

GUIDE TO THE SAFETY CERTIFICATION OF SPORTS GROUNDS

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GUIDE TO THE SAFETY CERTIFICATION OF SPORTS GROUNDS

INTRODUCTION

1.1 Purpose of the guidance

This guidance updates and supersedes the guidance on safety certification issued by the Football Licensing Authority (“FLA”) in 2001. Although it is specifically addressed to local authorities responsible for the safety certification of sports grounds at which designated football matches are played, it will also be of value to all local authorities that issue safety certificates to sports grounds under the Safety of Sports Grounds Act 1975 (“the 1975 Act”) or the Fire Safety and Safety of Places of Sport Act 1987 (“the 1987 Act”). It provides a single source of reference and forms part of the evolving approach to the oversight of public safety, as evidenced in new legislation over the past few years.

It is intended to empower and assist the local authority to identify, apply and enforce the terms and conditions that it prescribes in the safety certificate. These should be the conditions that it considers necessary or expedient to secure the reasonable safety of spectators at the ground.

The guidance offers two possible styles of safety certification. It sets out a less directive approach under which the ground management uses risk assessments to identify the conditions which it considers reasonably necessary to secure the safety of spectators and records them in an operations manual for scrutiny, acceptance and incorporation in a schedule to the safety certificate by the local authority. This is the preferred option, consistent with the modern approach to public safety. It is recommended for all safety certificates for new sports grounds and for those undergoing major redevelopment or refurbishment. Local authorities are also encouraged to consider adopting this new approach (replacing existing prescriptive style certificates) at the earliest opportunity.

While the risk based approach to safety certification is strongly recommended it is not mandatory for a local authority to move to the new approach within a particular time scale. Where local authorities choose for the time being to continue with the existing top-down approach this guidance explains how this may need to be modified to comply with current requirements. Local authorities need to be aware that retaining this approach may perpetuate tensions within the safety certificate between the more prescriptive sections and those, such as fire safety, where the ground management should already be arranging a risk assessment.

It should be read with the relevant Circulars issued by the Home Office and the Department for Culture, Media and Sport (“DCMS”) and its predecessor, the June 2008 fifth edition of the Guide to Safety at Sports Grounds (“the Green Guide”) and Sports Grounds and Stadia Guide (SGSG) no 4 – “*Safety Management*”. It also brings together the various interpretations of the legislation and its attendant circulars given by DCMS or the Sports Grounds Safety Authority (SGSA). Much of this material can be accessed through the SGSA website.

This document covers the interface between safety certification and measures to be taken by local authorities under the Regulatory Reform (Fire Safety) Order 2005 (“the Fire Safety RRO”), the Health and Safety at Work etc. Act 1974 (“the HSWA”) and its related Regulations, Building Regulations and any other requirements that may affect the safety of spectators. It does not, however, provide guidance on these, except insofar as they have a direct impact upon the process of safety certification or the contents of the certificate.

1.2 Background to the guidance

Following the disaster at the Ibrox Stadium in Glasgow in January 1971 and the subsequent public inquiry, the 1975 Act introduced a system of safety certification of sports grounds by local authorities. This has remained substantially unchanged. The local authority is required to determine the safe capacity of the ground, to prescribe and enforce such terms and conditions as it considers necessary or expedient to secure the reasonable safety of spectators and to undertake a periodical inspection.

Experience has shown, however, that this top-down approach has a number of disadvantages. While a lead role for local authorities should ensure that due regard is paid to general principles and national guidance, the ground management may not necessarily be committed to all the specific requirements imposed under the safety certificate, especially if it considers them inappropriate for its particular circumstances. It is far preferable that the ground management is positively engaged in identifying and implementing appropriate conditions and safety procedures to which it can fully subscribe and that provide the appropriate safe environment.

1.3 Need for guidance

Adoption of the revised approach to safety certification will inevitably impose demands on local authorities in the short term. It is intended that this process should as far as possible be cost neutral. It would make little sense for each local authority to have to reformulate its procedures in isolation, particularly as safety certification may only be part of a much larger portfolio for many of the staff concerned. Nonetheless the guidance seeks to avoid being too prescriptive; each authority will need to consider it in the light of local needs and circumstances. Local authorities are also encouraged to take advantage of their local informal networks to help them share experiences and develop a common approach.

1.4 Applying the guidance

The legislation and some of the Circulars referred to in this document are binding upon local authorities. This guidance provides the authorities with the necessary information to enable them to take reasonable decisions in each individual case after having considered the particular facts on their merits. It is given in good faith but does not purport to cover every eventuality.

Although the SGSA's regulatory remit only extends to grounds at which designated football matches are played this guidance has been developed in line with our wider role of offering advice and guidance in respect of all aspects of safety and safety

certification at sports grounds. All local authorities issuing safety certificates to any sports ground, irrespective of the sport that takes place at the ground will also find this guidance, in particular that on risk based certificates, of value.

GENERAL PRINCIPLES OF SAFETY CERTIFICATION

2.1 Responsibility for safety

As stated in paragraph 1.4 of the Green Guide, responsibility for the safety of spectators lies at all times with the ground management. The management will normally be the owner or lessee of the ground, who may not necessarily be the promoter of the event. This responsibility should not be assumed by either the local authority or any other authority or agency. Nor should the local authority become involved in the management of events or take any action that could be interpreted as involvement.

Historically, the local authority has itself undertaken most of the work involved in formulating the terms and conditions in the safety certificate. While the 2001 guidance on safety certification recommended that local authorities encourage the certificate holder to carry out risk assessments in respect of spectator safety and to take the lead in identifying possible improvements in spectator safety, this has not been widely implemented.

Since then, however, the Fire Safety RRO has imposed a requirement on management to plan, organise, control, monitor and review the necessary preventive and protective measures and to record these arrangements in writing. It also requires a responsible person to undertake a risk assessment. Similar approaches are adopted in Regulations under the HSWA and in the Licensing Act 2003, at least one of which is likely to apply at sports grounds.

In line with this general approach, it is strongly recommended that the ground management should be required to commission or undertake risk assessments on all matters relating to the safe management of the ground and of spectators at events within the scope of the safety certificate. These should include facility maintenance, crowd management, stewarding, medical and first aid arrangements, and fire safety. Management should not rely on the local authority or the SGSA, where it has a regulatory role, to undertake this work on its behalf.

On the basis of the risk assessments, management should produce a comprehensive operations manual (see SGSG no 4 – “*Safety Management*”) setting out how it will achieve reasonable spectator safety at these events. This should also include the proposed capacity for the whole and for each area of the sports ground, along with its suggested (P) and (S) factors. It should submit this material to the local authority for scrutiny and acceptance.

2.2 Responsibilities of the local authority

Under the 1975 Act, the county council, unitary authority, metropolitan or London borough (“the local authority”) is responsible for issuing and enforcing a safety certificate in respect of sports grounds designated by the Secretary of State. These are sports grounds that, in his opinion, have accommodation for more than 10,000 spectators – 5,000 in the case of Premier League or Football League grounds in England and Wales. The designation process is described in detail in section 3.1.

The 1975 Act defines a sports ground as a place where sports or other competitive activities take place in the open air, and where accommodation has been provided for spectators, consisting of artificial structures, or of natural structures artificially modified for the purpose.

The Act did not foresee that a sports ground might be fitted with a roof that could be closed for certain events. However, provided that some sport is played with the roof open, such a venue should still be regarded as a sports ground. The legislation does not apply to indoor arenas. These are generally covered by the Licensing Act 2003 under which the venue management already identifies the necessary safety arrangements.

The 1987 Act lays a similar responsibility upon the local authority in relation to regulated stands at non-designated sports grounds. Regulated stands are stands that provide covered accommodation for 500 or more standing or seated spectators, as determined by the local authority under section 26 of the 1987 Act.

A local authority also has responsibilities at other sports grounds, not covered by these categories, by virtue of section 10 of the 1975 Act, as amended by the 1987 Act. For further details see section 7.3 below.

2.3 Safe capacities

The most important condition in the safety certificate sets the maximum number of spectators that may be accommodated. At a designated sports ground, the safety certificate should prescribe the capacities for the premises as a whole and for each separate area. Where there are regulated stands, it should set the capacity for each such stand.

Chapter 2 of the Green Guide provides detailed and comprehensive guidance on how to determine the safe capacity within every kind of sports ground. It emphasises that this capacity depends not merely on the available viewing accommodation and the capacities of the entrances and exits, including the emergency exit capacity, but on the physical condition (the (P) factor) and the quality of the safety management (the (S) factor) of the sports ground. These latter two elements are defined in paragraph 2.4 of the Green Guide. The safe capacity of a seated stand may be lower than the number of seats within it.

It is recommended that, whatever the style of safety certificate, the management of the sports ground should take responsibility for assessing the (P) and (S) factors and calculating the safe capacity and not leave this to the local authority. These should take account of all the recommendations in the Green Guide, not merely those with which the sports ground already complies. The (S) factor and to a lesser extent the (P) factor will reflect the operations manual and its underlying risk assessments (see section 2.4 below) or, in a prescriptive style certificate, the conditions included by the local authority. Detailed guidance on the indicative questions to be answered in determining the appropriate (S) factor is given in SGSG no 4 – “*Safety Management*”.

Whoever is calculating the safe capacity should set a single (P) factor and a single (S) factor for each separate area of the sports ground. It should then use whichever

is lower to determine the capacity of that area. It should neither multiply the two factors by each other nor adopt the average. Both these approaches would distort the final figure.

If the local authority is satisfied that the proposed (P) and (S) factors are reasonable and that the ground management's methodology and calculations are correct, it may accept the recommended capacity and promulgate it in the safety certificate. If it is not satisfied or if the ground management has not calculated the capacity itself, the local authority may set what it considers to be the safe capacity.

2.4 Terms and conditions in the safety certificate – risk based style

It is recommended that a risk based safety certificate should be a comparatively short document which requires the holder to:

- undertake appropriate risk assessments;
- produce an operations manual; and
- comply with the policies, plans and procedures set out in the operations manual.

The latter condition is particularly important in order to ensure a local authority is able to take appropriate enforcement action if the holder deviates from the approach agreed in the operations manual.

The operations manual and any proposed amendments should be submitted to the local authority for consideration to enable it to determine whether accept the holder's proposed capacity. (For further details see section 5.2 below.) Although structured differently, the safety certificate should therefore continue to set out what the holder must do in order to operate the sports ground at its permitted capacity. In this context it is worth remembering that absolute safety, however desirable in theory, is, in reality, unattainable.

Provided that the local authority is satisfied that the operations manual is compatible with the advice in the Green Guide and that it is based on a series of relevant risk

assessments undertaken by competent persons, it should be able to accept it. (Local authorities already generally follow this approach in relation to structural certificates.)

If, however, the operations manual does not follow the Green Guide, the local authority should ask the ground management to demonstrate that the proposed alternative provides an equivalent or higher standard of spectator safety (See section 1.7 of the Green Guide). Where this has not previously been agreed and recorded, the local authority will normally need to scrutinise the particular risk assessment. If it is then satisfied, it should record the nature of the deviation and the reasons why it regards the alternative approach as acceptable. An example of the format in which proposed deviations to the Green Guide could be submitted by ground management is set out at Annex C.

If the local authority is not persuaded that the procedures set out in the operations manual will provide reasonable safety for the proposed number of spectators, it should reduce whichever of the (P) or (S) factors applies, and hence the permitted capacity. It should at the same time discuss with the ground management how it (the management) might improve these procedures. The local authority should avoid taking responsibility for drafting the manual – which it will subsequently be responsible for accepting.

The permitted capacity of a sports ground should always reflect its current circumstances, not those which it are intended or expected to apply at some future date. Accordingly, the safety certificate should not require the holder to submit an operations manual in the future but should require it to comply with that which it has already submitted. The move from an existing prescriptive style certificate to one based on risk assessments and an operations manual should ideally be by agreement between the local authority and ground management, however the final decision rests with the local authority. The necessary documentation should be completed before the risk based certificate is introduced.

If a particular sports ground is rarely filled to capacity, the operations manual may be based upon the actual levels of attendance over a given period. In such cases, the

overall permitted capacity and that of each separate area must always be reduced accordingly. These capacities may not be increased unless or until management has amended its operations manual and the local authority is satisfied that the revised procedures will ensure the reasonable safety of a larger number of spectators. A similar approach may be adopted if one area of the sports ground has been taken out of use. The same approach should be adopted if the local authority continues to issue a prescriptive style certificate (see section 2.7 below).

Some sports grounds may regularly host a variety of sports or activities that attract different numbers of spectators. In such cases the ground management could present alternative versions of its operations manual for the different sports or activities. The local authority could then reasonably attach these to the safety certificate and prescribe different capacities for each of them.

2.5 Coverage of the operations manual and the safety certificate

The safety certificate should specify all the activities, including ancillary activities, to which it applies. These ancillary activities will include not merely event-day catering and dining but pre, during and post-event displays. Accordingly any operations manual should cover all areas to which the spectators have access, including restaurants, licensed bars, and concourses. The operations manual should also cover any other areas and all matters, over which the ground management has either direct or indirect control (through a contract with a commercial provider), which may affect the safety of spectators at the sports ground. This could encompass offices or players' facilities within a stand, media facilities, club or leisure facilities, satellite buildings and car parks. For detailed guidance on the contents of the operations manual see SGSG no 4 – "*Safety Management*".

Staff working under a franchise or agency agreement should be required as a condition of their contract or agreement to comply with the terms of the operations manual. The certificate holder could be jointly liable for any breach of the operations manual and hence of the safety certificate by franchisees or agency staff.

2.6 External factors

Certificate holder cannot be held responsible for circumstances outside their control, for example hazards presented by local industrial premises or restricted access for emergency vehicles because of congestion on the public highway, even if these could adversely affect the safety of spectators at the sports ground. The 1975 and 1987 Acts and the safety certificate do not cover spectator safety beyond the curtilage. However, the ground's operations manual should include any measures that its management can take to ensure the reasonable safety at the ground of spectators who might be affected by such external factors. Moreover, the local authority should take account both of any such factors and of the proposed mitigating measures in any operations manual when prescribing the permitted capacity.

In similar vein, the permitted capacity of a regulated stand could be reduced because of circumstances in other areas of the sports ground that are not themselves covered by the safety certificate. As indicated in section 2.5 above, any operations manual should cover such areas whether or not they fall within the ambit of the safety certificate.

2.7 Terms and conditions in the safety certificate – prescriptive style

The same general principles apply as for risk based safety certificate. The certificate should set out what the holder must do in order to operate the sports ground at its permitted capacity. If the holder is unable to comply with one or more of these terms or conditions, the local authority, using the (P) or (S) Factor, should reduce the capacity to whatever figure it considers necessary to ensure the reasonable safety of spectators. This capacity should always reflect the current circumstances at the sports ground, not those it is planned or hoped to achieve in the future. The local authority should ensure that it determines the new capacity reasonably, proportionately and in accordance with due process (see section 3.9 below).

The terms and conditions may “involve alterations or additions to the sports ground”, in the sense that the certificate holder may need to undertake certain modifications in order to achieve compliance and thereby avoid a cut in capacity. The conditions should not, however, consist of a list of specific improvements or alterations to be

implemented at some future date. If these are required in order to secure an increased capacity, the local authority should notify the certificate holder separately.

Where a particular sports ground is rarely filled to capacity or where it regularly hosts a variety of sports or activities that attract different numbers of spectators, the local authority may base its requirements on the actual levels of attendance provided that, as in the case of risk based certificates (see section 2.4 above), the overall permitted capacity and those of each separate area are reduced accordingly.

2.8 Consultation and co-ordination

The safety certificate should be seen as part of a total, integrated system for managing health and safety at the sports ground. While the local authority alone is responsible for issuing the safety certificate, having regard to any risk assessments and operations manuals by or for the ground management, safety cannot be achieved by one agency acting in isolation. The local authority is therefore under a statutory duty to consult with the chief officer of police and, where it is not itself that authority, with the fire authority and the building authority. In practice, it also needs to consult the ambulance authority and to have regard to the views not merely of the certificate holder but to those of any other regular users of the sports ground and, where relevant, representative supporters of the club(s) concerned. Where relevant it may also need to consult the authorities responsible for emergency planning and health and safety at work. The practical issues are discussed more fully in section 4.4.

Under the Fire Safety RRO, the responsible person – in practice someone nominated by the ground management – must undertake a risk assessment. Thereafter it is the duty of the responsible person to implement the preventive and protective measures which have been evaluated in the risk assessment. This forms part of the general duty to ensure that general fire precautions are in place for the safety of all employees or of any other relevant persons such as spectators. Common sense dictates that the performance of this duty should form part of any overall operations manual.

The local authority needs to ensure that there is no conflict between the safety certificate, or any operations manual produced as a requirement of the safety certificate, and any requirements imposed under the Management of Health and Safety at Work Regulations 1999 or other Regulations under the HSWA. As a general principle, where the two may conflict, the specific provisions of the safety certificate take priority over the general requirements under the HSWA. However, where the issue may arise, the local authority should liaise closely with the district council whose responsibilities encompass health and safety at work. The same principle applies within a unitary authority, especially if the two functions are exercised by different departments.

2.9 Policing

The local authority has no responsibility for operational policing either inside or outside the sports ground. Both the 1975 and 1987 Acts state explicitly that, where a condition within a safety certificate requires the attendance of police at an event, the number of police deployed is entirely a matter for the chief officer of police. All operational issues concerning the deployment of police officers within a sports ground are for the police themselves.

The safety certificate may reasonably require the certificate holder to notify the police of particular events and to consult them about their attendance in such numbers as the chief officer of police may determine. It is desirable that the procedures for this be spelled out in any operations manual. However, the certificate cannot require the ground management to secure the attendance of the police. Nor may it direct the police to attend.

The boundary between spectator safety, for which the certificate holder is responsible, and the maintenance of public order, which falls to the police, is not always clear cut. It is important that both parties are agreed on their respective responsibilities. This is normally best achieved through the production of a written statement of intent. The local authority may require the certificate holder to use his best endeavours to agree such a statement with the police. This should be included as a schedule to the operations manual.

If the chief officer of police decides that police officers need to attend a particular event, but the management of the sports ground disagrees, the local authority must consider whether the absence of police would adversely affect the safety of spectators at the ground. It should consider any compensating measures offered by the ground management. It is for the certificate holder to satisfy the local authority that the event can proceed safely without the police being present. If the local authority is not satisfied, it should close part or all of the sports ground or reduce its permitted capacity to a level that it considers reasonably safe for the event concerned. The options available to the local authority are described in section 7 below.

2.10 Football Spectators Act 1989

Premier League, Football League and international football grounds in England and Wales must obtain a licence to admit spectators from the Football Licensing Authority under the Football Spectators Act 1989. This licence does not contain any requirements on spectator safety. The local authority therefore remains free to include whatever conditions it considers necessary or expedient to secure the reasonable safety of spectators in the safety certificate. Indeed the local authority could close or limit the capacity of a sports ground for safety reasons, notwithstanding that the area in question had been licensed by the Football Licensing Authority.

THE CERTIFICATION PROCESS

3.1 Designated sports grounds

The 1975 Act empowers the Secretary of State to designate any sports ground, which, in his opinion, has accommodation for more than 10,000 spectators, or 5,000 in the case of Premier League and Football League grounds in England and Wales. This function is performed by the Secretary of State for Culture, Media and Sport.

The Secretary of State will normally be aware of major new sports grounds under construction but may not always have been informed of developments that might increase the capacity of an existing sports ground above the threshold for designation. It is therefore incumbent upon the local authority to notify the Secretary of State of any sports ground likely to require designation. It should give at least ten weeks' notice, so that the Secretary of State has sufficient time to be satisfied that the sports ground meets the criteria. As part of this process, the Secretary of State will formally consult the local authority, the sports ground owner, the emergency services and, where it will have a regulatory role, the SGSA.

The notification to the Secretary of State should include the proposed capacity of the sports ground, together with its full postal address as soon as this is known. While this may appear pedantic, and can be difficult to supply for new sports grounds where the precise address has not been fixed, it is the only certain means of identification. While the name of the sports ground may change, the postal address rarely does.

The designation order remains in force unless or until formally revoked by the Secretary of State. If a designated sports ground is demolished or is permanently modified, so as to reduce the capacity below the threshold, the local authority should formally notify the Secretary of State and request that it be de-designated. Should the local authority not do so, the certificate holder may apply directly to the Secretary of State.

3.2. Regulated stands

A regulated stand is any covered stand with accommodation for 500 or more spectators, whether seated or standing. The local authority is required to determine whether any, and if so which, of the stands at sports grounds within its area are regulated stands.

In making that determination the local authority should not seek to apply the detailed guidance on calculating the safe capacity set out in the Green Guide but must instead follow the statutory guidance on how to determine whether or not a stand provides accommodation for 500 or more spectators given in Home Office Circular 97/88. For the precise details local authorities should refer to the Circular. In brief the local authority is required to count:

- the number of individual seats and / or marked places on bench seats; and
- the number of places available on bench seating allowing 530mm per person and disregarding any shorter lengths left over; and
- the number of spectators who can be accommodated on a terraced or sloped viewing area at a rate of 2.7 per square metre after disregarding gangways, stairways and landings; and
- the number of spectators who can be accommodated in the front two metres of a flat standing area at a rate of 2.7 per square metre.

It is stressed that this methodology should be used only for determining whether the stand in question should be a regulated stand. Its safe capacity does not depend only on the amount of accommodation available. When calculating the permitted capacity for inclusion in the safety certificate, the local authority should follow the methodology set out in the Green Guide. This may well result in a substantially lower capacity, which may even fall below 500.

The local authority may at any time revoke any determination that a stand is a regulated stand if it no longer provides accommodation for 500 or more spectators, as determined in accordance with the criteria in the Circular.

3.3 Applying for a safety certificate

Once a sports ground has been designated, it is an offence under section 12 of the 1975 Act to admit spectators until an application has been submitted to the local authority for a safety certificate. The requirements governing the submission and handling of applications are set out in section 3 of the 1975 Act. They are shown in the flow chart in Annex A.

An application for a safety certificate for a designated sports ground must be in the form prescribed in the schedule to the Safety of Sports Grounds Regulations 1987 (“the 1987 Regulations”) or a form to like effect. In accordance with the European Services Directive of December 2006, local authorities should make provision for applications for a safety certificate to be made online.

The application should be accompanied by detailed information as to the structure, proposed capacity and safety management systems. The local authority may, by notice in writing, require the applicant to submit within a reasonable period such information and plans as it considers necessary to enable it to determine what terms and conditions to include. Where a risk based safety certificate is to be issued, this information should be set out in a full operations manual. Since the safety certificate should relate to the actual condition of the sports ground, local authorities should not be deterred from seeking further information when they consider this necessary in the interests of spectator safety.

The local authority must supply the chief officer of police and, where it is not itself that authority, the fire authority or the building authority, with a copy of the application form. It should also formally consult them about the terms and conditions of the certificate. The normal forum for this consultation will be the Safety Advisory Group (“the SAG”). This is described in section 4.3.

Similar provisions apply to the issue of a safety certificate for a regulated stand and are shown in the flow chart in Annex A. Under section 26 of the 1987 Act, it is an offence to admit spectators until an application has been submitted to the local authority for a safety certificate. The local authority may, and in practice should, issue a single certificate in respect of two or more such stands at the same sports ground. Different conditions may apply to the various stands.

The form of the application is laid down in the Safety of Places of Sport Regulations 1988 (“the 1988 Regulations”). The local authority may require the same information as for a designated sports ground. It is under the same duty to consult the police and other agencies. As with a safety certificate for a designated ground (see above) the local authority should make provision for online applications.

3.4 Temporary demountable structures

If a temporary demountable stand of any size is erected at a designated sports ground, the ground management will need to undertake the necessary risk assessments as to its use and management and incorporate the outcome into any operations manual. For its part, the local authority will need to promulgate its safe capacity.

The position is less clear cut where a temporary demountable covered stand with accommodation for 500 or more spectators is erected at a non-designated sports ground. Section 26 (11) of the 1987 Act defines a stand at such a sports ground as “an artificial structure (not merely temporary) which provides accommodation for spectators and is wholly or partly covered by a roof”. Home Office Circular 96/1988 explains that, by use of the phrase “not merely temporary”, the definition excludes temporary stands from certification.

The term “temporary” has not been further defined. It does not automatically cover all demountable structures. These may remain in place for many years. A stand erected for one or more specific events should clearly be regarded as temporary. However, it would be difficult to argue this in relation to a stand that is to be used for a whole season of the sport in question. The local authority will need to assess

every case having regard to its individual circumstances. In this context, it may be relevant that the Building Regulations define a temporary building as one intended to remain in place for less than 28 days. Where the stand is not a regulated stand the local authority may still issue a prohibition notice under section 10 of the 1975 Act. This procedure is described in section 7.3.

Chapter 14 of the Green Guide offers guidance on the safety, design and management of temporary demountable structures. Further detailed advice may be found in the third Edition of 'Temporary Demountable Structures: Guidance on Procurement, Design and Use', published by the Institution of Structural Engineers ("ISE") in April 2007. Section 4, addressed to venue owners, event organisers and local authorities, deals specifically with statutory control.

The ISE document emphasises the importance of venue owners and event organisers making early contact with the local authority to establish the procedures for giving notice of temporary demountable structures and the required technical standards. It stresses that it is normally the client, venue owner and / or event organiser, rather than the supplier of the temporary demountable structure, who is legally responsible for complying with public safety legislation while the structure is in use.

Section 14.5 of the Green Guide recommends that, even when not formally required to do so under the terms of a safety certificate, the management of the sports ground should consult the relevant authorities regarding enforcement responsibility and any special local regulations, certificates, licences or permissions. It should also consult the fire authority about access for fire-fighting purposes.

Temporary demountable structures not used as spectator accommodation, such as television gantries, lighting towers, information boards or advertising hoardings may nevertheless affect the safety of spectators. They should be covered in the operations manual (or, where there is no such manual, in the terms and conditions of the safety certificate), with particular attention being paid to their stability and fire safety.

3.5 Qualified person

Before it may issue a safety certificate for a designated sports ground, the local authority must determine whether the applicant is a “qualified” person. This is defined in the 1975 Act as a person who is likely to be in a position to prevent any contravention of the terms and conditions of a safety certificate. The certificate holder should hold a position of authority within the management of the sports ground. This could include the chairman, chief executive, club secretary, sports ground manager, safety officer or a director, depending upon the sports ground and/or club, or even the ground management or club itself. The holder should be a member of the ground management’s board (ideally the Operations Director) or be empowered to approve the allocation of funding for safety.

If the local authority determines that the applicant is a qualified person, section 3(2) of the 1975 Act requires it to issue the safety certificate. If it determines to the contrary, it must notify him or her in writing. The applicant may appeal against this determination to the magistrates’ court within 28 days (seven days in the case of a special safety certificate).

The same principles apply if the local authority receives an application to transfer the safety certificate to another holder. If it determines that the applicant is not a qualified person, and therefore that it will not transfer the certificate, it must formally notify both the existing certificate holder and the applicant in writing and give reasons for the refusal.

Under the 1987 Act, the definition of a person qualified to hold the safety certificate for a regulated stand is more tightly drawn. In the case of a general safety certificate, it is the person responsible for the management of the sports ground; for a special safety certificate, it is the person responsible for organising the activity being watched by the spectators. This apart, the procedure mirrors that for the issue of the safety certificate for a designated sports ground.

3.6 Notices by the local authority

The safety certificate is a public document, to which any person who is either responsible for applying it or likely to be affected by it should have access. Both the 1987 and 1988 Regulations require the local authority to notify every interested party, as defined in the Regulations, in writing of its decision to issue, amend or replace, or refuse to amend or replace, a safety certificate. In the case of a refusal, the local authority must give its reasons. This notice must specify that a copy of the safety certificate and any application is available for inspection at a specified time and place. The local authority must also publish a similar notice in a local newspaper.

3.7 General safety certificate

Section 1(3) of the 1975 Act provides that a safety certificate shall be issued in respect of the use of all designated sports grounds, for an activity or number of activities specified in the certificate, irrespective of the nature and level of the sport played there:

- either for an indefinite period commencing with a date so specified;
- or on an occasion or series of occasions so specified.

These are known as a general safety certificate and a special safety certificate respectively. Section 26(10) of the 1987 Act contains similar provisions in respect of safety certificates for regulated stands.

There is no provision in the Act for a general safety certificate to be issued for a finite period. It must be assumed, therefore, that such a certificate should run indefinitely, unless or until it is revoked, replaced or surrendered.

Section 4 of the 1975 Act and section 29 of the 1987 Act provide that the local authority may either amend or replace the safety certificate in any case in which this appears appropriate. It may do this either on its own initiative or in response to an application from the certificate holder. Replacing safety certificates can normally

only be justified where the change of circumstances or the number and scale of the amendments makes this the most practical option. This would most commonly occur when a club moves to a new ground. In such cases, it would be sensible for the club and the local authority to move to a risk based certificate if they have not already done so.

3.8 Review of the general safety certificate and any operations manual

The local authority should formally review the general safety certificate as soon as reasonably practicable after any incident in which the safety of the public may have been put at risk or where doubts have been cast on the condition or management of the sports ground. Such a review should encompass both the wording of the safety certificate and the permitted ground capacity. At the same time the ground management should be required under the terms of the safety certificate to review the relevant parts of any operations manual. A “near miss” should be always be treated as an incident for these purposes.

This review should not be limited to the circumstances of the incident. It should identify and analyse any underlying safety weaknesses that need to be addressed. These weaknesses and the local authority’s response should be recorded in writing.

Where the local authority has issued a risk based safety certificate, it should require the certificate holder to commission or undertake a formal review of its risk assessments every year, even if nothing untoward has occurred. The certificate holder should be required to notify the local authority of any proposed changes to the operations manual and formally to confirm or amend its recommended capacities and (P) and (S) factors. This approach may need to be modified where there is still an old-style certificate, in that a greater responsibility for the risk assessment may fall on the local authority itself.

Where the sports ground is used on a seasonal basis, this review should take place in sufficient time for any necessary remedial work to be completed during the close season. At those sports grounds where events are held throughout the year, the

local authority and certificate holder should liaise about the most sensible time for the annual review.

3.9 Amendments to the general safety certificate and any operations manual

The local authority may need to amend a prescriptive style safety certificate to reflect changes at the sports ground. Planned changes may include improvements or alterations to the physical structure, safety management improvements or changes in the personnel identified in the safety certificate. While these may lead to capacity increases, an interim cut may be required while any construction work is carried out or new systems are tested. Hence section 8 of the 1975 Act and section 32 of the 1987 Act require the certificate holder to notify the local authority of any proposed alterations or extensions that are likely to affect the safety of spectators.

In the same vein, the ground management should be required to notify the local authority of all proposed changes in any operations manual. These may occur at any time because the manual is a dynamic document. Because this is not a statutory requirement, the local authority will need to ensure that it appears as a condition in the safety certificate.

In some cases the local authority may consider it necessary to reduce the permitted capacity of part or all of the sports ground, either following an incident or because of deterioration in its structure, maintenance or management. This is most easily achieved by decreasing either the (P) or (S) factor as appropriate. Such decisions should be taken in accordance with laid down procedures and be formally recorded. This is explained further in sections 4.5 – 4.7.

3.10 Special safety certificates

The general safety certificate should cover any event that is held regularly at the sports ground. Where it is intended to hold an event of a type not specified in the general safety certificate, an application should be submitted to the local authority for a special safety certificate. Such applications should normally be made at least

three months in advance of the proposed event. However, the local authority may vary this period at its discretion.

The procedure for granting a special safety certificate is slightly different from that for a general safety certificate. Unless the applicant is already the holder of a general safety certificate, the local authority must first determine whether he or she is a qualified person. However, whereas it is obliged to grant a general safety certificate provided that the applicant is a qualified person, it has the discretion to refuse to issue a special safety certificate. In reaching its decision, the local authority must act reasonably. The applicant has the right to appeal within seven days against any refusal.

The local authority should be aware that it may need to set a different capacity in a special safety certificate for certain events compared with that promulgated in the general safety certificate. A pop concert, for example, may have spectator accommodation on the pitch, while a fireworks display may require certain sections of the sports ground to be kept clear of spectators. Some events may give rise to dynamic forces on stands due to rhythmic crowd movements that were not specifically taken into account in the design of the structure. In these cases it may be necessary to restrict the use of the stands concerned.

The applicant may be required to supply whatever information the local authority needs in order to discharge its functions. This should include details of any proposed changes to the normal accommodation or arrangements, in particular to the safety systems, crowd management and stewarding, toilet and medical provision and fire precautions. Where there is a risk based safety certificate, these should be set out in a revised operations manual supported by the relevant specific risk assessments.

3.11 Rights of appeal

The 1975 and 1987 Acts provide a right of appeal to the magistrates' court for:

- any person against a determination by the local authority that he or she is not qualified to hold a safety certificate;
- any interested party against the inclusion of anything in or omission of anything from a safety certificate or the refusal of the local authority to amend or replace it;
- the applicant against the refusal of the local authority to issue a special safety certificate;
- any person, upon whom the local authority has served a notice that is has determined that a particular stand is a designated stand, against that determination; and
- any aggrieved person against a prohibition notice or an amendment to a prohibition notice, as described in section 7.5.

There is no statutory right of appeal against a condition that the Football Licensing Authority has required a local authority to include in a safety certificate under section 13(2) of the 1989 Act.

Appeals must be lodged within 28 days if they relate to a general safety certificate and within seven days if they relate to a special safety certificate. If the appeal is against an amendment to the safety certificate, the original terms and conditions remain in force until the appeal has been determined. By contrast, any restrictions imposed under a prohibition notice remain in force unless or until amended or annulled by the court.

3.12 Fees

The 1987 and 1988 Regulations empower the local authority to determine the fee to be paid in respect of an application for the issue, amendment, replacement or transfer of a safety certificate, or the cancellation of a certificate for a regulated

stand. This fee shall not exceed an amount commensurate with the work actually and reasonably done by or on behalf of a local authority in respect of this application. It will be for the local authority to determine whether and, if so, how much of the work that it undertakes to determine whether to accept an operations manual (or any amendments) is chargeable. It should be noted that the local authority may only charge for amending the safety certificate in response to an application from the proposed or existing certificate holder.

THE ADMINISTRATIVE PROCESS

4.1 Delegated powers

In accordance with its standing orders, the local authority may delegate its power to take and implement decisions on safety certification to a committee, sub-committee or to one or more particular officers, most commonly the officer who chairs the authority's SAG. However, the SAG as such cannot take decisions on behalf of the local authority. Nor may any outside body or other authority exercise the responsibilities of the local authority.

4.2 Lead department

The local authority should determine which of its departments or services should take the lead on safety certification having regard to its particular administrative structure. It is usually advisable that this department should be responsible for some similar or related subject. If the staff concerned do not themselves possess the necessary qualifications, competence and professional experience to determine the safe capacity of the ground, scrutinise the ground's operations manual and perform the wider safety certification function effectively, it is essential that they have ready access to such resources.

The latter might be found either in-house or from an external source on a consultancy basis. In such cases, the local authority may properly obtain such assistance as it may require from another local authority or public body under a service level agreement. It may also wish to co-operate in regional or professional groups, both to share good practice and to facilitate training for its staff. Formal training courses are available, for example at the Emergency Planning College. Nevertheless, the local authority remains solely responsible for any decisions on safety certification.

Many local authorities have found it helpful to draw up written policy statements identifying the specific responsibilities of particular individuals or groups of staff.

4.3 Safety Advisory Groups

In the Final Report of the Inquiry into the Hillsborough Stadium Disaster, Lord Taylor recommended that each local authority set up an advisory group (now generally known as the Safety Advisory Group). The SAG exists primarily to provide specialist advice to the local authority so that it may effectively discharge its functions under the 1975 and / or 1987 Acts. In practice, it also provides the vital forum within which the local authority and other agencies may develop a corporate approach to spectator safety at the sports grounds concerned, while each exercising its own responsibilities.

Although the SAG is not constituted to advise the ground management on spectator safety, the management may nevertheless frequently benefit from the expertise of the SAG. However, it cannot thereby transfer its responsibility to the SAG or any of its members. Moreover, it is the local authority, not the SAG, that issues the safety certificate and which is responsible for advising and assisting the certificate holder where necessary.

All communication with the certificate holder or management of the sports ground on spectator safety and all requirements relating to the safety certificate should therefore be initiated by or routed through the responsible committee or officers of the local authority. Other individuals or agencies should avoid dealing unilaterally with the certificate holder on such matters, lest this cause confusion or conflict over requirements and thereby undermine the work of the local authority.

4.4 Membership of the Safety Advisory Group

It is for the local authority alone to determine which member or officer shall chair the SAG. This individual should have the status and authority to act quickly where necessary as well as sufficient time to commit to the task. The other local authority staff attending the SAG should likewise be suitably senior, as should the representatives of the participating agencies and bodies. These should be able to

speak with knowledge and authority and be empowered to take operational decisions on behalf of their organisations, save where these raise new policy issues.

The local authority should plan ahead to ensure that, when a member of the SAG retires or moves to a new post, a successor has already been identified and is ready to take the work forward without any delay. This applies particularly to the SAG Chair or lead officer on whom the local authority may depend heavily.

It is recommended that, in addition to appropriate members of local authority staff, the SAG should include representatives of the police, fire service, ambulance service and building authority. In many cases, it may be sensible to invite someone from the relevant first aid agency. SAG chairs may also wish to arrange formal regular liaison with the local authority staff responsible for emergency planning and with those enforcing the HSWA, perhaps to coincide with its inspection of the sports ground.

As a matter of principle, the safety certificate holder should be invited to all meetings of the SAG unless there is a positive reason for excluding them on a particular occasion. It would be inappropriate to discuss any operations manual or to reach any decision regarding the safety certificate in their absence, without giving them the opportunity to brief the SAG members, secure an informed debate and put their case. This should also ensure that they are aware of the issues underlying the local authority's requirements.

Local authorities are encouraged to consult representatives of a recognised supporters' group where possible. Indeed there are no objections in principle to such a representative attending SAG meetings, if this is considered beneficial. However, it has not always been easy to identify somebody suitable, especially where there are rival supporters' organisations.

4.5 Management of the Safety Advisory Group

The SAG fulfils an important safety role. This could well come under scrutiny in the event of a serious safety failure at a sports ground. Accordingly the SAG should be properly constituted, have written terms of reference and effective procedures.

These terms of reference should encompass all matters falling within the purview of the local authority on spectator safety.

The local authority would also be well advised to identify the responsibilities and potential liability of the SAG and its members. It may wish to lay down written procedures for them to follow if they observe or are alerted to a safety weakness either during an inspection of a sports ground or when they are present in the course of their normal duties. The role of the SAG and its members in inspecting sports grounds and attending events is described in greater detail in section 6.

In like manner, the local authority should provide the necessary level of secretarial and administrative support to the SAG and should lay down procedures for ensuring that it runs smoothly. The meeting should have a formal agenda with all members being invited to submit agenda items, accompanied, where applicable, by written reports. The secretariat should circulate the agenda, relevant papers and minutes of the previous meeting sufficiently in advance. It should minute the proceedings of the SAG and produce regular written reports for the members' committee to which it is accountable. These reports should normally include the results of any monitoring visits by members of the SAG and details of any exercises by the certificate holder to test the sports ground's contingency plans.

4.6 Minutes of the Safety Advisory Group

Accurate minute taking is particularly important when new sports grounds are under construction or existing ones are undergoing a major redevelopment. In such cases, the situation may change on an almost daily basis. The local authority, advised by the SAG, may need to reach decisions at very short notice, often during a visit to the site. Unless all these decisions are recorded at the time and the minutes are agreed as soon as possible thereafter, they risk giving rise to debate and possible recriminations at a later date.

It is also essential to record why the ground management has proposed, the SAG has supported and / or the local authority has accepted any deviations from the recommendations of the Green Guide when setting the capacity of the sports

ground. The onus will be on the local authority to demonstrate that it has acted reasonably.

Similarly, the minutes should record the reasons for any amendments to the terms and conditions in the safety certificate. In the absence of such information, the local authority could be vulnerable to an appeal by the certificate holder. Such minutes do not themselves constitute the amendment to the safety certificate. The local authority must formally issue a written amendment.

4.7 Audit trail

Such minutes constitute an important part of the audit trail that the local authority should establish for the SAG. This should cover the procedures for ensuring that:

- the annual inspection of the sports ground and the annual review of the safety certificate have been completed;
- any identified safety weaknesses in the ground and / or the contents or implementation of any operations manual have been analysed and addressed;
- any recommendations of the SAG have been properly reported to the local authority;
- the decisions of the local authority have been properly communicated to all interested parties;
- these recommendations and decisions have been followed up and fully implemented; and
- this action has been reported back to the SAG and thence to the local authority.

4.8 Frequency of meetings

The local authority should always convene a meeting of the SAG as soon as possible after any significant incident or “near miss” at a sports ground in order to ascertain whether there were any breaches of the safety certificate and whether the operations manual and / or safety certificate should be amended.

Such cases apart, the number of SAG meetings in any year will largely depend upon the particular circumstances of the sports ground concerned. A conscientious local authority is likely to require a minimum of two meetings of the SAG per year to perform effectively, even if the sports ground has an up to date operations manual and safety certificate and is well managed with no significant problems. By contrast, experience has shown that, during the planning and building stages of a major sports ground redevelopment, the SAG will need to meet much more frequently, perhaps even monthly, to deal with the many issues raised by the contractors, architects and certificate holder.

The local authority should balance the need to retain a sufficient overview against its desire to avoid overburdening a certificate holder who is acting responsibly. In the majority of cases, three or four meetings per year would seem reasonable. These regular meetings should sensibly be scheduled well in advance on a regular basis.

4.9 Separate Safety Advisory Groups

In some circumstances, the local authority may wish to maintain a separate SAG for each sports ground with a safety certificate in its area. Where the membership of these SAGs would substantially overlap, the local authority might sensibly decide that one SAG may cover several sports grounds. Those attending could vary according to the sports ground under discussion. Representatives could arrange to attend as required. Conversely, cases exist of sports grounds that cut across local authority boundaries. The authorities concerned have set up a single SAG. The local authority should formally record these arrangements in the statement of responsibilities.

4.10 Role of the Sports Grounds Safety Authority

Inspectors from the SGSA are available to attend meetings of the SAG in respect of those football grounds for the safety certification of which it has a regulatory oversight. These are currently the international, Premiership and Football League grounds in England and Wales. The Inspectors are not members of the SAG. They are independent advisers who are present only at the specific invitation of the local authority. This should be made clear in the SAG's terms of reference.

Under the provisions of the Football Spectators Act 1989 (1989 Act) the SGSA has the task of keeping under review the discharge by local authorities of their safety certification functions under the 1975 Act. Under section 13 (2) of the 1989 Act it may require a local authority to include in any safety certificate such terms and conditions as it may specify in its written notice. Before exercising this power, the SGSA must consult the local authority, the chief officer of police and, where these are not the local authority, the fire authority or the building authority.

As part of its oversight, the SGSA may also require the local authority to furnish it with such information relating to the discharge of its safety certification functions as it may require. Its inspectors may undertake such inspections of any ground as they consider necessary and may examine and take copies of the safety certificate and its schedules (including the relevant sections of the operations manual) and any records kept under the 1975 Act.

The SGSA role goes much wider than ensuring that local authorities set and enforce such terms and conditions as are necessary for the reasonable safety of spectators. It promotes the adoption and maintenance of a safety culture and is a source of advice and good practice. The SAG meeting is often the forum in which the SGSA can best engage with and assist the local authority in a proactive and constructive manner.

The Sports Grounds Safety Authority Act 2011 extended the SGSA's role to include providing advice in respect of safety at sports grounds to any local authority or sports ground management. Although this guidance document is intended to provide

comprehensive advice on the safety certification process we are happy to provide further advice to those local authorities and sports grounds outside our regulatory remit, although we would not expect to regularly attend SAG in respect of grounds outside those for which we have regulatory oversight

CONTENTS OF THE SAFETY CERTIFICATE

5.1 Introduction

The local authority is responsible for prescribing the capacity of the sports ground and for determining what terms and conditions should be included in the safety certificate. These should reflect the particular circumstances of the ground concerned and any ground management operations manual and pay due regard to the detailed advice in the Green Guide. Historically, the local authority would prescribe all the conditions in the safety certificate in great detail. Under the risk based safety certificate, many of these should now fall within the operations manual which should be attached as a schedule to the certificate.

The SGSA has hitherto always declined to issue a model safety certificate with detailed terms and conditions. Such a certificate would not have been appropriate in every case and might have been seen as a constraint on local authorities. Many local authorities have based their certificates upon the models for designated sports grounds and regulated stands published by the District Surveyors' Association (DSA). We have therefore agreed a model risk based safety certificate with the DSA which complements this guidance and which it is publishing in parallel to this report.

5.2 Format of the certificate

It is strongly recommended that local authorities issue all safety certificates in a modular form with a series of schedules, appendices and annexes, as follows:

- a short core section containing a general statement of the duties laid upon the certificate holder. In a risk based certificate this would primarily consist of a requirement to undertake appropriate risk assessments, to set out in an operations manual how reasonable safety is to be maintained and a requirement to adhere to the operations manual.

- schedules either comprising the appropriate sections of the operations manual or the detailed conditions inserted by the local authority setting out what the certificate holder must do to ensure the reasonable safety of spectators;
- annexes setting out the activities to which the certificate applies and the capacities of the sports ground as a whole and of each element of spectator accommodation; and
- appendices to the schedule, including plans of the ground and the other documents and sources of information referred to in the schedule.

It is essential that a safety certificate is both easy to follow and complete within itself. The terms and conditions with which the certificate holder must comply should be clear and specific. General provisions to the effect that tasks must be undertaken to the satisfaction of the local authority, the chief officer of police, the chief fire officer or any other person, should be avoided, not least because the certificate holder should not be deprived of the statutory right of appeal against the contents of the certificate.

In similar vein a safety certificate should not require the holder to comply with a general recommendation in the Green Guide. All terms and conditions should be specific to the sports ground concerned.

A risk based certificate should not be issued until the ground management has undertaken its risk assessments and has drawn up and submitted its operations manual and this has been scrutinised by the local authority. Failure to follow this procedure could lead to the local authority prescribing a capacity for the ground on the basis of work that is to be undertaken in the future and not on the actual circumstances at the ground. As indicated in section 2.4, the move from an existing prescriptive style certificate to one based on risk assessments and an operations manual should be by agreement between the local authority and ground management.

5.3 Core section

The core section should begin by identifying:

- the Act under which it is issued;
- the responsible local authority;
- the holder of the certificate;
- the sports ground or regulated stand(s) to which it applies; and
- the specified activities to which the certificate applies (though these may be more conveniently listed in an annex).

Each certificate should require the holder to include a written statement of safety policy for spectators and to appoint a person responsible for its implementation.

The certificate should also provide that the local authority is entitled to inspect, investigate and take copies of documents at any reasonable time in order to fulfil its enforcement obligations.

Moreover, the holder should be required to supply the local authority with details of all forthcoming events. The local authority should consider how much advance notice it requires. As indicated in section 2.9, the safety certificate may reasonably require the certificate holder to notify the police of particular events and to consult them about their attendance in such numbers as the chief officer of police may determine. Where appropriate, the holder may also be required to notify the other emergency services.

In a risk based certificate the core section should also require the holder to undertake suitable and sufficient risk assessments, which should be made available

to the local authority if requested, and in the light of those assessments draw up an operation manual which clearly sets out:

- safety management structure;
- stewarding plan;
- ticketing / segregation procedures;
- event management plan;
- medical plan;
- fire safety plan;
- traffic management plan;
- planned preventative maintenance /tests/ inspections;
- contingency plans and how they are to be tested.

The manual should also clearly set out details of the proposed capacity of the ground as a whole and by area, including the (P) and (S) factors.

The core section should also require the holder to comply with the policies, plans and procedures set out in the operations manual.

Detailed guidance on the preparation of safety policies and contingency plans and on what should be included in an operations manual may be found in SGSG no 4 – “*Safety Management*” (see section 1.1 above).

Where a prescriptive style certificate is retained, the core section should lay upon the certificate holder the general requirements to:

- ensure that the capacity of the sports ground or stand as a whole and of its separate areas are not exceeded;
- provide the necessary equipment, supervisory staff and stewards, for monitoring, directing, controlling and assisting spectators;
- ensure the provision of first aid and medical staff, equipment, facilities and accommodation;
- ensure that all permanent and temporary buildings, structures and installations, including means of ingress and egress, are maintained in such condition that they safely fulfil their required function;
- take all reasonable precautions to prevent the outbreak and spread of fire, maintain suitable equipment and train staff to deal with an outbreak of fire; and
- maintain and make available for inspection as required, full records of inspections and tests of the buildings, structures, installations and safety management systems;

subject in each case to the detailed requirements of the related schedule.

Whatever form of certification is adopted, the core section should also require the holder to:

- produce a written statement of safety policy for spectators and appoint a person responsible for its implementation;
- draw up a plan of action to cover all reasonably foreseeable contingencies; and

- appoint "a safety officer" of sufficient competence, status and authority to take day to day responsibility for spectator safety. The safety officer should have a written job description.

The core section should require the certificate holder to notify the local authority in advance of any changes he or she proposes to make to any operations manual and any other change of circumstances that may affect the terms or conditions of the safety certificate. Moreover, the certificate holder should be required to commission or undertake a formal review of its risk assessments every year, even if nothing untoward has occurred, and should formally confirm or amend its recommended capacities and (P) and (S) factors. As indicated in section 3.8 above, this approach may need to be modified where there is still a prescriptive style certificate, in that a greater responsibility for the risk assessment may fall on the local authority itself.

The local authority needs to be satisfied that the safety officer is competent and that the safety policy and contingency plans are sufficiently clear and comprehensive. If not satisfied on any of these matters, it should reduce the (S) factor and hence the capacity of the ground. However, it is not up to the local authority to 'approve' the employment of the individual concerned. Nor should it do so for the safety policy and contingency plans or any more than it should 'approve' the risk assessments underlying any operations manual. These must remain, and be seen to remain, the responsibility of the certificate holder.

There is nothing to prevent the ground management from including non-spectator safety issues within its operations manual. Indeed, this could have many advantages but such matters lie outside the scope of this guidance.

5.4 Schedules and appendices

The schedules should set out in detail how the general requirements of the core section are to be met. In the case of a risk based style safety certificate, a copy of the operations manual should form the schedule.

Where there is still a prescriptive style safety certificate, the detailed requirements should be set out in a series of schedules. Even where the certificate holder has not produced a detailed operations manual, there is no reason why it should not draft some or all of the detailed conditions, for promulgation by the local authority. Indeed this approach is to be encouraged since it gives the certificate holder a greater sense of ownership of the safety management of the sports ground.

The local authority should structure the schedules and appendices according to local need. In most cases, the best approach is to include definitions and written requirements as schedules and to attach any plans, tables and lists as appendices. Thus the schedules might cover all requirements relating to:

- safety management, stewarding and crowd control;
- buildings, structures and installations;
- fire and fire fighting;
- first aid and medical facilities; and
- records and certificates relating to training, briefing, tests and inspections.

The appendices should include plans of the sports ground along with its permitted capacity. The following should also be included in the appendices unless they are included within any operations manual:

- the spectator safety policy;
- the ground contingency plans;
- the statement of intent between the ground management and the police.

- any detailed lists of equipment or installations to be maintained by the certificate holder, such as first aid equipment and supplies; fire fighting equipment; and control room equipment; and
- an index of the key locations and details of all exit gates and doors.

MONITORING BY THE LOCAL AUTHORITY

6.1 The need for monitoring

The achievement of reasonable safety is a continuous process that does not end with the production of the operations manual and / or the issue of the safety certificate. The local authority must monitor the holder's compliance with the certificate's terms and conditions. As a risk based style certificate should include a condition or conditions requiring the holder to comply with the policies, plans and procedures set out in the operations manual (see section 5.1 above), the monitoring by the local authority must include the extent of such compliance.

Nonetheless, while the safety certificate should require the holder to comply with the ground management's operations manual, it would be neither reasonable nor practicable for the local authority to monitor every smallest detail of this plan at all times. The ground management must be allowed to perform its functions and exercise its responsibilities without being cramped. It will be necessary to identify and strike a reasonable balance between close oversight of the key issues that have a significant impact upon the safety of spectators and a more hands off approach to those which can reasonably be left for the most part to the ground management.

In this context, local authorities should be mindful of the Recommendation in the March 2005 Hampton Report on Reducing Administrative Burdens that regulators should make on site visits and tailored advice available to businesses. In other words they should provide ground management with advice and assistance to improve its compliance.

Any failure by the holder to follow the procedures set out in the operations manual should be dealt with by the local authority in the same way as it would have dealt with a holder not complying with the terms and conditions of a prescriptive style certificate. Advice on enforcement action is set out in sections 7.1 – 7.6 below.

Under section 10B of the 1975 Act, it is the duty of the local authority to enforce the provisions of the Act and of the Regulations made under it and, for that purpose, to arrange for the periodical inspection of the designated sports grounds within its area. Section 34 of the 1987 Act imposes a broadly similar duty with regard to sports grounds containing regulated stands. Further statutory guidance is given in Home Office Circulars 72/87 (“the 1987 Circular”) and 97/88 (“the 1988 Circular”).

The duty in section 34 of the 1987 Act applies to the whole sports ground. It is left to each local authority to determine, in light of its local knowledge, the extent of the inspection. This local knowledge would include not only the general condition of the sports ground but also whether any events were scheduled which might attract unusually large numbers of spectators. This has proved particularly relevant when football clubs from divisions below the Football League have been drawn at home in the latter stages of the various Football Association cup competitions.

6.2 Scope of the inspection

The Home Office Circulars prescribe in considerable detail what is to be examined by or on behalf of the local authority. In summary this should encompass:

- the certificates covering structural, dynamic performance and electrical tests;
- the records maintained by the management of the sports ground, in particular of attendances, accidents, maintenance, equipment tests, steward training and contingency plans;
- the condition of the sports ground and its fixtures and fittings; and
- the lighting, public address, fire warning and entry control equipment.

6.3 Responsibility for physical inspections

The physical inspection of the sports ground by the local authority in compliance with the Home Office Circulars is not intended to duplicate work that should be undertaken by or on behalf of the certificate holder. Instead it is designed to check that the certificate holder is complying with the provisions of the management plan or the safety certificate conditions for properly maintaining the sports ground and its fittings and, ideally, for noting and agreeing remedial action on problems already identified by the certificate holder.

The certificate holder should be responsible for appointing suitably qualified persons to undertake the structural appraisals and the other inspections or tests prescribed in the operations manual. The local authority should check that the required inspections have indeed taken place and that the persons concerned were duly qualified. Unless the authority has doubts about the independence, competence or approach of these persons, the submission of a certificate that the structure or fitting meets the appropriate requirements should normally suffice. Nevertheless, the local authority remains free to carry out sample testing if it considers this to be necessary.

6.4 Inspections during events

The physical inspection of the sports ground constitutes but one element of the monitoring by the local authority. It is equally important to have regard to the safety management – the (S) factor – when determining its safe capacity. The local authority should therefore also monitor both the certificate holder's general compliance with the operations manual or safety certificate conditions and such matters as:

- the safety culture of the ground management;
- the training, assessment, qualification and competence of the safety officer;
- the training, assessment, qualification and competence of the stewards and other safety personnel; and

- whether there are effective systems for identifying and tackling problems.

The scrutiny of records may indicate whether tasks have been performed; it may also give an impression of good or poor management. However, it cannot adequately convey whether the sports ground is being operated safely. Experience has shown that the local authority can only monitor this effectively if it periodically observes the performance of the management immediately before, during, and after the event. Such inspections can also help inform the local authority's assessment of how far the ground management has progressed toward being capable of acting autonomously.

6.5 Frequency of inspections

For designated sports grounds, the 1975 Act defines periodical as "at least once every twelve months". For regulated stands with accommodation for over 2,000 spectators, the 1988 Circular lays down a minimum of one inspection in the calendar year following the issue of the last safety certificate and once in every calendar year thereafter. In all other cases the minimum is once in every two calendar years.

There is nothing to preclude the local authority from inspecting the sports ground more frequently. The number of inspections reasonably required will vary from venue to venue. This will be for the local authority to determine, having regard to its duty to monitor the suitability of the terms and conditions of the certificate and ground management's compliance with the operations manual or safety certificate conditions and to ensure that these are being observed.

At most designated sports grounds, it will normally be sufficient for the local authority to inspect the structures and fittings once a year while the sports ground is empty. It might be sensible to conduct this inspection at different times each year, so as to observe the sports ground under a variety of conditions. Further inspections are likely to be necessary only in the event of significant structural modifications.

However, the sports ground management's performance during events will undoubtedly need to be checked more frequently. Without regular checks there is a

risk of potentially hazardous situations developing unchallenged. The same considerations apply to the local authority's checks of the records of attendances, accidents, maintenance, steward training and contingency plans, though some of these could be carried out on non-event days.

The most sensible way for the local authority to identify how many inspections it might reasonably undertake during the course of the year, would be for it to require each venue to undertake an annual self assessment as part of its review of its risk assessments and recommended capacities – see sections 3.8 and 5.3 above. The local authority should take this into account, along with any other relevant factors, in particular the management's compliance with the operations manual or safety certificate conditions. Improvements in safety management should normally lead to a reduction in the number of inspections.

In only the most exceptional cases would it be necessary for the local authority to be present at every event staged at the sports ground. Nevertheless the local authority needs to be alerted quickly to anything that may affect spectator safety so that it may take any necessary action as soon as practicable. It should also invite feedback from other sources, in particular from the other agencies represented on the SAG who may attend events in the course of their normal duties. This should be seen as an adjunct to, not a substitute for, inspection by the local authority.

When inspecting the sports ground during an event, the local authority should be sensitive to the operational responsibilities of its management. Any requests for access, in particular to the sports ground control room, must be reasonable and should not distract safety personnel from the performance of their duties.

6.6 Inspection personnel

It is for the local authority to determine how best to undertake inspections. It must be satisfied that the inspecting officers are competent for that purpose. There is no legal requirement for inspections to be undertaken by staff from a particular professional discipline. The local authority should consider the potential advantages of a team approach, in particular to the statutory annual inspection. This might

involve the officers who represent the police, fire and building authorities on the SAG.

The inspecting personnel may need to respond immediately if they become aware of a serious safety hazard. The local authority should therefore identify and formally record what enforcement powers it has delegated and to whom. Moreover, under section 11 of the 1975 Act or section 35 of the 1987 Act, any personnel who may need to exercise a right of entry to a sports ground must be formally authorised by the local authority. This too should be properly recorded in the minutes of the relevant committee.

6.7 Records of inspections

The local authority should maintain detailed records of all inspections as part of its audit trail. It may wish to consider sending a copy to the certificate holder, if only to ensure that there is no confusion about any need for immediate remedial action.

Staff inspecting all kinds of sports grounds have found written checklists invaluable. The detailed example at Annex B is intended to assist not constrain local authorities. Individual authorities are free to modify it to meet their particular needs. They could, for instance, include references to other matters, such as environmental health, for which they may be responsible under other legislation. Moreover, it may not be practicable for a local authority to inspect every element of a very large ground on a single event day. Staff using it should be encouraged to comment as fully as necessary on each item and not merely to tick entries on a form. This is particularly important where there are any deviations or problems since these will need to be noted in writing and investigated.

Further helpful guidance on “during performance” inspections of specified activities at sports grounds is available from the District Surveyors’ Association.

ENFORCEMENT

7.1 Initial response

The local authority may need to respond quickly to any incident that puts the public at risk or any safety weakness identified by or to its inspecting personnel. This is particularly important if the terms and conditions of the safety certificate appear to have been contravened and / or if the ground management is failing to comply with its own operations manual. The local authority should ensure that it has the necessary powers and procedures in place to enable it to take any necessary action in sufficient time. In this context it should be noted that the risk based style safety certification provides local authorities with the same enforcement powers as they have enjoyed hitherto.

The response of the local authority must be proportionate to both the urgency and the seriousness of the case. It may choose between the following options:

- a reduction in the permitted capacity of all or part of the sports ground;
- the issue of a prohibition notice; or
- in the event of a breach of the safety certificate conditions, a warning, formal caution or prosecution.

7.2 Reduction in the capacity of a sports ground

If an incident suggests that the management of a sports ground is performing poorly, the local authority should review the (S) factor and hence the capacity of the sports ground. The same applies if there has been no incident but the sports ground management's overall performance during an event appears deficient and / or it does not appear to be fully in control. Similarly, if the local authority's inspecting personnel identify any deficiencies in the fabric, equipment, records or management systems, which the authority has not already taken into account when accepting or

calculating the permitted capacity, it should review either the (P) or (S) factor as appropriate.

Any new capacity should be properly calculated having regard to the change in circumstances. The local authority should follow the same procedures as during the routine annual review of the safety certificate. It should invite the ground management to submit its proposed revised (P) or (S) factor, while reserving the right to overrule this if appropriate. Wherever possible, the two parties should also agree a programme of remedial measures or improvements. Once these have been implemented, the local authority should consider restoring the original capacity. There is a clear onus on the local authority to act reasonably and in accordance with due process, not least because the certificate holder has a right of appeal against any reduction in capacity.

7.3 Prohibition notices

A review of the (P) and (S) factors and a possible cut in capacity is likely to be the appropriate response in the majority of cases. However, section 10 of the 1975 Act empowers the local authority to issue a prohibition notice in respect of all or part of any sports ground if it considers that spectators cannot be accommodated in reasonable safety. The prohibition may be general or may apply to a particular event.

Unlike the other provisions of the 1975 and 1987 Acts, the power to issue a prohibition notice applies to all sports grounds, as defined in section 17 of the 1975 Act, including those that are neither designated nor contain a regulated stand.

Before issuing a prohibition notice, the local authority must consider that “the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the sports ground or that part of the sports ground ought to be prohibited or restricted”. A prohibition notice is therefore a measure of last resort. In practice, it is likely to be required only if the problem is

urgent or the certificate holder or management of the sports ground appears unable or unwilling to rectify the situation before the next event.

If the local authority considers and states in the notice that the risk to spectators is or may be imminent, the notice takes effect as soon as it is served. In all other cases, it comes into force at the end of the period specified in the notice. The local authority may amend or withdraw the notice at any time. Under the Environment and Safety Information Act 1988 the local authority is required to keep a register of any prohibition notices that it has issued.

Local authorities need to ensure that any requirement in a prohibition notice is clear and specific. A general statement that the certificate holder shall comply with the operations manual to the satisfaction of the local authority would be inappropriate because it would leave the requirements unclear and at the whim of the local authority. By contrast, it would be acceptable to require the certificate holder to comply with the operations manual or to specify ways in which this should be achieved.

For further detailed guidance on prohibition notices, local authorities should refer to the DCMS Circular of 16 November 1995.

7.4 Procedures for issuing prohibition notices

The local authority needs to ensure that it can, if necessary, issue a prohibition notice at very short notice and without reference to senior officers or to members. In accordance with its standing orders, it should formally identify the officers who may serve any prohibition notices on its behalf, the extent of their delegated powers and the circumstances in which they may be used. The officers concerned are likely to be those who already conduct inspections on event days.

The system of prohibition notices depends upon the local authority having effective administrative machinery in place. In particular, there is unlikely to be time to locate the required form and prepare a prohibition notice after the problem has arisen. The necessary documentation should be drawn up in advance on a contingency basis.

Indeed, it may be advisable for the authorised personnel to carry a blank proforma that can be filled in and signed on the spot.

The local authority must send copies of any prohibition notice to the chief officer of police and, where it is not itself that authority, the fire authority or the building authority. It should be aware that no prohibition notice may include any directions, compliance with which would require the provision of police, unless the chief officer of police has consented to their inclusion. Only the chief officer of police may determine the extent of that provision.

7.5 Appeals against a prohibition notice

An aggrieved person may appeal to the magistrates' court against a prohibition notice within 21 days of the serving of the notice. However, the bringing of an appeal does not suspend the operation of the notice or of any amendment to it. If the prohibition notice is to apply to a single event, the local authority should, wherever possible, serve it well in advance so that any aggrieved person has a reasonable opportunity to exercise this right of appeal. As indicated in section 3.11 above, any restrictions imposed under a prohibition notice remain in force unless or until amended or annulled by the court.

7.6 Penalties for contravention of the safety certificate

It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice. These offences, along with the defences of absence of consent and due diligence, are listed in section 12 of the 1975 Act and section 36 of the 1987 Act.

Where it appears to the local authority that an offence, however minor or technical, may have been committed, it should consider its response, having regard to the facts and merits of the case and taking care to apply the normal rules of evidence. In very minor cases, particularly if the certificate holder has immediately taken action to prevent any repetition, the local authority may determine that no further action is warranted, though it may wish to warn those responsible as to their future conduct.

In more serious cases, for example where spectators have been put at risk but the offence appears to be an isolated oversight, the local authority might wish to administer a formal caution. However, in the event of persistent or flagrant breaches of a safety certificate, or those which have seriously prejudiced spectator safety, the local authority should give serious consideration to bringing a prosecution under the 1975 or 1987 Act.

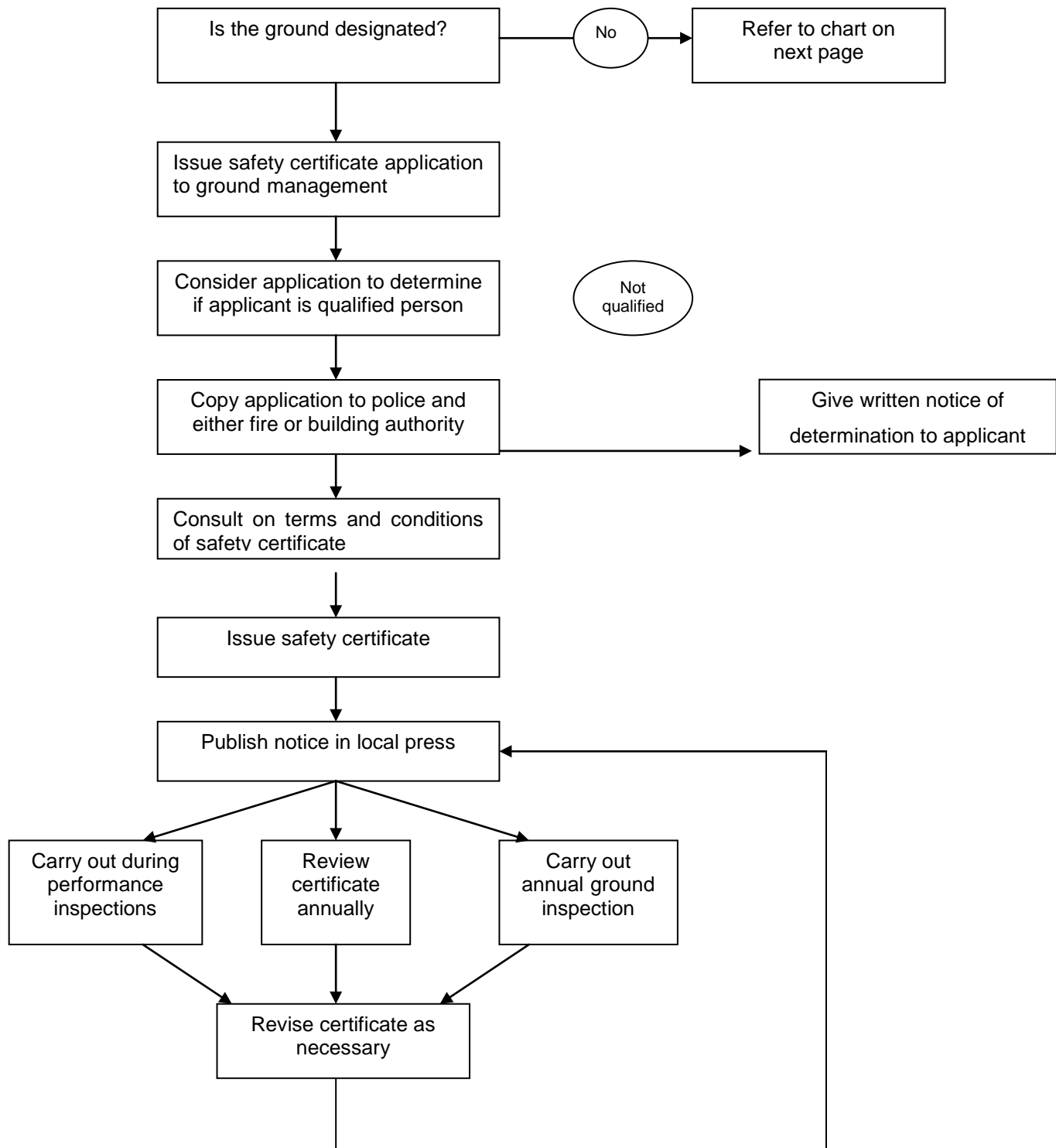
Annex A

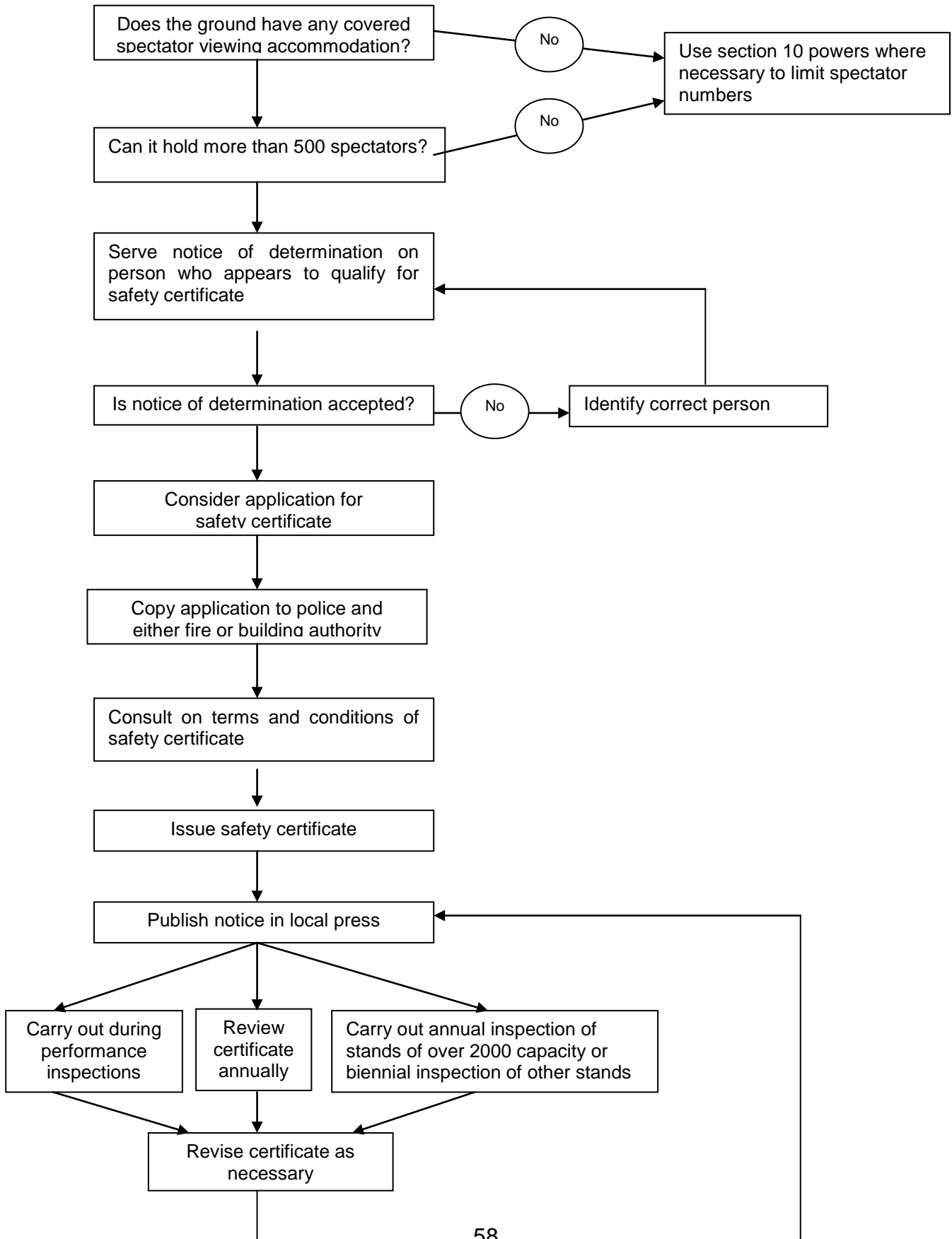
[Insert two extra stages on both charts before “consult on terms and conditions of safety certificate”]:

Has the ground management undertaken risk assessments on all the recommended issues?

Does the ground have an acceptable operations manual and proposed capacity?

If answer to either question is No, identify whether ground management wishes to go down this road, in which case return application to ground management for attention or proceed to draw up terms and conditions on which to consult. (This needs to apply on both pages.)





Annex B

[Name of certifying authority]

MATCH DAY INSPECTION RECORD

Premises -----

Fixture ----- v -----

Date -----

Time of kick off -----

Weather conditions -----

Total Attendance ----- No. of away supporters -----

Duty safety officer -----

If present -

Crowd doctor -----

Match day commander -----

Senior Ambulance Officer -----

Senior Fire Officer -----

Other authorities -----

Names of inspecting officers -----

*Please tick relevant boxes to show which areas have been inspected. Any areas where problems are observed or breaches of the safety certificate noted should be marked * and relevant details included in the comment section.*

Pre-match Inspection

Car Parks	[]
External circulation areas	[]
Emergency vehicle access	[]
Stadium Boundaries	[]
Turnstiles	[]
Turnstile monitoring equipment	[]
Exit routes	[]
Exit gates	[]
Control room	[]
PA system	[]
CCTV system	[]
Emergency telephones and radios	[]
First aid equipment	[]
First aid personnel	[]
Ambulance provision	[]
Segregation arrangements	[]
Concessionaire facilities	[]
Disabled accommodation	[]
TV and camera equipment	[]

During Match Inspection

	1 st Half	2 nd Half
North Stand		
Seating / Gangways / Exits LOWER TIER	[]	[]
Seating / Gangways / Exits MIDDLE TIER	[]	[]
Seating / Gangways / Exits UPPER TIER	[]	[]
Hospitality boxes	[]	[]
Concourse LOWER TIER	[]	[]
Concourse MIDDLE TIER	[]	[]
Concourse UPPER TIER	[]	[]

South Stand

Seating / Gangways / Exits LOWER TIER	[]	[]
Seating / Gangways / Exits UPPER TIER	[]	[]
Concourse LOWER TIER	[]	[]

East Terrace

Terracing / Gangways / Exits	[]	[]
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West Stand

Seating / Gangways / Exits LOWER TIER	[]	[]
Seating / Gangways / Exits UPPER TIER	[]	[]
Concourse LOWER TIER	[]	[]
Hospitality boxes	[]	[]

Post Match Inspection (Location of inspecting officers)

Control Room	[]
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- Exits from viewing areas []
- Exits from stadium []
- Car park []
- Other location in stadium (please specify) []

General Areas of Inspection

- Records []
- Safety Officer []
- Stewards' numbers and deployment []
- Stewards' performance []
- Stewards' training records []
- Fabric of stadium []
- Normal lighting []
- Escape lighting []
- Fire resisting areas/enclosures []
- Fire fighting equipment []
- Signage []
- Storage areas []
- Control of combustible waste []

Comments

*(Anything marked * above must be commented upon)*

Signed-----

Annex C

Sports Ground Design/Operation Variations – Risk Assessment

Name of sports ground:

Risk Assessment Number:

Risk Assessment prepared by:

Name:

Position:

Date of Assessment:

Element	EG exit width, barrier design, emergency lighting
Design Standard / Guidance / Code	Eg; BS 8899, Green Guide, Technical Standards for place of Entertainment, Building regs
Detail of deviation or variation	
Reason for deviation or variation	Justification for deviation
Mitigation factor(s) to manage or limit the impact of the deviation or variation.	
Evidence that the proposed mitigation(s) provide a similar standard as the Standard / Guidance / Code	
Details of drawings containing the proposed deviation or variation.	

**Implications of
implementing the
proposed
deviation or
variation**

**Implications of
not implementing
the proposed
deviation or
variation**