



Joint Consultation

Part 1 – A Wider Definition of Safety

Part 2 – The SGSA's Oversight & Licensing Policy

About the Sports Grounds Safety Authority

We are the UK Government's expert body on safety at sports grounds. We write guidance including the Guide to Safety at Sports Grounds (the "Green Guide") and carry out a range of statutory functions in relation to football in England and Wales and advisory functions in relation to other sports both within the UK and internationally. Our purpose is to ensure all spectators can enjoy watching sport in safety. We do this by sharing knowledge, advice and guidance on safety design and management and by working in partnership to educate and influence.

Since 2011, when our remit changed from being the Football Licensing Authority to the Sports Grounds Safety Authority (SGSA), we have shared our expertise and support in an advisory capacity with other sports and across the world. We aim to share our expertise as widely as we can, whilst remaining focused on our purpose and keeping our statutory role front and centre.

Foreword



“Complacency is the enemy of safety.”

Much has changed at sports grounds in this country since the Hillsborough disaster in 1989, but Lord Justice Taylor’s words in his report following that tragedy are as true today as they were then.

Working together as a sector, over the last twenty eight years we have transformed spectator safety at sports grounds. Better management of risks, modernised and all-seater grounds, improved facilities, application of technology, the introduction of professional safety officers and stewards, and an integrated approach to safety management, have created some of the safest stadia in the world. Here at the SGSA we’re proud of the role our organisation has played in that change, and we are as committed now as we have been in the past to delivering our purpose to ensure all spectators can enjoy watching sport in safety.

Avoiding complacency means never resting on our laurels. It means always ensuring that we’re keeping up with the world around us and considering what it means to keep people safe in today’s context. The legislation on safety at sports grounds in this country is well-established and underpins a regulatory system which ensures the safety of spectators is prioritised. We should take confidence in that strong foundation, but never let it hold us back from being flexible to today’s challenges.

As a public body with important regulatory and advisory responsibilities, the SGSA must regularly review and refresh its approach to ensure the regulatory system is fit for purpose for the current context and for the future. This consultation sets out our views on what safety means in today’s context, how we believe it should be regulated, and seeks your feedback on the implications that has for sports grounds, local authorities and other stakeholders.

Our achievements over the last twenty eight years have been achieved by working together. The SGSA is fully committed to that spirit of partnership as we look towards new challenges and how we can address them together to emerge stronger and safer for the future.

Karen Eyre-White

Karen Eyre-White

Chief Executive

Sports Grounds Safety Authority

Contents

About the SGSA	1
Foreword	2
Chapter 1: Introduction	4
Chapter 2: Summary of Consultation Questions	8
Chapter 3: Background – Sports Grounds Safety Legislation	11
Part 1 – A Wider Definition of Safety	
Chapter 4: Overview – A Wider Definition of Safety	16
Chapter 5: Counter-terrorism	20
Chapter 6: Prevention of Crowd Disorder and Anti-Social Behaviour	24
Chapter 7: Consideration of All People in a Sports Ground	28
Part 2 – The SGSA’s Oversight & Licensing Policy	
Chapter 8: The SGSA’s Oversight and Licensing Policy	34
Appendix A: The SGSA’s Draft Oversight and Licensing Policy	38
Appendix B: Proposed Information to be Submitted with Licence Application	46

Chapter 1: Introduction

Current Context

- 1.1 There is no doubt that sports grounds have been transformed since the tragic events at Hillsborough in 1989. Grounds are more modern and facilities have been improved. Clubs have qualified safety professionals and stewards working together with the police, fire and ambulance service, and the local authority to ensure the safety of spectators. The recent conclusion of the Hillsborough Inquests is a reminder that even though we have come a long way, we must never be complacent about safety.
- 1.2 Today, our system of safety regulation is one of the most robust in the world, with local authorities working in partnership with sports grounds to ensure the safety of spectators remains a priority. We should take confidence in that strong foundation, but never let it hold us back from being flexible to today's challenges.
- 1.3 The nature and scale of issues affecting safety at sports grounds today are significant and fast-changing. New technology presents both opportunities and challenges. Spectators are looking for new ways to create atmosphere and excitement. Financial pressure at sports grounds and local authorities alike means that investment in safety and in regulatory activity is under increasing scrutiny. And following the attacks on the Stade de France in 2015 and subsequent attacks on other stadia, it is clear that sports grounds and other crowded places are a potential target for terrorist activity.
- 1.4 In addition, public interest in ensuring that sports grounds are accessible places for all is growing. In its December 2015 Sports Strategy¹, the Government highlighted the value of experiencing live sport and made it clear that sports grounds should be accessible places for everyone. The Government committed to enable the SGSA to take on a more formal role in helping sports grounds reach the required standards for accessibility.

The SGSA's Review

- 1.5 One of the SGSA's roles as the national regulator is to ensure that the regulatory system is working and to regularly review it to ensure it is fit for purpose for the current context and for the future. This is an important part of being a proactive, forward-looking regulator.

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486622/Sporting_Future_ACCESSIBLE.pdf

- 1.6 Aware of the changing context described above, the SGSA has reviewed the primary legislation which sets out how safety at sports grounds should be regulated, and the remit of the SGSA and local authorities. To inform our consideration of these issues the SGSA has obtained legal advice.
- 1.7 This consultation sets out the SGSA's view on what safety means in today's context, and how we believe it should be regulated, and seeks the views of stakeholders on potential implications for local authorities, sports grounds, and the SGSA. Following the consultation, the SGSA will publish a consultation summary and set out its response and planned next steps.

Structure of this Consultation Document

- 1.8 This consultation is structured in two parts.
- **Part 1** of this document relates to the definition of safety in the Safety at Sports Grounds Act 1975, and explains the SGSA's view that safety is a broad term encompassing protection from dangers of physical harm or injury to people at a sports ground. This represents a widening of the perception that safety relates only to physical and safety management matters. This part will be of particular interest to sports grounds and local authorities, as well as governing bodies of sport and other interested stakeholders.
 - **Part 2** of this document relates to the SGSA's oversight and licensing powers under the Football Spectators Act 1989. This part sets out what those powers are and how the SGSA will discharge them, and is accompanied by a draft Oversight and Licensing Policy. This part will be of particular interest to bodies who come within scope of the SGSA's licensing and oversight powers; namely the 94 football grounds at which designated football matches are played, and the local authorities with responsibility for issuing safety certificates to those grounds.

Jurisdiction

- 1.9 While the SGSA's regulatory role is limited to grounds in England and Wales at which designated football matches are played, the widening of the definition of safety may impact any sports ground covered by the Safety of Sports Grounds Act 1975 or the Fire Safety and Safety of Places of Sport Act 1987 and the local authorities responsible for administering that legislation. In view of the similar legislation that applies in Scotland and Northern Ireland this consultation is likely to be of interest to their devolved administrations.

How to Respond to this Consultation

1.10 The Sports Grounds Safety Authority welcomes comments on this consultation document from all stakeholders who may be interested. This consultation is available on the <http://sgsa.org.uk/regulation/joint-consultation>.

The closing date for responses is 28th April 2017.

You can respond to the consultation using our online survey:

<https://www.surveymonkey.co.uk/r/3CLCFBX>

Alternatively, you can send your comments by email to consult@sgsamail.org.uk, using the consultation response template.

<http://www.sgsa.org.uk/sites/default/files/documents/word/joint-consultation-response-template.docx>.

We would prefer to receive your response electronically. If you need to submit your comments in hard copy please send to:

Sports Grounds Safety Authority
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

1.11 Please structure your response according to the consultation questions asked throughout the document, and summarised in Chapter 2. To help you do this, a [consultation response template](#) can be found on our website. You do not need to respond to all consultation questions. When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

1.12 All information in responses, including personal information, may be subject to publication, or disclosure under Freedom of Information legislation. Although the SGSA will endeavour to respect any request made by a respondent which is said to be made in confidence, this may not always be possible. Any such request should explain why confidentiality is necessary. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

1.13 This consultation is being conducted in line with the Cabinet Office consultation principles published in January 2016².

² <https://www.gov.uk/government/publications/consultation-principles-guidance>

Chapter 2: Summary of Consultation Questions

2.1 Consultation questions are included throughout the document. The list below summarises all consultation questions. These questions are also listed on the consultation response template which can be found on the SGSA website.

Part 1 – A Wider Definition of Safety

Chapter 4: Overview – A Wider Definition of Safety

- Q1.** What guidance or other support from the SGSA would local authorities and sports grounds find helpful in applying this wider definition of safety when discharging their responsibilities under the legislation?
- Q2.** What other implications could this wider definition have for local authorities in discharging their responsibilities under the legislation?
- Q3.** What impact will the potential inclusion of such terms and conditions have on sports grounds?
- Q4.** What other implications could this wider definition have for sports grounds?

Chapter 5: Counter-Terrorism

- Q5.** What role should the SGSA take in supporting the sports grounds safety sector to prepare for the risks from terrorism?
- Q6.** What further support would sports grounds find helpful to protect their venue from the risks of terrorism?
- Q7.** What challenges could local authorities face in considering counter-terrorism when discharging their responsibilities under the legislation?
- Q8.** How could SAGs be strengthened to support the local authority in assuring itself that counter-terrorism provision at the ground is such that reasonable safety is being achieved?
- Q9.** What guidance or other support would local authorities find helpful to support them in considering counter-terrorism when discharging their responsibilities under the legislation?

Chapter 6: Prevention of Crowd Disorder and Anti-Social Behaviour

- Q10.** What other activity could the SGSA undertake to support local authorities and sports grounds?
- Q11.** What other implications could the potential inclusion of terms and conditions relating to crowd disorder and anti-social behaviour have for sports grounds?

- Q12.** What other implications could the potential inclusion of a condition requiring the sports ground to request police services have for sports grounds?
- Q13.** What challenges could local authorities face in considering crowd disorder and anti-social behaviour when discharging their responsibilities under the legislation?
- Q14.** What guidance or other support would local authorities find helpful to support them in considering crowd disorder and anti-social behaviour when discharging their responsibilities under the legislation?
- Q15.** What other implications could this wider definition of safety have for the Police?
- Q16.** What implications could this wider definition of safety have for Statement of Intent documents?

Chapter 7: Consideration of All People in a Sports Ground

- Q17.** What challenges could local authorities face in considering the safety of all people in the sports ground when discharging their responsibilities under the legislation?
- Q18.** How could SAGs be strengthened to support the local authority in considering the safety of all people in the sports grounds?
- Q19.** What guidance or other support would local authorities find helpful to support them in considering the safety of all people in the sports ground when discharging their responsibilities under the legislation?
- Q20.** What other implications could the potential inclusion of terms and conditions relating to the safety of all people have for sports grounds?
- Q21.** What other activity could the SGSA undertake to support local authorities and sports grounds?
- Q22.** Do you have any other comments on the issues considered in Part 1 of this consultation?

Part 2 – The SGSA’s Oversight and Licensing Policy

Chapter 8: The SGSA’s Oversight and Licensing Policy

- Q23.** To what extent does the attendance of an SGSA inspector on a match day place any additional burden on the match day operation or the safety certificate holder? Please explain the nature of the burden if you believe it does.
- Q24.** To what extent do sports grounds and local authorities benefit from SGSA inspectors undertaking match visits? Please explain the nature of the benefits if you believe they do.
- Q25.** To what extent do you agree that such an approach is proportionate where the SGSA has concerns about the reasonable safety of those at the ground?
- Q26.** If there is a safety issue that arises which calls for a consistent approach across all grounds at which designated football matches are played, to what extent do you consider it would be appropriate for the SGSA to consider exercising its statutory powers to require all local authorities to insert an appropriate condition into a safety certificate?
- Q27.** To what extent is the SGSA’s estimate of the time it would take for the safety officer to collate and provide the information set out at Appendix B accurate? If you believe it is not, please provide a revised estimate.
- Q28.** Should clubs be required, or alternatively have the option, to submit a safety audit instead of the information set out at Appendix B?
- Q29.** To what extent does requiring newly promoted clubs to provide the required information place an addition burden on those clubs? Please explain the nature of the burden if you believe it does.
- Q30.** To what extent should the SGSA consider using its licensing powers in respect of accessibility issues?
- Q31.** If the licence were to be used in this way, what should the SGSA’s objectives be?
- Q32.** What approach should the SGSA take to achieving these objectives?
- Q33.** Do you have any other comments on the issues considered in Part 2 of this consultation, or on the draft O&L policy attached at Appendix A?

Chapter 3: Background – Sports Grounds Safety Legislation

3.1 The SGSA's core statutory functions are set out in the Football Spectators Act 1989 (1989 Act) and the Sports Grounds Safety Authority Act 2011 (2011 Act). Under the provisions of the 1989 Act the SGSA has statutory responsibility to oversee how local authorities regulate safety (under the Safety at Sports Grounds Act 1975) at the 92 football clubs in the Premier League and the Football League, and at Wembley and the Principality Stadium. Also under the provisions of that Act the SGSA issues licences to those 94 stadia to enable them to admit spectators. The 2011 Act expanded the SGSA's remit to allow the organisation to share its expertise in an advisory capacity with other sports and across the world.

Safety at Sports Grounds Act 1975

3.2 The Safety at Sports Grounds Act 1975 (the 1975 Act) permits the Secretary of State to designate sports grounds with capacities in excess of 10,000 spectators, or 5,000 in the case of the home grounds of any team playing in the Premier League or the English Football League. Local authorities are required under that Act to issue safety certificates for designated grounds. Safety certificates shall contain *'such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety at the sports ground when it is in use for the specified activity or activities, and the terms of conditions may be such as to involve alternations or additions to the sports ground.'* (s2(1)). Sports grounds must comply with the terms and conditions in the safety certificate otherwise an offence is committed (s12(1d)).

3.3 Section 10 of the 1975 Act also sets out special procedures for prohibition notices to be issued to any ground (irrespective of whether it is designated or has a regulated stand) if a local authority is of the opinion that the admission of spectators to a sports ground would involve a serious risk to spectators. A prohibition notice may prohibit or restrict the admission of spectators generally or on a specified occasion and can take effect immediately if the local authority is of the opinion that the risk to spectators is imminent.

3.4 Part 3 of the Fire Safety and Safety of Places of Sport Act 1987 (the 1987 Act), introduced following the Bradford disaster, provides for certification by local authorities of stands which have capacity to accommodate, under cover, at least 500 spectators at sports grounds not designated under the 1975 Act.

3.5 In recent years, the SGSA has encouraged local authorities and sports grounds to move away from a prescriptive model of safety certification to a risk-based model whereby the sports ground is responsible for assessing risk at the ground and producing an operations manual. The operations manual, which sets out how the ground management will provide for the reasonable safety of those at the ground

during an event, forms part of the safety certificate and replaces detailed terms and conditions imposed by the local authority.

Football Spectators Act 1989

- 3.6 Following the Hillsborough disaster, the Football Spectators Act 1989 was passed. The Act created the Football Licensing Authority, which was subsequently renamed the Sports Grounds Safety Authority in 2011. Section 10 of the Act allows the SGSA to grant licences to admit spectators to watch designated football matches³, and it is an offence to admit spectators without such a licence. The licence is granted "*on such terms and conditions as the licensing authority considers appropriate*" (s10(5)). The Secretary of State can direct the SGSA to include a condition in the licence, and the Secretary of State does so in relation to the Government's all-seater policy which applies in England and Wales. The SGSA also uses the licence to ensure compliance with terracing standards where appropriate.
- 3.7 Section 13 of the Football Spectators Act 1989 sets out further powers of the SGSA to exercise oversight over certain functions of local authorities. Specifically, section 13(1) states that the SGSA shall have the function of keeping under review the discharge by local authorities of their functions under the 1975 Act in relation to sports grounds where designated football matches are played. Section 13(2) enables the SGSA to require the local authority to include particular terms and conditions in a safety certificate. Further, section 13(6) gives SGSA powers to enter and inspect sports grounds at which designated matches are played.

Sports Grounds Safety Act 2011

- 3.8 The Sports Grounds Safety Authority Act 2011 renamed the Football Licensing Authority as the Sports Grounds Safety Authority (s1) and allowed the SGSA to provide advice to sports other than football and to other countries.

³ Designated football matches are those matches played at the home grounds of clubs in the Premier and English Football Leagues, Wembley and the Principality Stadium.

[Page intentionally blank]



Consultation Part 1

A Wider Definition of Safety

[Page intentionally blank]

Chapter 4: Overview – A Wider Definition of Safety

Overview

- 4.1 The responsibility of local authorities under the 1975 Act is to issue safety certificates to designated grounds which include *'such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety at the sports ground when it is in use for the specified activity or activities'* (s2(1)).
- 4.2 The SGSA believes that *'reasonable safety at the sports ground'* is a broad term which means that **people present at a sports ground during an event are protected against dangers of physical harm or injury arising from being present**. In today's changing world, such dangers could arise from a range of factors including sports ground structures, safety management arrangements, terrorism, and crowd disorder and other anti-social behaviour by individuals or groups which may cause physical harm or injury.
- 4.3 The 1975 Act does not specify that *'reasonable safety at the sports ground'* is limited to the safety of spectators. It is the SGSA's view that safety at a sports ground includes the safety of all people present at the ground. That would include measures to ensure the protection of groups such as club employees, stewards, agency staff, medical staff, players and officials during an event. However, as explained in s17(1) of the 1975 Act, it does not extend to any risks inherent from participation in the sporting or competitive activity and only applies when the sports ground is in use for a specified activity. The length of time the safety certificate is in force for a specified activity should be set out in the safety certificate and typically begins two hours before the event and finishes one hour after the end of the event. The safety of those at the sports ground outside of these times should not be the subject of terms and conditions within a safety certificate.
- 4.4 The terms and conditions in a safety certificate apply to those areas within the curtilage of the ground. This is normally defined by a red line on a plan of the ground appended to the safety certificate. When considering this wider definition of safety, the term *'at the sports ground'* therefore refers to the area within that boundary.
- 4.5 The 1987 Act provides for similar certification of regulated stands within sports grounds as applies to the whole ground under the 1975 Act. It is the SGSA's view that this definition of safety applies equally to safety certification of regulated stands. In this document, *'certificated sports ground'* refers to grounds which are either designated under the 1975 Act or have a regulated stand under the 1987 Act.

Overview of Implications

- 4.6 This wider definition of safety, encompassing all risks which may cause physical harm or injury to people at a sports ground, represents a widening of the perception that safety relates only to physical and safety management matters. Most certificated sports grounds will already be undertaking activities which protect people at the sports ground from such risks, and many local authorities will already be considering such matters when considering the terms and conditions appropriate for inclusion within the safety certificate and at Safety Advisory Group (SAG) meetings. It is the SGSA's view that this is a requirement under the 1975 Act and 1987 Act and such activities and consideration should take place at all sports grounds and by all local authorities.
- 4.7 The wider definition introduces three new elements of safety:
- Counter-terrorism;
 - Prevention of crowd disorder and other anti-social behaviour; and
 - Consideration of all people in a sports ground, not just spectators.

The potential implications of each element of this wider definition are considered in further detail in chapters 5, 6 and 7 respectively. This chapter considers the overarching implications of this wider definition for the SGSA, local authorities and sports grounds.

Implications for the SGSA

- 4.8 Under section 13 of the 1989 Act the SGSA has a responsibility to keep under review the discharge by local authorities of their responsibilities under the 1975 Act in relation to sports grounds at which designated football matches are played. In future, the SGSA will consider this wider definition of safety when reviewing the performance of local authorities under this provision.
- 4.9 Section 13(2) of the 1989 Act enables the SGSA to require the local authority to include specific terms and conditions in a safety certificate. The draft Oversight and Licensing Policy considered in Chapter 8 explains that the SGSA will exercise this power if it feels that reasonable safety is being compromised and it is unable to persuade the local authority to take appropriate action. In considering whether reasonable safety is being compromised, the SGSA will take this wider definition of safety into account.
- 4.10 The Oversight and Licensing Policy considered in Chapter 8 explains that in keeping under review the discharge by local authorities of their functions under the 1975 Act, the SGSA will provide detailed advice and guidance on all aspects of safety certification. The SGSA has published guidance on safety certification which advises local authorities on how they should be discharging their statutory responsibilities under the 1975 Act. The advice in these guidance documents is supplemented by the FAQ section of the SGSA's website. The advice the SGSA has previously given will now

need to be expanded to cover the issues that should be considered as part of this wider definition of safety, including counter terrorism, prevention of crowd disorder and anti-social behaviour, and consideration of all people in a sports ground. The SGSA is currently re-writing the Guide to Safety at Sports Grounds (“the Green Guide”) to create the sixth edition. The SGSA plans to delay publication of this new edition to enable this wider definition of safety to be incorporated within the guide. The intention is to launch the new edition in June 2018.

4.11 Where it is helpful, the SGSA will also signpost other advice and guidance for local authorities and sports grounds on these matters.

Q1. What guidance or other support from the SGSA would local authorities and sports grounds find helpful in applying this wider definition of safety when discharging their responsibilities under the legislation?

Implications for Local Authorities

4.12 This wider definition of safety means that local authorities issuing safety certificates to sports grounds should consider counter-terrorism, prevention of crowd disorder and anti-social behaviour, and the protection of all people in a sports ground, as part of the safety certification process. Where a prescriptive certificate is in place, this will mean considering these issues when determining which terms and conditions are appropriate for inclusion in the safety certificate. Where a risk-based certificate is in place, this will also mean considering these issues when assessing and monitoring compliance with the accompanying operations manual. The operations manual should contain adequate provision to protect all people in the sports ground from these risks.

4.13 It is the SGSA’s view that local authorities will need to assure themselves that the sports ground has the necessary measures in place to protect all people in the sports ground from these risks, as well as from physical and safety management risks. While individual local authorities may not have the necessary in-house skills and knowledge in all these areas, they will be advised by members of their SAG.

4.14 Local authorities have a responsibility under section 10 of the 1975 Act to issue a prohibition notice if they are of the opinion that the admission of spectators to any sports ground involves a serious risk to spectators. In discharging this responsibility, local authorities should consider risks from terrorism and crowd disorder and other anti-social behaviour, as well as physical and safety management risks. **Section 10 specifically refers to a serious risk to spectators so risk to other people in the ground should not be taken in to account when local authorities are considering issuing prohibition notices.**

Q2. What other implications could this wider definition have for local authorities in discharging their responsibilities under the legislation?

Implications for Sports Grounds

- 4.15 Certificated sports grounds must comply with the terms and conditions of a safety certificate otherwise they are committing an offence which could result in prosecution. In future, terms and conditions, as well as the content of any accompanying operations manuals, may relate to counter-terrorism, prevention of crowd disorder and anti-social behaviour, and all people in a sports ground.
- 4.16 Any sports ground could be subject to a prohibition notice issued by a local authority. In future, such prohibition notices may be issued on the basis of risks relating to terrorism and crowd disorder and anti-social behaviour which could cause physical harm or injury to spectators.

Q3. What impact will the potential inclusion of such terms and conditions have on sports grounds?

Q4. What other implications could this wider definition have for sports grounds?

Chapter 5: Counter-terrorism

Overview

- 5.1 The wider definition of safety means that risks from terrorism should be considered as part of keeping people safe at a sports ground, and counter-terrorism activity should be considered by local authorities when determining appropriate terms and conditions for inclusion within a safety certificate issued under the 1975 Act, or when assessing and monitoring compliance with accompanying operations manuals. This chapter considers the potential implications of this in more detail.
- 5.2 In the context of sports grounds safety, counter-terrorism activity refers to protecting people in the ground from a potential terrorist attack and preparing contingency plans in case an incident occurs. Recent terrorist threats on public spaces and sports grounds highlight the importance of counter-terrorism activity. The threat level to the UK has been at Severe since August 2014, meaning an attack is highly likely. The terrorist attack at the Stade de France in November 2015, and subsequent attacks on other crowded places in Europe and beyond have highlighted the risk to crowded places and sports grounds and has resulted in increased protective measures at many grounds in the UK.

Implications for the SGSA

- 5.3 The SGSA has previously considered counter-terrorism measures to be outside its remit. However, the SGSA's review of the definition of safety has clarified that in working to achieve its purpose to ensure all spectators can enjoy watching sport in safety the SGSA should have regard to risks from terrorism.
- 5.4 The SGSA has developed a close working relationship with the National Counter Terrorism Security Office⁴ (NaCTSO). NaCTSO is a police unit which supports the Protect and Prepare strands of the Government's counter-terrorism strategy, CONTEST⁵. One of NaCTSO's objectives is to provide advice and guidance to crowded places in the UK to help protect them from the terrorist threat. The SGSA works closely with them to ensure their advice and guidance is used to best effect within the sports grounds sector. In particular, the two organisations are undertaking the following joint initiatives:

⁴ <https://www.gov.uk/government/organisations/national-counter-terrorism-security-office>

⁵ <https://www.gov.uk/government/publications/counter-terrorism-strategy-contest>

- The SGSA represents sports and events on NaCTSO's Crowded Places Information Exchange (CPIE) group, which exists to share advice and best practice on protecting crowded places from a terrorist attack.
- The SGSA has recently established a sports and events sub-group to the CPIE, which is a forum for governing bodies and other organisations in the sports and events sector to share best practice and guidance on this topic. The SGSA chairs this sub-group.
- The SGSA is a 'Single Point of Contact' for information from NaCTSO, which is cascaded to relevant organisations within the sports grounds safety sector.
- The SGSA is working closely with NaCTSO to draft the counter-terrorism sections of the new edition of the Green Guide, and the next version of NaCTSO's *Counter Terrorism Protective Security Advice for Stadia and Arenas*⁶, as well as NaCTSO's Crowded Places Guidance booklets.

The SGSA and NaCTSO intend to formalise this relationship in a Memorandum of Understanding between the two organisations.

Q5. What role should the SGSA take in supporting the sports grounds safety sector to prepare for the risks from terrorism?

Implications for Sports Grounds

5.5 Sports grounds can access advice on counter-terrorism protective measures from Counter Terrorism Security Advisors (CTSAs) based in local police forces and through the NaCTSO website. The activity of CTSAs is co-ordinated nationally by NaCTSO and they are deployed to organisations based on a centrally co-ordinated risk assessment. CTSAs work with relevant clubs to undertake an assessment of the venue to consider vulnerabilities. A range of options are available, one of which is the Protective Security Improvement Activity (PSIA), which helps the club to develop an action plan to take forward. Further guidance and advice is available on NaCTSO's website to support all sports grounds who may not have access to advice from their local CTSA or to a PSIA assessment.

⁶ <https://www.gov.uk/government/publications/counter-terrorism-protective-security-advice-for-stadia-and-arenas>

- 5.6 In future, terms and conditions of safety certificates, as well as the content of any accompanying operations manuals, may relate to counter-terrorism measures. Sports grounds will need to demonstrate to the satisfaction of the certifying authority that they have undertaken a risk assessment, have appropriate policies and procedures in place and have taken appropriate preventative measures.
- 5.7 Any sports ground could be subject to a prohibition notice issued by a local authority. In future, such prohibition notices may be issued on the basis of risks relating to terrorism.

Q6. What further support would sports grounds find helpful to protect their venue from the risks of terrorism?

Implications for Local Authorities

- 5.8 The wider definition of safety means that local authorities issuing safety certificates to certificated grounds should consider counter-terrorism when determining terms and conditions which are appropriate for inclusion in a safety certificate, or when assessing and monitoring compliance with accompanying operations manuals. It is the SGSA's view that local authorities will need to assure themselves that counter-terrorism provision at the ground is such that reasonable safety is being achieved. This may include, but may not be limited to, assessing or taking advice on the effectiveness of search regimes, whether stewards have been appropriately trained to respond to an incident, and whether the ground's contingency plans include counter-terrorism plans.
- 5.9 One of the functions of a SAG is to provide specialist advice to the local authority in specialist areas where it does not hold the expertise itself. The local authority will be advised by the SAG on the quality of counter-terrorism provisions at the ground, and in particular may find that the police representative is able to provide advice, perhaps drawing on support from local CTSA personnel.
- 5.10 At present, where PSIA assessments and action plans are completed they are held confidentially by the sports ground. To protect the ground it is important such documents are not widely available. Nevertheless, it may be helpful in future for the local authority to have sight of them as part of their assessment of provision at the ground.
- 5.11 Local authorities have a responsibility under section 10 of the 1975 Act to issue a prohibition notice if they are of the opinion that the admission of spectators to any sports ground involves a serious risk to spectators. In discharging this responsibility, all local authorities should consider risks from terrorism.

Q7. What challenges could local authorities face in considering counter-terrorism when discharging their responsibilities under the legislation?

- Q8.** How could SAGs be strengthened to support the local authority in assuring itself that counter-terrorism provision at the ground is such that reasonable safety is being achieved?
- Q9.** What guidance or other support would local authorities find helpful to support them in considering counter-terrorism when discharging their responsibilities under the legislation?

Chapter 6: Prevention of Crowd Disorder and Anti-Social Behaviour

Overview

6.1 The wider definition of safety means that the prevention of crowd disorder and other anti-social behaviour by groups or individuals which could cause physical harm or injury should be considered as part of keeping people safe at a sports ground. It is the SGSA's view that the prevention of such activity should be considered by local authorities when determining appropriate terms and conditions for inclusion within a safety certificate issued under the 1975 Act, or when assessing and monitoring compliance with accompanying operations manuals. This chapter considers the potential implications of this in more detail, whilst acknowledging that many sports grounds already successfully manage these types of risks as part of their core responsibilities.

Prevention of Crowd Disorder and Anti-Social Behaviour

6.2 The prevention of disorder and other anti-social behaviour at sports grounds has primarily been considered to be the responsibility of the police. However, it is now not uncommon that sporting events take place without the presence of the police. Even within football, which has had perhaps the most significant challenges with these issues, a significant number of matches are now held without the police being present in the ground. This is testament to the ability of those grounds to effectively manage and diffuse tension which could lead to crowd disorder and other anti-social behaviour and a subsequent risk of physical harm or injury to people present at the sports ground. This includes, for example, behaviours such as coin throwing, use of pyrotechnics, aggressive behaviour towards opposing supporters, and trespassing on to the pitch.

6.3 Where intelligence in advance suggests that levels of crowd disorder and other anti-social behaviour by groups and individuals can be expected to be of a level that may not be able to be effectively managed by the sports ground, the ground may request special police services to be deployed within the ground. When this request is made, the number of officers provided is a matter for the Chief Officer of Police of the Force. The SGSA believes that the system is currently working well, with most grounds already managing these risks appropriately and seeking support from the police when needed.

6.4 It may on occasion be the case that the sports ground is not of the opinion that special police services are required, and the view of the police differs. Each party may make representations to the local authority. In considering these representations, the local authority should consider whether reasonable safety would be compromised by not having the police present, and in doing so should now have regard to the wider

definition of safety which includes all risks which may cause physical harm or injury, including risks from crowd disorder and anti-social behaviour. If the local authority agrees with the sports ground that the risks can be successfully managed by their own safety management arrangements then no further action is needed. However, if the local authority agrees with the police and considers that reasonable safety would be compromised, the local authority could require such terms and conditions in the safety certificate as they consider necessary or expedient to secure reasonable safety, including a reduction in capacity of the ground to a level at which it considers reasonable safety can be maintained.

- 6.5 The SGSA's review of the legislation has clarified that, in exceptional circumstances, another option is available to local authorities where the local authority considers that reasonable safety at the ground would be compromised as a result of not requesting special police services. Under section 2(2A) of the 1975 Act, the local authority can require the sports ground to request police attendance inside the sports ground as a condition of the safety certificate. The extent of provision of police services must be reserved for the determination of the Chief Officer of Police of the Force. This option has not been widely used in the past, as the strong working relationships that exist between local authorities, sports grounds, and local police forces have resulted in agreement as to when police should be deployed within the ground. The SGSA would expect this to continue, and this further option only to be used in exceptional circumstances where consensus cannot be reached.
- 6.6 Section 27(3) of the 1987 Act which applies to regulated stands also includes a provision enabling the local authority to require the sports ground to request police attendance in or in the vicinity of the regulated stand. The extent of the provision of their services is reserved for the determination of the Chief Officer of Police of the Force. Again, we would only expect this provision to be used in exceptional circumstances.

Implications for the SGSA

- 6.7 The SGSA has a good working relationship with local police representatives, and with the National Police Chiefs Council (NPCC) and the Home Office UK Football Policing Unit. The SGSA will continue to foster these relationships, and will work with both organisations to encourage partnership working and seek to ensure a proportionate and consistent approach.

Q10. What other activity could the SGSA undertake to support local authorities and sports grounds?

Implications for Sports Grounds

- 6.8 In future, terms and conditions, as well as the content of any accompanying operations manuals, may relate to the prevention of crowd disorder and other anti-social

behaviour which may cause physical harm or injury. Sports grounds will need to demonstrate to the satisfaction of the certifying authority that they have undertaken appropriate risk assessments and have appropriate policies and procedures in place to prevent such activity.

- 6.9 Such risk assessments already take place in many sports grounds. Many sports grounds already successfully prevent and manage crowd disorder and anti-social behaviour issues, although they may not always describe that activity in this way. This success is achieved by, for example, preventing drunken persons from entering, effective searching, preventing pitch incursions, ensuring robust segregation, conflict resolution and intervention, ejections and stadium bans.
- 6.10 As part of the risk assessment process, sports grounds will need to continue to consider when it is appropriate for them to request special police services to help them discharge their responsibilities.
- 6.11 When assessing the risk of crowd disorder and anti-social behaviour there can be a tendency to focus on information about the number of arrests and ejections. However, the number of incidents which result, or could result, in physical harm or injury will always be higher than actual arrests and ejections. Therefore, where there is a clear link to potential harm or physical injury, improved incident data may need to be gathered and analysed by the sports ground as part of the risk assessment process. This might include the numbers and type of incidents reported or prevented, patterns and trends of anti-social or disorderly behaviour, high risk locations and prevalence.
- 6.12 Any sports ground could be subject to a prohibition notice issued by a local authority. In future, such prohibition notices may be issued on the basis of risks relating to crowd disorder and anti-social behaviour which may cause physical harm or injury.

Q11. What other implications could the potential inclusion of terms and conditions relating to crowd disorder and anti-social behaviour have for sports grounds?

Q12. What other implications could the potential inclusion of a condition requiring the sports ground to request police services have for sports grounds?

Implications for Local Authorities

- 6.13 This wider definition of safety means that local authorities issuing safety certificates to certificated grounds should consider prevention of crowd disorder and other anti-social behaviours which could cause physical harm or injury when determining terms and conditions which are appropriate for inclusion in a safety certificate, or when assessing and monitoring compliance with the accompanying operations manuals. It is the SGSA's view that local authorities will need to assure themselves that the sports ground has the necessary measures in place to prevent such activities.

- 6.14 Local authorities have an additional option open to them in the exceptional circumstances that a sports ground does not request police services and the local authority considers that reasonable safety at the ground would be compromised as a result. In such an eventuality, they can require the sports ground to request police services as a condition of the safety certificate. The extent of provision of police services must be reserved for the determination of the Chief Officer of Police of the Force. Local authorities cannot compel the police to attend.
- 6.15 Local authorities have a responsibility under section 10 of the 1975 Act to issue a prohibition notice if they are of the opinion that the admission of spectators to any sports ground involves a serious risk to spectators. In discharging this responsibility, all local authorities should consider risks from crowd disorder and anti-social behaviour.

Q13. What challenges could local authorities face in considering crowd disorder and anti-social behaviour when discharging their responsibilities under the legislation?

Q14. What guidance or other support would local authorities find helpful to support them in considering crowd disorder and anti-social behaviour when discharging their responsibilities under the legislation?

Implications for the Police

- 6.16 In recent years, the improved capability of sports grounds to successfully prevent and manage threats from crowd disorder and anti-social behaviour, and the accompanying reduction in the number of police in sports grounds, has helped to reduce the burden on police resources. This is a mutually beneficial achievement that both the grounds and the police are keen to sustain.
- 6.17 The wider definition of safety and the inclusion of prevention of crowd disorder and anti-social behaviour within the safety certification process may require a review of the Statement of Intent in place at specific grounds, particularly in relation to core roles and responsibilities. At a national level, the NPCC may wish to consider whether any update is needed to the College of Policing's *Authorised Professional Practice (APP) for Policing Football* and potentially the *APP for Public Order* where reference is made to police activities at other types of sports grounds.
- 6.18 In relation to certificated sports grounds, the continued presence of well-informed police representatives at SAGs will be of increased value to local authorities and sports grounds when discussing prevention of crowd disorder and anti-social behaviour which may cause physical harm or injury.

Q15. What other implications could this wider definition of safety have for the Police?

Q16. What implications could this wider definition of safety have for Statement of Intent documents?

Chapter 7: Consideration of All People in a Sports Ground

Overview

7.1 The wider definition of safety means that the safety of all people at a sports ground, not just spectators, should be considered by local authorities when determining appropriate terms and conditions for inclusion within a safety certificate issued under the 1975 Act, or when assessing and monitoring compliance with accompanying operations manuals. This includes measures to ensure the protection of groups such as club employees, stewards, agency staff, medical staff, players and officials during an event. However, it does not extend to any risks inherent from participation in the sporting or competitive activity and only applies when the sports ground is in use for a specified activity. This chapter considers the potential implications of this in more detail.

Interaction with the Health and Safety at Work etc Act 1974

- 7.2 The Health and Safety at Work etc. Act 1974 (HSWA) requires employers and self-employed people to do what is reasonably practicable to ensure people's health and safety. HSWA sets out the general duties that employers have towards employees whilst at work (section 2), and also requires them to protect people other than those at work (section 3), for example in a sports grounds context, spectators and visiting teams. These people should be protected from risks to their safety arising out of, or in connection with, the work activities. In addition, anyone with control of premises like a sports ground has a duty to see that the premises, plant (e.g. sports equipment) and substances provided are safe (section 4). These responsibilities apply at all times.
- 7.3 Previous agreements between the Health and Safety Executive (HSE) and the SGSA have sought to clarify the relationship between health and safety legislation and sports grounds safety legislation. In particular, the 1991 HELA circular explained that in relation to spectators, sports grounds safety legislation has primacy. Although this circular has been withdrawn the principles have continued within the HSE Policy document⁷ on enforcing Section 3 and working with other regulators. The wider definition of safety means that people other than spectators can also come under the

⁷ <http://www.hse.gov.uk/enforce/opalert.htm>

scope of the Safety at Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.

Implications for Local Authorities

- 7.4 Local authorities already have responsibilities for enforcement of health and safety legislation at premises within their jurisdiction, and often the same local authority is responsible for enforcing both health and safety and sports grounds safety legislation and will have in place measures to deal with issues of overlap. The wider definition means that at certificated sports grounds local authorities can use safety at sports grounds legislation as well as health and safety legislation to ensure the safety of all people at the ground.
- 7.5 It is the view of the SGSA and the HSE that it would be most appropriate to use the 1975 and 1987 Act predominantly to handle risks to safety which are connected with the use of the ground for the specified activity in the safety certificate; that is **risks to safety which arise because of the particular environment of a sports ground and the activities which take place there**. Local authorities will need to take into account such risks when determining terms and conditions which are appropriate for inclusion in a safety certificate, or when assessing or monitoring compliance with accompanying operations manuals. Local authorities will need to assure themselves that grounds have the necessary measures in place to protect all people in the sports grounds from such risks when in use for specified activities. Ultimately, if a situation arises where a local authority were considering enforcement action then it would be for the local authority to determine the most appropriate and effective legislation to apply in the circumstance. Securing the safety of all those at the sports ground will require application of the most appropriate and effective legislation to manage the risks presented by the specified activities.
- 7.6 The risks which could be considered by a local authority under a safety certificate could include, but may not be limited to, the following examples:
- Risks to stewards from potentially aggressive spectators;
 - Risks to stewards, players and officials from lack of training, equipment and Personal Protective Equipment for dealing with pyrotechnics; and
 - Risks to stewards, players and officials from pitch side electrical equipment.
- 7.7 Essential to achieving effective oversight and interaction between the two regimes will be good communication and liaison, particularly between the enforcing authorities and especially where the certifying authority for sports grounds falls to the County Council and the authority responsible for the enforcement of HSWA at grounds is the District Council. Even where all regulatory/enforcement functions are contained within the

same local authority they may be located within different departments/services and as such formal or regular liaison mechanisms should be established and maintained with all being members of, and participating in, the local SAG established for the certificated sports grounds.

- 7.8 Local authorities have a responsibility under section 10 of the 1975 Act to issue a prohibition notice if they are of the opinion that the admission of spectators to a sports ground involves a serious risk to spectators. **Section 10 specifically refers to spectators so risks to other people in the ground should not be taken in to account when local authorities are considering issuing section 10 prohibition notices.**

Q17. What challenges could local authorities face in considering the safety of all people in the sports ground when discharging their responsibilities under the legislation?

Q18. How could SAGs be strengthened to support the local authority in considering the safety of all people in the sports grounds?

Q19. What guidance or other support would local authorities find helpful to support them in considering the safety of all people in the sports ground when discharging their responsibilities under the legislation?

Implications for Sports Grounds

7.9 Those with control of sports grounds premises, employers at the grounds and event managers/controllers already have responsibility for the health and safety of employees and visitors under HSWA. The wider definition means that at certificated grounds they may be regulated on some of these responsibilities under the safety certificate issued by the local authority.

7.10 Where this is the case, sports grounds will need to demonstrate to the satisfaction of the certifying authority that they have undertaken appropriate risk assessments and have appropriate policies and procedures in place to protect all people in the sports grounds from risks to their safety which arise because of the particular environment of a sports ground and the activities which take place there.

Q20. What other implications could the potential inclusion of terms and conditions relating to the safety of all people have for sports grounds?

Implications for the SGSA

7.11 The SGSA has previously considered people other than spectators to be outside its remit. The SGSA's review of the definition of safety has clarified that the 1975 Act covers all people in a sports ground, and in the future the SGSA will have regard to this in discharging its oversight and licensing responsibilities.

7.12 The SGSA has a good working relationship with the Health and Safety Executive (HSE), which it will continue to foster to ensure there is effective and collaborative working between the organisations, including local authorities, where their duties in respect of future enforcement arrangements and investigations overlap at sports grounds.

Q21. What other activity could the SGSA undertake to support local authorities and sports grounds?

Q22. Do you have any other comments on the issues considered in Part 1 of this consultation?



Consultation Part 2

The SGSA's Oversight & Licensing Policy

[Page intentionally blank]

Chapter 8: The SGSA's Oversight and Licensing Policy

Overview

- 8.1 The SGSA has a legal responsibility for overseeing how local authorities discharge their statutory responsibilities under the Safety of Sports Grounds Act 1975 at grounds at which designated football matches are played; and for issuing a licence to those grounds to permit the admission of spectators. The SGSA's review of the legislation has clarified the extent and scope of the SGSA powers and the SGSA's oversight and licensing policy (O&L policy) has been reviewed to ensure it remains fit for purpose. A copy of the revised draft O&L policy, which the SGSA is inviting comments on, is at **Appendix A**. The policy sets out the SGSA's statutory powers and how it will use them to achieve its primary regulatory objective to ensure reasonable safety is maintained at the home grounds of clubs in the Premier League and the English Football League, and at Wembley and the Principality Stadium.
- 8.2 The SGSA remains committed to taking a risk-based approach to all its regulatory activity. It will continue to work towards ensuring grounds are safe through education and persuasion. Only if that fails and the SGSA feels the reasonable safety of those at the ground is being compromised would it seek to use its statutory powers to insert a condition into a safety certificate. The SGSA may also consider using its powers to insert conditions into a safety certificate if there is a national safety issue which calls for a consistent approach across all grounds at which designated football matches are played.
- 8.3 It is recognised that safety related issues could also be addressed through the licences issued by the SGSA. However, the SGSA would only seek to do so if it felt that any condition inserted into a safety certificate at the request of the SGSA was not being satisfactorily enforced by the local authority.

Oversight of Local Authorities

- 8.4 Paragraphs 11 – 19 of the draft O&L policy set out how the SGSA will discharge its responsibilities for keeping under review the discharge by local authorities of their functions under the 1975 Act in relation to grounds at which designated football matches are played.
- 8.5 The SGSA seeks to take a risk based approach to all its regulatory activity, ensuring that attention is focussed on those sports grounds where the actions or inactions of the ground management or the local authority threatens to compromise the reasonable safety of those at the ground. Paragraph 16 of the draft O&L policy sets out the procedures the SGSA will adopt to monitor how local authorities discharge their responsibilities. Attendance at a ground on a match day is an important part of that process. SGSA inspectors seek to ensure that match visits do not adversely

impact on the safety management of the event or place any additional burdens on the event day operations.

Q23. To what extent does the attendance of an SGSA inspector on a match day place any additional burden on the match day operation or the safety certificate holder? Please explain the nature of the burden if you believe it does.

Q24. To what extent do sports grounds and local authorities benefit from SGSA inspectors undertaking match visits? Please explain the nature of the benefits if you believe they do.

8.6 Paragraphs 17 -19 of the draft O&L policy explain that where the SGSA has concerns that the reasonable safety of those at the ground may be compromised it will seek to resolve the issue by education and persuasion. Should that not be possible it will seek to exercise its statutory power to require a local authority to insert an appropriate condition into the safety certificate and then only if a local authority failed to satisfactorily enforce the condition would the SGSA seek to include the condition in its licence and deal with any non-compliance as a breach of licence.

Q25. To what extent do you agree that such an approach is proportionate where the SGSA has concerns about the reasonable safety of those at the ground?

8.7 It is stressed that the primary responsibility for regulating safety at sports grounds will continue to rest with local authorities. The SGSA recognises the challenging financial context that many local authorities are operating within. Nevertheless, it is important that local authorities ensure there is appropriate funding allocated to this statutory role. While the SGSA recognises that local authorities have that primary responsibility, paragraph 20 of the O&L Policy acknowledges that it is possible that in the future there may be national safety issues which call for a consistent approach across all grounds at which designated football matches take place and in such circumstances the SGSA would consider using its powers to require local authorities that regulate safety at those grounds to insert an appropriate condition(s) into a safety certificate.

Q26. If there is a safety issue that arises which calls for a consistent approach across all grounds at which designated football matches are played, to what extent do you consider it would be appropriate for the SGSA to consider exercising its statutory powers to require all local authorities to insert an appropriate condition into a safety certificate?

Licensing

8.8 A key purpose of licences issued under the 1989 Act has been to enforce the government's policy in respect of all-seated stadia and to ensure that at grounds not subject to the all-seated requirement any standing accommodation is of the specified standard. However, paragraph 29 of the O&L policy identifies that the SGSA may in

addition insert conditions into the licence to regulate both safety at the ground and non-safety issues relating to the admission of spectators and the arrangements to which they are admitted. When considering licence applications the SGSA will review whether existing licence conditions, apart from those it is directed to include by the Secretary of State, should continue to be applied and whether any further licence conditions need to be included. To assist in that consideration the applicant may be required, as part of the application, to submit information in respect of the safety of the stadium. Where such information is to be requested applicants will be given at least two months' notice of what is required. It is proposed to require the submission of the information set out in **Appendix B** for applications for licences for the 2018/19 season and in subsequent years. The SGSA is of the view that no more than a day of a safety officer's time would be required to collate and provide the information set out.

- 8.9 Section 3.21 of the Guide to Safety at Sports Grounds recommends that a safety audit should be carried out at least once a year. An alternative approach to requiring the information set out at Appendix B would be that where such an independent audit has been carried out the SGSA could invite clubs to submit a copy of that audit, or to require all clubs to submit a copy of such an audit. The audit could be accompanied with details of any actions it has taken to address the issues raised.

Q27. To what extent is the SGSA's estimate of the time it would take for the safety officer to collate and provide the information set out at Appendix B accurate? If you believe it is not, please provide a revised estimate.

Q28. Should clubs be required, or alternatively have the option, to submit a safety audit instead of the information set out at Appendix B?

Clubs Promoted to the English Football League

- 8.10 Paragraph 31 of the O&L policy explains that any National League club promoted to the English Football League is required to apply for a licence. In addition to supplying any information the SGSA requires as part of a licence application from clubs already subject to the SGSA's licensing requirements, newly promoted clubs will also be required to provide a copy of their ground's safety certificate or any regulated stand certificates, a copy of the capacity calculations, an assessment of the (P) and (S) factors and a copy of either the operations manual or event day management plan. The SGSA expects that all of these documents would already be held by clubs in the National League.

- 8.11 In order for the SGSA to validate if the physical conditions at the ground and the club's safety management would support the (P) and (S) factor assessments it will be necessary for an SGSA inspector to visit the grounds of any clubs who it would appear may be likely to be promoted. Such visits would be likely to take place in late March.

Q29. To what extent does requiring newly promoted clubs to provide the required information place an additional burden on those clubs? Please explain the nature of the burden if you believe it does.

Accessibility

8.12 It is the SGSA's view that a non-safety issue relating to the admission of spectators and the arrangements to which they are admitted that could be addressed through the licence is the provision made for disabled spectators. The Government has committed to enable the SGSA to take on a more formal role in helping sports grounds reach the required standards for accessibility and the SGSA is engaging with DCMS and the Equalities and Human Rights Commission to determine what that role should be. The owners of sports grounds have a legal duty under the Equalities Act 2010 to make reasonable adjustments to their grounds to make them accessible to people with disabilities.

8.13 Provisions relating to the accessibility of the ground for disabled people cannot be included within a safety certificate issued by a local authority under the 1975 Act.

Q30. To what extent should the SGSA consider using its licensing powers in respect of accessibility issues?

Q31. If the licence were to be used in this way, what should the SGSA's objectives be?

Q32. What approach should the SGSA take to achieving these objectives?

Q33. Do you have any other comments on the issues considered in Part 2 of this consultation, or on the draft O&L policy attached at Appendix A?

Appendix A: The SGSA's Draft Oversight and Licensing Policy

The SGSA's Regulatory Role

1. Under the provisions of the Football Spectators Act 1989 (1989 Act) the SGSA has two regulatory responsibilities:
 - i. To keep under review the discharge by local authorities of their functions under the Safety of Sports Grounds Act 1975 (1975 Act) in relation to grounds at which designated football matches are played (section 13 of the 1989 Act); and
 - ii. To issue licences to admit spectators to any premises for the purpose of watching any designated football match played at those premises (sections 10 -12 of the 1989 Act)

Designated football matches are those matches played at the home grounds of clubs in the Premier and English Football Leagues, Wembley and the Principality Stadium.

2. This policy sets the SGSA's regulatory objectives and how it will discharge its statutory responsibilities under the 1989 Act.

Regulatory Objectives

3. The SGSA's principal purpose is to ensure all spectators can enjoy watching sport in safety. We will use our regulatory powers to ensure reasonable safety is maintained at the home grounds of clubs in the Premier League and English Football League, Wembley and the Principality Stadium.
4. Safety is a broad term which means that people present at a sports ground are protected against dangers of physical harm or injury arising from being present. In today's changing world, such dangers could arise from a range of factors including sports ground structures, safety management arrangements, terrorism, crowd disorder and other anti-social behaviour by individuals or groups which may cause physical harm or injury. Safety at the sports ground is not limited to the safety of spectators; it includes the safety of all people present at the ground. This will include measures to ensure the protection of groups such as club employees, stewards, agency staff, medical staff, players and officials during an event. However, it does not extend to any risks inherent from participation in the sporting or competitive activity.
5. Responsibility for safety at a ground where designated matches are played rests with ground management. This is regulated by the safety certificate issued by a local authority under the 1975 Act. In overseeing how local authorities discharge their functions and in taking licensing decisions the SGSA will seek to satisfy itself that appropriate provision is being made to secure reasonable safety at the ground. We believe that true safety comes when those who are responsible understand and believe in it for themselves. It cannot be imposed or achieved through external regulation

alone. We will therefore work in partnership and seek to ensure the provision of reasonable safety at sports grounds at which designated football matches are played through education, guidance and persuasion. If such an approach fails and we are concerned that reasonable safety is being compromised by the actions or the inactions of others the SGSA will use its regulatory powers to ensure reasonable safety is maintained.

6. The SGSA's regulatory powers to insert a condition in a safety certificate issued by a local authority to any ground at which designated football matches are played (section 13 of the 1989 Act) and to issue licences to admit spectators (section 10 of the 1989 Act) are complementary and are not mutually exclusive. We are able to use both powers to regulate safety if we consider it appropriate to do so. Our licensing powers are particularly wide and, in addition to enforcing the Government's all-seated policy, can extend to other issues relating to the admission of spectators and the arrangements to which they are admitted, including facilities for disabled people.
7. Any condition inserted into a licence would only apply when the ground was being used for a designated football match, while a condition in a safety certificate would apply more widely to any activities specified in the certificate.
8. In line with the Hampton principles, we will take a risk based approach to all our regulatory activity, ensuring that we focus our attention on those sports grounds where the actions or inactions of the ground management or the local authority threatens to compromise the reasonable safety of those at the ground.

Relationship with Other Agencies and Regulatory Bodies

9. The SGSA recognises the scope of its responsibilities extends into areas where other agencies are involved and other regulatory regimes exist, for example the safety of those working at a sports ground will also be covered by the Health and Safety at Work legislation. In such circumstances of regulatory overlap the overriding principle should always be that the more specific legislation shall have primacy. In such cases the SGSA will seek to reach agreement with the other regulatory body with a view to ensuring that there is no duplication of regulatory control.
10. Where an issue within the SGSA's remit is being appropriately addressed by another specialist agency the SGSA would not normally seek to take regulatory action.

Oversight of Local Authorities

11. Under the provisions of the 1975 Act where a sports ground has been designated by the Secretary of State for Culture, Media and Sports as requiring a safety certificate the local authority is required to issue a certificate containing such terms and conditions as it considers necessary or expedient to secure reasonable safety at the sports ground when it is in use for any activity specified in the safety certificate, to monitor compliance with that certificate and where necessary take any appropriate enforcement action.

12. Under the provisions of section 13 of the Football Spectators Act 1989 (1989 Act) the SGSA has a statutory responsibility to keep under review the discharge by local authorities of their functions under the 1975 Act in relation to sports grounds at which designated football matches are played. This includes any activity specified in the safety certificate of such grounds and is not restricted to football matches. In discharging that responsibility the SGSA will provide detailed advice and guidance on all aspects of safety certification and, at appropriate intervals, examine whether the certifying authority's policies, decisions and actions on the following matters are reasonable:
 - i. the issue, revision and amendment of the safety certificate;
 - ii. the terms and conditions of the safety certificate, especially the prescribed capacity; and
 - iii. the certificate holder's compliance with the terms and conditions of the safety certificate.
13. The SGSA needs to be satisfied that terms and conditions in safety certificates, or the content of accompanying operations manuals, are sufficient to ensure the reasonable safety at the ground. These terms and conditions should be consistent with the particular circumstances at the ground concerned. The SGSA shall seek to encourage and persuade all local authorities to issue risk-based safety certificates.
14. The SGSA will concern itself not merely with the contents of safety certificates but also with the procedures adopted by the certifying authorities for determining the contents, for monitoring and for enforcing compliance. It will promote consistency and good practice.
15. The SGSA will not intervene formally where it considers terms and conditions to be excessively stringent provided that these do not put the safety of those at the ground at risk. Action by the SGSA is not a substitute for clubs' statutory right to appeal to the courts.
16. The SGSA will carry out its statutory review function by:
 - i. attendance at Safety Advisory Groups, meetings with the certifying authority and with such other parties that it may consider appropriate;
 - ii. monitoring the contents of the safety certificate, of the records required to be kept under the terms and conditions of the safety certificate, and such other documents as it may consider relevant;
 - iii. a biennial (every other year) cycle of self-assessment audits of local authorities safety certification procedures; and
 - iv. proactive monitoring of compliance with the requirements and conditions of the safety certificate by way of match visits to the sports grounds concerned.

17. Day to day contact with individual certifying authorities will be handled by SGSA inspectors. Contact will normally be with the officer with delegated responsibility for safety certification who may or may not be the Chair of the Safety Advisory Group. If issues cannot be resolved at this level they will be escalated to the SGSA's Chief Inspector.
18. If the SGSA is unable to persuade the local authority to take the appropriate action and, as a consequence, it is felt that reasonable safety is being compromised the SGSA shall exercise the power provided by section 13(7) of the 1989 Act to issue a notice to the local authority to add a relevant condition to the safety certificate. Any such notice will be issued by the SGSA Chief Executive and the local authority's enforcement of the condition monitored by the SGSA inspector.
19. Should a local authority fail to satisfactorily enforce any condition inserted into a safety certificate under the provisions of section 13(7) of the 1989 Act the SGSA shall consider, subject to the consultation required under section 10(11) of the 1989 Act, whether to insert a condition into the licence issued in respect of the ground. Compliance with any such condition shall be monitored by the SGSA inspector and any non-compliance dealt with as a breach of a licence.

National Safety Issues

20. The SGSA recognises that there may be national safety issues which call for a consistent approach across all grounds at which designated football matches take place. In such cases the SGSA shall consider whether the nature of the issue is such that it should issue a notice to all local authorities requiring an appropriate condition to be inserted into a safety certificate. The local authority's enforcement of such conditions shall be monitored by the SGSA inspector. Should the local authority fail to satisfactorily enforce the condition the SGSA shall consider, subject to the consultation required under section 10(11) of the 1989 Act, whether to insert the condition into the licence issued to grounds.

Licensing

21. Under the provisions of section 10 of the 1989 Act the SGSA issues an annual licence, before the start of each season, to allow spectators to be admitted to a ground at which a designated football match is to take place. A key purpose of the licence issued to those grounds is to ensure that the Government's policy in respect of all-seated stadia is enforced at those grounds to which the policy applies and, that at any other ground, any standing accommodation is of the specified standard. As set out above under regulatory objectives, our licensing powers can be used to regulate safety and can also extend to other issues relating to the admission of spectators and the arrangements to which they are admitted.
22. The requirement for football grounds in the top two divisions of English football to have all-seated stadia has been in place since 1994. It is recognised that it would be unreasonable to expect a club that is promoted to the Championship for the first time

to immediately replace any existing terracing with seating, however they are expected to do so before they commence their fourth season in either the Championship or Premier League. Once a club has been in the Championship or the Premier League for three seasons the Secretary of State for Culture, Media and Sport will consider instructing the SGSA to include conditions into the licence issued to the ground in respect of the seating of spectators, but before doing so s/he is required to consult the SGSA. Where the SGSA wishes to make recommendations to the Secretary of State, in particular where it is aware a club will be seeking an extension to the deadline, it is required, under the provisions of 11(5) of the 1989 Act, to consult with the local authority in whose area the ground is situated. Although there is no similar statutory requirement for the SGSA to consult with the licence holder we will do so before making any recommendations.

23. In considering any case made by a licence holder and/or local authority for an extension to the deadline for meeting the all-seated requirement the SGSA shall seek to be fair both to the licence holder who is seeking the extension and to other licence holders who have previously met the all-seated requirement within the specified deadline. The SGSA would expect to support extensions only in the most exceptional circumstances. The SGSA shall not seek to lay down criteria because every case shall be judged strictly on its merits but by way of illustration, the SGSA would expect any licence holder seeking an extension to demonstrate to its satisfaction that:
- i. its circumstances were wholly exceptional (i.e. not shared by other clubs);
 - ii. the reasons for delay could not reasonably have been foreseen; and
 - iii. the delay could not be attributed to the actions or inaction of the club.
24. Should a licence holder be seeking an extension because a club is in the process of moving to a new ground and wishes to avoid expenditure on its existing ground the SGSA will not normally consider supporting a relaxation of the deadline until it had clear evidence that this would be for a strictly limited period and that the club concerned could realistically complete its relocation within a reasonable and definite timescale. In considering such cases the questions to which the SGSA will require clear answers are likely to include:
- Has the club received detailed planning permission?
 - Has the site been acquired?
 - Has the design of the stadium and related facilities been finalised and approved by all relevant authorities?
 - Has the necessary financial package been secured?
 - Has the contract to build the stadium been let?
 - Has work started on site or has a start date been settled?
 - Has a firm date for completion been fixed and are there safeguards against delay?
 - Has the disposal of the existing site been agreed?
25. Once the consultation is complete, unless the Secretary of State agrees to any extension or other variance, the SGSA will be directed to include conditions into the licence of any club that has spent three years in the top two divisions of English football.

These conditions are a matter for the Secretary of State but are currently:

- Only seated accommodation shall be provided for spectators at a designated football match.
- Spectators shall only be admitted to watch a designated football match from seated accommodation.

26. Clubs not subject to the all-seated requirement will be permitted to continue using standing accommodation provided it is of the specified standard in respect of the layout, strength and positioning of barriers. In considering whether to licence the use of each individual terrace the SGSA will have regard to the following criteria:

i. whether the layout:

- comprises continuous crush barriers between radial gangways, as outlined in paragraph 11.8 and illustrated in Diagram 11.3 of the Fifth Edition of the Guide to Safety at Sports Grounds "the Green Guide; and
- is such that all spectators are within 12 metres of a gangway or exit as measured along a line of unobstructed travel from the viewing position (see paragraph 13.4.a. of the Fifth Edition of the Green Guide).

ii. whether the spacing, strength and construction of all the crush barriers conform to paragraph 11.2 and Table 11.1 of the Fifth Edition of the Green Guide.

iii. whether the height and positioning of all the crush barriers are in accord with paragraph 11.10 and Diagram 11.4 of the Fifth Edition of the Green Guide.

It should be assumed that level standing areas or non-stepped sloping areas will not form part of the viewing accommodation that will be licensed for spectator use.

27. Any club entering the English Football League for the first time will have 3 seasons to bring any terracing up to the specified standard. Any applications from such clubs to extend the 3 year deadline will be considered against the criteria set out in paragraphs 23 and 24 above. The SGSA recognises that there may be a very small number of existing terraces at clubs entering the English Football League for the first time which consist of non-continuous crush barriers, but which were built strictly in accordance with the then edition of the Green Guide and now comply fully with paragraph 11.9 of the Fifth Edition of the Guide. The SGSA will consider sympathetically applications to license any terraces that fully satisfy these criteria.

28. Where a club in the Premier League or the Championship faces a deadline for meeting the all-seated requirement, or a club in Leagues 1 or 2 for bringing its terraces up to the prescribed standard, the SGSA will, when considering any licence application during the 3 year deadline, seek to satisfy itself that the licence holder has achievable plans for meeting the deadline.

29. Licenses issued by the SGSA can encompass issues wider than the Government's all-seated policy and ensuring any permitted standing accommodation is of the specified standard. Our licensing powers can be used to regulate safety and can also extend to

other non-safety issues relating to the admission of spectators and the arrangements to which they are admitted. If an issue which cannot be addressed through a safety certificate is brought to our attention and the SGSA is persuaded as to the case of why the licence would be the most effective way of addressing it consideration shall be given to including appropriate conditions within a licence.

The Licensing Process

30. When considering the renewal of a licence the SGSA will wish to be satisfied that further licence conditions are unnecessary. When submitting its licence application the applicant may be required to provide information in respect of the safety of the stadium, including its safety management systems and procedures, or any other issue which the SGSA considers relevant to its licensing decision. Where such information is to be requested licence applicants will be given a minimum of 2 months' notice of what will be required to be submitted with the licence application.
31. In addition to the information requested of clubs already subject to the SGSA's licensing requirements any club seeking promotion to the League 2 of English Football League will be asked to supply the following additional information/documentation – a copy of the ground's safety certificate or any regulated stand safety certificates, a copy of the capacity calculations for the ground and each individual section of the ground, an assessment of the (P) and (S) factors and a copy of either the operations manual or event day management plan. Prior to the SGSA considering any licence application from a club seeking promotion an SGSA inspector will visit the ground on a match day to validate the capacity calculation and whether the physical conditions at the ground and the ground's safety management would support the (P) and (S) factors if the club secured promotion.
32. The relevant SGSA inspector will consider the information submitted and prepare a report for the SGSA Board taking in to account the information submitted and the inspector's knowledge of the ground as a result of the SGSA's oversight activity. The SGSA will act proportionately when considering licence applications. The reasonable safety of those at the ground will be treated as an overriding consideration. Where there are areas of concern identified from the documents supplied by the applicant which impact on the reasonable safety at the ground the SGSA inspector will liaise with the applicant and local authority to agree how the issues should be addressed. If the issue cannot be resolved by education and persuasion the SGSA will consider issuing a notice requiring appropriate conditions to be inserted into the safety certificate. Only if that fails to achieve the required improvement would the SGSA consider addressing the issue by inserting a condition into the licence. If the area of concern was not safety related, for example an accessibility issue, the first step will be to seek a resolution through discussion and if that fails to consider attaching additional conditions to the licence.
33. Any decision to insert a condition, whether safety or non-safety related, will only be taken after the consultation required under section 10(11) of the 1989 Act which provides that –

The SGSA shall not vary the terms or conditions of a licence without –

- a) notifying the licence holder in writing of the proposed alterations or additions;
- b) giving him an opportunity to make representations about them within the period of 21 days beginning with the service of the notice; and
- c) taking any representations so made into account in making the decision.

34. A decision as to whether to insert a condition will be made within 21 days of the end of consultation with the licence holder. The SGSA will provide full reasons for any decision to insert a condition.

Appendix B: Proposed Information to be Submitted with Licence Application

1. Please provide details of the Safety Management Team at the Club, including General Safety Certificate Holder, Safety Officer, Deputy Safety Officer and any other relevant persons involved in safety management including who at board level has lead responsibility for safety.
2. Please list any significant changes to the sports ground which affect the General Safety Certificate, i.e. staff changes, re-development etc. Have full details including scaled drawing been provided to the Local Authority and the Safety Advisory Group?
3. Please give details of all tests and exercises undertaken to validate the following plans, or details of their operational activation:
 - a. the contingency plans,
 - b. the evacuation plans
 - c. the major incident plan.
4. Do you have up to date copies of the appropriate drawings of the sports ground as listed in the General Safety Certificate?
5. Do you have a copy of the capacity calculations, including (P) and (S) factor assessment, for each section of the ground listed in the General Safety Certificate. Please give details of any changes from the previous year. And the date the (P) and (S) factors were last reviewed
6. Section 3.21 of the Guide to Safety at Sports Grounds recommends that at least once a year a safety audit should be carried out by persons who are independent of the systems being audited. (*The safety audit should not be confused with the annual inspection by the certifying authority*). Please provide a copy of the safety audit undertaken in the last 12 months.
7. **Safety Staff and Crowd Control**
 - i. How has the competence of the safety officer and deputy been assessed?
 - ii. How many stewards are required by the local authority in the safety certificate or specified in the Operations Manual and how many directly employed stewards are employed by the club?
 - iii. How many stewards hold an NVQ level 2 in spectator safety?
 - iv. What additional training has been provided to qualified stewards?

- v. If you use agency stewards does the contract specify that they should hold a NVQ level 2 in spectator safety or acceptable alternative and what controls do you have in place to ensure those supplied are qualified?
- vi. What are the procedures for briefing and familiarising non-club stewards with policies and procedures before the event?

8. First Aid and Medical Facilities

- i. Please provide details of the numbers of medical, paramedic and first aid staff deployed?
- ii. Please provide details of the number and purpose of any ambulances?
- iii. What are the communications links between the medical team inside the ground and agencies outside the ground?
- iv. How many first aid rooms are there in the ground and do they meet the recommendations in respect of size, fittings, design and location set out in section 18.4 of the Green Guide?

9. Fire Safety

- i. Please provide a copy of the latest fire risk assessment undertaken by the club

10. Buildings, Structures and Installations

- i. What was the date of the last annual inspection of all structures, components and installations by a structural engineer?
- ii. Did the report of the last inspection identify any issues that should be addressed within 12 months that have not yet been addressed? If so please provide details and an explanation of why they have not been actioned?
- iii. Section 5.14 of the Green Guide advises that a detailed structural appraisal should be undertaken every 6 – 10 years. What was the date of the last such appraisal and did the last annual inspection advise when the next appraisal should be undertaken?

11. Records and Certificates

- i. Please provide details of any inspections and tests of safety systems or equipment, the date of the last inspection/certificate of compliance, and details of any faults that have not yet been rectified.

12. Records of attendance and injuries

- i. What is the total attendance figure for the season?

- ii. How many people (excluding players footballing injuries) were treated for injuries?
- iii. How many of those treated for injuries were taken to hospital from the ground?