

Item: 6

Policy and Resources Committee: 30 November 2023.

Proposed Establishment of Orkney Safety Advisory Group.

Report by Corporate Director for Neighbourhood Services and Infrastructure.

1. Purpose of Report

To consider the establishment of a Safety Advisory Group.

2. Recommendations

The Committee is invited to note:

2.1.

That, following a review into the effectiveness of planning arrangements for public events across Scotland, Police Scotland recommended that a multi-agency group be formed to explore opportunities for future convergence of licensing and risk assessment activities for public events and that the group consider opportunities to promote use of a Safety Advisory Group across all local authority areas in Scotland.

2.2.

That the Convention of Scottish Local Authorities promotes use of a Safety Advisory Group process across all local authority areas in Scotland, which would provide a multi-agency approach towards ensuring that the organisers of events plan and execute these in a manner that is consistent and safe both for participants and for members of the public, with the intention of upholding appropriate standards of public safety and to assist in the protection the community's interests.

2.3.

That the UK Government has published the draft Terrorism (Protection of Premises) Bill, which is intended to improve public safety, enhance national security and reduce the risk to the public from terrorism by the protection of public premises and events and, if confirmed into legislation, will place responsibility on the owners of public premises and organisers of certain public events to have measures in place in relation to Counter Terrorism security.

2.4.

That Orkney hosts many high interest events each year and occasionally hosts large, specialised events, with the Council having an excellent track record in facilitating a co-ordinated approach to public safety, on a case-by-case basis.

2.5.

That, whilst this approach aligns closely to the purpose and objectives of a Safety Advisory Group, at present in the strictest terms, Orkney does not have a Safety Advisory Group.

2.6.

That a Safety Advisory Group, which is normally chaired by a senior officer within the local authority, is not a statutory requirement, has no legal powers or duties and is not empowered to approve or prohibit events from taking place.

It is recommended:

2.7.

That a Safety Advisory Group be established.

3. Background

3.1.

During the Jim Clark Rally on 31 May 2014, two separate incidents left three people dead and another six injured. Following this tragedy, the Cabinet Secretary for Justice ordered Police Scotland to look undertake a 'quick time' review into the effectiveness of planning arrangements for forthcoming events across Scotland with particular focus on public safety.

3.2.

Police Scotland's report contained two recommendations:

- That a multi-agency group is formed to discuss the findings in this report and to explore opportunities for future convergence of licensing and risk assessment activity for public events.
- That the multi-agency group consider opportunities to promote the use of a Safety Advisory Group (SAG) across all local authority areas in Scotland based upon recently issues UK wide guidance.

3.3.

Since its formation Police Scotland has been actively encouraging local authorities to adopt the Safety Advisory Group process for all significant events in their area and the quick time review of the Jim Clark rally tragedy reinforced this. In addition, the

Scottish Fire and Rescue Service, Scottish Ambulance Service, AMEY and British Red Cross have also intimated that a standardised approach to event planning would be beneficial.

3.4.

The Safety Advisory Group process is a multi-agency approach towards ensuring that the organisers of significant events plan for and then execute their events in a manner that is consistent, safe for the participants and safe for members of the public. Safety Advisory Group meetings are usually chaired by a local authority officer as local authorities are responsible for issuing permits and licenses and have responsibility for the majority of public roads and public spaces.

3.5.

The Safety Advisory Group process has been adopted by local authorities in other parts of the United Kingdom.

3.6.

It is recognised that safety at an event is ultimately the responsibility of the event organiser. However, it should also be noted that local authorities can themselves be the organisers of events and are encouraged to use the Safety Advisory Group process for planning and executing significant events.

4. COSLA Report and Recommendations

4.1.

The Convention of Scottish Local Authorities (COSLA), 'Safety at Public Events Working Group' was established to provide further recommendations. While it was not within the scope of the Safety at Public Events working group to address the first recommendation outlined at section 3.2 above, the group carried forward the second recommendation, namely that the multi-agency group consider opportunities to promote the use of a Safety Advisory Group across all local authority areas in Scotland based upon recently issues UK wide guidance.

4.2.

At the first meeting of the working group in May 2015, the COSLA group agreed to produce a template for event planning and execution that could be used throughout Scotland. Responsibility for producing this paper was given to Scottish Borders Council and Police Scotland.

4.3.

The recommendations of the COSLA report were offered as a proposal that will enable progression towards a national standard for the planning and execution of events in Scotland, as follows:

- It was recommended that consideration be given to introducing a recognised events planning structure for all Scottish local authorities and that this structure be referred to as the Safety Advisory Group (SAG).
- That each local authority should establish a system for managing events that is consistent with the needs of national partner agencies.
- That the primary focus of each Safety Advisory Group would be the safety of all people participating in an event, however, consideration will also be given to the safety of members of the general public who could be affected by the event.
- That all Safety Advisory Group meetings will be chaired by a local authority officer. Administrative support at Safety Advisory Group meetings should be provided by the local authority.
- That senior officers from each local authority, Police Scotland, Scottish Fire and Rescue Service and Scottish Ambulance Service are encouraged to meet annually to determine which regular events will be required to come under the scrutiny of the Safety Advisory Group process. Extraordinary meetings may be required to allow for new events to be identified and included as appropriate.
- That to assist in the process described above, a risk profile should be developed for all of the events that will be considered.
- That local authorities, in consultation with partner agencies, shall produce a Safety Advisory Group policy document to provide clarity on the structure and purpose of the Safety Advisory Group group in each local authority area.
- That local authorities are encouraged to implement the Safety Advisory Group process for events where they are recognised as the event organiser.

4.4.

The Safety at Public Events Working Group recommends the Safety Advisory Group process detailed above to all local authorities who wish to review their working practices and adopt the Safety Advisory Group approach. Policy templates, examples of good practice and further advice have been made available by the group.

4.5.

In addition to the work of the group, and the recommended Safety Advisory Group process an online portal was to be established for officers from local authorities and key agencies to share good practice, discuss the Safety Advisory Group process and raise queries about particular aspects of event safety.

5. The Manchester Arena Inquiry and “Martyn’s Law”

5.1.

The UK Government published the draft Terrorism (Protection of Premises) Bill, also known as Martyn’s Law, which arose following the Manchester Arena Bombing. Martyn’s Law is intended to improve public safety, enhancing national security and

reducing the risk to the public from terrorism by the protection of public premises and events. This legislation once confirmed will place responsibility on the owners of public premises and organisers of certain public events to have measures in place in relation to Counter Terrorism security.

5.2.

The Bill proposes a tiered system is introduced based on public capacity of premises. A standard tier is where the capacity exceeds 100, this could include bars, restaurants and local authority operated premises. An enhanced tier will apply to premises with a public capacity of 800 or over.

5.3.

Standard tier holders will need to undertake easy and simple activities to meet their obligations. This will include completion of a plan to ensure better preparedness, free training, awareness raising, and cascading of information to staff.

5.4.

Enhanced tier holders will be required to complete a risk assessment and security plan, considered to a 'reasonably practicable' standard. The premise or event will take forward reasonably practicable measures (including systems and processes) to mitigate the risk of terrorist attacks occurring or physical harm being caused as a result of such an attack. Responsible persons will assess the balance of risk reduction against the time, money and effort required to achieve a successful level of security preparedness - a recognised standard in other regulatory regimes (including Fire and Health and Safety).

5.5.

The mechanism behind businesses and organisers applying for and being issued the relevant licences is still to be confirmed nationally. In relation to events this will undoubtedly place additional steps for both the organisers and authorities to ensure measures have been implemented.

5.6.

It is not possible at this stage to determine what the impact of this new legislation will be until the process is better understood. It would seem reasonable that the Safety Advisory Group would be involved around this and may include additional attendees with the relevant security knowledge to provide advice/guidance to agencies. A Safety Advisory Group method would build in consistency, capacity and resilience in the approach to new legislation and the impact this will have on events planning for Orkney communities.

6. Proposed Structure and Workings of an Orkney Safety Advisory Group

6.1.

A Safety Advisory Group is a multi-agency group chaired by a senior officer of the local authority. Administration of the Safety Advisory Group is also provided from within the local authority. The definition of the chair would be finalised as part of the process of constitution.

6.2.

Other members of the Safety Advisory Group should include suitably senior representatives of the emergency services and relevant local authority internal services, which could include Environmental Health, Building Control, Roads Support, Licensing, Harbours and protection roles in Education or Health and Social Care.

6.3.

The Safety Advisory Group does not act as a mechanism for authorisation or prohibition of an event and it does not act as a replacement for any of the statutory, regulatory or other functions of those services represented in a Safety Advisory Group.

6.4.

The organiser of any event being discussed by a Safety Advisory Group would also be invited to take part. Attendance of the event organiser at Safety Advisory Group meetings may be voluntary, however in some circumstances local authorities may require attendance e.g. as a condition of using Council land.

6.5.

The decision on whether an event would require the oversight of a Safety Advisory Group would be based on several factors. In general, if an event requires a Public Entertainment Licence, then the members of a Safety Advisory Group may make representations and/or objections through the procedures set out in Section 41 and Schedule 1 of the Civic Government (Scotland) Act 1982. The decision about involvement would be based on the size of the event, risk to those attending, risk to the public and potential impact on the community.

6.6.

Across local authority areas Safety Advisory Groups are often operated on three levels:

6.6.1.

A full Safety Advisory Group for higher risk events with relevant agencies in attendance, in person or virtually.

6.6.2.

For smaller events where there appears to be less apparent risk or impact, an electronically communicated Safety Advisory Group where agencies are provided a copy of the event management plan and provide feedback to the Safety Advisory Group chair, normally via email.

6.6.3.

Finally, where there is no perceived requirement for feedback from all there will on occasions be circumstances where the event details are circulated to agencies for comment if necessary. In the event of any change in risk then each of the lower-level approach can be escalated to a full SAG.

6.7.

Given both the geographic and logistical challenges in Orkney this varied and flexible approach would allow for the right approach depending on the event, location and risk whilst still ensure a consistent approach to safety is in place.

7. Benefits of the Safety Advisory Group process

7.1.

There are several safety and efficiency related benefits of having a uniform approach to the Safety Advisory Group process in place in the local authority area, including.

- A consistent approach to safety at all the events that come under the scrutiny of the Safety Advisory Group process.
- Standardised terminology and processes, transferable across local authority boundaries and within national organisations.
- Benefits to event organisers by providing a “one stop shop” for making their proposals and seeking advice from partner agencies.
- Limiting the number of interactions between event organisers and partner agencies, therefore reducing workloads.

7.2.

Events carry a potential reputational risk to all parties involved in the planning, organisation and running of the event. Whilst a Safety Advisory Group does not remove or negate risk it can demonstrate a joined up consistent approach to the management and planning of events and public safety.

8. Island Communities Impact

As the process being developed in terms of this report has been assessed as being unlikely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in Orkney, a full Island Communities Impact Assessment has not been undertaken.

9. Corporate Governance

This report relates to the Council complying with governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

10. Financial Implications

There are no significant financial implications arising directly because of the recommendations of this report. However, it should be noted that formation of a Safety Advisory Group is not a statutory requirement, but guidance. There will be cost incurred in respect of resources used through participation, for example, staff time, building space, overheads, etc. There is no budget allocation for this group, and any cost association with the local Safety Advisory Group would have to be met from within existing approved budgets.

11. Legal Aspects

11.1.

The Safety Advisory Group itself does not have legal powers or duties and is not empowered to approve or prohibit events from taking place. The Council, as one of the organisations which make up the Safety Advisory Group, must ensure that it continues to comply with its legal duties and that it exercises responsibly any powers it may have to require event organisers to comply with certain legal obligations.

11.2.

The Civic Government (Scotland) Act 1982 sets out the procedure whereby licences may be granted in respect of events. The Council's Licensing Service receives the application from the prospective event organiser and intimates it to consultees, which include Police Scotland, the Scottish Fire and Rescue Service, Environmental Health, Roads, Planning and Building Standards. If there are any objections, these are communicated to the Licensing Service and the application will then be determined by the Licensing Committee. The Council must ensure that all objections to any licence application are received through this route so that applications may be determined by it as the licensing authority, as required by statute.

11.3.

Where the Council is responsible for organising or granting a licence for an event, it must ensure that it complies with its duties under all relevant legislation including the Civic Government (Scotland) Act 1982 and the Road Traffic Regulations Act 1984 as amended.

12. Contact Officers

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