

## Summary

The attached report outlines the Health and Safety Manager's experience in supporting educational establishments accommodating artists participating in the annual Billingham International Folk Festival.

### 1. The Health and Safety Unit – roles and responsibilities.

1.1 The Health and Safety Unit provide support and advice across Directorates and Services within the Council in accordance with the Corporate Health and Safety Policy 2017, satisfying the requirements of Regulation 7(1) of The Management of Health and Safety at Work Regulations 1999. Embedded within this policy is also the commitment to ensure that residents of and visitors to Borough are not adversely affected by the Council's activities.

1.2 Support and advice is also provided to all maintained schools within the Borough, a service provided by written agreement since 1<sup>st</sup> April 1996.

At the time of unitisation, the Health and Safety Unit also provided support to the former Stockton and Billingham Technical College located at the Oxbridge Avenue site, Stockton, and at the Finchale Avenue site in Billingham.

1.3 As advisers to the governing bodies of those educational establishments, the Health and Safety Unit regularly supported premises when arrangements were established accommodating artists participating in the annual Billingham International Folk Festival. This to ensure that the duty holders obligations satisfied the requirements of the Occupier's Liabilities Acts of 1957 & 1984, the general duties of the Health and Safety at Work etc Act, and more recently the duties attached to the Regulatory Reform Fire Safety Order 2005, and associated fire risk management arrangements.

Any support and advice provided is confined to the use of premise's shared areas, sleeping accommodation, general access and egress, fire safety measures and no-smoking legislation.

1.4 The Health and Safety Unit have no commissioned involvement with nor responsibility for the event organisation, planning, infrastructure, performance, temporary ( staged ) demountable structures, preparations for artistic performances, safeguarding, highway traffic management or road closures.

### 2. BIFF Committee – Commitment to Effective Risk Management

2.1 I feel it is important to emphasise that throughout the duration of intermittent involvement with the BIFF management committee, over a considerable period, the general attitude has always been receptive and appreciative of any advice and support provided towards satisfying regulatory obligations.

2.2 Whilst commitment was unwavering, capacity and resources sometimes delayed production of safety critical documentation. Substantial Council Officer support has been required, often at very short notice, bringing substantial pressure to bear on diminished Council capacity.

### **3. Accommodation.**

3.1 Since unitisation, the Health and Safety Unit were intermittently involved with premises managers and the BIFF management committee during their occupancy of a number of educational establishments. These have included :

- Stockton & Billingham Technical College, Finchale Avenue, Billingham
- St Michaels Comprehensive School, Beamish Road, Billingham
- Blakeston Community School, Junction Road, Norton.  
Overflow accommodated in University Campus 2004.
- The premises of the former Bede 6<sup>th</sup> Form College, Hale Road Billingham,
- Pentland Primary School 2010
- c/o Northfield School, 2011 onwards at the Billingham Campus Sport Block located at Marsh House Avenue in Billingham.

On many occasions, property assets were supplemented by a number of mobile sleeping accommodation units and mobile toilet / shower units, catering marques and associated ancillary equipment.

3.2 Due to the vagaries of design associated with education establishments, a variety of difficulties were experienced in accommodating artist's residential accommodation within educational premises.

On Health & Safety grounds Stockton Council considers school buildings to be unsuitable for use as sleeping accommodation except in emergency situations.

Examples of difficulties experienced over a period of years across a range of sites have been collated and can be supplied. However, many of these relate to the use of buildings and would not be relevant to the use of outdoor space for structures and systems that are purpose-designed to provide sleeping, feeding or rehearsal accommodation.

### **4. Event Organiser's Responsibility.**

4.1 Health and safety law places duties on businesses involved in events to ensure the health and safety of employees and the public.

The complex nature of event management means that it is crucial that everyone involved clearly understands their wider legal duties as well as health and safety legislation.

4.2 The legal responsibility for injuries arising from the state of the land, property or property annexed to land, is predicated not upon ownership, but occupation. These duties are articulated in the Occupiers Liability Act 1957- a duty owed to visitors, and the Occupier Liability Act 1984 - a duty owed by the occupier to persons other than visitors.

4.3 National guidance for the event industry exists in The Purple Guide. This has been written by The Events Industry Forum in consultation with the events industry. Its aim is to help those event organisers who are duty-holders to manage health and safety, particularly at large-scale music and similar events. The Health and Safety Executive was consulted in the production of the workplace health and safety parts of this publication.

4.4 Following this guidance is not compulsory, unless specifically stated, as some elements exceed minimum statutory obligations in respect of workplace law. However, adhering to the guidance should increase an organisation's resilience to an adverse event occurring resulting in potential harm, regulatory intervention, civil litigation and adverse publicity.

#### 4.5 Key elements of the Purple Guide feature:

- Effective planning is central to putting on a safe event
- Prepare an event safety plan
- Have appropriate management arrangements in place to ensure the health and safety of employees and others, including volunteers and the public, during all stages of the event
- Carry out a systematic assessment of the risks to employees, volunteers and the public
- Implement risk control measures identified by the risk assessment
- Put appropriate arrangements in place to monitor health and safety compliance
- Provide competent health and safety advice
- Liaise with other interested parties, including local authorities, stadium management, arena operators, safety advisory groups and the emergency services, early in the planning process
- Thorough investigation of the site to be used.

The guidance provides a structured approach that may be applied proportionately to most organised events.

## 5. Legislative landscape

5.1 In the light of recent changes to the legislative landscape with further changes imminently due to emerge from Sentencing Council guidelines, future stakeholders must be fully cognisant the requirements of statute and potential penalties that may be attached to exposing people to a risk of harm.

5.2 The Construction (Design and Management) Regulations 2015 are the main set of Regulations for managing the health, safety and welfare of construction related projects. The Regulations place

5.3 Village style accommodation

All activities involving placing structures on event sites are defined as 'construction' activities and therefore fall under construction industry regulations.

5.4 The law says that the Client will appoint the Principal Designer and Principal Contractor, or assume those responsibilities if they do not make such appointments.

5.5 The HSE said: "Anyone appointing Principal Designer, Designers, Principal Contractors and Contractors, must take reasonable steps to satisfy themselves that those who will carry out the work have the necessary skills, knowledge and experience and where they are an organisation, the organisational capacity, to carry out the work in a way which secures health and safety."

## 6. Future requirements

If BIFF seeks to use temporary event infrastructure such as that described elsewhere in this report they would need to demonstrate that they had skills, experience and capacity to safely commission and manage the construction and safe running of the site.

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Background papers: Health and Safety Policy 2017