

The UK Good Practice Guide to Working in Safety Advisory Groups Part 2: Supporting Appendices

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Appendix A: Summary of relevant legislation

The legislation listed below is available at: www.legislation.gov.uk

A.1 General

As previously stated, current government policy strongly supports local and community events. According to the Live Music Exchange,¹ the events industry as a whole was worth in excess of £36 billion in 2012.

A SAG in itself has no regulatory powers. Much of the historical criticism of SAGs has been to do with their perceived lack of democratic status and their suggested focus on prevention of events rather than support for them. As SAGs have no statutory status in law their emphasis is as much on ‘advisory’ as it is on ‘safety’. There is no legal requirement to hold a SAG meeting, nor for organisers or any of its members, to attend it. It should, however, be noted that duties and responsibilities under the Civil Contingencies Act/Framework should be a strong incentive for Category 1 responders to cooperate with each other in a SAG process held locally, particularly for what may be considered to be higher-risk events.

Despite this apparent lack of legislative power, there are options open to individual SAG members in terms of their own statutory powers and duties. These powers can, and should, be considered where it is necessary and appropriate to protect the public from harm so that all parties can show that they have paid due diligence and discharged their duties of care. Appendix B references some of these statutory responsibilities but the main legal powers are outlined below.

While a SAG can discuss and possibly advise in relation to these powers, the exercise of them will be entirely a matter for the agency and not the SAG.

A.2 Legislation

The following is a summary of primary legislation that a SAG might consider as relevant in relation to event safety proposals.

A.3 Licensing Act 2003

This Act is principal among these powers. Amended guidance under Section 182 of the Act was issued in June 2013 that re-emphasised the requirement for agencies to have a clear focus on ‘the promotion of the key licensing objectives’:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm
- (Scotland only – protecting and improving public health).

It states that each of the above is of equal importance and must be addressed when licensing functions are undertaken.

Licensing authorities are duty bound to take all such matters into consideration in the granting of a licence for any such licensable activity.

¹ Live Music Exchange, April 2010. Available at: <http://livemusicexchange.org/resources/a-report-on-the-size-and-value-of-britains-events-industry-its-characteristics-trends-opportunities-and-key-issues/>

The following types of licences can be obtained: personal, premises, club premises and Temporary Event Notices (for events of 499 persons or fewer).

'Responsible authorities' have powers under Section 51 of the Act to seek a review of a licence on any of the grounds of the licensing objectives, including public safety.

Police have additional powers under Section 53A of the Act if alcohol is available for sale and a senior police officer believes that the premises are involved with serious crime or serious disorder (or both).

A police inspector or officer of higher rank may order a closure under Section 161 of the Act if he or she has a reasonable belief that there is, or is imminently likely to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety.

Many events, however, fall outside the Licensing Act 2003 and may not be subject to the normal scrutiny of a licensing panel. Such events include processions, parades, street carnivals and some performances of unamplified live music between 8 am and 11 pm, as amended by the Live Music Act 2012.

A.4 Licensing Act (Scotland) 2005

As mentioned above, the Licensing Act (Scotland) 2005 broadly replicates most of the 2003

Act relating to alcohol, with the addition of the fifth objective detailed in the last bullet point in A.3. Temporary Event Notices (TENs) are not applicable under this Act.

A.5 Civic Government (Scotland) Act 1982

One of the main aspects of this legislation is to provide a means to licence most types of public spectator events held in Scotland, using a Public Entertainment Licence.

A.6 Licensing (Northern Ireland) Order 1996

Although there was consultation regarding the review of licensing legislation, this met with strong opposition and is not currently proceeding. It would have brought arrangements more into line with those in Great Britain. The situation is therefore much as it used to be in Great Britain, with 12 different forms of premises licence. Licensing applications are dealt with via the courts as opposed to local authorities in Great Britain. Although they may not fall under licensing regulation, this does not mean that partners in a SAG process cannot scrutinise events for public safety.

A.7 The Civil Contingencies Act 2004

This legislation places a duty on all Category 1 responders to 'assess the risk of emergencies occurring, to use this to inform emergency planning' and to 'put in place emergency plans'. Category 1 responders include: the emergency services, local authorities, Environment Agency, Maritime and Coastguard Agency and health authorities. They are responsible for undertaking such risk assessments within their area of responsibility and clearly this could include events and venues (such as stadiums and arenas), at which it could be reasonably foreseeable that such emergencies might occur.

In assessing risks, Category 1 responders might reasonably expect to work together to assess the risk of an event within their area, and take whatever steps are deemed appropriate, necessary and lawful to prevent emergencies occurring or be in a position to respond should an emergency occur.

The Civil Contingencies Act may therefore be considered a driver to assess the safety of events and a SAG is the appropriate means by which to do so.

Some areas of the UK have taken this consideration further, and linked their Safety Advisory Group system to the Local Resilience Forum for the area. This ensures that all Category 1 responders are

committed to the SAG process , as well as providing a clear framework for consistency .

An emergency might not only affect an event, and those attending it, but it could also have an impact on others in the vicinity. This could, for instance, include traffic congestion in a nearby village, delayed emergency response times or significant on-site casualties impacting on ambulance and hospital provision for residents of nearby towns or cities. An event may also be affected by an emergency or incident occurring in the immediate vicinity and aspects of negative impact in each direction between the event and the local community should be included in considerations.

The Civil Contingencies Act only partially applies in Northern Ireland with only the Police Service of Northern Ireland and MCA as Category 1 responders and telecommunications organisations as Category 2 (supporting organisations). However, the Civil Contingencies Framework does require other public bodies, such as local authorities, to apply the principle of the Civil Contingencies Act.

A.8 The Regulatory Reform (Fire Safety) Order 2005

This important legislation gives enforcement authorities statutory powers to issue alterations, enforcement or prohibition notices as it deems necessary. Details of enforcement authorities are given in Article 25 of the legislation. The powers relate to workplaces or premises, the notable exception being domestic premises. One key feature of this legislation is that the responsibility for fire safety is clearly identified as that of a responsible person for the relevant workplaces or premises in question.

A.9 The Fire (Scotland) Act 2005

This Act is broadly similar to the legislation cited in A.7.

A.10 Fire and Rescue Services (Northern Ireland) Order 2006 and the Fire Safety Regulations (Northern Ireland) 2010

Part 3 of the legislation came into effect on 15 November 2010. This simplified existing fire safety legislation in non-domestic premises and reinforced the modern risk-based approach to fire prevention. This again broadly replicates the legislation in Great Britain and similarly identifies the employers, and those with a degree of control, as responsible for reducing risk of fire and ensuring means of escape.

A.11 The Fire and Safety of Places of Sport Act 1987

This legislation covers the regulation of spectator stands with a roof and a capacity of 500 or more spectators at non-designated sports grounds. In such a case the safety certificate is applicable only to the stand or stands in question, and not the entire venue as with a general safety certificate.

A.12 Building Act 1984

Sections 77 and 78 of the Act give local authorities the power to apply to a magistrate for an order to ensure the owner of a building or structure makes it safe within a given period (Section 77) or, if there is immediate danger, they may take such steps as is necessary to remove the danger (Section 78). It states: *'If it appears to a local authority that a building or structure, or part of a building or structure, is in such a condition, or is used to carry such loads, as to be dangerous'*. Loads might be considered to include persons. The definition given is of *'any permanent or temporary building and any other permanent or temporary structure, or erection, of whatever kind or nature'*. Dependent upon the specific detail in question this could be applicable to temporary demountable structures at event sites.

The power also relates to vehicles of any nature (Section 121).

A.13 The Health and Safety at Work Etc. Act 1974

(Applicable by Order in Northern Ireland)

The Health and Safety at Work Act 1974 ('the Act') and the regulations made under it apply to duty-holders. The law requires them to do what is reasonably practicable to ensure health and safety. The Act sets out the general duties that employers have towards their employees. It also requires employers and the self-employed to protect people other than those at work under Section 3 (for example, volunteer staff and spectators) from risks to their health and safety arising out of, or in connection with, their work activities. You need to do a risk assessment only if you are an employer or a self-employed person. If you have fewer than five employees you do not have to keep a written record, but it is good practice to do so.

Health and safety law does not, generally, impose duties upon someone who is not an employer, self-employed or an employee; for example, a group of volunteers organising a street party. However, anyone (including volunteers) with control of non-domestic premises, such as a school or community hall, has legal responsibilities under health and safety law to make the premises and any equipment or substances provided for their use there safe, as far as is 'reasonably practicable'.

It is also worth noting that under S20, those with enforcing powers have a power of entry, under S21 powers to serve an improvement notice and under S22 a Prohibition notices where they believe the activity carries with it a risk of serious personal injury. Any such action might be considered to have a greater chance of success if it is undertaken after discussion with and concerns expressed by the SAG members as would enforcement under the Regulatory Reform (Fire Safety) Order 2005.

A.14 The Health and Safety (Enforcing Authority) Regulations 1998

This is an Act to outline those aspects of health and safety legislation that can be enforced by the HSE or by local authorities (or both).

A.15 Safety of Sports Grounds Act 1975

This legislation is applicable to open-air sport venues (whether a sliding roof is present or not) with a capacity of 5,000 or more for football or, 10,000 or more for other sports. At the current time the Secretary of State has determined that this will be a requirement only in relation to football, rugby and cricket sports grounds, although there is one example of an athletic stadium having opted to be so certificated. The legislation requires the issue of general safety certificates by local authorities relating to the activities that take place within it and relevant conditions (for example, capacities). It also covers the issuing of special safety certificates for events not covered by the general safety certificate, such as a pop concert at a football stadium.

Section 10 of the Act also permits the issuing of prohibition notices at any sports ground, even if is not so 'designated'. A prohibition notice could be issued if the local authority thought there was a serious risk to the admission of spectators. Issuing a prohibition notice could restrict the numbers of spectators to the whole or part of the sports ground; to zero in an extreme case.

A.16 Safety of Sports Grounds (Northern Ireland) Order 2006

This legislation broadly mirrors the above Sports Ground Acts of 1975 and 1987. It is relevant to note, however, that the designated capacity is 5,000 and the legislation is not limited to football, rugby and cricket as is the case in Great Britain.

A.17 Football-specific legislation

Considerable football-specific legislation exists including The Football Spectators Act 1989 (all seating at certain stadiums) and The Football (Offences) Act 1991 (missiles, obscene chanting and pitch

incursion legislation). This guidance must assume detailed knowledge of all such football-related powers by those charged with dealing directly with these specific matters. As such the guide does not detail each piece of legislation.

A.18 Public Health Acts Amendment Act 1890

Section 37 of this little-known, and rather dated, legislation states that whenever large numbers of people are likely to assemble, any structure intended to be used for spectators must be safely constructed and secured to the satisfaction of the 'proper officer of the authority'. It makes it an offence for any person to use any unsafe structure, or allow it to be used by others.

A.19 Fireworks Regulations 2004 and Fireworks (Scotland) Regulations 2004

This legislation introduced the classification of fireworks into four categories, making possession of certain types illegal. It also legislates against the anti-social use of fireworks and use of fireworks outside of permitted hours.

A.20 The Explosive (Fireworks) Regulations (Northern Ireland) 2002

More controlling regulations based upon due consideration of historic misuse of fireworks in protest situations in Northern Ireland.

A.21 The Private Security Industry Act 2001

Among other elements this legislation also has the effect of imposing requirements for the training and licensing of security staff, and those involved in licensable roles (with exceptions) and CCTV operators including sport- and event-related staff in certain roles.

A.22 Occupiers' Liabilities Acts 1957 and 1984

The 1957 Act requires the occupiers of premises (generally interpreted as also applying to those in control of premises), to take reasonable steps so that persons entering the premises are kept reasonably safe. The 1984 Act extended the first to also include protection for trespassers into those premises.

A.23 Equalities Act 2010

Businesses are required to take reasonable steps to tackle physical features that could inhibit access to businesses, goods, facilities or services by those to whom the Act applies. This extends far beyond physical disability and includes gender reassignment, pregnancy and maternity, race, religion, belief and sexual orientation. While the SAG may have no requirement to scrutinise compliance with the Act, it may wish to consider whether adequate provision for safety and evacuation has been considered in relation to those attending with such additional 'needs'.

A.24 Corporate Manslaughter and Corporate Homicide Act 2007

This Act specifically aims to prosecute organisations, rather than individuals within it, in the event of a death caused by what amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased. In such a case the company can receive unlimited fines. If a SAG is operating within its advisory remit it is unlikely that there would be any associated liabilities under this legislation, although there could be for other member organisations in extreme circumstances.

A.25 Gross Negligence Manslaughter (common law)

This is generally defined as failure to exercise a reasonable level of precaution given the circumstances and so may include both acts and omissions. This is important to note, because although it is untested in law (as far as we are aware), an omission or failing to undertake a safety review, assess risks under

the Civil Contingencies Act, or other legislation, that was shown to lead directly to a death, might be regarded as a sufficient omission to be considered as failure to exercise such a reasonable level of care.

A.26 Criminal Justice and Public Order Act 1984 (as amended by the Anti-social Behaviour Act 2003)

This Act gives police powers to take action against illegal activities, such as raves and mass trespasses, and against those attending. These are police powers but might be discussed at SAGs in relation to potential illegal activities.

A.27 Crime and Disorder Act 1998

This legislation gives local authorities, police and some other agencies specified a 'duty to consider crime and disorder implications'. Specifically the Act states that: 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. A licensing authority must have due regard to the implications of an event it is considering, just as a local authority landowner should do likewise before agreeing the use of its land.

A.28 The Public Order and Criminal Justice (Scotland) Act 2006

A complex piece of legislation which, as well as covering the establishment of the Scottish Police Services Authority, also covers issues such as those relating to public processions, football-banning orders, offensive weapons and possession of prohibited fireworks.

A.29 Road-specific legislation

A considerable amount of road-specific legislation is in force that permits the closure of roads under certain circumstances. In London Section 52 of the Metropolitan Police Act 1839 still empowers officers using 'commissioners' directions' to close roads, though this is used more and more sparingly. Outside London similar powers are available under the Town and Police Clauses Act 1847 and are used varyingly across the UK.

Road closure powers are also available under Section 16a Road Traffic Regulations 1984, although there are often significant charges that accompany such closures. Some Highways Authorities across the UK have policies to allow for charges to be waived for local or community based events, however this is not a practice adopted in all areas.

Section 115 of the Highways Act 1980 gives councils powers to place structures, stalls, etc. on highways.

The Cycle Racing on Highways Regulations 1960 (Amended 1980 and 1995) sets out the requirements of organisers to ensure certain restrictions are placed on such races and authorises roads to be used for such if those conditions are met.

The Traffic Management Act 2004 directs local authorities to:

- Identify things (including future occurrences) that are causing, or that have the potential to cause, road congestion or other disruption to the movement of traffic on their road network; and
- Consider any possible action that could be taken in response to (or in anticipation of) anything so identified.

This legislation has been considered for use by some authorities as a means to discussing traffic and

parking arrangements for events that might impact on their transport network.

Note: Where the closure or a partial closure of a local street, such as a cul-de-sac or one requiring no diversions are concerned, the government's *Organising a Voluntary Event: a 'Can Do' Guide*² encourages councils to assist communities to carry these out with as little cost or administrative burden as possible.

A.30 Construction and Design Management Regulations 2015

These regulations cover the health, safety and welfare of those carrying out construction work, and protecting from harm those who may be affected by the work.

A.31 Social Action, Responsibilities and Heroism Act 2015

When a court considers a claim that a person was negligent or in breach of statutory duty, this Act determines the steps that the person was required to take to meet a standard of care.

A.32 Other legislation and devolved administrations

This guidance cannot cover all relevant legislation, but SAGs should ensure that they have access to the necessary knowledge and interpretation of such legislation including that which may relate to devolved administrations.

Some legislation in Scotland and Northern Ireland differs significantly from that in England and Wales. In some cases legislation is only partly enacted in one or other of the countries and in other cases specific legislation is in place.

This guidance therefore assumes that readers anywhere in the UK will have working knowledge of the legislation applicable in their own country, or failing that, access to such working knowledge.

² Organising a Voluntary Event: A 'Can Do' Guide. Cabinet Office, January 2014. Central government has circulated this guidance to the organisers of voluntary and community based events. The title is indicative of this approach and the content is strongly supportive of organisers. This is available at:

<https://www.gov.uk/government/publications/can-do-guide-for-organisers-of-voluntary-events/the-can-do-guide-to-organising-and-running-voluntary-and-community-events>

It is also important to note the government's desire for local authorities and other agencies to be supportive and helpful towards event organisers, citing previous guidance as 'too heavily focused upon why events could not, or should not proceed'. The guide makes no reference to SAGs but it is important to stress the restricted nature of the occasions it is aimed at, i.e. voluntary and community events.

Appendix B: Statutory responsibilities of Safety Advisory Group members

Not all SAG members will have statutory powers and responsibilities. In addition to issues covered in Appendix A the following may be relevant to a SAG.

Sports Grounds Safety Authority (SGSA)

Under the provisions of Part 1 of Football Spectators Act 1989 the SGSA operates a Licensing Scheme in respect of the viewing accommodation of Premier and Football League grounds in England and Wales. The role extends to the reviewing of how local authorities discharge their functions in relation to safety certification. The SGSA is the author of the *Guide to Safety at Sports Grounds*, and the Sports Grounds Safety Authority Act 2011 extended its role to include the provision of advice and guidance on any event held at any sports ground.

Local Authority Environmental Health Officers (EHOs)

For the most part, EHOs will be responsible for enforcing the Health and Safety at Work Act 1974 and its subsidiary regulations at events, unless it is a local authority event, in which case HSE will be the enforcing authority. Together they ensure that duty-holders manage the risks to their staff and those affected by work activities.

Maritime and Coastguard Agency (MCA)

MCA has delegated responsibility for maritime search and rescue, among other roles and responsibilities. It also has authority in relation to coordination of response to maritime emergencies. As such it will be an obvious stakeholder in relation to events that are maritime in nature, such as sea swimming and yachting events.

British Transport Police (BTP)

BTP polices Britain's railways, providing a service to rail operators, their staff and passengers across the country. It also polices the London Underground, Docklands Light Railway, the Midland Metro tram system, Croydon Tramlink, Sunderland Metro, Glasgow Subway and Emirates Air Line. For events impacting upon these travel options BTP may be included in SAG arrangements or be represented by local police forces.

Highways England

Under the Traffic Management Act 2004, this agency has the power to stop and direct traffic, close lanes and carriageways and manage traffic on the strategic roads network. These were responsibilities previously associated with policing. As such it will be appropriate to invite them onto a SAG where events will impact upon this network.

Sport Northern Ireland (Sport NI)

Works in partnership with Department of Culture, Art and Leisure to deliver on sport in Northern Ireland. In many respects this is a similar role to SGSA.

The Health and Safety Executive (HSE)

Has enforcement responsibility for the following work activities at all events – construction work covered by schedule 2(4) of the Health and Safety (Enforcing Authority) Regulations 1998, radio and television broadcasting and fairgrounds. In certain circumstances, arrangements can be made to transfer enforcement responsibilities between the HSE and local authorities. Further information about how the HSE and local authorities work together is available at: <http://www.hse.gov.uk/lau/index.htm>

Appendix C: Questions and answers

C.1 What can be done where a key organisation refuses to support the SAG?

Where such non-engagement occurs, there are limited options for those who do engage to try to 'force' others to participate. There are some occasions where those declining to engage are from the statutory agencies of local authority, fire, police or ambulance, although these instances are unusual. It is, however, clear from surveys, EPC courses and questions raised during and after these, that this does occur and is likely to do so even more often as budgets are restricted to the public services.

In these cases it is a matter for other partner agencies to discuss their options. These might include reminding the reluctant agency of its duties under legislation such as the Civil Contingencies Act; these are outlined in Appendix A.

Because SAGs are recommended in several of the key guidance documents, if an agency chose not to participate it would need to consider how it could justify the decision in the event that it were called to account.

We would hope that a SAG that operates effectively and efficiently would provide a strong encouragement for all key members to participate.

C.2 What can be done where an event organiser refuses to engage with the SAG?

As already stated, SAGs have no statutory power, and it is evident from the very start of the process that a SAG cannot demand that an event organiser participate or attend meetings. It is important to consider why an organiser is unwilling or unable to engage. It will be important to demonstrate that a SAG is well intentioned and focused on working with organisers, by considering the safety aspects of their event. The SAG should not be considered as a threatening environment as the safety of all involved in an event should be mutually beneficial.

The SAG should not make unreasonable or unfair demands on the organiser and the options highlighted in section 3.8 under 'smarter working' should be considered. These include technological solutions such as video/teleconferencing. The SAG should also guard against placing disproportionate demands on organisers of what are obviously very low-risk events.

Wherever possible SAGs should still seek to assess the safety arrangements of an event, despite such a lack of participation by an organiser. It should also then address any issues raised by the most appropriate means. It will be particularly important to ensure that accurate and appropriate records of representations and correspondence are maintained in these situations.

In any case, the SAG chair should coordinate its members' desires and attempts to communicate with the organiser, ensuring that attempts are recorded and properly documented.

C.3 What can be done where an event organiser does not accept the advice of the SAG?

The SAG is purely an advisory body and as such an organiser may feel justified in ignoring its advice. However, if it is the case that the SAG comprises competent individuals from the relevant organisations, there must be real doubts about the wisdom of ignoring such advice.

It may well be that a member of the SAG will consider the use of statutory powers, where it is felt that public safety would be compromised. It is important to stress that such action would be a matter for that member's organisation and not for the SAG.

It is equally important to stress that the event organiser (and its contractors) has the duty to manage risk and take any appropriate action – not the SAG.

Where a SAG considers it necessary to inform an organiser of their concerns, they should ensure that the issues which are of safety concern are clearly explained, along with information as to why these issues cause safety concerns. SAGs should be careful not to recommend solutions, however, if possible a SAG should signpost an organiser to where solutions to the safety concerns can be found (see D5 for further on this).

C.4 Is there a potential conflict of interest when certain agencies on a SAG are also responsible for enforcement?

The possibility that enforcement action could result in respect of any event organiser or venue cannot be ignored. Clearly this could apply to licensing, safety certification, criminal or fire safety-related matters. However, this should not preclude participation in a SAG as the advantage of this far outweighs suggestions of conflict of interest.

Experience has shown that in the vast majority of cases any potential safety concerns can be resolved informally, with the SAG often playing a pivotal part. Other options in the case of sports grounds could include the review of safety certificates and prohibition notices.

C.5 Should the SAG be a part of the event planning process?

As stressed at various stages in this guidance, the SAG processes are about the quality assurance of safety arrangements including the event documentation. Terms of reference sometimes suggest ‘advise and assist event organisers’. While ‘advise’ will be an appropriate term SAGs should exercise caution of the use of ‘assist’. Particularly where there may be a well-developed relationship with an event organiser, there are occasions where SAGs exceed their advisory remit in favour of recommending how concerns and safety issues can be resolved.

Where any other body is also examining an event (Joint Agency Groups and Responsible Authority Groups sometimes exist alongside SAGs) the terms of reference of each group must ensure that overlap in roles is avoided and any gaps in the functions do not exist. Neither should assume the other is examining a part of the event without checking it is so.

In such a case it is necessary to consider whether this may transfer a degree of liability from the event organiser, or venue, to the SAG or member in question.

This should not prevent the SAG or its members sharing local knowledge and previous event good practice with organisers through the SAG process. Failure to do so would fall short of government’s desire to encourage events, and indeed, potentially the SAG’s own objectives to encourage events to be as safe as practicable.

C.6 Can an event planner and/or manager be a member of the SAG?

There is nothing to preclude this, although some caution should be exercised where members may be scrutinising their own plans. Ideally the planning and SAG representatives should be different people, although there may clearly be a requirement for ‘planners’ to attend the SAG during discussions relative to their documentation.

Members of a SAG may also be a part of the event management structure, and again there is nothing to preclude this. It is, however, good practice to ensure that there are clearly documented distinctions between planning, SAG and management forums.

Furthermore it is essential to ensure that there is a clear timeline to distinguish when a SAG

advisory function for an event is superseded by the event management group.

C.7 Should the SAG inspect a venue and event site?

As a SAG has no statutory powers use of the phrase ‘inspection’ is to be avoided as this implies the potential for enforcement action. It is, however, good practice for SAG members to be familiar with venues and events in order to discharge their roles effectively within the SAG. We would prefer to call these familiarisation visits and not inspections.

C.8 Should the SAG be involved in the debriefing for an event?

The debriefing of events is a crucial aspect of learning for the future of that and other events (as noted in *Review of Persistent Lessons Identified Relating to Interoperability from Emergencies and Major Incidents Since 1986*)³. The SAG should always encourage the event organisers to undertake a debriefing process, although the SAG is probably not the right place to undertake this. The debriefing process may well highlight lessons for the SAG itself in terms of its processes and procedures. In some circumstances it may be appropriate for an event organizer to provide the SAG with a copy of the debrief, or attend a SAG meeting to discuss that debrief. This may be as support for that particular event or organizer, or it may be as a wider learning opportunity for other events of a similar type or being held in that area.

C.9 Can a SAG apply conditions to an event?

In short the answer is no, a SAG itself has no authority *per se*. However, it is not unusual for the SAG to make safety recommendations to a licensing authority that could impact upon the determination of such conditions. Certainly the SAG should not be considered as a pressure group to apply undue influence on the licensing authority in relation to such conditions. It should also be remembered that members of the SAG may include those agencies who are responsible authorities under the Licensing Act 2003 and who may be considering licensing conditions.

C.10 Does involvement in a SAG make its members or their organisation ‘responsible’ for the event?

One reason for not establishing, or sometimes not attending, a SAG has been that by doing so the agency in question could be culpable in the event of a safety-related incident occurring at an event subject to the SAG processes.

While it may be understandable that this view exists, the contrary should also be considered. If an event led to injury, or worse, and it was established that an agency had any ‘duty of care’, or any responsibility to scrutinise event arrangements, then it could be equally culpable for having failed to do so.

Such considerations should always be taken in the light of legal advice from the agency’s own department.

C.11 What should the SAG do if it is asked to consider matters of public safety that fall outside the knowledge and experience of its members?

One option available to the SAG is to delay consideration of the matter until such time as it can

³ Review of Persistent Lessons Identified Relating to Interoperability from Emergencies and Major Incidents Since 1986. Occasional Papers New Series Number 6. Emergency Planning College, 2013. It is noted that lessons have not been learned from the events to the extent that there is sufficient change in both policy and practice to prevent their repetition. This publication is available at:
<http://www.iesip.org.uk/wp-content/uploads/2013/07/Pollock-Review-Oct-2013.pdf>

secure the necessary expertise within its member groups. If this is still not possible, and assuming it is a SAG role and is necessary, it may consider obtaining that advice externally through consultants or other agencies where the expertise does lie. This will, of course, incur costs, although if justifiable, these might be transferable to the organiser (see question D.12 below).

C.12 What funding is available for a SAG?

It is possible that a SAG may need to fund some exceptional situation, such as a requirement for specialist or technical advice. It is unlikely that a SAG will have a budget but, where possible, it would be appropriate to approach an event organiser or venue for such support. Of course there is no legal obligation for them to do so.

There have been occasions where those SAGs linked directly to LRFs have been able to source funding for training from the LRF rather than have to seek separate budget to do so. Alternatively it may fall to member organisations to reach agreement over how such costs may be covered, where such advice is necessary to ensure the group is able to effectively scrutinise the safety arrangements for the event.

SAGs should not ordinarily approach, or expect, organisers to pay for a SAGs' general operating costs, nor should the SAG secretariat charge for attendance at its meetings. Given the majority of core members' responsibilities under the Civil Contingencies Act, the SAG is a good practice methodology for ensuring safety at events, and charging for this would not achieve the government's desire to encourage events. Indeed, such an act may drive organisers away from the SAG process all together, as has been indicated in recent discussions via a significant community on Linked In.

However, if a SAG were to be involved in training or exercising on behalf of an event, it may well be appropriate for the event organiser to provide the facilities.

C.13 What if the event crosses town, borough or other administrative boundaries?

Such events are not uncommon and many have taken place around the UK in recent years. The Olympic Torch Relay and Tour de France are two such examples, but many more have occurred. In such instances it is essential that early agreement is obtained between the various potential SAGs that might be involved to agree a common approach and, if necessary, to merge the SAGs for the specific event. All parties will have to agree that divergent opinions will occur and that negotiating common ground will be the most important task for the chair(s) to achieve.

C.14 Should the SAG consider aspects of an event such as disability issues, lost and found children, etc.?

There is a fine line to be drawn here and the focus must be on safety. It would not be a role for the SAG to consider arrangements under the Disability Act or the Equalities Act 2010. However, this should be a consideration where matters of egress and evacuation are concerned. For instance, the height or location of a wheelchair viewing platform would not be a matter for SAG, but if it were placed without adequate means of escape, it should certainly consider it.

Missing children and vulnerable adults are potentially a matter of public safety and as such the SAG may wish to satisfy itself that adequate measures are in place.

C.15 Should a SAG raise safety concerns with an event organiser's insurers?

While employment liability policies are mandatory it is important to recognise that there is no legal requirement for an event organiser to obtain public liability insurance, nor can a SAG demand that a certificate of insurance be produced for examination. For smaller, less complex events, it is common

to have a combined policy that has been obtained by an organiser online. For larger and more complex events a broker or underwriter may be involved given the greater scrutiny and detail that would be necessary to assess the insured risks.

In extreme cases some SAGs have written to insurers to outline their safety concerns. However, to some degree insurers are unlikely to wish to get involved in such matters as issues of confidentiality could be involved that would not be disclosable to a third party. It must also be considered that this could result in the unwelcome outcome of an insurer withdrawing cover, causing an event to go ahead without insurance.

If a broker or underwriter is involved it will act in the interests of both the insurer and event organiser. As such it may well be that it will be in a position to influence actions to address such safety concerns.

As such, this document and its authors take the view that if all other opportunities have been exhausted, then the contacting of an events insurer might be the last opportunity to achieve an outcome to make an event less dangerous. The withdrawal of an insurance policy would in most circumstances lead to the withdrawal of permissive use of land and so the cancellation of an event. This is undoubtedly a drastic step and would be taken only as a means of last resort when no other option is remaining. Any communication of this nature should make the concerns clear and the steps already taken outlined.

Appendix D: About this guidance

D.1 How it came about

The Emergency Planning College (EPC) Crowd and Public Safety Faculty has for many years led in this area with numerous courses, especially ‘Working in Safety Advisory Groups’, which is supported by the SGSA, formerly the Football Licensing Authority (FLA). This course has been delivered around the UK and has captured many opinions and issues, and, alongside work supporting government departments, professional groups, etc. it has led to the faculty being asked to provide this guidance.

The faculty was provided with research from the industry (by Eric Stuart, Queen’s Police Medal (QPM), an associate EPC and crowd safety advisor), which also showed a need for guidance in this area. This in turn led to wider research and discussion with public organisations and professional groups within the events industry. A review of other guidance in this area was made, and two relevant documents were identified. The first was prepared by The Core Cities Group and the second by the Chartered Institute of Environmental Health (CIEH) for the Olympics in 2012, as listed in Appendix G. The CIEH had been proposing to produce a second version of its guidance, but was happy to support the production of this guidance instead.

D.2 Development

Having completed the research, the EPC sought a core consultation group from the sports, event industries and public services, including those who scrutinise and examine event arrangements through statutory processes, to work on the outline of the guidance and complete the initial consultation. The members of core consultation group are listed below. While this work was commencing, the Events Industry Forum (EIF) was finalising its rewrite of the *Event Safety Guide* as the *Purple Guide*,¹ and it was agreed that the EPC would also write the chapter on Safety Advisory Groups. This guidance, then, is written in conjunction with the *Purple Guide* chapter on working with a Safety Advisory Group. The initial consultation issues were taken on board and then went to a general consultation, before the guidance was produced in its final format.

D.3 Consultation process group

The following professional groups and organisations were represented during the core consultation process of the initial guidance. For the update of this guidance, the consultation included those below and also users of, and attendees at, Safety Advisory Groups.

- Association of Event Venues Association of Festival Organisers Association of Independent Festivals
- Basingstoke and Deane Borough Council
- Britain for Events Campaign
- Cabinet Office
- Chartered Institute of Environmental Health
- Chartered Institute for the Management of Sport and Physical Activity
- Chief Fire Officers’ Event Safety Group
- College of Policing
- Core Cities Group
- Department for Communities and Local Government

- Durham Council
- Earls Court and Olympia Venues
- Events Industry Forum
- Football Safety Officers' Association
- Gentian Events Ltd
- Hanover Communications Health and Safety Executive Horsey Lightly Fynn Solicitors
- Institute of Entertainment and Arts Management
- Institute of Event Management
- Institute of Occupational Safety and Health Local Authority Event Organisers' Group Local Government Association
- National Outdoor Event Association
- NEC Group
- Nottinghamshire Police
- NPCC
- Production Services Association
- Royal Environmental Health Institute of Scotland
- Safety Advisors' Group in Entertainment
- Safer Communities Resilience Division, Scottish Government
- Showmen's Guild
- Sports Ground Safety Authority
- Superact
- United Kingdom Crowd Management Association

D.4 Guidance

It is intended that this guidance should be used by all involved with safety at events; it hopes to bring the clarity and consistency that was sought. It was written and scrutinised by those in the industry for the benefit of those who work in or are new to the industry, and organisations that advise and support events.

D.5 In future

It is intended that this guidance will be reviewed annually, for possible future versions, and it will be utilised on the EPC's course on 'Working in Safety Advisory Groups'. The faculty will continue to work with events industry professional groups and to partner with other organisations and agencies.

The guidance will continue to inform the *Purple Guide*¹ chapter on working with Safety Advisory Groups.

The initial core consultation group discussed whether the guidance should be submitted through the processes of obtaining British Standards Institution certification. This will be considered with future reviews and industry support.

Appendix E: Further reading and further guidance

E.1 Further reading

Cyber Security. National Cyber Security Centre

Cyber Security is extremely important and the National Cyber Centre provide excellent guidance and advice on how individuals and organisation reduce the risk of cyber attack. Cyber security's core function is to protect the devices we all use (smartphones, laptops, tablets and computers), and the services commonly accessed - both online and at work - from theft or damage.

Cyber Security is also about preventing unauthorised access to the vast amounts of personal information stored on these devices, and online. Cyber security is important because smartphones, computers and the internet are now such a fundamental part of modern life, it is difficult for life to function without them. From online banking and shopping, to email and social media, it is more important than ever to stake steps to prevent cyber criminals getting hold of accounts, data, and devices.

<https://www.ncsc.gov.uk>

Fire Safety Risk Assessments. Department for Communities and Local Government, first published 2012.

Various titles in this series are relevant but especially *Open-Air Events and Venues*, *Large Places of Assembly*, *Small and Medium Places of Assembly* and *Means of Escape for Disabled People*. All of these guides give useful advice for event organisers and those undertaking scrutiny or enforcement roles at events although such scrutiny should, wherever possible, be undertaken by qualified and experienced fire officers. Bespoke guidance is also available for Scotland. The guides are available at:

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

Guide to the Safety Certification of Sports Grounds. Sports Grounds Safety Authority, 2009.

This supersedes the guidance on safety certification issued by the Football Licensing Authority in 2001. This is available at:

<http://www.safetyatsportsgrounds.org.uk/sites/default/files/publications/safety-certification-guidance.pdf>

HSG154 Managing Crowds Safely. Health and Safety Executive, 2014.

The advice in this document is a good starting point as a referral document to crowd safety management. It is available online or can be purchased at:

<http://www.hse.gov.uk/pubns/books/hsg154.htm>

Safety Advisory Groups and Event Planning: Supporting the Environmental Health Contribution.

Chartered Institute of Environment Health, November 2010. This was prepared for the 2012 Olympics but is still valid and is available at:

http://www.cieh.org/uploadedFiles/Core/Policy/2012_Olympics_and_Paralympics/Olympics_SAG_discussion_paper_FINAL.pdf

Public Safety in Complex and Built Environments. Cabinet Office, 2007.

This document introduces the concept of integrated safety management in the design and daily operations of these environments and is available at:

<https://www.gov.uk/government/publications/public-safety-in-complex-and-built-environments>

Construction and Design Management 2015 and the entertainment industry.

This HSE website provides guidance to the entertainment industry in how to comply with Construction and Design Management Regulations 2015

<http://www.hse.gov.uk/entertainment/cdm-2015/>

The Regulators' Code 2014. Better Regulation Delivery Office, 2014.

This document is aimed at those with regulatory duties and will apply to many individual members of SAGs, although not to SAGs as a whole. Specifically it states that 'Regulators should carry out their activities in a way that supports those they regulate to develop and grow'. This is available at:

<https://www.gov.uk/government/publications/regulators-code>

Safety Guidance for Street Arts, Carnival Processions and Large-Scale Performances. ISAN, 2009.

This is a short guide for inexperienced and intermediate event organisers and is available at:

<http://isanuk.org/http://www.isanuk.org/product/safety-guidance-for-street-arts-carnival-processions-and-large-scale-performance/rg/publications>

Safety Management. Football Licensing Authority (now SGSA), 2009.

This is a guide to safety procedures at sports grounds and makes reference (albeit briefly) to the role of SAGs. Again the document is not available online but can be purchased at:

<http://www.safetyatsportsgrounds.org.uk/publications/safety-management>

Understanding Crowd Behaviours. Emergency Planning College and Leeds University, 2010.

This document is in two volumes and is available to purchase from TSO at:

<http://www.tsoshop.co.uk/bookstore.asp?Action=Book&ProductId=9780114302054>

It is also available as a download in five parts: A Guide for Readers; Guidance and Lessons Identified; Supporting Evidence; Simulation Tools; and Supporting Documentation. Guidance and Lessons Identified is a particularly useful part of this comprehensive piece of research, which includes findings that combined academic study with the knowledge of highly experienced event practitioners to produce a detailed study of crowd behaviours and strategies to predict and deal with these. These are available at:

<https://www.gov.uk/government/publications/understanding-crowd-behaviours-documents>

National Counter Terrorism Security Office.

Available on line, there is up to date information for an event organiser, ranging from the different venues and types of events which may fall under the definition of Crowded Places, as well as information relating to the Government's advice to the public.

ACT Awareness eLearning provides nationally recognised corporate CT guidance to help industry better understand, and mitigate against, current terrorist methodology.

The following eLearning Modules are available:

1. Introduction to Terrorism
2. Identifying Security Vulnerabilities
3. How to Identify and Respond to Suspicious Behaviour
4. How to Identify and Deal with a Suspicious Item

5. What to do in the Event of a Bomb Threat
6. How to Respond to a Firearms or Weapons attack
7. Summary and Supporting Materials

<https://www.gov.uk/government/organisations/national-counter-terrorism-security-office>

<https://www.gov.uk/government/news/act-awareness-elearning>

Centre for the Protection of National Infrastructure.

CPNI is the government authority for protective security advice to the UK national infrastructure, in order to reduce the vulnerability of the national infrastructure to terrorism and other threats.

<https://www.cpni.gov.uk/>

Civil Aviation Authority unmanned aircraft and drones.

This information is available online and covers a wide range of information and guidance relating to drones and unmanned aircraft.

<https://www.caa.co.uk/consumers/unmanned-aircraft-and-drones>

Civil Contingencies Act 2004 guidance.

Two guidance documents were produced by the Cabinet Office for this act.

The first document deals with the pre-emergency aspects of integrated emergency management, whilst the second document deals with preparations for response and recovery.

<https://www.gov.uk/government/publications/emergency-preparedness>

<https://www.gov.uk/guidance/emergency-response-and-recovery>

information regarding devolved administrations can be found at:

<https://www.gov.uk/guidance/preparation-and-planning-for-emergencies-responsibilities-of-responder-agencies-and-others#devolved-administrations>

Guide to General Data Protection Regulation.

This guide is available online through the Information Commissioner's Office and provides information relating to day to day data protection and privacy information.

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

E.2 Other guidance

Health and Safety Executive

Advice on the role of a local authority Safety Advisory Group is available on the HSE website at:

<http://www.hse.gov.uk/event-safety/safety-advisory-Groups.htm>

The Health and Safety Executive have many documents available to purchase or download relating to all aspects of the build, breakdown and live phase of an event.

The Core Cities Group

The Core Cities Group issued comprehensive guidance some years ago that remains useful today. Although no longer available on the Core Cities Group website, a link remains on the Licensing Lawyers website. This is available at:

<http://www.licensinglawyers.co.uk/cms/safety-advisory-Groups/>

Joint Emergency Services Interoperability Programme

The Joint Emergency Services Interoperability Programme (JESIP) is the UK government's response to try to ensure that emergency services respond to major incidents and events in a more coordinated fashion. Although it is not relevant to most event organisers, its products and practices will become core methods of responding, and therefore planning, for major incidents and as such, knowledge of these might be of use to partners and external companies who will meet in the SAG context. Guidance is available at: <http://www.jesip.org.uk/>

