

Public Document Pack



To: Councillor Reynolds, Convener; and Councillors Bell, Delaney, Malik and Radley.

Town House,
ABERDEEN 15 July 2021

LICENSING SUB COMMITTEE

The Members of the **LICENSING SUB COMMITTEE** are requested to meet remotely on **FRIDAY, 16 JULY 2021 at 11.30 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and available on the Committee page on the website, shortly after the meeting.

BUSINESS

- 1.1 Determination of Urgent Business
- 2.1 Determination of Exempt Business
- 3.1 Declarations of Interest (Pages 3 - 4)
- 4.1 Pittodrie Capacity Exemption Application - COM/21/164 (Pages 5 - 16)

EXEMPT/CONFIDENTIAL BUSINESS

- 5.1 Pittodrie Capacity Exemption Application - Exempt Appendices (Pages 17 - 104)

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson, tel 01224 522989 or email mmasson@aberdeencity.gov.uk

This page is intentionally left blank

DECLARATIONS OF INTEREST

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons

For example, I know the applicant / I am a member of the Board of X / I am employed by... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

OR

I have considered whether I require to declare an interest in item (x) for the following reasons however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
 - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
 - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

OR

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval

- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Sub-Committee
DATE	16 July 2021
EXEMPT	Only Appendix 1 - Paragraph 14 Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
CONFIDENTIAL	No
REPORT TITLE	Pittodrie Capacity Exemption Application
REPORT NUMBER	COM/21/164
DIRECTOR	Gale Beattie
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Alan Thomson
TERMS OF REFERENCE	2

1. PURPOSE OF REPORT

- 1.1 To request that Committee determines an application received from Aberdeen Football Club to increase the capacity of Pittodrie Stadium more than the capacity limits contained in the COVID Protection Levels.

2. RECOMMENDATION(S)

That Committee: -

- 2.1 notes the content of the report;
- 2.2 approves the application received from Aberdeen Football Club for 5,665 supporters; and
- 2.3 If minded to approve the application, to instruct the Chief Officer – Governance to amend the Safety Certificate for Pittodrie Stadium as appropriate.

3. BACKGROUND

- 3.1 In terms of the Safety of Sports Grounds Act 1975 (as amended) any sports stadium which has accommodation for more than 10,000 spectators shall require a Safety Certificate.
- 3.2 A Safety Certificate sets the permitted capacity for a sports ground together with the detailed terms and conditions with which the ground management must comply in order to operate the sports ground at its permitted capacity.
- 3.3 The Act defines a sports ground 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.’

The only sports ground which currently meets the relevant statutory requirements in Aberdeen City is Pittodrie Stadium.

- 3.4 The [Guide to Safety at Sports Grounds \(Green Guide\)](#) provides detailed guidance on calculating how many spectators can be safely accommodated within the viewing accommodation of a sports ground. The Guide also provides advice on measures to improve safety at sports grounds. An updated version (version 6) of the Green Guide was recently published. The Sports Ground Safety Authority published in August 2020 supplementary guidance [Planning for social distancing at sports grounds](#). The supplementary guidance includes advice on assessing the safe capacity of a sports ground for social distancing, management responsibilities for social distancing and COVID-19 protection, management facilities, supplies and installations and circulation design and management including ingress, egress and concourses and vomitorias. Due to the technical nature of the work involved a Safety Advisory Group (SAG) made up of officers and partner organisations meets regularly to deal with relevant matters and in particular to review the terms and conditions of the Safety Certificate.
- 3.5 Whilst Pittodrie Stadium normally has a capacity of approximately 20,000, this capacity is currently restricted due to COVID-19 protection measure, as follows:

Level	Indoor Capacity	Outdoor Capacity
Level 1	400 seated or standing	1000 seated 500 standing
Level 0	400 seated or standing	2000 seated 1000 standing.

These capacity limits were enshrined in law by Part 4 of the Schedules in the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (the 2020 Regulations).

- 3.6 Whilst the capacity for stadiums has been limited as noted above, paragraph 10 of Schedule 1 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 allows applications to the Local Authority for an exemption to these capacities known as a “capacity exemption application.” Aberdeen Football Club (the Club) has submitted such a capacity exemption application, which meets the criteria under paragraph 10(5) of the 2020 Regulations. This includes a description of the event, an event plan and a risk assessment for the event including what measures are proposed relating to the prevention or minimisation of the risk of the incidence and spread of coronavirus arising from the event, contained within Appendix 1. Appendix 1 is exempt as the application contains details of security measures which should not be shared publicly due to prevent the risk of crime and disorder.
- 3.7 Following receipt of the initial application, the First Minister formally announced on 13 July 2021 that mainland Scotland would move to Level 0 on 19 July 2021. The First Minister confirmed that the limits for events would remain as they were, but that organisers could continue to apply to Local Authorities for capacity exemptions.

- 3.8 The First Minister also announced a change of plan in relation to physical distancing measures that apply to outdoors in level 0. The Scottish Government had planned that there would be no need for physical distancing at level 0 but due to the prevailing conditions, there will be a requirement for 1 metre physical distancing when outdoors. As a result of this, the Club amended their initial application from either 5,665 or 8328 spectators to the lower amount of 5,665 spectators as currently requested. The Club, following guidance, have determined that this number of spectators can be accommodated at 1 metre physical distancing.
- 3.9 Summary Timeline of events
- Friday 9 July 2021: Club submit application documentation for 8328 supporters for 3 events on 22 July, and two dates in August. Within the application, Operating plans provided for 8328 and 5665 supporters over three match days.
 - Monday 12 July 2021 – Environmental Health met with the Club to discuss their application.
 - Tuesday 13 July 2021 – Announcement from First Minister regarding changes to Level 0 plans.
 - Tuesday 13 July 2021 – The Club submitted a revised application for 5665 supporters on 22 July only.
 - Wednesday 14 July 2021 – Environmental Health met with the Club to discuss revised application. Concerns in respect of original application were resolved.
 - Thursday 15 July 2021 – Sports Ground Safety Advisory Group (SAG) met to discuss material changes to application and consider views of NHSG. SAG concluded that they were content to recommend that the exemption to be granted
 - Thursday 15 July 2021 – Club formally submitted updated plans and risk assessments to account for discussion with EH on 14 July, as detailed in Appendix 1.

4. Application

- 4.1 The Council has an application from Aberdeen Football Club (the Club) seeking approval for their match on 22 July to proceed with an attendance of 5,665 which exceeds the standard capacity limits set out in the COVID protection levels. The application and further information can be seen at Appendix 1.
- 4.2 The Club have submitted the following information in support of their application:-
- Capacity figures for 1m social distancing indoors and outdoors;
 - Operational Plan based on 5,665 supporters; and
 - Risk Assessment – COVID Controls.
- 4.3 The SAG met on 15 July 2021 and considered the application from the Club for 5665 supporters on 22 July 2021.
- 4.4 Environmental Health inspected the stadium and reviewed the application, and advised the SAG that it was generally satisfied from an Environmental Health perspective that the Club has completed comprehensive risk

assessments, taken account of the relevant COVID guidance and appropriate mitigations have been put in place. The application includes mitigations relating to physical distancing of 1 metre throughout the stadium, safe access and egress arrangements to avoid the potential for crowding, management of toilet provision to ensure physical distancing is maintained, appropriate cleaning and disinfection regimes including of frequent hand contact surfaces. In addition to face coverings, test & protect etc., the club has introduced a requirement for all spectators to provide a negative Lateral Flow Device (LFD) result. Officers were therefore satisfied that appropriate mitigations were provided to allow for the capacity of 5,665 to be accommodated and the regulatory requirements satisfied.

4.5 NHS Grampian, in response to the application, has advised that there is currently sustained and uncontrolled community transmission across Grampian and that there is a significant risk of further increases in infection rates over the next 4 to 6 weeks. They added that there are still many people at risk of infection, including those with one dose of the vaccine, and that the hospital is already at capacity. It was noted that the number of admissions to Aberdeen Royal Infirmary (ARI) with Covid-19 is increasingly putting strain on community health and social care services. It was also acknowledged that business continuity across sectors has been impacted by people isolating unwell or as contacts. NHS Grampian have reiterated the anticipated increase in cases as part of the third wave and the requirement for caution even amongst outdoor crowds, but would not object to this incremental increase in spectator capacity given the mitigations and independent observation of these being proposed.

4.6 In considering the application, the SAG acknowledged that, generally, there were no major concerns from Environmental Health, the Police, Scottish Fire and Rescue Service and there were no issues from a Roads perspective. The SAG unanimously concluded that it was content to recommend that the application for 5665 supporters on the 22 July be granted but wanted to make clear to the Club that it should clearly communicate to supporters that there are inherent background public health risks at the moment, and that mitigations are essential and must be complied with. The SAG noted that the amount applied for is a little over 25% of the stadium's full capacity (noting that one of the stands is not proposed to be used at the moment) but were still content to approve the application. Having regard to the opinion of the SAG, including NHS Grampian, and the content of appendices 1 and 2, it is recommended that the application be approved.

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications arising from the recommendations of this report.

6. LEGAL IMPLICATIONS

6.1 Paragraph 11(1) of Schedule 1 of the 2020 Regulations requires the Council, when determining a capacity exemption application to have regard to:

- a) the risk of the incidence and spread of coronavirus arising from the event (or events); and

- b) any other relevant circumstances.
- 6.2 Scottish Government Guidance on stadia and live events suggest relevant considerations that may be considered, and these have been used in Appendix 2.
- 6.3 Section 11(2) of the 2020 Regulations states that the Council may:-
- a) approve the application without conditions;
 - b) approve the application with conditions relating to the prevention or minimisation of the risk of the incidence and spread of coronavirus arising from the event (or events); or
 - c) refuse the application
- 6.4 Section 14 of the 2020 Regulations states that the “*Scottish Ministers may direct a local authority that a capacity exemption application must be referred by a local authority to the Scottish Ministers for decision*”, and that “*Scottish Ministers may direct that a local authority must notify the Scottish Ministers when it receives a capacity exemption application where the capacity applied for exceeds the maximum capacity for that category of event specified for Level 0 in the Strategic Framework Protection Levels Table published by the Scottish Ministers*”.

The Council has not received either direction from Scottish Government regarding this application.

- 6.5 On 19th January 2021, the Licensing Committee delegated authority to the Chief Officer, Governance to approve any variation to or deletion in respect of COVID 19 measures and to issue an amended certificate, as necessary. The intention of this delegation was to update the Safety Certificate to reflect national covid-19 requirements, and not to determine applications to diverge from covid-19 guidance as such a process was not foreseen at that stage. Should members be minded to approve the application, the Chief Officer – Governance acting under that delegation will update the Safety Certificate for the match on 22 July 2021. This update will only be for the match on 22nd July 2021 and will revert to the 2000 capacity after that game.

7. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	Not applicable	N/A	No
Compliance	The Council may fail to comply with legislation if it does not fully consider the application.	M	The Committee should consider all relevant factors and provide reasoning for the decision made.
Operational	Not applicable	N/A	Not applicable
Financial	Not applicable	N/A	Not applicable

Reputational	The Council need to determine the application and be able to justify that decision with sound reasoning or there could be reputational damage.	H	The Committee should consider all relevant factors and provide reasoning for the decision made.
Environment / Climate	Not applicable	N/A	Not applicable

8. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

10. BACKGROUND PAPERS

None

11. APPENDICES

Appendix 1 – Application
Appendix 2 – Decision making considerations

12. REPORT AUTHOR CONTACT DETAILS

Name	Alan Thomson
Title	Licensing, Planning and Environment Team Leader
Email Address	alathomson@aberdeencity.gov.uk
Tel	01224 523249

**APPENDIX 2
DECISION MAKING DOCUMENT**

<p>Are the capacity caps above what is allowed per the protection levels?</p>	<p>Yes</p>
<p>Is there a risk to local population health, taking into account local trends in the prevalence of coronavirus- available via Public Health Scotland.</p>	<p>While NHS Grampian modelling still leads us to expect an increasing wave of cases across Grampian over the next few weeks, we are also very aware that Scottish Government have determined that further easing of restrictions will occur. We are also mindful that local authority determinations will be influenced by anticipated Scottish Government guidance, and by precedents being set by authorities elsewhere.</p> <p>We understand that an increase to 25% capacity would be consistent with spectator capacity precedents already set. The requirement of negative LFD is welcome as is the proposal to have officers present to monitor adherence to the mitigations to be put in place. We also note that this is a decision for one match only, and that observations at the match would inform subsequent decisions.</p> <p>NHS Grampian would reiterate the anticipated increase in cases as part of the third wave and the requirement for caution even amongst outdoor crowds, but would not object to this incremental increase in spectator capacity given the mitigations and independent observation of these being proposed.</p>
<p>Has the event organiser/venue operator carried out a comprehensive risk assessment?</p>	<p>Yes</p>

<p>Has the event organiser/venue operator taken into account relevant COVID-safety or relevant sector guidance?</p>	<p>Yes to the satisfaction of Environmental Health following a visit on 12/07/2021</p>
<p>Can/will all mitigations be operated effectively?</p>	<p>Yes</p>
<p>Has the event organiser/venue operator undertaken an Equalities Impact Assessment, ensuring that measures take into account diversity & equality concerns and those of disabled people?</p>	<p>Environmental Health advised that an EIA is not something they would routinely look for.</p>
<p>What will be the impact on the local area and other adjacent areas?</p>	<p>Contained in the Operational Plan</p>
<p>Has the event organiser/venue operator engaged with neighbouring businesses, transport operators and local police to assess and mitigate risks arising from pressure on local and public transport?</p>	<p>Representatives from Aberdeen FC met with First, Stagecoach and Public Transport Unit last week and provided some details of the numbers expected to travel depending on the crowd size permitted. Bus services are currently operating at close to 100% of their normal timetables albeit with reduced capacity to allow for social distancing. The available capacity on buses can more than accommodate the increased crowd and we would have no concerns with approving this request.</p> <p>Transport Scotland</p> <p>Based on the information I currently have, generally matches played at Pittodrie do not create significant issues on the strategic road or rail networks.</p> <p>However, some points to note:</p> <ul style="list-style-type: none"> • It is assumed that the 8,238 would be predominately made up

	<p>of season ticket holders. Should away fans be sold tickets – there should be consideration to if the match day and kick off time would impact them – for example a midday kick off on a Sunday would make it difficult/impossible for some fans to travel on public transport.</p> <ul style="list-style-type: none"> • The organisers should consider and communicate with their fans the current covid-19 restrictions and guidance in relation to travel. • The organisers should consider and communicate with their supporter clubs any planned roadworks - Traffic Scotland > Planned Roadworks or other events which may create additional demands on the nearby roads Traffic Scotland > Planned Events • The organisers should consider and communicate with their supporter clubs any planned potential for rail disruption for example - Sunday strikes planned ScotRail • We would also recommend that the match organisers also liaise with Aberdeen City Roads/Traffic Management department to consider any further guidance. <p>ACC – Transport Strategy and Programmes</p> <p>I can confirm no significant impacts on the roads network for the requested crowd level. The crowd is less than the pre-lockdown average for what has always been permitted so no concerns.</p>
<p>Has the event organiser/venue operator engaged with local accommodation providers in the area in the event of overnight stays, including for event staff, workers and contractors</p>	<p>The SAG did not consider that there would be significant added demand on local accommodation providers.</p>

<p>Has the event organiser/venue operator considered the impact of increased footfall on the surrounding area and infrastructure (for example, queue management and crowding outside of a venue)?</p>	<p>Yes - see Return Supporters Operational Plan Section 6 Supporter's Journey.</p>
<p>Has the event organiser/venue operator considered the impact and management inside the premises at particular pinch points (for example queue management and crowding at bar, food stand, merchandise areas etc.)?</p>	<p>Yes Kiosks will remain closed to allow 1m distancing to be maintained – see return to Supporters Operational Plan</p>
<p>Will attendees be primarily local, or will there be additional risk factors created by attracting a national or international audience for the event?</p>	<p>Tickets will be limited to Season Ticket Holders – see Appendix 13 of return Supporters Operational Plan for Breakdown of Postcode Regions</p> <p>7,727 season ticket holders – 1020 holders outwith Aberdeen City and Aberdeenshire – 52 in the UK or International</p>
<p>Has the event organiser/venue operator successfully run their event in line with relevant COVID-19 Scottish Government sectoral guidance previously? This could be within the local authority area or successful events in other local authority areas.</p>	<p>Test event of 300 supporters in September 2020</p>
<p>Through conversations with the event organiser/venue operator and a review of their Risk Assessment, local authorities will need to satisfy themselves that the event organiser/venue operator has put in place reasonable mitigations to:</p> <ul style="list-style-type: none"> • ensure physical distancing between customers, performers or exhibitors, and staff • ensure that customers adhere to the gathering rules in place at the time of the event (e.g. attend in groups of up to 8 people from 8 different 	

<p>households (unless an exemption applies)) and that groups can be kept separate within the event</p> <ul style="list-style-type: none"> • ensure cleanliness in all areas with a focus on touch points and key areas and drawing up cleaning schedules in advance • robustly log customer data for the purposes of NHS Test and Protect • ensure they communicate how customers can travel safely to venues in advance of the event, according to the safer travel guidance 	<p>Environmental Health advised that they were satisfied.</p>
<p>Event organisers/venue operators and local authorities, where there is concern the event cannot be held safely may consider:</p> <ul style="list-style-type: none"> • reducing the number of attendees to minimise any burden on local transport systems • staggering entry times with other venues and taking steps to avoid queues building up in surrounding areas • arranging one-way travel routes between transport hubs and venues • advising patrons to follow safer travel guidance, including: <ul style="list-style-type: none"> ○ travelling on quieter routes where possible ○ sanitising hands regularly ○ wearing a face covering unless exempt ○ physical distancing where possible 	<p>Information from Transport Scotland, PTU and ACC roads indicates there would be no significant impact on transports systems</p> <p>Staggered entry times are contained in the Operational Plan</p>

This page is intentionally left blank

Exempt information as described in paragraph(s) 14 of Schedule 7A of the Local Government (Scotland) Act 1973.

Document is Restricted

This page is intentionally left blank

Exempt information as described in paragraph(s) 14 of Schedule 7A of the Local Government (Scotland) Act 1973.

Document is Restricted

This page is intentionally left blank

Exempt information as described in paragraph(s) 14 of Schedule 7A of the Local Government (Scotland) Act 1973.

Document is Restricted

This page is intentionally left blank

Exempt information as described in paragraph(s) 14 of Schedule 7A of the Local Government (Scotland) Act 1973.

Document is Restricted

This page is intentionally left blank