

Chief Executives - District Councils in England and Wales  
Council of the Isles of Scilly  
Metropolitan District Councils  
London Boroughs  
Common Council of the City of London

Clerks, Fire and Civil Defence Authorities

Chief Officers of Police



HOME OFFICE CIRCULAR NO 19 /1988

FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987

IMPLEMENTATION OF PART IV: INDOOR SPORTS LICENCES

The Secretary of State has now made a commencement order under section 50(2) of the Fire Safety and Safety of Places of Sport Act ('the 1987 Act') bringing into force Part IV and such parts of Part V and the Schedules to the Act as depend on Part IV, with effect from 1 June 1988. This is in accordance with the provisional timetable for implementation of the Act outlined in HOC/42/1987. The Order is the Fire Safety and Safety of Places of Sport Act 1987 (Commencement No. 2) Order 1988.

2 This circular introduces the provisions of Part IV. The Annex puts these changes into context and gives advice on their operation and intended effects. Fire Precautions Act 1971 Circular No. 14 and Home Office Circular No 71/1987 give guidance on the provisions of Parts I and II of the 1987 Act which were given effect by the Fire Safety and Safety of Places of Sport Act 1987 (Commencement No.1) Order 1987 (SI 1987 No 1762).

### Implementation

3 Sections 42 and 43 of Part IV of the Act amend Schedule 12 to the London Government Act 1963 ('the 1963 Act') and Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') respectively. (Sections 44, also in Part IV, amends parallel legislation in Scotland but will be the subject of a separate order, introduced by the Secretary of State for Scotland, also with the commencement date of 1 June 1988.)

4 Section 42 inserts three new paragraphs in Schedule 12 to the 1963 Act, and section 43 substitutes a new paragraph for paragraph 2 in Schedule 1 to the 1982 Act, to require the licensing of premises in which certain indoor sports events are held. Hitherto, the only sports subject to licensing under the 1963 and 1982 Acts have been public boxing and wrestling entertainments in London, and entertainments consisting of or including indoor boxing, wrestling, judo, karate or any similar sport in areas of England and Wales outside London.

5 The licensing requirement is, however, limited to indoor sports entertainments to which the public are invited as spectators, where, with one exception, the entertainment is the principal purpose for which the premises are being used at the time. The exception is for a sports complex: any such sports entertainment, even if it is not the principal purpose for which the complex is being used on that occasion, will require the premises to be licensed.

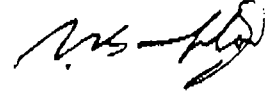
6 The provisions in the existing licensing regime, contained in the 1963 and the 1982 Acts as amended, are broadly preserved by the 1987 Act. These provisions include powers for the grant, renewal, transfer, transmission, variation and cancellation of licences and for the prescription and enforcement of terms, conditions and restrictions, subject to which a licence is issued, and provision for rights of appeal against decisions of the licensing authority. It is thought, therefore, that the coming into force of the 1987 Act will not require a significant change in the way in which local authorities administer the licensing regime, though it will undoubtedly increase the volume of work to be done.

#### Supplementary

7 The information and advice in this circular and its Annex explain the effect of the new legislation, but it should be added that the Secretary of State has no power to determine a question of law which ultimately is a matter for the courts.

8 Any enquiries about the contents of this circular should be directed to Philip Stevens on 01-273-3658.

Yours faithfully



S S Bampton

22 March 1988

Copies for information to:

Chief Fire Officers

Sports Council

ACC

AMA

LBA

ADC

CACFOA

ACPO

Clerks to Police Authorities.

St John Ambulance

## FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987

Advice note by the Home Office on Part IV of the Fire Safety and Safety of Places of Sport Act 1987 ('the 1987 Act').

## Introduction

The Popplewell Inquiry set up after the fire tragedy at Valley Parade, Bradford, recommended that indoor sporting events should be subject to licensing. The Government's response was contained in a consultative document published in June 1986. Part IV of the 1987 Act, which comes into force on 1 April 1988, implements these proposals.

2 Local authorities in England and Wales are already the licensing authority for public entertainments (including public dancing or music or public contests or displays of boxing and wrestling) under powers conferred by the London Government Act 1963 ('the 1963 Act') and the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'). The 1987 Act, by amending Schedule 12 to the 1963 Act and Schedule 1 to the 1982 Act, requires that premises are not used for sports entertainments except under and in accordance with the terms of a licence granted by the Council of a London Borough, the Common Council of the City of London, the Council of a district outside London or the Council of the Isles of Scilly ('the authority').

3 Schedule 3 to the 1987 Act amends Section 12 to the 1963 Act in order to accommodate the new licensing provisions and to limit the scope of the existing provisions relating to boxing and wrestling licences.

Substance of the new regime for licensing indoor sports entertainments

4 With one qualification, the amendments to the 1963 and the 1982 Acts introduced by the 1987 Act require the licensing of premises for any entertainment which consists of any indoor

sporting event to which the public are invited as spectators. 'Invite' has its ordinary everyday meaning: it implies that the public are informed (perhaps by word of mouth, through the media or by a notice at the door) that a sports entertainment will take place at a particular time. The provision of a spectator area for the public does not in itself constitute an invitation. A 'sporting event' is defined in the 1987 Act as any contest, exhibition or display of any sport, and 'sport', in its turn, is defined as including any game in which physical skill is the predominant factor and any form of physical recreation which is also engaged in for purposes of competition or display, except dancing in any form. 'Premises' are defined as any building and any tent or inflatable structure and part of a sports complex (see paragraph 7 below). There is no lower limit to spectator numbers below which the premises do not require to be licensed. The licensing requirement applies equally to council-owned as to any other premises.

#### Principal purpose rule

5 The qualification is that a licence is only required for an occasion where the sports entertainment is the principal purpose for which the premises are being used on that occasion, though this does not apply to a sports complex (see paragraph 7 below). The intention is, for example, that a darts competition in a public house should not require to be licensed but premises hired for the specific purpose of, say holding a darts competition would require to be licensed. The introduction of the 'principal purpose rule' may result in some deregulation of indoor boxing, wrestling, judo, karate etc. entertainments.

#### Sports complexes

6 If any part of a sports complex is being used for a sports entertainment, that entertainment must be licensed even if it is not the principal purpose for which the complex is being used on that occasion. A sports complex is defined as a building which provides accommodation and facilities for both those engaging in sport and spectators, and the parts of which are so arranged that

one or more sports can be engaged in simultaneously in different parts of the building. The intention here is to overcome the problem of deciding whether, in a building in which several sporting events may be proceeding simultaneously, any one is the principal purpose for which the premises are being used.

#### The powers of the licensing authority

7 The new powers of the licensing authority and duties and rights of (prospective) applicants in respect of licences for indoor sports are exactly as they were for public boxing and wrestling entertainments in London and entertainments consisting of, or including indoor boxing, wrestling, judo, karate or any similar sport in areas of England and Wales outside London.

8 The powers of the authority may be described briefly as the power to impose general terms, conditions and restrictions when granting, renewing or transferring licences; to vary those terms conditions and restrictions; to cancel a licence on request from the licence-holder; to revoke a licence when the licence-holder is convicted of an offence under the relevant licensing provisions; to grant licences provisionally; and to charge a reasonable fee for the grant, renewal, transfer or variation of a licence. The 1987 Act now provides for the payment of a reasonable fee for the variation of a licence in England and Wales, thus bringing it in line with the position in London. This does not apply to an application made before 1 January 1988, when Section 46 of the 1987 Act came into force.

#### Period of validity of licences

9 The authority may issue a licence either for a set period of not more than a year - and it will remain in force for that period unless it is cancelled or revoked - or for one or more occasions specified in the licence.

#### Giving of notice

10 In London, the applicant for the grant, renewal or transfer of a licence for a set period must give the licensing authority

(the Council), the Commissioner of Police for the area in which the relevant premises are situated, and the fire authority at least 21 days' notice of his intention to make an application; he is applying for an occasional sports licence (ie for one or more specified occasions) he must give the Council and the fire authority (but not the commissioner of police) 14 days' notice.

11 In England and Wales outside London, the applicant for the grant, renewal or transfer of an entertainments licence, whether it is for a set period or for particular occasions, must give the district council or the council of the Isles of Scilly, the chief officer of police for the area in which the relevant premises are situated, and the fire authority at least 28 days' notice of his intention to make an application.

#### Loss of exemptions for indoor boxing and wrestling entertainments in London

12 Hitherto, boxing and wrestling entertainments provided by travelling showmen at a pleasure fair, by members of the Boy Scouts' Association or any organisation constituted by the Boy Scouts' Association in pursuance of their charter, by any school or by a bona fide association, club, hospital or society have not been subject to licensing under the 1963 Act as amended, but these exemptions are removed by the 1963 Act as amended by the 1987 Act if the events take place indoors: (Entertainments by travelling showmen continue to be subject to licensing under the Public Health Act 1961).

#### Outdoor boxing and wrestling entertainments

13 In London, boxing and wrestling entertainments which are held wholly or mainly in the open air will continue to be subject to licensing under the 1963 Act as amended unless they are provided by a travelling showman at a pleasure fair, by members of the Boy Scouts' Association or of any organisation constituted by the Boy Scouts' Association in pursuance of their charter, by any school or by a bona fide association, club, hospital or society not carried on for profit. In England and Wales outside London outdoor boxing and wrestling entertainments will, as before, not require to be licensed under the 1982 Act.

## First Aid

14 Concern was expressed in Parliament during and after the passage of the Fire Safety and Safety of Places of Sport Act 1987 about the provision of first aid at indoor sports entertainments. It is, of course, for the licensing authority to set the terms, conditions and restrictions under which a licence is issued for indoor sports entertainments, but they will no doubt remember that they have the power to require the provision of first aid staff and facilities and in appropriate cases make that provision a condition under which a licence is issued.

## Transitional provisions

15 Boxing and wrestling licences, granted before 1 June 1988 for indoor premises in London under paragraph 4 of Schedule 12 of the 1963 Act, will be treated as though they had been granted under the new paragraph 3A Schedule 12 of the 1963 Act inserted by the 1987 Act (see paragraph 10 of Schedule 5 to the 1987 Act).

16 Where an application has been made before 1 June 1988 and not withdrawn, for the use of premises for an indoor sports entertainment which will be licensable under the 1963 Act or the 1982 Act by virtue of Section 42 or Section 43 of the 1987 Act, the use of the premises for that purpose will continue to be lawful until the disposal of the application. (See paragraph 8 of Schedule 5 to the 1987 Act.)

17 Where premises are already licensed for public entertainments under existing legislation and the Council decide to grant a licence for indoor sports entertainments as defined in the 1987 Act, it will be for the Council to decide whether to endorse the existing licence, or to vary its terms, conditions or restrictions or to issue a licence with new terms, conditions or restrictions.