

# Roles, Responsibilities and CDM Duties

## Legal Roles and Responsibilities

Event organisers have a legal duty to ensure that their event is planned, managed and monitored in order to ensure that it is safe for all attending, working at it or impacted by it.

Obligations are owed under; the Health & Safety at Work Act 1974, Management of Health & Safety at Work regulations 1999, Health & Safety (First Aid) Regulations, Occupiers Liability (Scotland) Act 1960, Fire Scotland Act 2005, Control of Noise at Work Regulations, Equalities Act, Personal Protective Equipment at Work Regulations, Provision and Use of Work Equipment regulations and many others depending on the format of the event.

The statement below sets out the legal roles, responsibilities and obligations of both the Land Owner (Aberdeen City Council) and The Occupier of The Premises (The Event Organiser), under the Occupiers Liability (Scotland) Act 1960 & the Health & Safety at Work Act 1974.

### **Site Owners (Aberdeen City Council)**

Aberdeen City Council owns, manages and maintains the site of the event and have legal responsibility to ensure that the venue is fit for purpose, safe and without unreasonable risk to anyone who uses the site. Following approval through the external event application process, Aberdeen City Council will accept an application from the Event Organiser to have control of the site for the duration of their event, during which the Event Organiser will be defined as 'the occupier of premises' under the Occupiers' Liability Act (Scotland) 1960.

### **Occupier of Premises (Event Organiser)**

Section 2 (2) of the Occupiers Liability (Scotland) Act 1960 states that an occupier of premises owes a duty of care to all persons entering the premises. A duty of care is a legal obligation imposed on an individual requiring that they adhere to a standard of reasonable care while performing any acts that could foreseeably harm others. In this case, a duty of care is owed to the public by the organisers to ensure that they do not suffer any reasonably foreseeable harm. This duty applies irrespective of whether the public have permission from the organisers to enter the premises. The Event Organiser has an obligation to ensure that all reasonable precautions have been put in place to protect the public from any foreseeable harm.

A duty of care is also owed under the Health and Safety at Work Act 1974 to staff and anyone effected by the employer's undertaking including persons that are not invited or in this case cannot be classed as attendees. Therefore, they must be safe even if they have no knowledge of or intention to comply with rules & regulations in place for safety.

The Management of Health and Safety at Work Regulations 1999 also require employers to appoint one or more competent persons in health and safety to assist them in undertaking the measures needed to comply with health and safety regulations.

### **Event Organiser**

The Event Organiser is responsible for ensuring, so far as is reasonably practicable:

- a) the health and safety of all their employees, contractors and members of the public attending the event,
- b) for the provision and maintenance of plant and systems of work and
- c) for the creation and maintenance of a positive health and safety culture at the event.

They will ensure that risks are assessed, that information is shared, that contractors cooperate and that an Event Manual is created. The Event Organiser will satisfy themselves that any contractors engaged to provide services or contribute to the event are competent, provide a written Health and Safety Policy and method statements (where applicable), carry out event specific risk assessments, hold valid insurance(s) and work safely at all times. The Event Organiser shall ensure that the obligatory statutory insurances, such as Public Liability Insurance, (providing cover for at least the minimum of £5 Million) and Employer's Liability, where required, are in place.

## Protecting the Land

It is important that the land is returned to Aberdeen City Council in the condition in which it was hired. As part of the condition of the use of the land event organisers accept that they will be charged the full cost of repairing the ground or any other feature of the park which is damaged while leased to them and for the removal of items left behind by the event.

A bond of £2000 may be required by Aberdeen City Council to ensure that any costs of repatriation are covered. This bond will be returned to the event organiser once the event site has been thoroughly checked by Aberdeen City Council and deemed to be in the condition in which it was hired. The use of heavy good vehicles on grass, especially when wet, poses the greatest risk to damage and event organisers should consider the cost benefit of putting measures in place to protect the ground from damage.

Event organisers are encouraged to photograph the site before and after their event

### **Mandatory Conditions:**

Event organisers must return the land to Aberdeen City Council in the condition it was found – any costs incurred for repair will be charged back to the organiser.

Aberdeen City Council require all events to have Public Liability Insurance (to the value of £5 million) in place.

## Event Management Roles & Responsibilities

Organising an event can be a time-consuming project and when the to do list grows and the deadline nears, workplace stress can become dangerous. This is especially true for volunteer or part time event organisers who will be required to juggle other work and personal commitments, as well as the event project.

It is therefore essential that the workload of the event project is assessed and managed to reduce the likelihood of work-related stress due to the demands of the project becoming too much for the staff allocated to work on the project. Tasks should be delegated to other competent individuals, organisations or companies to ensure that the workload is managed safely, and the required tasks carried out to a suitable level.

To safely manage an event, it is essential that specific roles and responsibilities are not just delegated but are also communicated and coordinated effectively. Detailing specific roles and responsibilities and allocating them will help to ensure that workload is manageable and that tasks are carried out to a suitable standard and in good time.

The examples provided within the [template event manual](#), which are deliberately left incomplete or blank, are intended to give you an idea of the type of roles which can be created, the tasks which can be delegated and the level of detail which should be included in your own manual. These are very limited examples and event organisers should determine which roles they require and what is expected of their staff/contractors.

## Construction Design and Management Regulations; Roles & Responsibilities

The Construction Design and Management Regulations (CDM2015) were introduced to improve the health and safety standards of construction projects. The legislation, although not aimed at, covers many elements which often feature at outdoor events. If your event involves “Construction Work”, such as building temporary structures (marquees or stages etc.), then you are legally obliged to comply with the regulations.

### The key principles of CDM2015 are to:

- eliminate or control risks so far as reasonably practicable
- ensure work is effectively planned;
- appointing the right people and organisations at the right time;
- making sure everyone has the information, instruction, training and supervision they need to carry out their jobs safely and without damaging health;
- have systems in place to help parties cooperate and communicate with each other and coordinate their work; and
- consult workers with a view to developing and maintaining effective health, safety and welfare measures.

CDM2015 requires key roles to be delegated in writing and details that each role holds specific responsibilities which must be carried out in order to comply with the legislation. The key roles are:

- Client
- Principle Designer
- Principle Contractor
- Designers
- Contractors

Information on the duties of each role, as well as information, guidance and worked CDM examples specific to the entertainment industry have been created by the Health & Safety Executive to assist would be event organisers comply with CDM2015. These can be found [here](#).

A [useful worked example](#) has also been created and should provide context of how CDM2015 principles can be developed in line with a common event management set up:

If your event does not require any construction work to be carried then place ‘Not applicable’ after each of the CDM roles on the [Template Event Manual](#). Otherwise a named person or organisation should be detailed for each of the roles along with the duties to be carried out.

If CDM applies then the event organiser will be required to ensure that the relevant CDM2015 documentation such as pre-event information, Construction Phase Plan & Site Suitability Report, are provided within the appendices of the event document. An example of Aberdeen City Council’s Pre Event Information sheet is provided within the [Template Event Manual](#).

### Mandatory Conditions

- Events must be CDM 2015 compliant