which the Council and other agencies may develop a corporate approach to the safety of those present during an event;

d) to continually review and react to advice published in legislative and other guidance documents;

e) to assist the Corporate Director in enforcement of the above legislation and all other associated guidance on behalf of the Council;

f) any other relevant objective to meet particular requirements of the Enforcing Authority.

g) to provide advice and assistance to sports grounds certificate holders and event planners on public safety related issues.

h) to provide a forum within which the Local Authority and other agencies may develop a co-ordinated approach to sports ground safety.

i) to receive and discuss all proposals for new sports grounds, alterations to existing designated Sports Grounds.

j) Monitor that any matters raised by the Group that have been reported to the Local Authority, other relevant Authority, certificate holders or, event licence holder and that these matters are reported back to the Group.

k) to receive notification of the issue of any prohibition notice and any prosecutions under sports grounds legislation.

l) to consider the advice published in all available guidance documents.

The Chair of the Safety Advisory Group is normally one of the Sports Grounds Licensing Officers who is responsible for the following in his/her role:

a) to ensure that the Safety Advisory Group properly discharges the responsibilities delegated to it by the Council;

b) to ensure that decisions taken by the Safety Advisory Group are implemented as soon as possible;

c) to act as liaison officer to the Regulatory Committee on behalf of the Safety Advisory Group;

d) to report to the Regulatory Committee on an annual basis, where enforcement action has taken place or a matter could bring the Council into disrepute;

e) to ensure that decisions made by the Safety Advisory Group reflect the policies of the Council;

f) to ensure that the membership of the Safety Advisory Group reflect the interests of all parties in accordance with the final recommendations in the Taylor Report;

g) to enforce on behalf of the Council all matters relating to safety of Sports Grounds as required under the Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places of Sports Act 1987 and all other associated legislation and guidance;

h) to serve Prohibition/Enforcement Notices on behalf of the Council to Sports Grounds that place people present during an event at serious risk;

i) to act on behalf of the Regulatory Committee with full authority in cases of urgency in connection with any safety of Sports Grounds issues regarding the safety of people present at an event;

j) to attend the Stadium Watch panel meetings and act as consultee and advisor to the panel on legislative and procedural matters at those Sports Grounds where the Stadium Watch Protocol is effected;

k) any other role required that is particular to that Group e.g. to attend meetings of a regional group on behalf of the local Safety Advisory Group and report back.

2.4 SAG Constitution

To achieve the above, SAG should work under a **Safety Advisory Group Constitution** (appendix A), which clearly states how the group functions. This document has been adopted by the Enforcing Authority and covers the following:

a) aim of the Group;
b) objectives of the Group;
c) membership;
d) how the meetings are conducted and remits of smaller working parties;

e) Appendix 1 of Constitution showing the roles of the Chair of SAG, building control, police, fire service, ambulance service, specialist council department representative;
f) Appendix 2 of Constitution naming the designated Sports Grounds and/or regulated Stands that the Enforcing Authority certify within their area.

The SAG should meet at least once a year at smaller Sports Grounds but more frequently at larger Sports Grounds. On top of that there will be the need to visit, meet or inspect a Sports Ground for a specific reason e.g. an injury of someone present during an event, building works, policy changes, etc.

With regard to the workings of the SAG, smaller parties relevant to matters arising at Sports Grounds may, with the full knowledge and approval of the Chair of SAG constitute into a working party and make decisions on behalf of the Group, those decisions to be fed back to the Chair who reports to the Council and make recommendations on behalf of the Safety Advisory Group. The Safety Advisory Group can make decisions relative to their own Sports Grounds of reference, but cannot make decisions on behalf of the relevant Enforcing Authority, only recommendations.

It is important to note that for the Group to work effectively, with the Chair of SAG carrying out the decision of the Group, he/she must be given 'definitive and relevant' advice from the other members of the Group.

2.5 Revisions to this Document and Review

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

Following any amendment a complete replacement will be distributed.

Date of Issue – 15 September 2026

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Reviewed by – C Drakes

3.0 Monitoring and Inspections

3.1 Introduction

Under current legislation, the Enforcing Authority is required to "*make arrangements for the periodical inspection of designated grounds/regulated stands*" within their area. For the purposes of the 1975 and 1987 Acts, periodical means every 12 months. However, this does not detract from the Enforcing Authority or members of the SAG from inspecting the Sports Ground, or relevant parts of the Sports Ground, should physical alterations occur, such as building works during a closed season, or where concerns regarding safety of those present at the ground arise at any other time.

The achievement of 'reasonable' safety is a continuous process that does not end with the issue of a safety certificate. Enforcing Authorities must monitor the Holder's compliance with the certificate's terms and conditions and should have a clearly set out policy and procedure which identifies who will be responsible for undertaking that monitoring, frequency of that monitoring and how it is undertaken.

In Cumberland this is carried out through inspections, meetings and auditing (see Section **3.0** below).

The Chair of the SAG (if the authorised Sports Grounds Licensing Officer) can at any reasonable time, and on production of his/her written authority if required, enter any Sports Ground at a reasonable time, whether certificated or not, to:

a) carry out an inspection;
b) examine any attendance records and take copies;
c) examine maintenance records and take copies.

The above would only occur at smaller non-certified Sports Grounds if safety matters were brought to his/her attention via either a complaint made against the club regarding a safety matter, or an incident occurred which resulted in a someone present during an event being injured. It is to note that where Sports Grounds are non-certificated, failure to comply with safety matters, especially where an injury to persons present at the sports ground has occurred, can still lead to prosecution by the Enforcing Authority.

Authority for entering a Sports Ground and undertaking an inspection or investigation comes from section 11 of the 1975 Act and/or section 35 of the 1987 Act. The Enforcing Authority must ensure that the Authorised Officer is competent to undertake these inspections.

3.2 Legislation and guidance

Section 10 B of the 1975 Act provides that:

"*It shall be the duty of every local authority to enforce within their area the provision of this Act and of regulations made under it and for that purpose to arrange for the periodical inspection of designated sports grounds……...*"

That section also explains that 'periodical' means at least once in every 12 months and that in undertaking any inspections the Enforcing Authority shall act in accordance with such statutory guidance as the Secretary of State may give them. Statutory guidance on inspections is given in Home Office Circular 72/1987.

Section 34 of the 1987 Act includes the same provision in respect of the periodical inspection of Sports Grounds which contain regulated Stands, but does not define what is meant by 'periodical'. However, statutory guidance contained in Home Office Circular 97/1988 requires Enforcing Authorities to carry out inspections at least once every calendar year following the date of the last inspection, at a Sports Ground containing a regulated Stand with Covered accommodation for more than 2000 persons present during an event, including the inspection of any other regulated Stands within that Sports Ground. For any other regulated Stands at Sports Grounds, it requires Enforcing Authorities to carry out inspections at least once every alternate calendar year following the date of the last inspection.

Although the timescales for inspections in the statutory guidance apply to regulated Stands, the notes accompanying the guidance remind Enforcing Authorities that the provisions in respect of inspections set out in section 34(1) of the 1987 Act apply to the whole Sports Ground, not just the regulated Stand.

In Cumberland, these inspections will be carried out annually during the audit period or, where deemed necessary due to the condition of the Sports Ground or Stand. The extent and frequency of any inspection of parts of the Sports Ground outside the area of the safety certificate, whether inside the Sports Ground curtilage or outside of it, should it affect the safety of those present during an event, will be determined by the Enforcing Authority.

3.3 Scope of the monitoring and inspecting

Types of monitoring and inspections to be carried out are:

a) annual audit;
b) ground inspection;
c) stewards annual performance inspection;
d) regular meetings;
e) unannounced monitoring inspections;

f) inspections/meetings for specific issues arising;
g) incidents/injuries occurring to those present during an event;
h) Regulatory Committee Safety Panel Members inspection.

Home Office Circular 72/1987 gives further advice on the types of inspections, frequency and how to conduct the inspections for designated Sports Grounds and Home Office 97/1988 prescribes similar for regulated Stands. Areas covered are included during the SAG audit in section **3.6** below.

An audit of any inspection or investigation shall be recorded and form part of an audit trail. This shall include any findings and recommendations as appropriate.

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.

Where a meeting will discuss confidential counter terrorism information and/or intelligence, only the following people/representatives shall be present for those discussions:

SAG core members, club representatives and a Police counter terrorism officer.

3.4 Consistency and accountability

The enforcement and inspections of sports grounds will adhere to the principles of the Enforcement Concordat and the Regulators Compliance Code (in line with the Hampton principles) by ensuring:

a) proportionality in applying Sports Grounds law in ensuring compliance;
b) consistency of approach between all Sports Grounds;
c) targeted enforcement action;
d) transparency in how the Enforcing Authority operates and what those regulated may expect;
e) accountability for any actions carried out on behalf of the Enforcing Authority.

Any actions taken by the Enforcing Authority and resultant outcomes for Sports Ground management will be considered within the above principles regarding justifiable actions, non-compliance, financial impacts and public interests.

3.5 Delegated powers

The Council has delegated its powers for the monitoring and inspection of sports grounds under the 1975 Act and the 1987 Act to:

Sports Ground Licensing Officers

3.6 Audit/annual inspection

It is the responsibility of the Sports Ground management to carry out an internal audit of its policies and procedures within the ground and the findings shared with the Enforcing Authority. These findings should be verified to the Council through SAG undertaking an audit of the club's findings for each certificated Sports Ground within their area. The audit should involve the core members of SAG and Sports Ground management and will take place in May and June each year.

This relates to good enforcement for the following reasons:

a) ensures liaison maintained between local authority, SAG and club;
b) displays to the Enforcing Authority competence of management;
c) identifies any shortcomings in management that has to be rectified;
d) identifies any ground or structural deficiencies that have to be rectified;
e) is the only suitable and accurate method for setting fair and consistent (P) and (S) factors in line with the audit findings.

Prior to the audit commencing, the following suggested agenda format should be sent to the clubs:

1. Approve the minutes of the previous audit and matters arising;

2. Review the Conditions of Licence (*this is to review the licence to ensure that the conditions therein are still applicable only to each ground*);

3. Review Management's Safety Policies. These will include (*where applicable to each ground*) all the items in the **Ground Safety Policies** list (appendix B), including risk assessments, statement of intent and emergency procedures;

4. Review the Club's Records. These will include (*where applicable to each ground*) all the items in the **Ground Records** list (appendix C);

5. Review the Club's Certificates (*including Safety Officers records*). These will include (*where applicable to the ground*) all the items in the **Ground Certificates** list (appendix D);

6. Review the club's operational manual. This will include (where applicable to the ground) all the items in the **Operations Manual** (appendix E).

7. Review the audit findings, management's and safety officer's previous 12 months performance, stewarding competency, and assess the results against the existing 'S' factor (c*lub representatives to vacate while SAG members deliberate their findings and resultant recommendation*. *Return and informed upon deliberation and conclusion*);

8. Any other urgent business;

9. Carry out an on-site inspection.

The following areas should be covered by the audit (where applicable to an individual ground):

GROUND SAFETY POLICIES
GROUND RECORDS (recommended to be kept for 6 years)
GROUND CERTIFICATES
OPERATIONS MANUAL

It is recommended that the SAG audit team split the workload evenly between 3 groups to cover policies, records, certificates and operations manual, with the Chair of SAG reviewing policies and operations manual. This will ensure a consistent approach across the authority's area towards all the Sports Grounds being audited.

To complete the audit, SAG should finally carry out an inspection to ascertain if the physical state of the Sports Ground concurs with the to the documentation and existing 'P' factor. Any matters arising should be conveyed to the club management for rectification, the timescale of which is dependent upon the nature of the defects found and their effect on the safety of those present at the next event.

The audit findings, including a review of the previous 12 months feedback of Sports Ground operation (stewards competency inspection findings, safety officer's competency level, incidents, management's overall attitude towards the safety of those present during an event, etc.), should form the basis for any concluding recommendations such as remedial work to be carried out by the club or altering the 'S' factor, which should be relayed to the club management, with any urgent matters arising to be dealt with within a given timescale.

Where an event organiser approaches the Sports Ground management or SAG regarding the holding of an event, the same method of verifying the safety of the event can be used through the SAG 10 checklist sheet. This would cover such areas as contingency planning, risk assessments, first aid and stewarding provision, catering and toilets, traffic management, etc.

3.7 Stewards During Performance Inspections

As part of the Enforcing Authority's assessment of competency at a Sports Ground, the knowledge, ability and competency of stewards to be effective in dealing with incidents at a Sports Ground is essential towards determining the overall 'S' factor for that Sports Ground or regulated Stand.

To asses this, the SAG should carry out an annual 'During Performance' inspection of the stewards, arriving in plenty of time prior to the event (about 1 – 2 hours before the start), observe any briefing and interviewing stewards around the Sports Ground on key factors that they should be aware of.

Areas that should be covered are:

a) their specific duties on that event day;
b) what their job is prior to the event starting;
c) what their responsibilities are during and after an event;
d) basic duties of a steward;
e) how stewards should conduct themselves during an event;
f) communications systems within the ground;
g) powers of search, ejection and arrest;
h) actions if someone present during an event breaches the ground regulations;
i) how to recognize crowd behavioural problems and alleviate them;
j) racist/abusive person present during an event;
k) disabled rights;
l) child protection;
m) alcohol/pyrotechnic policies;
n) nearest access and egress points, including emergency exits;
o) chain of command;
p) safety officer's briefing – what did it cover;
q) steward's procedures for reporting an incident;
r) ground regulations;
s) actions for 2 or 3 of the following scenarios, which should be on a rotational basis, covering - pitch invasion, first aid, safety equipment failure, bomb threat/suspect package, fire/explosion, emergency evacuation of the ground (including code words), crowd control, casualty handling, assisting emergency services, services failure, structural collapse, emergency rendezvous points, etc.

The findings of the above should be fed back to the safety officer orally at completion of the inspection and followed up later in writing to the Sports Ground/event management. Where there have been deficiencies in steward competencies identified, management should take steps to rectify and maintain the standards required by the certificate as soon as possible.

Where it is severe, management should be given 3 months to rectify the problem areas, followed by another SAG 'During Performance' inspection. If after this, the deficiencies have still not been rectified satisfactorily, the Enforcing Authority should consider reducing the 'S' factor (capacity) at the Sports

Ground/Stand/event until the club management/promoter have remedied the outstanding matters and confidence has been restored that the Sports Ground/event management can deal safely and effectively with the maximum capacities expected therein.

3.8 Consultations

Different statutory enforcing authorities have a duty to consult with each other over safety matters at Sports Grounds. Following on from Lord Justice Taylor's report, it was recommended that this would be best achieved through these authorities co-ordinating their approach to Sports Ground management jointly, with one agreed recommendation being made. This would avoid differing authorities making their own recommendations to a Sports Ground which may conflict and result in confusion for the club management.

The best way to achieve this is by the Safety Advisory Group working as a single entity in agreement, those joint decisions being enforced and conveyed to club management through the Chair of the SAG.

Consultations are therefore important and should be carried out between:

a) all core members of SAG – confidential to SAG only;
b) members and Chair of SAG – Chair to decide who else to inform;
c) members and Sports Ground management – with full knowledge of Chair of SAG;
d) Chair of SAG and club management – to involve other relevant core SAG members if and where appropriate.

NB – remember that where the SAG makes decisions which affect Sports Grounds or events, minutes must be produced and these minutes can be available for public scrutiny to ensure transparency and fairness.

As the key to a successful working relationship between all parties involved lies in communicating and consulting with each other, SAG must look to working with club management in partnership rather than enforcement.

Where advice is sought by club management due to a problem arising within the Sports Ground, SAG's professional advice should form a plan of action for the club, the end result being achieved through this approach, rather than through enforcement. Where clubs openly approach the SAG to discuss any problems, SAG should support management.

Where this does not work with club management, or the club fails to comply with a recommended plan of action, then enforcement action should be considered by the Enforcing Authority. This approach should also apply for other events.

Also, club management should not be afraid to talk openly to the SAG for advice as their professionalism is key to achieving the safety of those present during an

event. Further guidance on this can be found on the Sports Grounds Safety Authority website *SGSA Safety Certification*.

3.9 Minutes

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 Local Authority's set procedures.

The minutes of the meetings will be circulated to all Group members, and such other parties as may be determined by the Chair.

3.10 Suitably trained and competent staff

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

The Council will ensure that:

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

3.11 Review and revisions to this document

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

Following any amendment a complete replacement will be distributed.

Date of Issue – 15 September 2026

Date of last review – 15 September 2026

Reviewed by – C Drakes

4. Enforcement policy

4.1 Introduction

This enforcement policy sets out the arrangements that Cumberland Council has put in place for ensuring compliance with the relevant safety at sports grounds legislation. It explains the Council's powers and approach to enforcement activity,

how the Council deals with businesses and the approach to be taken when infringements of the law are established. In applying this policy the Council's aim is to ensure that any enforcement action taken is proportionate, open, consistent and clear.

Where enforcement actions are taken, the Safety Advisory Group can agree a course of action collectively which is implemented through the Chair of SAG, or agree to take action through one of the Group members e.g. building control notice, fire service enforcement notice, etc., whichever course of action is best suited to the given circumstances.

In choosing whichever course of enforcement action to take, consideration should be given by SAG to the speed of achieving a safe outcome due to the relatively short period between occupancies of those present during an event in a Sports Ground or at an event due to either sporting events usually occurring every week or fortnight, or the shortness in timing of the special event, and thereby minimise or prevent the discomfort and upset of those present during an event

Whether a Sports Ground is certificated or not, the Sports Ground Licensing Officer for the Enforcing Authority (normally the Chair of SAG) has a legal duty under both the 1975 and 1987 Acts to enter any Sports Ground at any reasonable time to investigate any incident, look at any documentation appertaining to the reason for the visit, and carry out appropriate enforcement action.

4.2 Definitions

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

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

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

4.3 Legislation and guidance

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

Safety of Sports Grounds Act 1975 – Section 10B Enforcement - The duty of every local authority to enforce within their area the Act and regulations made under it and to arrange periodical inspection of designated sports grounds.

Fire Safety and Safety of Places of Sport Act 1987 – Section 25 Enforcement - It shall be the duty of every local authority to enforce within their area the provisions of this Act and of regulations made under it for designated grounds.

Detailed guidance on prohibition notices is contained in the DCMS Circular of 16 November 1995.

It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice. The penalties for contraventions of the safety certificate are listed in section 12 of the 1975 Act and section 36 of the 1987 Act.

Further advice is contained in “Guide to Safety Certification of Sports Grounds” published by the Sports Grounds Safety Authority.

4.4 Purpose

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

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

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

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

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

Officers will have due regard to the principles contained within the Enforcement Concordat, and any other published and relevant guidance, including:

- Public Health Act 1961
- Health & Safety at Work Act 1974
- Sex Discrimination Act 1975 (and Amendment Order 1988)
- Race Relations Act 1976 (and Amendment Act 2000)
- Local Government (Misc. Prov.) Act 1982
- Occupiers Liability Act 1984
- Public Order Act 1986
- Equal Opportunities Act 1991
- Workplace (HSW) Regs. 1992
- Manual Handling Regs. 1992
- Personal Protective Equipment Regs. 1992
- Provision & use of Work Equipment Regs. 1992
- Control of Substances Hazardous to Health Regs. 1994
- Disability Discrimination Act 1995
- Human Rights Act 1998
- Data Protection Act 1998 & 2018
- Management of H & S at Work Regs. 1999
- Child Protection Act 1999
- Building Regs. 2010
- Freedom of Information Act 2000
- Private Security Industry Act 2001
- Employment Equalities (age, religion, sex, gender) Regs. 2003 -2007
- Licensing Act 2003
- Fireworks Act 2003
- Fireworks Regs. 2004

- Regulatory Reform (Fire Safety) Order 2005
- Violent Crime Reduction Act 2006
- Health Act 2006
- Smoke-free (Premises and Enforcement) Regulations 2006.

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

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

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

4.5 Scope

All sports grounds located in Cumberland are covered by these arrangements.

Under the provisions of section 10 of the Safety of Sports Grounds Act 1975 the Council has the power to issue a prohibition notice to limit the capacity, or totally prohibit the admittance of people to any sports ground within Cumberland.

4.6 Delegated powers

The Council has delegated its powers for the enforcement of the Safety of Sports Grounds Act 1975 (as amended) and the Fire Safety and Safety of Places of Sport Act 1987 to:

Sports Ground Safety Officers.

4.7 Consistency

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

Proportionate -. Any action taken by the Council, to achieve compliance or to bring regulated entities to account for non-compliance, will be proportionate to the risk to public safety, or to the severity of non-compliance, which includes any actual or potential harm arising from the failure under the law. We will seek to minimise the costs of compliance by ensuring that any action we require is in proportion to the risk.

Consistency –There will be a consistent approach from the Council in relation to any advice given, enforcement action, prosecutions and in response to incidents and complaints. The Council will discuss and compare enforcement decisions and policies amongst our own officers and, where appropriate, with other authorities and enforcement bodies.

Targeted – By adopting a risk based system for prioritising regulatory action the Council aims to make sure, through targeting, that the direction of regulatory effort takes into account the level of risk and ensure action will be targeted at those situations that give rise to the more serious risks or the least well controlled risks.

Transparent– The Council will be open about how we set about our work and will provide information and advice in plain language. We will ensure we help those we regulate to understand the standards expected from them and the standards that they should expect from the local authority.

Accountable - The Council will be able to justify all enforcement decisions and be accountable for the efficiency, effectiveness and cost. Consultation and feedback opportunities are given to stakeholders. The local authority will publish an annual report which will detail performance for the previous year.

4.8 Enforcement considerations

The Council's Sports Ground Licensing Officers will consider a number of factors and questions before deciding when to act, these questions will include:

- The seriousness of compliance failure i.e. could the offence lead to a serious risk of injury or has serious injury or death already occurred, if the problem is not rectified will it lead to a significant risk?

- The degree of willfulness involved i.e. does the individual or organisation concerned appear to be willing to carry out the necessary action immediately or in a specified time frame or has the problem resulted from a deliberately ignoring conditions or the law?

- The ground management's past performance and its current practice i.e. this a recurring problem, has the business had a previous high standard of practice?

- The risks being controlled and their consequences – what type of risks are involved and will they have serious consequences that could affect the public?

- Legal, official or professional guidance – Has all legislation and guidance been taken into consideration when taking a decision? Has the issue been referred to the local authority legal department for their consideration and interpretation?

4.9 Choices of enforcement action

There are several courses of action open to the Council's Sports Ground Licensing Officers depending on the different circumstances that may be encountered or apply to the situation. The choices of enforcement action are:

- Informal Warning
- Reduction in Capacity
- Prohibition Notice
- Simple Caution
- Prosecution

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

Informal warning

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

Informal action is appropriate where:

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

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

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

Reduction in capacity

Reducing the capacity of all, or part of, a sports ground is a formal action which would be appropriate in the following situations:

- if an incident suggests that the management of a sports ground is performing poorly; or
- if the Council's inspecting personnel identify any deficiencies in the fabric, equipment, records or management systems, which the authority has not already taken into account when accepting or calculating the permitted capacity.

  Any new capacity should be properly calculated having regard to the change in circumstances and the procedures to be followed will be the same as during the routine annual review of the safety certificate. Ground management should

be invited to submit its proposed revised (P) or (S) factor, but the Council reserve the right to overrule this if appropriate.

When reducing a capacity it is important that

- officers act reasonably and in accordance with due process, not least because the certificate holder has a right of appeal against any reduction in capacity; and
- a formal amendment to the safety certificate is issued.

Once the remedial measures or improvements have been implemented consideration should be given to restoring the original capacity.

Prohibition notice

Unlike the other provisions of the 1975 and 1987 Acts, the power to issue a prohibition notice applies to all sports grounds, as defined in section 17 of the 1975 Act, including those that are neither designated nor contain a regulated stand.

Section 10 of the 1975 Act empowers the Council to issue a prohibition notice in respect of all or part of any sports ground if it considers that "the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious, that, until steps have been taken to reduce it to a reasonable level, admission to the sports ground or that part of the sports ground ought to be prohibited or restricted". A prohibition notice is therefore a measure of last resort and should only be used where an amendment of the safety certificate (where issued) is not considered an effective way of dealing with the risk(s)

When issuing a prohibition notice consideration should be given as to whether the risk to those at the sports ground is or may be imminent and if so the notice should take effect as soon as it is served. In all other cases it should come into force at the end of the period specified in the notice.

A prohibition notice must specify:

- the nature of the risk; and
- the number of persons that may be admitted to the sports ground, or any part of the sports ground, until appropriate steps have been taken to address those risks.

The notice may also include directions as to the steps which will have to be taken to reduce the risk to a reasonable level.

Under the Environment and Safety Information Act 1988 the local authority is required to keep a register of any prohibition notices that it has issued.

Simple cautions (formerly known as formal cautions)

A simple caution should only be issued for offences where there is no imminent risk or where the offence is readily admitted and immediate action has removed the imminent risk. A caution can be used to:

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

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

If the offender commits a further offence, the caution may influence our decision to take a prosecution

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

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

Prosecution

The decision to prosecute is very significant and must be related to risk. In general, it should be reserved for those who

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

Factors to consider are:

- The seriousness of the offence, including the seriousness of the result of the offence.
- The previous history of the defendant/organisation.
- Availability, co-operation and reliability of witnesses.
- The willingness of persons involved to put matters right.
- The probable public benefit and importance of the case.
- Whether other action e.g. prohibition notices would be more effective (It may be appropriate in some circumstances to serve a prohibition notice as well as to prosecute if the risk to employees or the public remains high).
- Any explanation offered by the defendant/organisation.

  Before deciding to proceed with a prosecution officers must be satisfied that there is relevant, admissible, sufficient and reliable evidence that the offence has been committed by the defendant and that there is a realistic prospect of conviction. Any prosecutions should be brought without delay.

4.10 Appeals

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

4.11 Penalties

It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice. These offences and associated penalties, along with the defences of absence of consent and due diligence, are listed in section 12 of the Safety of Sports Grounds Act 1975 and section 36 of the Fire Safety and Safety of Places of Sport Act 1987.

4.12 Suitably trained and competent staff

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

The Council will ensure that:

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

4.13 Revisions to this Document and Review

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

Following any amendment a complete replacement will be distributed.

Date of Issue – 15 September 2026

Date of last review – 15 September 2026

Reviewed by – C Drakes

5. Regulatory Committee and Scheme of Delegation Procedures

To function under the powers designated under the Scheme of Delegation to the Regulatory Committee and the Corporate Director, the following procedures should be adhered to by the Sports Grounds Licensing Officers:

a) the Corporate Director/Assistant Director/Trading Standards Manager signs the following safety certificates for issue by the Officer:

   (i) Renewal of the designated Sports Grounds and regulated Stands;
   (ii) special safety certificate issued for a one off or a series of events.

b) where the Sports Grounds Licensing Officer becomes aware of a potential problem that is of a serious risk to the public, or could bring the Council into disrepute, and where time allows, he/she should consult jointly with both the Chair of the Regulatory Committee and Corporate Director/Assistant Director/Trading Standards Manager, if possible, to make them aware of the situation and agree a suitable course of action. Any such actions will then be implemented by the Sports Grounds Licensing Officer on behalf of the Council and the matter reported to the full Regulatory Committee by the Corporate Director/Assistant Director as soon as possible.

c) The Corporate Director/Assistant Director, through the Sports Grounds Licensing Officer, will report to the Regulatory Committee on:

   (i) annual report;
   (ii) any urgent safety matters that has resulted in enforcement action or the serving of a Section 10 Prohibition notice;
   (iii) a situation where the Council could have, or is about to be, brought into disrepute.

d) the Sports Grounds Licensing Officer will make arrangements for annual audits, inspection of stewards and Sports Grounds, along with any SAG meetings;

e) the Sports Grounds Licensing Officer will investigate any incidents, or near misses, affecting the safety of those present at the ground and complete a report for the Corporate Director/Assistant Director. In the course of this investigation, the officer may gather such evidence as described in Section **3.0** above and ensure that any recommended actions or outcomes are followed through to conclusion;

f) the Regulatory Committee will be invited to carry out a fact finding visit to every certificated Sports Ground on an annual basis.

g) the Corporate Director/Assistant Director/Trading Standards Manager and the Sports Grounds Licensing Officer will meet on a regular basis every 3 – 4 months, or whenever an urgent matter arises.

5.1 Revisions to this Document and Review

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

Following any amendment a complete replacement will be distributed.

Date of Issue – 15 September 2026

Date of last review – 15 September 2026

Reviewed by – C Drakes

6.0 Internal Policy Review Procedures

As the Enforcing Authority for the safety of those present during an event at Sports Grounds, the Council will carry out an internal audit of its performance, matched against national standards, whereby the Sports Grounds Licensing Officer will liaise with the Corporate Director/Assistant Director/Trading Standards Manager at the end of each year, to review both the Directorate's and the Safety Advisory Group's previous 12 month performance in their functions and competency, covering:

a) the Sports Ground legislation, national guidance and Conditions of Licence are enforced and any breaches acted upon;
b) investigations have been carried out into any incidents, or near misses, affecting safety of those present at sports grounds with any outcomes acted upon through to conclusion;
c) steward during performance inspections carried out;
d) audit targets met and outcomes acted upon;
e) inspection of Sports Grounds carried out annually and upon any specific works;
f) review of Council policy is dynamic to reflect any national or local changes;
g) review of departmental performance regularly carried out and any deficiencies rectified;
h) clubs meeting their legal and moral duties towards the safety of those present during an event, undertaking regular reviews of their safety policies and carrying out regular drills/exercises;
i) safety certificates have been issued in line with the policies of the Council;
j) working in partnership with other enforcing authorities;
k) working in partnership and education with ground management in preference to enforcing.

6.1 Performance Audit Review.

The findings and any recommendations of the Performance Audit review are recorded in the review document found at the end of this policy

6.2 Safety Advisory Group

a) the group has operated in line with the SAG Constitution and reflected the policies of the Council in the discharge of its duties;
b) competency of the SAG has been maintained through continual assessment, with any reduction in standards of members addressed ;
c) the SAG has ensured that any recommendations, enforcement action and/or remedial works concluded to the satisfaction of the Group;
d) the SAG members attend the audits and inspections upon request to meet the needs of the Group;
e) the SAG meet the needs of the Sports Ground management.

6.3 Revisions to this Document and Review

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

Following any amendment a complete replacement will be distributed.

Date of Issue – 15 September 2026

Date of last review – 15 September 2026

Reviewed by – C Drakes

7. Summary

Although it is better for the Enforcing Authority and the Safety Advisory Group to work in partnership with Sports Ground management and event promoters than through the use of enforcement actions, ultimately the Enforcing Authority, through SAG, are responsible for ensuring that management in Sports Grounds or other events are effective in carrying out their legal responsibilities towards the safety of those present during an event in a Sports Ground and in the course of their activity, where it affects the public highway or privately owned land, whether it be a specified activity or a special event.

Where Sports Ground management/event promoter is found to be seriously deficient towards this goal, the Council must not shy away from implementing any of the above enforcement actions. Where there is no legislative power for the Enforcing Authority at an event and it is only goodwill advice or recommendations, the onus is on the event promoter/land owner to ensure that best practise, as advised, is followed.

By having a duty of care, all parties must ensure that any Sports Ground or public event is safe for any member of the public to attend and enjoy the event, with all contingencies planned for and rehearsed by Sports Ground/ event management, local authorities, Safety Advisory Group members and the emergency services. Whether it is through advice or enforcement, **ultimate responsibility for the safety of those present during an event lies with the management for that event, not the Enforcing Authority**.

Where Safety Advisory Groups are formed and decisions of minutes produced, the composition of the various representatives as outlined above and as described in the SAG Constitution, **must be competent** to fulfil the role expected of them when giving advice on technical and professional matters, especially as their recommendations to the Group will form part of the overall SAG decision making process, the outcome of which may be available for public scrutiny and challenge by the club/event management.

Members should also be at a level within their own organisation whereby they are authorised and competent to make any recommendation or decision as representative of that organisation at a meeting without having to continually refer back to a higher level for a decision.

This document will be reviewed during the end of year internal review audit to ascertain that it is still current and reflects best practice in the enforcement of the Council's policies on the safety of those present during an event at Sports Grounds and similar venues within Cumberland.

7.1 Revisions to this Document and Review

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

Following any amendment a complete replacement will be distributed.

Date of Issue – 15 September 2026

Date of last review – 15 September 2026

Reviewed by – C Drakes

Signed  (SGLO)

Signed  **Date** 15 October 2026

Corporate Director/Assistant Director/Trading Standards Manager