

Committee: Cabinet

Date: 19 June 2023

Wards: All wards.

Subject: Merton Event Management and Safety Advisory Groups (SAG)

Lead Director: Dan Jones, Executive Director Environment Civic Pride and Climate

Lead member: Cllr Eleanor Stringer, Cabinet Member Civic Pride

Contact officer: Calvin McLean / James Armitage

Recommendations:

That Cabinet:

- A. Establish a single events application and tracking process, associated fees and charges and clear responsibility for processing of applications and administration of meetings including Safety Advisory Group meetings.
 - B. Approve the schedule of fees and charges shown in Appendix E.
 - C. Adopt the new Events Policy and SAG (Safety Advisory Group) Terms of Reference.
 - D. Allocate the responsibility for Charing SAG meetings to the Assistant Director for Public Protection (or suitable delegate) and mandate that sports ground safety and associated events are to follow the same processes and procedures for other events as recommended by this report.
 - E. Delegate to the Executive Director of Environment, Civic Pride and Climate, in consultation with the Cabinet Member for Civic Pride, amendments to the application process and associated fees and charges.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report recommends improvements to the management of events in Merton including a policy that sets out a clear framework, a single route for applications, visibility and tracking of the event management process and arrangements for Safety Advisory Group Meetings. This will ensure that events in Merton support the Civic Pride agenda by ensuring that:
 - Events in Merton are safe, successful and well run
 - Merton attracts events, people and inward investment
 - Merton events are publicised and promoted
- 1.2. The report also contains an overview of the audit carried out by the Sports Grounds Safety Association (SGSA) of Merton to assess the effectiveness of its arrangements for the regulation of health & safety at the new Plough Lane stadium. This is the second SGSA audit Merton has received.
- 1.3. The audits carried out by the SGSA rate a local authority as Red, Amber or Green. Following this first audit the Council has been rated as amber (medium risk), resulting in an increased annual audit frequency.

The findings of the SGSA audit and action plan are appended to this report.

DETAILS

2. EVENT MANAGEMENT AND SAG REMIT

- 2.1. A review was carried out early in 2023, led by the RSP. Membership of the working group included Safer Merton, Building Control, Parks & Public Spaces, Future Merton, Emergency Planning and partners from the Metropolitan Police, London Ambulance Service and the London Fire Brigade.
- 2.2. The review considered the full range of events that take place in Merton including those at regulated Sports Grounds, externally delivered public events, public events delivered by Merton Council, Temporary Event Notices (where the nature of the event requires enhanced management), events on council land, and ad-hoc events including street parties, big screen TV, Christmas lights switch on, etc.
- 2.3. The review revealed that the Council currently has a number of different processes in place for event management but no consistent or formalised process by which these events in Merton are notified, tracked, triaged or scrutinised; nor is there a consistent process as to how or when a SAG is formed. There is a risk that a SAG may not be convened for some key public events. Not all SAG meetings are run in accordance with the EPC UK Good Practice Guide to working in Safety Advisory Groups.
- 2.4. There is also no single method of tracking events and event management in Merton and no overarching policy covering Merton's approach to event management – in particular, that determines the extent of scrutiny necessary for the different types and sizes of event that take place and the criteria used to decide when a SAG should be convened.
- 2.5. Whilst there is not legal requirement to hold a Safety Advisory Group it is a nationally recognised good practice and an essential safety tool. The UK Good Practice Guide to Working in SAG's outlines the roles of a SAG and recognises that it is generally Chaired by a Local Authority.
- 2.6. The function of the SAG is to provide advice to ensure the highest standard of public safety and to protect the wellbeing of anyone who may be affected by the event. A SAG not only focuses on the safety within the event footprint but public safety aspects around the event site.
- 2.7. A SAG should not be involved in the planning of an event and there should be a policy in place that supports the formation of a SAG
- 2.8. The broad categories for which a SAG is required include:
 - a) Sports Ground Safety (e.g., All England Lawn Tennis Club / AFC Wimbledon/Tooting and Mitcham FC)
 - b) Externally delivered public events upon Merton land or public spaces that are likely to have an effect on residents and businesses
 - c) Public events delivered by Merton Council as organising body
 - d) Ad-hoc Events (including events at short notice) that have the potential to affect residents or the immediate and surrounding area
- 2.9. A well governed SAG built into an overarching event management process can:
 - a) Make it easy for event organisers to apply to host events in Merton

- b) Ensure that that Merton Council operates a single organisational policy for the management of public events with clear lines of responsibility and adequate resilience for the discharge of the functions
- c) Provide a structured method of engaging with event organisers so that the requirements of the council and its partners can be met (including having a Premises Licence in force with SAG oversight following consideration by a Licensing Sub-Committee) and giving organisers the confidence to operate events in the knowledge that public events taking place in Merton are supported by coherent event management and SAG arrangements
- d) Ensure that events that take place in Merton are safe, successful and well-run, protecting event attendees, event staff and surrounding residents/public from nuisance, anti-social behaviour and public order issues
- e) Reduce enforcement and reactive work as a result of a poorly run event
- f) Support the Civic Pride aspirations by making Merton an attractive place to hold public events and enable key events to be publicised and promoted by the Council's Communications team
- g) Support local businesses and the Night-time Economy by attracting people and inward investment to Merton
- h) Facilitate the briefing of Members and senior officers on events taking place in Merton
- i) Help the Council fulfil its duties under the Occupiers Liability Acts when hiring out its land by ensuring any recommendations or advice is taken into account. The Acts require landowners to take reasonable steps so that persons entering the premises are kept reasonably safe
- j) Build relationships with safety partners and embed cross team working
- k) Ensure alignment with the forthcoming 'Protect' duty in Martyn's Law.

2.10. The review also looked at options for electronic case management systems that incorporate application, payments and processing functionality with the ability to run MI reports and share information within the organisation about events. Options considered included the existing CRM system, an unused module of the NEC M3 database *Artifax* and proprietary, third-party software such as *EventApp*.

2.11. The review circulated terms of reference for a SAG and a draft events policy to those within the working group. Feedback has been received and amalgamated into a comprehensive policy document prior to any full consultation. Overall, positive feedback has been received and the working group was fully supportive on the objective to improve and formalise the SAG and events process.

3. SPORTS GROUND SAFETY

3.1 The Borough is home for AFC Wimbledon who moved from the Kingsmeadow Ground in Kingston to play fixtures in the new stadium at Plough Lane in Wimbledon in November 2020. The new ground has a total capacity of around 9,200 spectators.

3.2 Whilst Merton has a long history of hosting other large-scale sporting events, the frequency and potential impact of the activities at Plough Lane are understandably considered to be of a far greater risk in relation to nuisance, anti-social behaviour and public order.

- 3.3** In order to play football league fixtures at the new site, the ground has been designated a sports ground by the Secretary of State for Digital, Culture, Media and Sport. This designates Plough Lane as a Sports Ground for which a safety certificate is required.
- 3.4** The Safety at Sports Grounds Act 1975 (75 Act) and the Fire Safety and Safety of Place of Sport Act 1987 (87 Act) are the primary legislation that directs the Local Authority to fulfil its statutory functions. Section 17 of the 75 Act defines sports grounds as “A 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”. Part III of the 87 Act outlines that regulated stands are “covered accommodation for 500 or more spectators to view activities at the ground”. As such, there are a number of Sports Grounds and regulated stands in Merton that fall within these definitions including the All England Lawn Tennis Club, AFC Wimbledon at Plough Lane and Tooting and Mitcham Football Club
- 3.5** As part of the issue of a safety certificate, Merton is required to:
- Determine applications for Safety Certificates and, where granted, to enforce compliance with terms and conditions, subject to which such certificates are granted;
 - Hold Safety Advisory Group meetings;
 - Carry out During Play Inspections (DPIs), and
 - Undertake annual inspections.
- 3.6** Similarly, now that Merton has a football club within the Borough which requires general safety certification under the 75 Act, the authority is now subject to audit by the SGSA under Section 13 of the Football Spectators Act 1989. A report detailing the outcome of the first SGSA audit was considered by DMT in December 2021.
- 3.7** The audits carried out on local authorities by SGSA Inspectors cover nine key areas of the local authority’s performance:
- Compliance with actions from previous audit (if applicable)
 - Safe capacity
 - SAG governance and performance
 - Safety certification
 - Monitoring
 - Enforcement
 - Training and expertise
 - Business continuity and resilience planning
 - Confidence in LA discharge of duties and safety culture
- 3.8** The audit was carried out by the SGSA Inspector on the 22nd July 2022 in the presence of the Interim Head of Regulatory Services Partnership and Trevor McIntosh, Senior Building Control Liaison Officer and Chair of the Safety Advisory Group for AFC Wimbledon.
- 3.9** The broad findings of the audit were that actions from the last audit were all completed, that essential paperwork was in place and the competency of the current staff was adequate. However, a focus was applied to the lack of resilience available to the Council to deliver the functions required. These findings are addressed within the recommendations of this report.

- 3.10** A recent review of Safety Advisory Group arrangements has identified that the sports grounds safety function is almost solely delivered by the Senior Building Control Liaison Officer. Current SAG guidance requires the SAG chair should have an unbiased view and the role of SAG chair should be separate to that of inspecting officer(s).
- 3.11** Recommendations from SGSA call for increased resilience, a review of current documents, policies and procedures and a dedicated secretariat for the administration of SAG duties. Additionally, recommendations refer to ensuring the safety certification conditions are adhered to and there is proactive working with sports grounds.
- 3.12** Currently the Sports Ground safety service is not resilient, with no succession planning and the comment from the SGSA auditor highlighted that “resilience in terms of qualified and competent officers to enforce this legislation is low.”

4 OPTIONS APPRAISAL

4.1 External Public Events

4.1.1 Event application & tracking process

Option 1 ‘Do nothing’ (this is not recommended)

- Tolerate current arrangements of multiple event notification channels with no formalised or consistent approach to triage, tracking or scrutiny of events.
- Risks poor or inconsistent application of policy, reduced event activity in Merton and failure to realise the benefits set out in 2.9, above.

Option 2 ‘Do minimum’ (this is the interim recommended option)

- Establish an events webpage on the Council site that provides a single route for event organisers to apply to hold an event in Merton as well as information for event organisers on what sort of events require an application and the sort of information needed (including the contract to use a site and the licensing process involved).
- Publish a schedule of fees and charges that are to be levied on application for the site contract. The amounts will vary depending upon the size and complexity of the events and would seek to recover the administration costs associated with the event management process, benchmarked and in line with other local authority systems. Payment integration with the application process would be ideal.
- Allocate responsibility for the capture of event applications and triage process to the Event Officer within the Parks & Leisure Services team for all events in Merton. This role will be responsible for accepting and validating all event applications, deciding what level of treatment is to be applied to each (based on the policy set out below) and coordinating event management meetings and SAG, as appropriate. This will include the relevant administrative work associated with processing event applications, payments, triage and meetings.
- Draw up an event tracker that will detail the applications and key details, the result of the triage process, dates of meetings set and a summary of the decisions made. This tracker will be shared with key stakeholders within Merton Council and provide a forward plan of events in Merton, help to manage conflicts, identify opportunities (gaps in the schedule) and allow events to be promoted and members to be briefed.

- Events arranged and operated by Merton Council will be subject to the same processes as events operated by third parties to ensure that the same safety standards are applied as well as to offer reassurance that the council's obligations have been fulfilled. Where there is a conflict of interest, the SAG Chair should declare a conflict of interest and in these cases an alternative Chair should be sought – in line with the advice provided within the EPC UK Good Practice Guide to working in Safety Advisory Groups. Options for Merton include seeking a reciprocal arrangement with the SSA (Shared Staffing Arrangement for Richmond and Wandsworth) or formalising an arrangement with CHAS to Chair for inhouse run events.
- The above actions can be completed with a minimum of cost and effort whilst activity to complete option 3, if accepted, is progressed.

Option 3 'Do something' (this is the recommended option)

- Procure an event management application that will provide an integrated solution to event management including user-friendly application and payment processes, storage for event-related documentation, a built-in tracker and the ability to interrogate data with MI reports.
- Adoption of such a system would provide process efficiency by reducing the amount of manual processing time and reducing multiple processes into one application, capability to manage a growing number of events, engage and communicate easily with event organisers and other partners and stakeholders.
- *EventApp* is one of the solutions considered. Set-up and running costs are negligible. It is proposed that the council should look to recoup the costs of this system plus reasonable costs of managing major events through the application process. A table of fees and charges is included at Appendix E for Cabinet approval, subject to consultation.

4.1.2 Event application fees and charges

Option 1 'Do nothing' (this is not recommended)

- Tolerate the current arrangements where no fees are charged to event organisers.
- This option would result in the council not recovering its reasonable costs of administering the event management process.

Option 2 'Delegate'

- Delegate the decision to the Executive Director for Environment & Regeneration who will commence a fee setting exercise for the event management process.
- This option would provide more time for the fees and charges to be considered.

Option 3 'Approve the fees as proposed' (this is the recommended option)

- Approve the proposed schedule of fees and charges as shown at Appendix E.
- This would allow the council to begin to recover its reasonable costs of administering the event management process and the initial setup costs of the EventApp.

4.1.3 Event and SAG Policy and Terms of Reference

Option 1 'Do nothing' (this is not recommended)

- Tolerate the current arrangements where events are assessed on an ad-hoc policy without reference to an overarching policy.
- Risks poor or inconsistent application of rules for events and risk that some aspects of events are not properly or fully considered by the Council or its partners. Benefits set out in 3.9, above may not be realised.

Option 2 'Do something' (this is the recommended option)

- Adopt the appended Events Policy and SAG Terms of Reference as written or with amendments following full consultation.
- This policy will provide the Council with a statement of the key principles by which Merton Council, with its partners, will approach the authorisation and management of events. It will provide a framework against which public events can be consistently categorised and managed to effectively discharge the council's functions and ensure that the benefits set out at 3.9, above are realised to their full extent.
- Formally establish a core SAG Group involving key partners and stakeholders.
- Deliver refresher training on public/event safety to internal stakeholder ensuring that event safety management plans can be effectively critically scrutinised and that staff are familiar with the new policy and working arrangements for events and SAGs.

4.1.4 SAG operation

Option 1 'Do nothing'

- Tolerate the current arrangements for SAG, where there is ad-hoc governance, inconsistency of meetings, reduced minutes or reports and a lack of an audit trail.

Option 2 'Do Something'

- The SAG Chair role will revert to the Assistant Director for Public Protection, or suitable delegate.
- An independent Chair is to be appointed in the event of a conflict of interest with Merton Council-run events.
- Membership of SAG meetings will include the Regulatory Services partnership as well as other key partners and stakeholders, therefore increasing the resilience and ensuring safety expertise in the service is effectively utilised but keeping technical skills in the building control section. A review of SAG partners to take place
- Secretariat support to be provided to ensure that a full audit trail is in place provided confidence to all SAG partners and event organisers.
- SAG meetings to be programmed in throughout the year in advance and shared with all SAG partners. Allowing events to be allocated a suitable date and linked into the event tracker.

4.1.5 Sports Ground Safety

Option 1 'Do nothing'

- Tolerate the current arrangements for Sports Grounds and events associated with these including the current conflicts of interest and lack of resilience.

Option 2 'Do Something'

- The SAG Chair role will revert to the Assistant Director for Public Protection, or suitable delegate.
- The events policy would not apply to sports ground safety. Separate terms of reference are available for sports ground safety and should be replicated for all sports grounds.
- Membership of SAG meetings will include the Regulatory Services partnership as well as other key partners and stakeholders, therefore increasing the resilience and ensuring safety expertise in the service is effectively utilised but keeping technical skills in the building control section.
- The schedule of fees and charges referred to above should include fees relating to the issue of sports grounds safety certificates and designations to ensure that the council is able to recover its reasonable costs.
- Deliver training to officers to maintain competency in sports grounds safety requirements and practice as well as familiarisation with this new approach to events and SAGs to cover all sports grounds.
- Secretariat support to be provided to ensure that action points identified in the audit are addressed

4.1.6 SGSA Audit and Action Plan

For noting only

- 1.4. That DMT note the findings of the most recent SGSA audit in respect of AFC Wimbledon and the actions identified in the attached action plan, together with progress against each.

2 CONSULTATION UNDERTAKEN OR PROPOSED

The recommendations relate only to changes to internal mechanisms and arrangements for event safety and safety at sports grounds. On this basis, no external consultation is required.

3 TIMETABLE

- 3.1. It is proposed that the majority of the recommendations can be adopted within one to two months of being agreed. Procurement of a new event management application and agreement on fees and charges would be subject to routine procurement and accounting probity, respectfully.

4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 4.1. Cost recovery under the Sport Ground Safety Act is very limited. The Council can recover officer time when applications are received from the Club to apply for, or to amend, a Safety Certificate, but in respect of all other enforcement actions there is no recovery of costs. The Council are responsible for ensuring conditions in the safety certificate are adhered to and inspections of the ground should take place.
- 4.2. The cost of resourcing the SAG, including the time of the Chair and other officers will need to be met from within the existing staffing resource. Resource capacity will be required to ensure the secretarial and administrative support required to facilitate the event management process and SAG meetings. It is recommended that this is based in Leisure & Culture Services.
- 4.3. Focused inspections looking at specific issues such as the sale of alcohol, street trading or food safety inspections will be carried out as required, but there will not be an opportunity to recover the costs of these activities other than covered by any separate licence application.
- 4.4. External and ad-hoc events have an option for some cost recovery and one of the recommendations incorporates a review of fees and charges to bring about event application fees. Hire fees for council land should also be reviewed.

5 LEGAL AND STATUTORY IMPLICATIONS

- 5.1. There are no legal implications for Merton as a direct result of the SGSA Audit.
- 5.2. Safety management of football grounds is a statutory function and failure to ensure proper scrutiny of the club's activities in relation to the Safety Certificate could result in the risk of litigation and a substantial impact on the reputation of the Council.
- 5.3. There is no legal requirement for the Council to hold a SAG if the event does not involve the sale of alcohol, dancing, regulated entertainment, or live / recorded music, but it is considered best practice. Regulation at non-council run events would sit with Merton Council and scrutiny at early planning stages can reduce time required for regulation and/or enforcement at the later stages. Likewise ensuring Council run events are reviewed by SAG can reduce risk and likelihood of litigation.
- 5.4. If the event involves the sale of alcohol, dancing, regulated entertainment, or live / recorded music, with a capacity over 499 people, the event will require a Premises Licence under the Licensing Act 2003 and, subject to objections, will be considered by the Licensing Sub-Committee, which will always seek to impose a condition requiring oversight by a SAG made up of the Responsible Authorities under that legislation if the capacity is significant. A Temporary Event Notice could provide the authorisation for an event below 499 people and would also require SAG oversight. Co-ordination between these processes and the SAG involved for the application for the site contract is crucial.
- 5.5. There is various Guidance that assists in formulating the management of events that a SAG will need to consider.
- 5.6. Each of the Responsible Authorities under the Licensing Act 2003 or the Safety Advisory Group members referred to above, will have powers in their own right to exert management over events. The co-ordination of those powers through a SAG is important for efficiency and coordination and to avoid duplication, to save costs of enforcement and to protect the public in attendance and residents in surrounding areas.

6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 6.1. Whilst this report does not directly give rise to any equalities issues, it is important to note the Council's Public Sector Equality Duty (PSED) under Section 149 of the Equality Act 2010 (2010 Act). The Council must, when exercising its functions, have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited by the 2010 Act and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' under the 2010 Act and those who do not share a protected characteristic. A 'protected characteristic' is defined in the 2010 Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Marriage and civil partnership are also protected characteristics for the purposes of the duty to eliminate discrimination. In exercising its functions, the Council must consider how its decisions will contribute to meeting the duty in light of other relevant circumstances.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1. There are substantial implications for anti-social behaviour, crime and disorder in and around the new AFC Wimbledon stadium, other sports grounds. Officers maintain close liaison with the police and other SAG colleagues to ensure that the conduct of both home and visiting spectators is assessed. As part of sport ground safety considerations, the wider safety implications must be considered and mitigated against, the SAG process helps facilitate this and reduces the impact on residents and businesses.
- 7.2. Section 17 of the Crime and Disorder Act 1988 places a duty on all local authorities to have due regard to the likely effect its exercising of functions are likely to have on crime and disorder in its area, including antisocial behaviours and other behaviour adversely affecting the local environment. Public events can also have an impact of residents and businesses and close liaison with safety partners via the SAG process forms good partnership working, highlights concerns at an early stage and offers reassurance that these can be mitigated or prevented.

8 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 8.1. Officers continue to work closely with the SAG, the Club and the SGSA to ensure that the risks to the public and the Council are effectively managed. The Council could be heavily criticised if it failed to allocate sufficient resource in order to discharge its duties effectively under the Act.
- 8.2. Officers within the RSP and across Merton Council do engage with the current SAG's. Proper governance and arrangements would work to reduce the risk to Council and help to work to ensure all events are run and operated to highest safety standards. Full engagement by all agencies will greatly reduce the likelihood of an unsafe event.

9 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix A – Events Policy Merton 2023
- Appendix B – Merton Events Terms of Reference
- Appendix C – SGSA Audit Report
- Appendix D – Action Plan
- Appendix E – Schedule of fees and charges (to follow)

10 BACKGROUND PAPERS

- 10.1. EPC UK Good Practice Guide to working in Safety Advisory Groups (not attached)

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