



Governance of Safety Advisory Groups

City of York Council

Internal Audit Report 2021/22

Business Unit: Place Directorate
Responsible Officer: Director of Environment, Transport and Planning
Service Manager: Head of Public Protection
Date Issued: 9 May 2022
Status: Final
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| | P1 | P2 | P3 |
|-----------------------|----------------------|----|----|
| Actions | 0 | 2 | 2 |
| Overall Audit Opinion | Reasonable Assurance | | |

Summary and Overall Conclusions

Introduction

The council has responsibilities for the health and safety of its employees, customers accessing services, and people in the city. To meet these responsibilities, the council undertakes a broad and diverse range of activities. In respect of public events, the council chairs two multiagency groups that provide health and safety advice and guidance to event organisers. They are the Events Safety Advisory Group (ESAG) and Sports Grounds Safety Advisory Group (SGSAG), which both include representatives from several council services and the emergency services.

The ESAG provides advice and support to people organising events within the city. However, it has no statutory function and therefore cannot enforce compliance with its recommendations, nor require event organisers to submit their plans to the group. Group members must enforce compliance independently of the ESAG using their own statutory powers (e.g. Licencing may refuse to grant licences). By contrast, the council has a statutory duty to ensure safety at sports grounds as set out in the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987. The SGSAG provides specialist advice, but the decision to issue a safety certificate under the Acts remains with the council.

Since the last audit of this area in 2017-18, the council has appointed a Purple Flag and Safety at Events Coordinator to coordinate the work of the two SAGs. The council has also undergone a corporate restructure and had to respond to the coronavirus pandemic. National guidance on managing coronavirus risks when organising events was released by the UK Government. It was within this context, following a request from the council's Governance, Risk and Assurance Group, that this audit reviewed governance arrangements for the two SAGs.

Objectives and Scope of the Audit

The purpose of this audit was to provide assurance to management that procedures and controls within the system ensure that:

- Membership of the SAGs is appropriate; roles and responsibilities are clearly defined and align with good practice; potential conflicts of interest are suitably managed.
- Suitable arrangements are in place for management oversight of the SAGs, as well as processes for escalation of issues or decisions to management or to service areas, so that statutory functions can be carried out as needed.
- Terms of reference, policies and procedures for the SAGs are up to date, complete and follow good practice guidance and SAG meetings are suitably recorded.
- Guidance for event organisers is available, complete and up to date.

The audit used the Emergency Planning College's (EPC) *Good Practice Guide to Working in Safety Advisory Groups* to assess the council's arrangement for the SAGs because it is applicable to both types of SAG.¹ However, specialist guidance is available for each, such as the Sports Grounds Safety Authority's (SGSA) *Guide to Safety at Sports Grounds* (the 'Green Guide').² The audit also referred to the Core Cities Group guidance on SAGs.³ The audit did not review arrangements for individual events or the advice provided by the SAGs in respect of these events.

Key Findings

Membership of the SAGs is appropriate, with roles and responsibilities largely defined following the Emergency Planning College or Core Cities Group guidance. However, there were some areas where roles and responsibilities could be more clearly defined. For example, the ESAG terms of reference (ToR) provides overall responsibilities for the group, but it does not separately set out the roles and responsibilities of core or invited members or of the Chair. Furthermore, the ESAG ToR does not set out a process for managing conflicts of interest, but the EPC guidance states members 'must' declare any conflicts of interest. A process for declaring interests is included in the SGSAG ToR, as well as separate sections on the roles of the Chair and of core members. Officers observed that as the council very rarely organises events itself, it is unlikely to encounter conflicts of interest. Many events are organised through Make It York, which is invited to attend ESAG meetings, but is not a core member of the ESAG. Overall, some changes and updates to the ToR will bring them in line with current good practice guidance.

There is a suitable process in place for the ESAG to escalate issues to senior management where the council or other member organisations' may need to use their statutory powers to prevent events going ahead if they are deemed unsafe. However, the wording in the ToR could be clearer on the limitations of the ESAG's powers in this regard. Event organisers, especially those who are premises licence holders, are encouraged to attend the SAGs and attendance at the ESAG is included in Make It York's licence.

Currently, the SAGs do not routinely report on their roles or activities internally within the council. Given that the SAGs are multi-organisational forums for providing specialist advice to event organisers, and not statutory council functions, it is not expected that senior management would need to routinely make decisions on the work of the SAGs. However, good practice guidance recommends informing other council departments of the SAGs' work. This might help improve understanding of the role of and engagement with the SAGs, thus improving public safety at events.

The ESAG's procedures are generally suitable and follow good practice. The ESAG uses a risk scoring matrix to evaluate and prioritise events and it has produced an event notification form to gather information from event organisers. It has started proactively gathering feedback from event organisers post-event, but a process for reviewing this feedback has not yet been agreed. Records of events and

¹ The guidance is available here: <https://www.epcresilience.com/who-we-are/our-news/it-s-here!-free-national-guidance> (accessed 24 March 2022).

² The SGSA is the regulatory body for sports grounds. The Green Guide provides expert advice and technical guidance on assessing safety at sports grounds: <https://sqsa.org.uk/greenguide/> (accessed 24 March 2022).

³ This is older guidance, but the EPC refers to it as 'comprehensive' and 'useful'. It is available here: [Licensing Lawyers Safety Advisory Groups | New Terms of Reference / Guidance](#) (accessed 24 March 2022).

meeting minutes are kept, although there are opportunities to ensure these are more comprehensive so that the SAG has a complete audit trail of its activities. The SGSAG procedures document is overdue for review. Much of its work is coordinated by the same officer as for the ESAG, and some of the above areas for improvement apply to the SGSAG as well.

Neither SAG currently has a privacy notice setting out the conditions under which information is collected from event organisers, shared with SAG members, stored, and retained.

There is some out of date events guidance on the council's website. The ESAG has produced up to date guidance, but this is not yet publicly available, which could mean event organisers do not consider the risks fully when planning events. However, advice and guidance is provided by the ESAG as and when it becomes aware of events. The SGSAG does not produce general guidance because it only issues safety certificates to the York Community Stadium and York Racecourse. Therefore, the SGSAG usually works with representatives from these grounds and so it does not consider general guidance to be necessary.

Overall Conclusions

There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited. Our overall opinion of the controls within the system at the time of the audit was that they provided Reasonable Assurance.

1 Privacy policy for the Safety Advisory Groups

Issue/Control Weakness

The SAGs do not have a privacy policy in place setting out the information they collect, how it is used, stored, shared and disposed of, or the legal basis for collecting that information.

Risk

The SAGs are not compliant with data protection legislation, which could lead to enforcement action by the Information Commissioner's Office, censure, fines or reputational harm.

Findings

Under Article 13 of the UK GDPR, where personal data relating to a data subject is collected from that subject, they must be notified of the processing that will take place. This notification is often provided at point of collection through a privacy notice. The SAGs currently do not have privacy notices in place setting out the types of information they collect, how that information is used and shared, how it is stored or how long it is retained for. The Event Notification Form does not include this information, nor is it available on the council's webpage on holding events in York.⁴

As part of their work, the two SAGs will collect personal information about event organisers and staff such as safety officers or medical officers. They will also collect information that is potentially commercially sensitive. EPC Guidance paragraph 3.10.6 states that the SAGs 'must' have an appropriate privacy policy in place regarding 'the holding, storage, retention and disposal of information' as required by data protection legislation and regulations, such as the Data Protection Act 2018.

Officers noted that records of events are held as far back as 2013, but retention periods have not been defined. Therefore, the SAGs might hold records that they no longer require.

Agreed Action 1.1

Specific privacy policies for the SAGs will be prepared in consultation with the information governance team. Retention periods will be defined and any event information no longer required will be deleted.

Priority

2

Responsible Officer

Head of Public Protection

Timescale

30 September 2022

⁴ <https://www.york.gov.uk/HoldingAnEvent> (accessed 24 March 2022)

2 Comparison of the Safety Advisory Groups' procedures to good practice guidance

Issue/Control Weakness

The Events SAG's procedures are not fully documented, while those of the Sports Grounds SAG were last reviewed in July 2016.

There is a reliance on the work of one officer to coordinate both SAGs' work.

Risk

Lack of up-to-date or fully documented procedures might prevent the SAGs' from conducting their activities in a consistent, repeatable and transparent manner. This might impede its ability to give timely and useful advice to event organisers.

Findings

Generally, the Events SAG and Sports Grounds SAG have suitable procedures in place for managing their activities. However, while officers were able to explain the Events SAG's procedures in respect of collating, sharing and assessing event information, providing advice to event organisers and receiving feedback after events, these procedures are not fully documented.

The policy and procedures document of the Sports Grounds SAG has not been reviewed since July 2016 when it was approved by the Licensing and Regulatory Committee. Some information contained in the procedures needs updating; for example, the document lists officers with delegated powers to issue safety certificates, some of whom have since left the council.

The SAGs are also reliant on the Purple Flag and Safety at Events Coordinator to manage their procedures, which represents a weak point should this officer be unavailable for an extended period of time. Ensuring that each SAG's procedures are fully documented and comprehensive records are kept is important to provide resilience to their processes.

A number of areas for improvement were identified during the audit. These are documented at Appendix 1. Specialist guidance is also available that should be referred to when reviewing procedures.

Agreed Action 2.1

The ESAG's procedures will be documented. Both SAGs' procedures will be updated with reference to the areas for improvement identified in Appendix 1 and specialist guidance (e.g. SGSA's Green Guide).

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| Priority | 2 |
| Responsible Officer | Head of Public Protection |
| Timescale | 30 September 2022 |

3 Comparison of the Safety Advisory Groups' terms of reference to good practice guidance

Issue/Control Weakness

The Events SAG and Sports Grounds SAG's terms of reference could more closely adhere to good practice guidance.

The Sports Ground SAG's terms of reference were last reviewed in July 2016.

Risk

If terms of reference are not suitably defined, the SAGs might not adequately fulfil their roles and responsibilities.

Findings

The terms of reference for the Events Safety Advisory Group and Sports Grounds Safety Advisory Group were reviewed against good practice guidance from the Emergency Planning College and the Core Cities Group. The terms of reference for each SAG are reasonably comprehensive and generally follow good practice. However, there are a number of areas that could be expanded upon or clarified to improve their adherence to good practice guidance.

The terms of reference for the Events SAG were last reviewed in July 2021, but the Sports Grounds SAG's terms of reference have not been reviewed since July 2016 when they were taken to the Licensing and Regulatory Committee for approval.

Areas for consideration have been included at Appendix 2.

Agreed Action 3.1

The terms of reference for each SAG will be reviewed and updated with reference to the areas for consideration included at Appendix 2.

Priority

3

Responsible Officer

Head of Public Protection

Timescale

30 September 2022

4 Review of guidance available to event organisers

| Issue/Control Weakness | Risk |
|--|---|
| Some of the council's event safety guidance is out of date or is not publicly available. | <p>The Events SAG might not find out about events in a timely manner, hampering its ability to provide advice to ensure an event goes ahead safely.</p> <p>Event organisers might not fully consider safety risks when planning their events.</p> |

Findings

While guidance for event organisers has been produced, some documents are out of date and others are not publicly available.

The council's Event Safety Guide (2011) and Events on the Highway (2006) are available on its website. However, they contain out of date contact details for the Events SAG and incorrect information on how to inform the Events SAG of an event.

More recently, the ESAG has worked with the North-East Counter Terrorism Unit to produce guidance on counter-terrorism considerations when planning an event (May 2021) and guidance on how to manage Covid risks at events as national restrictions have eased (July 2021). These have been shared with event organisers at ESAG meetings. The ESAG has also drafted an event management template and an event notification form for event organisers to use. However, these documents are not currently available on the council's website.

Officers are currently working with the council's web services team to refresh the information available on the council's website.

Agreed Action 4.1

The council's website will be updated with the current guidance for event organisers.

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| Priority | 3 |
| Responsible Officer | Head of Public Protection |
| Timescale | 30 September 2022 |

Audit Opinions and Priorities for Actions

Audit Opinions

Our work is based on using a variety of audit techniques to test the operation of systems. This may include sampling and data analysis of wider populations. It cannot guarantee the elimination of fraud or error. Our opinion relates only to the objectives set out in the audit scope and is based on risks related to those objectives that we identify at the time of the audit.

Our overall audit opinion is based on 4 grades of opinion, as set out below.

| Opinion | Assessment of internal control |
|-----------------------|--|
| Substantial Assurance | A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited. |
| Reasonable Assurance | There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited. |
| Limited Assurance | Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited. |
| No Assurance | Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited. |

Priorities for Actions

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|------------|--|
| Priority 1 | A fundamental system weakness, which presents unacceptable risk to the system objectives and requires urgent attention by management. |
| Priority 2 | A significant system weakness, whose impact or frequency presents risks to the system objectives, which needs to be addressed by management. |
| Priority 3 | The system objectives are not exposed to significant risk, but the issue merits attention by management. |

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