

ABERDEEN CITY COUNCIL

COMMITTEE	City Growth & Resources Committee
DATE	25 August 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Capacity Exemption Applications – Tour of Britain and Other Future Events
REPORT NUMBER	COM/21/188
DIRECTOR	Gale Beattie
CHIEF OFFICER	Richard Sweetnam
REPORT AUTHOR	Stephen O'Neill
TERMS OF REFERENCE	3.2

1. PURPOSE OF REPORT

- 1.1 For Committee to note the anticipated capacity exemption application in respect of spectators for the Tour of Britain event in Aberdeen and to seek a delegation to officers to determine capacity exemption applications.

2. RECOMMENDATION(S)

That Committee: -

- 2.1 Notes that the Council anticipates receiving a capacity exemption application from Sweetspot Ltd to increase capacity for the 2021 Tour of Britain finish and that future capacity exemption applications for other events may be received by the Council as Covid-19 restrictions are eased;
- 2.2. Delegates authority to the Chief Officer City Growth to determine all such applications following consultation with the Chief Officer Operations and Protective Services, the Chief Officer Governance, the Director of Public Health and Aberdeen's Safety Advisory Group, in terms of the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021; and
- 2.3 Instructs the Chief Officer City Growth to keep under review any approvals of such applications and delegates authority to the Chief Officer City Growth, following consultation with the Chief Officer Operations and Protective Services

and the Chief Officer Governance, to revoke such approvals and add, vary or remove conditions as appropriate, in terms of the said Regulations.

3. BACKGROUND

- 3.1 On the 25 June 2019, the City Growth and Resources Committee instructed officers to enter into a contract to host the Final Stage of the Tour of Britain in 2020 and the Grand Depart in 2021. On account of Covid-19, the 2020 edition of the Tour of Britain was cancelled. As a result, the city will host the final stage in 2021 and the Grand Depart in 2022. This year's event is scheduled to take place on 12 September.
- 3.2 On the 3 August 2021, the First Minister announced that Scotland would move beyond level 0, with the majority of remaining legal restrictions lifting. However, for a limited period, organisers of outdoor events of more than 5,000 people and indoor events of more than 2,000 people will have to apply for permission from the Council.
- 3.3 Following this announcement, the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 came into force on the 9 August and will be reviewed on at least a three-weekly basis by Scottish Ministers. The first review is scheduled to take place by 30 August with the Regulations due to expire on 28 February 2022. However Scottish Ministers must revoke requirements of the Regulations once no longer necessary. The Regulations stipulate that any events with attendances above these set capacities can only take place where:
 - the event is either ticketed, or otherwise subject to an effective capacity control measure;
 - the event takes place at a location, premises or other setting whose entrances and exits are controlled for the purpose of crowd and capacity management; and
 - a local authority has approved a capacity exemption application.
- 3.4 The capacity exemption application (which may relate to a single event or a series of events) must be in writing and include a description of the type of event(s) proposed, an event plan and a risk assessment. In deciding whether to approve an application, the Council would need to have regard to the risk of the incidence and spread of coronavirus arising from the event(s), and any other relevant circumstances.
- 3.5 Scottish Government guidance states that "Local authorities, through Environmental Health Officers or similar, should carry out a risk assessment of the planned event through their existing safety advisory group or other routes as deemed appropriate by the local authority, including consultation with appropriate public bodies (e.g. Transport Scotland, Police and Directors of Public Health)".
- 3.6 The Council's Licensing Sub Committee recently approved a capacity exemption application from Aberdeen Football Club to allow up to 19,672 to attend fixtures at Pittodrie and thereby vary the club's Safety Certificate. As the

application from Sweetspot Ltd does not relate to a safety certificate under the Safety of Sports Grounds Act 1975, the matter falls outwith the terms of reference of the Licensing Committee. This application is therefore before the City Growth and Resources Committee given its remit overseeing events in the city.

- 3.7 Due to the nature of the Covid-19 impact, the changing situation and the frequent changes to legislation in order to protect public health, the Council needs to be able to respond quickly to changing circumstances. For event organisers, this may mean seeking approval for events the timing of which may not fit conveniently with the Council's Committee deadlines. This report is seeking to grant a delegation to the Chief Officer City Growth, in order to provide the necessary assurance to the industry for its events for as long as the relevant requirements of the Regulations remain in place.

4. CAPACITY EXEMPTION APPLICATIONS

- 4.1 The Council expects to receive an application from Sweetspot Ltd., the Tour of Britain event organiser, seeking approval for up to 10,000 people to be allowed to attend the finish of the Tour of Britain in Aberdeen on 12 September 2021 which exceeds the standard capacity limits set out above. The following information is anticipated to be provided in line with the Regulations:

- Capacity figures for the area designated as the finish area and promotional village;
- Event Safety Management Plan; and a
- Risk Assessment – COVID Controls.

- 4.2 As venues re-open, further applications are anticipated, including an application from P&JLive who are expected to apply for an exemption for a series of events covering their upcoming programme.

- 4.3 An additional consultee for such applications will be Aberdeen's Safety Advisory Group (SAG) which aims to provide independent safety advice to event organisers assisting them to discharge their public safety and wellbeing functions and is chaired by the Council's City Events Team. It provides an obvious platform from which to inform assessment of the risk of the incidence and spread of coronavirus arising from the event(s), and any other relevant circumstances, with input from:

- NHS Grampian, Public Health
- Aberdeen City Council:
 - Environmental Health
 - Trading Standards
 - Licensing
 - City Events
 - Emergency Planning
 - Roadworks Coordination
 - Public Transport Unit
 - Building Services
- Police Scotland, Event Planning

- Scottish Ambulance Service
- Scottish Fire and Rescue Service

4.4 The checklist in Appendix 1 will be used to support the decision-making process. In determining the application, officers may approve the application with or without conditions (relating to coronavirus) or refuse. The decision will be recorded, and the applicant informed as soon as reasonably practicable. The Chief Officer City Growth will keep any approval under review, and will revoke or vary the approval as appropriate, in terms of the Regulations.

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications on the Council's budget arising from the recommendations of this report.

6. LEGAL IMPLICATIONS

6.1 Capacity exemption applications are governed by the said Regulations.

6.2 Scottish Government guidance on stadia and live events suggests relevant considerations that may be considered, and these are set out in Appendix 1.

6.4 Scottish Ministers may direct a local authority that an application must be referred to Scottish Ministers for decision. Scottish Ministers may direct that a local authority must notify them when it receives an application for a capacity above a specified limit. No such direction has been received by Aberdeen City Council.

7. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	Not applicable	N/A	N/A
Compliance	The Council may fail to comply with legislation if it does not properly consider the application.	M	All relevant factors to be considered with reasons provided for the decision.
Operational	Not applicable	N/A	Not applicable
Financial	Not applicable	N/A	Not applicable
Reputational	The Council need to determine the applications and be able to justify that decision with sound reasoning or there could be reputational damage.	M	All relevant factors to be considered with reasons provided for the decision.

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
	Furthermore, the Council need to be able to respond efficiently to applications, ensuring that local businesses are supported where appropriate. Failure to adopt efficient processes, whilst other areas do, could result in reputational damage.		
Environment / Climate	Not applicable	N/A	Not applicable

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	<p>The Tour of Britain, and the events programme at P&J Live, link to the Aberdeen Events365 Strategy and Plan, a CCMP project which aims to develop a new portfolio of events that can be attracted to the city.</p> <p>The proposals within this report support many of the objectives of the City Centre Masterplan:</p> <ul style="list-style-type: none"> - Promoting the view of Aberdeen city centre as an energetic, inclusive and fascinating place where people will want to live, work and visit. - Creating a stronger and more diverse city centre economy. - Building on local distinctiveness and maximising local business opportunities. - Ensuring Aberdeen city centre reflects its distinctive local culture, so it is like no other place.
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	No impact on the stretch outcomes and the recommendations will have no negative impact.

Prosperous People Stretch Outcomes	No impact on the stretch outcomes and the recommendations will have no negative impact.
Prosperous Place Stretch Outcomes	No impact on the stretch outcomes and the recommendations will have no negative impact.
Regional and City Strategies	The proposals support the City Council's Economic Rescue plan by strengthening local supply chains and contributing towards local business growth; creating space to move and enjoy; and supporting the Shop, Visit, Eat Local initiatives.
UK and Scottish Legislative and Policy Programmes	The proposal will ensure that Aberdeen City Council comply with the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021. Aberdeen's Safety Advisory Group model ensures that events which take place in Aberdeen are safe and uphold the requirements of relevant legislation. Furthermore, any event / activation will be subject to, and dependent on, the public health position and guidance and legislation at the time and are, therefore, subject to change.

9. IMPACT ASSESSMENTS

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

11. BACKGROUND PAPERS

None

12. APPENDICES

Appendix 1: Scottish Government Guidance – Annex A: Decision Making Checklist

13. REPORT AUTHOR CONTACT DETAILS

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