



Response to the Joint Consultation

Part 1 - A Wider Definition of Safety

Part 2 - The SGSA's Oversight & Licensing Policy

About the Sports Grounds Safety Authority

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

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

Foreword



Thank you to every individual and organisation who put forward their views as part of the Joint Consultation we launched earlier this year.

Every single response we received has provided a valuable insight and perspective on what is currently happening at sports grounds across the country and the implications of a wider understanding of safety for sports grounds and local authorities.

We have listened to and carefully considered each response, and we have met with national partners to ensure we fully understand the range of different views which have emerged. We are committed to working in partnership with those partners to provide support, guidance and advice as we move forward with this approach.

What was encouragingly clear from the responses was that many sports grounds are already considering and addressing the risks from terrorism, crowd disorder and anti-social behaviour, and taking in to account the safety of all people at the ground. This is testament to the skill and commitment of safety teams across the country working tirelessly week-in and week-out.

Many local authorities are also looking at these issues as part of their oversight of safety at sports grounds. However, it was clear that not all are and that many have considered these elements of safety to be outside their regulatory remit. We must address this together.

The responses were also clear that there will be challenges for sports grounds and local authorities in implementing the wider understanding of safety. We do not underestimate these challenges and we are fully committed to supporting the sector as we move forward to meet them together.

Over the last 28 years together we have built a strong tradition of committed and effective partnership working, recognising that we are all safer when we work together. We are more than the sum of our parts. As we all adapt and respond to new risks and challenges collaboration and strong partnership working at a local and national level will be essential to our success.

In this spirit of partnership we look forward to working together with all of you to ensure our sports grounds are safe for everyone.

Karen Eyre-White

Karen Eyre-White

Chief Executive

Sports Grounds Safety Authority

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Executive Summary

Sport is an essential part of our national culture and thanks to the dedication and commitment of all those that work in sports grounds safety, the UK is one of the safest places in the world in which to watch live sport. However, keeping people safe requires constant vigilance.

One of the SGSA's roles as the national regulator is to ensure that the regulatory regime remains fit for purpose, and that local authorities understand their responsibilities under the legislation governing safety at sports grounds.

In February 2017, the SGSA issued a Joint Consultation that sought the views of stakeholders on:

- **Part 1** - The implications of a review of the term 'safety' in the Safety at Sports Grounds Act 1975 which explained that safety is a broad term which means that all people present at a sports ground during an event are protected against dangers of physical harm or injury arising from being present. This includes risks from terrorist activity, crowd disorder and anti-social behaviour. It also includes ensuring that all people at a sports ground are protected, not just spectators.
- **Part 2** - The SGSA's oversight and licensing powers under the Football Spectators Act 1989. The consultation was accompanied by a draft Oversight and Licensing Policy, which set out the SGSA's statutory powers and how the SGSA will use them to achieve its primary regulatory objective to ensure reasonable safety is maintained at the home grounds of clubs in the Premier League and the English Football League, and at Wembley and the Principality Stadium.

The consultation closed on 19th May 2017 and 74 responses were received.

Part 1 - A Wider Definition of Safety

Key Themes in Responses

There were a range of views expressed by respondents on the types of implications for sports ground and local authorities of the understanding of the broad meaning of safety. There were also a wide range of suggestions on how to help the sector embed the new understanding.

Some respondents welcomed the wider definition of safety, citing it as comprehensive and helpful, while others expressed concern that it may harm multi-agency relationships, have unintended consequences or duplicate existing legislative regimes.

It was clear from responses to the consultation that many sports grounds already consider and address risks from terrorist activity and from crowd disorder and anti-social behaviour. Many sports grounds also already consider risks to all people in the ground, not just spectators. Many certifying authorities are also already considering some or all of these issues as part of their safety certification processes, but it is clear that not all currently do.

Skills gaps within both sports grounds and local authorities were identified as a challenge. A number of respondents highlighted potential increases in costs for sports grounds and for local authorities in fulfilling their safety certification duties with respect to safety at sports grounds.

Local authorities were keen to have support and guidance from the SGSA to help them implement these changes, as well as briefing and training sessions on what it means for them and their safety certification role.

The SGSA's Response

It is the view of the SGSA that 'reasonable safety at the sports ground' is a broad term which means that all people present at a sports ground during an event are protected against dangers of physical harm or injury arising from being present. Therefore, any danger which could cause physical harm or injury can come within the scope of a local authority's powers under the Safety at Sports Grounds Act 1975. This includes risks from terrorist activity, crowd disorder and anti-social behaviour. It also includes ensuring that all people at a sports ground are protected, not just spectators.

Where there are already reasonable and proportionate measures in place to prevent and manage these elements of safety, we do not expect there will need to be any change to a ground's safety operation as a result of the understanding of the broad meaning of safety.

In determining what regulatory approach to take to any particular danger identified as relevant to their oversight of safety at a sports ground, local authorities will need to use their regulatory judgement and take in to account all relevant circumstances. The approach taken by local authorities should be evidence-based, proportionate and reasonable, as well as targeted and specific to each ground and event.

Strong and effective local relationships are at the heart of creating safe sports grounds and going forward these strong relationships will be an essential part of embedding changes in safety certification processes at a local level. At a national level, the SGSA will continue to work closely with our wide range of national partners to ensure that sports grounds and local authorities have access to the most appropriate advice.

Part 2 – The SGSA's Oversight and Licensing Policy

Key Themes in Responses

The majority of respondents felt that the approach set out in the Oversight and Licensing Policy was proportionate and appropriate.

Respondents highlighted the importance of avoiding duplication with the local authority safety certification process and consultation with local authorities before any notice was issued requiring a condition be inserted to all safety certificates to address a national safety issue. There was an appreciation of the expertise of the SGSA inspectorate and support for SGSA match visits.

The approach to requiring information from grounds as part of the licence application was generally not seen as burdensome. There was mixed opinion on whether the SGSA should consider using its licensing powers in respect of accessibility issues.

The SGSA's Response

The final version of the SGSA's Oversight and Licensing Policy is being published alongside this response document, and incorporates a number of changes in response to feedback received through the consultation process.

The SGSA has always sought to educate and persuade, engaging fully with the ground and the certifying authority, before using its regulatory powers, and this will continue to be the

case. However, if the SGSA feels that the reasonable safety of those at the ground may be compromised, it will not hesitate to take the necessary and proportionate regulatory action.

The policy remains unchanged in relation to information being requested from licence applicants. This will be based on the information set out in appendix B to the consultation and we will confirm the detail at least 2 months in advance of the 2018/19 licensing round.

Taking all of the issues into account, including the current activity of the Equality and Human Rights Commission in this area, the SGSA has decided that its policy at this time will be to not take facilities for disabled people into consideration when issuing licences. The SGSA will seek to work in partnership with the Equality and Human Rights Commission, and with grounds, and encourage good practice in this area by providing advice and guidance.

Next Steps

The SGSA is committed to supporting the sports grounds safety sector in implementing the necessary changes, including to safety certification processes. Alongside this document the SGSA has published two guidance notes, *Preparing Counter Terrorism Measures at Sports Grounds* and *Prevention of Crowd Disorder and Anti-Social Behaviour at Sports Grounds*, aimed at supporting both sports grounds and certifying authorities. In November, we will publish a further guidance note on *Safety for All at Sports Grounds*. These guidance notes are supplemented by FAQ documents and can be found on the SGSA website at: www.sgsa.org.uk/joint-consultation.

We will offer support and advice to sports grounds and certifying authorities to support them in implementing the wider understanding of safety.

1. Introduction

- 1.1 Sport is an essential part of our national culture and thanks to the dedication and commitment of all those that work in sports grounds safety, the UK is one of the safest places in the world to watch live sport.
- 1.2 Since the tragic events at Bradford and Hillsborough in the 1980s, sports grounds in the UK have been transformed; grounds are more modern and facilities have been improved. Grounds have qualified safety officers and stewards working together with the police, fire and ambulance service, and the local authority, to ensure events are safe.
- 1.3 The UK has one of the most robust system of safety regulation in the world, with local authorities working in partnership with sports grounds to ensure that safety of spectators remains a priority.
- 1.4 We have come a long way in 28 years, but keeping people safe requires constant vigilance. The nature and scale of issues affecting safety at sports grounds today are significant and fast-changing. New technology presents both opportunities and challenges. People are looking for new ways to create atmosphere and excitement. Financial pressure at sports grounds and local authorities alike means that investment in safety measures and in regulatory activity is under increasing scrutiny. Following the attacks on the Stade de France in 2015 and subsequent attacks on other stadia it is clear that sports grounds and other public places remain a potential target for terrorist activity.
- 1.5 We must all continue to look ahead and adapt and respond to the changing world to ensure millions of people can enjoy going to sports grounds in safety.

The Consultation Process

- 1.6 One of the SGSA's roles as the national regulator is to ensure that the regulatory regime remains fit for purpose and that local authorities understand their responsibilities under the legislation governing safety at sports grounds.
- 1.7 Aware of the changing context described above, the SGSA reviewed its understanding of the primary legislation which sets out how safety at sports grounds should be regulated and the remit of the SGSA and local authorities. In February 2017, the SGSA issued a consultation (The Joint Consultation) which set out the SGSA's view on what safety means in today's context, and how we believe it should be regulated. This sought the views of stakeholders on the potential implications for local authorities, sports grounds and the SGSA.
- 1.8 The consultation was structured as two parts:
 - **Part 1** related to a review of the term 'safety' in the Safety at Sports Grounds Act 1975 (the 1975 Act). This explained that safety is a broad term which means that all people present at a sports ground during an event are protected against dangers of physical harm or injury arising from being present. The first 22 questions sought views on the implications of this definition for local authorities, sports grounds and the SGSA.
 - **Part 2** related to the SGSA's oversight and licensing powers under the Football Spectators Act 1989 (the 1989 Act). It set out what those powers are and how the SGSA will discharge them, and was accompanied by a draft SGSA Oversight and Licensing Policy. The 11 questions in Part 2 sought views on the policy.

- 1.9 The consultation was launched on 27th February 2017 with a closing date of 28th April 2017. This deadline was extended to 19th May 2017 to provide stakeholders more time to provide their views.
- 1.10 The consultation was open to anyone to respond, with a wide range of stakeholders encouraged to engage including sports grounds, football clubs, local authorities, national governing bodies, the football bodies¹ and the emergency services.
- 1.11 To provide an opportunity for consultees to understand and engage with the consultation, the SGSA ran consultation events at Trafford Town Hall, Aston Villa FC and the SGSA's London offices. A webinar presentation was also available for stakeholders.
- 1.12 Furthermore, SGSA Inspectors presented on the consultation at Safety Advisory Group and local authority regional meetings held during the consultation period.
- 1.13 The consultation was run in accordance with the Cabinet Office consultation principles published in January 2016².

The SGSA's Response to the Consultation

- 1.14 We have carefully considered the responses received to the consultation. This document summarises the submissions we received, highlights the main implications identified by the respondents and gives the SGSA's response. It also confirms the final version of the SGSA's Oversight and Licensing Policy.
- 1.15 The responsibility of certifying authorities under the 1975 Act is to issue safety certificates to designated sports grounds which include 'such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety at the sports ground when it is in use for the specified activity or activities' (s2(1)).
- 1.16 It is the view of the SGSA that 'reasonable safety at the sports ground' is a broad term which means that all people present at a sports ground during an event are protected against dangers of physical harm or injury arising from being present. Therefore, any danger which could cause harm or injury can come within the scope of a local authority's safety certification powers. This includes risks from terrorist activity, crowd disorder and anti-social behaviour. It also includes ensuring that all people at a sports ground are protected, not just spectators.
- 1.17 We are committed to supporting the sports grounds safety sector in implementing the necessary changes, including to safety certification processes. Alongside this document the SGSA has published two guidance notes, *Preparing Counter Terrorism Measures at Sports Grounds* and *Prevention of Crowd Disorder and Anti-Social Behaviour at Sports Grounds*, aimed at supporting both sports grounds and certifying authorities. In November, we will publish a further guidance note on *Safety for All at Sports Grounds*.
- 1.18 The Fire Safety and Safety of Places of Sport Act 1987 (the 1987 Act) provides for similar certification of regulated stands within sports grounds as applies to the whole ground under the 1975 Act. The definition of safety described above applies equally to safety certification of regulated stands. In this document, 'certificated sports ground' refers to grounds which are either designated under the 1975 Act or have a

¹ For the purpose of this document, we use the term 'the football bodies' to mean The FA, the Premier League and the English Football League

² www.gov.uk/government/publications/consultation-principles-guidance

regulated stand under the 1987 Act. 'Certifying authority' refers to the local authority responsible for issuing a safety certificate to a certificated sports ground.

- 1.19 Section 10 of the 1975 Act places a responsibility on any local authority to issue a prohibition notice if they are of the opinion that the admission of spectators to any sports ground involves a serious risk to spectators. Any danger which could cause harm or injury can come within the scope of this responsibility. This includes risks from terrorist activity, crowd disorder and anti-social behaviour. However, section 10 specifically refers to a serious risk to spectators so risks to other people in the ground should not be taken in to account when local authorities are considering issuing prohibition notices.

Structure of this Response Document

- 1.20 Chapter 2 sets out the number of responses received and explains our methodology in analysing those responses. Chapters 3-6 summarise the responses received to Part 1 of the consultation. Chapter 7 summarises the responses received to Part 2 of the consultation on the SGSA's Oversight and Licensing Policy. Chapter 8 summarises the SGSA's next steps following the responses to the consultation. Annex A gives a full list of respondents.

Jurisdiction

- 1.21 While the SGSA's regulatory role is limited to grounds at which designated football matches³ are played, the definition of safety described above may impact any sports ground covered by the 1975 Act or the 1987 Act and the local authorities responsible for administering that legislation. In view of sports grounds in Scotland being subject to the same legislation, and similar legislation applying in Northern Ireland, this document is likely to be of interest to their devolved administrations.

³ As defined in the Football Spectators Act 1989: football matches played at Wembley Stadium, Principality Stadium or the home grounds of Premier League and EFL clubs.

2. Methodology

- 2.1 The consultation document was available online at www.sgsa.org.uk. Respondents were given the option to reply using an online survey or by sending a completed response template by email or hard copy. Respondents could also reply to the consultation with free text responses (for example, in the form of letters, emails and reports).
- 2.2 Any responses to the consultation received on or before the extended closing date of 19th May 2017 were counted and included in the formal analysis, as were postal responses dated on or before 19th May 2017 that may have been received later. One clarification of a previous response was received within a week of the closing date. This was not counted as an additional response but the comments were included alongside those in the original response.

Approach to Analysing Responses

- 2.3 Responses received were recorded and then categorised into one of the following 'respondent groups':
- Cricket Body
 - Emergency Service
 - Football Body
 - Football Club
 - Government Body
 - Local Authority
 - Private Individual
 - Rugby Body
 - Supporter or Supporter Body
 - Other Organisation.
- 2.4 Generally, the questions invited free text responses. The questions in part 1 asked consultees to highlight the implications and challenges of the elements of safety highlighted, or to suggest guidance and support that could be provided.
- 2.5 Many of the questions in part 2, while answered in free text format, allowed for an overarching response in terms of 'agree' or 'disagree' with supporting detailed free text comments. For these responses we first sought to establish whether, on balance, each respondent 'agreed', 'disagreed' or 'neither agreed or disagreed' with the proposals highlighted by the consultation question.
- 2.6 The analysis of responses to Part 1 questions, and the detailed comments to the Part 2 questions, involved assessing the detailed comments and issues raised by the respondents and grouping them by key themes. These themes informed our development of guidance and next steps.
- 2.7 A number of replies were in the form of a letter and did not allocate comments to specific questions. The comments were allocated to questions where there was an obvious link. This is necessarily a subjective judgement, which may have had an impact on the question by question analysis.
- 2.8 In some cases respondents suggested changes to legislation or Government policy. The main topics suggested are referenced in Chapter 3 and we have brought them to the attention of the Department for Digital, Culture, Media and Sport.

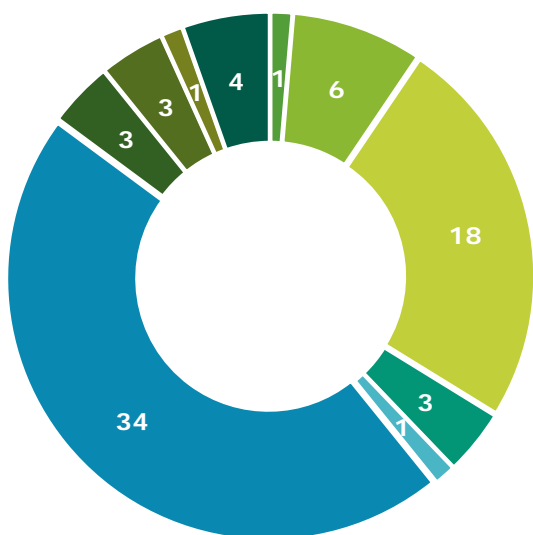
2.9 There were a number of issues raised by single respondents or that related to specific points of detail that were not directly relevant to the consultation. These were noted but this document does not seek to summarise them.

Consultation Response Volumes

2.10 The SGSA received 74 formal responses to the consultation as shown in Figure 1. A full list of respondents can be found at **Annex A**.

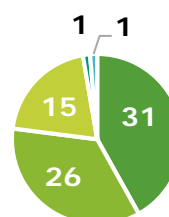
2.11 Most responses were received on the template, either on line or by email as shown in Figure 2.

Fig 1: Who responded to the consultation



- Cricket Body
- Emergency Service
- Football Club
- Football Body
- Government Body
- Local Authority
- Other Organisation
- Private Individual
- Rugby Body
- Supporter or Supporter Body

Fig 2: Summary of response submission type



- Online responses
- Template letter responses
- Free text responses
- Meeting reports
- Combination

2.12 There were no responses that provided a quantified assessment of the implications and it should be noted that the small number of respondents means that the responses are not statistically significant.

Part 1

A Wider Definition of Safety

3. Overview – A Wider Definition of Safety

What the Consultation Asked

- 3.1 In the chapter of the consultation entitled 'A Wider Definition of Safety' we asked the first questions covering:
- What guidance or support from the SGSA local authorities and sports grounds would find helpful in order to apply the wider definition of safety
 - What other implications the wider definition would have on local authorities
 - What impact it would have on sports grounds.
- 3.2 The summary of responses below also includes responses to Question 22. This question asked consultees for any other comments on the issues considered in Part 1 of the consultation.
- 3.3 Where responses to these questions addressed specific issues relating to counter terrorism, crowd disorder and anti-social behaviour or safety for all, those comments have been considered in chapters 4 to 6 of this document.

What Respondents Said

- 3.4 Many respondents used the answers to these questions to provide overarching views on the wider definition of safety. Some welcomed the wider definition, citing it as comprehensive and helpful, while others expressed concern that it may harm multi-agency relationships and duplicate existing legislative regimes. Both views were represented by both sports grounds and local authority respondents, but in general sports ground were more concerned about the wider definition and local authorities were more accepting. A number of respondents expressed their view that the wider definition was not a significant change, for example because it was already covered in their risk-based approach to safety certification.
- 3.5 There was an appetite for guidance from the SGSA on implementing the wider definition, with respondents suggesting topics including:
- The roles and responsibilities of all bodies involved
 - How Safety Advisory Groups (SAGs) should operate including who should attend and updated terms of reference
 - How SAGs should deal with issues concerning areas outside the remit of the Safety Certificate
 - Suggested model conditions for safety certificates
 - Changes to the content of operations manuals
 - What information sports grounds need to provide to certifying authorities, and how certifying authorities should assess them
 - Implementation for small clubs and venues.
- 3.6 Respondents also asked for other forms of support, for example for SGSA inspectors to attend SAGs while the wider definition of safety was embedded, and training for local authority staff and safety officers/stewards. There was an appetite for clear and consistent advice. They were also supportive of the SGSA sharing good practice and signposting relevant information and expertise.
- 3.7 The two overriding concerns in relation to the implications for local authorities were the need for training to fill knowledge gaps (particularly on counter terrorism) and the resource and time burden of implementing the changes. Other implications cited included:

- The need to widen SAG membership
 - The need to amend safety certificates and other documentation
 - A potential increase in the frequency of SAGs and During Performance Inspections (DPIs)
 - Potential duplication with other local authority teams or bodies
 - The need to establish protocols and working practices with other local authority teams
 - The need to rely heavily on the police and other experts on some of these topics.
- 3.8 A number of respondents were concerned about unintended harmful consequences, including the impact on local multi-agency relationships, for instance the possibility of confused communications and lines of responsibility. There was concern from some that sports grounds would not want to share confidential information with local authorities.
- 3.9 Around a third of respondents had concerns about the negative impact on sports grounds, including the financial implications of the perceived need for additional security measures, consultation with experts, and additional hiring and training of stewards. Some respondents felt there would need to be an update to operations manuals and additional risk assessments, policies and procedures. There was concern expressed particularly about the impact on lower league clubs.
- 3.10 A number of respondents felt there would be a positive impact on sports grounds as contingency plans and response arrangements would be improved while some local authorities felt that most of the wider definition was taken into account already by sports grounds, so the impact on a well-run sports ground would be minimal.
- 3.11 Some respondents said that the wider definition would mean sports grounds would need to consider risks outside the boundary of the safety certificate. Several respondents commented on their perception of a widening gap between regulatory regimes for football grounds compared to other crowded places. Some respondents suggested an impact assessment should be undertaken.

The SGSA's Response

- 3.12 It was clear from responses to the consultation that many sports grounds already consider and address risks from terrorist activity and from crowd disorder and anti-social behaviour. Many sports grounds also already consider risks to all people in the ground, not just spectators. For those grounds who are already managing these issues well, we do not expect there will need to be any change to a ground's safety operation as a result of the understanding of the broad meaning of safety. Certifying authorities may require grounds to provide additional information as part of the safety certification process and will need to be assured that the plans provide for reasonable safety.
- 3.13 Many certifying authorities are also already considering some or all of these issues as part of their safety certification processes, but it is clear that not all currently do. Certifying authorities will need to review their safety certification processes to include oversight of any danger which could cause harm or injury. This includes the activities of a sports ground to protect all people from risks of terrorist activity, crowd disorder and anti-social behaviour.
- 3.14 We recognise that this may have an impact on the resources local authorities need to dedicate to their safety certification functions, particularly while the knowledge and processes are initially embedded. The SGSA will work with certifying authorities to help them understand their responsibilities and the approaches available. This will

enable them to focus their limited resources in a risk-based way, on the basis of a full understanding of the scope of their safety certification powers.

- 3.15 In determining what regulatory approach to take to any particular danger identified as relevant to their oversight of safety at a sports ground, local authorities will need to use their regulatory judgement and take into account all relevant circumstances. This will include the risk of physical harm or injury arising and whether and to what extent any other agency is overseeing the activity. For example, if a local authority considers that there is a low risk of physical harm or injury from a particular danger, or another agency is overseeing that risk adequately, the local authority could take a light touch approach. Conversely, if the local authority considers that there is a higher risk of physical harm or injury, and no other agency overseeing the risk adequately, the local authority may need to take a stronger approach. This may include inserting more detailed requirements in to the certificate or asking for more detailed plans or risk assessments from the ground.
- 3.16 The guidance issued by the SGSA will be a relevant consideration. The approach taken by local authorities should be evidence-based, proportionate and reasonable, as well as targeted and specific to each ground and event. Broadly speaking, the approach should be aimed at maintaining business as usual where possible, recognising that management of risk is a more desirable outcome than significant changes to the event, which should be a last resort.
- 3.17 The SGSA is committed to supporting the sector in implementing the necessary changes to safety certification processes. Alongside this document the SGSA has published two guidance notes, *Preparing Counter Terrorism Measures at Sports Grounds* and *Prevention of Crowd Disorder and Anti-Social Behaviour at Sports Grounds*, aimed at supporting both sports grounds and certifying authorities. In November, we will publish a further guidance note on *Safety for All at Sports Grounds*. We will also incorporate relevant guidance into the sixth edition of the *Guide to Safety at Sports Grounds*, which we expect to publish in the summer of 2018, and into an updated version of the SGSA's *Safety Certification* guidance. This guidance will take into account the suggested topics for guidance raised as part of this consultation.
- 3.18 We will also provide other forms of support, including advice and guidance from SGSA inspectors and training opportunities where a specific need is identified. SGSA inspectors will continue to regularly attend SAG meetings for grounds which come within our regulatory remit to provide support and advice.
- 3.19 Strong and effective local relationships are at the heart of creating safe sports grounds, and a collaborative approach to safety has underpinned the improvements in safety that we have seen over the last three decades. Going forward, those strong relationships, between sports grounds and local authorities, the police and other emergency services, will be an essential part of successfully embedding changes in safety certification processes at a local level. The inclusion of all elements of safety within the safety certification process will strengthen the oversight of safety at sports grounds and lead to safer outcomes for all.
- 3.20 The understanding of the broad meaning of safety does not have any impact on the current geographical remit of the safety certificate. The terms and conditions in a safety certificate should still only apply to the area within the boundary of the certificate, which is generally identified by a red line on a plan of the ground appended to the safety certificate.

- 3.21 SAGs have always been a valuable forum for discussing not only areas within scope of legislation but also those external factors relevant to the safe operation of the sports ground. There is no reason why the SAG cannot discuss matters regarding the event but away from the ground. The SAG chair must make it clear which matters are outside the remit of the safety certificate.
- 3.22 The consultation sought to understand the implications for the sector of understanding that safety is a broad term which means that all people present at a sports ground during an event are protected against dangers of physical harm or injury arising from being present. The SGSA has assessed the impacts of the wider understanding of safety which takes into account the responses from the consultation.

Government Policy and Legislative Issues

- 3.23 Some respondents suggested changes to legislation or Government policy. The SGSA has brought those responses to the attention to the Department of Digital, Culture, Media and Sport. The issues raised included:
- A perceived disparity between regulation of football grounds and other designated grounds and between regulation of designated grounds and other crowded places
 - The SGSA's role being expanded to all designated grounds, not just those at which designated football matches are played
 - The SGSA giving more support to lower league football clubs
 - A request for local authorities to be able to appropriately charge for work associated with their safety certification functions
 - New powers for local authorities to ensure that core SAG members attend meetings and to issue improvement notices
 - A concern that the principle of de-designating grounds that drop out of the league is an unnecessary burden
 - Challenges for two-tier authorities relating to the overlap of powers between authorities
 - The need for a consolidation of the different pieces of legislation relating to sports grounds safety.
- 3.24 The issues above relate to Government policy as enshrined in legislation and to the SGSA's regulatory responsibilities, which are set out in legislation and only extend to designated football matches. These issues are for Government to consider and are not addressed further in this document.

4. Counter Terrorism

What the Consultation Asked

- 4.1 The consultation document set out that safety is a broad term which means that all people present at a sports ground during an event are protected against dangers of physical harm or injury arising from being present, which includes risks from terrorist activity.
- 4.2 In the chapter of the consultation entitled 'Counter-Terrorism' we asked five questions covering:
- What role the SGSA should take
 - What guidance and support would be helpful in supporting the sector to prepare for the risks from terrorism
 - The challenges that local authorities could face in considering counter terrorism in discharging their responsibilities
 - How SAGs could be strengthened to support local authorities.

What Respondents Said

- 4.3 There was an acceptance by most respondents that threats from terrorism need to be addressed. However, some expressed concerns about how this would work in practice as part of the safety certification process. A number of respondents, including football clubs and the football bodies, highlighted that they believe that the current system is working well and approximately a third of all respondents suggested that no changes were necessary.
- 4.4 It was evident that some respondents believed mistakenly that the SGSA was seeking either to become an expert body on counter terrorism or take a role in direct oversight of this aspect of safety at individual grounds. A number of concerns and suggestions for alternative approaches may have stemmed from this assumption.
- 4.5 Many of the respondents who disagreed that counter terrorism should be within scope of the safety certificate still suggested a role for the SGSA and provided suggestions for what support and advice sports grounds would find helpful. The main areas where respondents suggested that support should be provided were:
- Providing guidance and training, developed in partnership with the relevant experts (e.g. the National Counter Terrorism Security Office, (NaCTSO))
 - Providing access to experts and taking a facilitating role
 - Clarification of roles and responsibilities
 - Ensuring the relevant stakeholders are joined-up and that information is shared and cascaded.
- 4.6 There was concern from some respondents that the inclusion of counter terrorism within the safety certification process may have an adverse impact on existing working relationships between sports grounds and police counter terrorism experts, and potentially cause confusion about roles and responsibilities. A number of respondents expressed concerns about sharing information about protective security measures, including the Protective Security Improvement Activity (PSIA), with certifying authorities and SAGs. As well as football clubs and football bodies, several local authorities acknowledged this challenge, but felt they would struggle to satisfy themselves that sports grounds have taken adequate steps to address the risk from terrorist activity without seeing the relevant documents.

- 4.7 A frequent comment, made by nearly half of all respondents, was that local authorities and SAG attendees lack expertise and knowledge on counter terrorism. Due to this, many local authorities said they would find it difficult to have confidence in interpreting information and making judgements on protective security measures, and would be heavily reliant on specialist police colleagues. A common suggestion was for Counter Terrorism Security Advisors (CTSAs), or national NaCTSO representatives, to attend SAG meetings to provide the necessary expertise, although several respondents acknowledged that not all CTSAs would have the capacity to do so. Some respondents thought that these specialists should be core members, while others thought that they would only need to attend certain meetings.
- 4.8 More than one respondent was concerned that police CTSAs might not have sufficient experience of sports grounds to give balanced advice. One approach suggested was that grounds should take ownership of writing their own counter terrorism risk assessments and plans for appropriate mitigation measures, which are then reviewed by CTSAs in line with NaCTSO guidance.
- 4.9 Some local authorities expressed concern about their potential legal exposure if they undertook enforcement activity on the basis of police intelligence about the nature and scale of terrorist risk which ultimately turned out to be inaccurate.
- 4.10 Some concerns were expressed about the lack of funding and resources within local authorities, and resources within the police to support local authorities. One local authority was concerned that smaller clubs might not have the funds to implement protective security measures.
- 4.11 Difficulties in determining how to enforce and fund protective measures outside the ground were raised by a number of respondents and some sports grounds suggested local authorities could take responsibility for this.

The SGSA Response

- 4.12 Given recent terrorist incidents in the UK and beyond, and the potential for sports grounds to be a target, addressing the risks from terrorist activity must continue to be a priority for everyone.
- 4.13 It is clear that many sports grounds already consider the risks from terrorist activity in their event day planning and that there are strong and effective working relationships at a local level between sports grounds and police counter terrorism specialists. These relationships, where they exist, are essential and will be the primary route for sports grounds to receive specialist advice and the latest intelligence relevant to their ground.
- 4.14 The SGSA is not, and does not expect to become, an expert body with respect to counter terrorism and protective security measures. Instead, we will engage with the experts to ensure that appropriate advice and guidance is developed at a national level and sources of advice and guidance are clearly highlighted for those at a local level who are responsible for safety at sports grounds. This is similar to the role we play in other areas, for example with respect to medical provision at sports grounds.
- 4.15 The SGSA has a strong working relationship with NaCTSO and has worked with them to ensure their advice and guidance is used to best effect within the sports grounds sector. We also work together on the following joint initiatives:

- The SGSA is a key point of contact for information from NaCTSO, which is cascaded to relevant organisations within the sports grounds safety sector. We work with NaCTSO to supplement this information and advice with sports grounds specific advice where appropriate. Current such advice can be found at: www.sgsa.org.uk/counter-terrorism-guidance
- The SGSA represents sports and events on NaCTSO's Crowded Places Information Exchange (CPIE) group, which exists to share advice and best practice on protecting crowded places from a terrorist attack. The SGSA also currently chairs a sports and events sub-group to the CPIE, which is a forum for governing bodies and other organisations in the sports and events sector to share best practice and guidance on this topic
- The SGSA is working closely with NaCTSO to ensure that the theme of counter terrorism is embedded within the new edition of the *Guide to Safety at Sports Grounds*.

- 4.16 We have liaised with the UK National Counter Terrorism Policing Headquarters (NCTPHQ) and NaCTSO and we have produced a guidance note on *Preparing Counter Terrorism Measures at Sports Grounds*, and accompanying Frequently Asked Questions (FAQs), to support sports grounds and certifying authorities. This takes into account the topics for guidance requested in the response to the consultation.
- 4.17 The SGSA sees this type of collaboration with the national experts as a key part of its role going forward and we intend to put in place a Memorandum of Understanding with NaCTSO setting out how we will work together with the shared aim of promoting safety at sports grounds.
- 4.18 Where a Safety Certificate is in place, the certifying authority should consider the risks from terrorism and ensure that they are appropriately addressed by the ground.
- 4.19 Over recent months and in particular following the terrorist incidents in the UK in May and June, the NCTPHQ has tasked Security Coordinators (SecCos) in local forces to work with certain football grounds in the Premier League, English Football League and the National League to review their counter terrorism measures. In August, the SGSA wrote to the certifying authorities which come within the SGSA's regulatory remit to inform them about the review and encourage them to engage fully in this process as part of their safety certification role.
- 4.20 Local authorities will not need to be experts on protective security measures. One of the existing functions of a SAG is to provide specialist advice to the local authority in areas where it does not hold the expertise itself. The appropriate police representative will be able to draw on support from CTSA personnel and SecCos for specialist advice. Where required, the attendance of CTSA's at SAGs may be arranged through local police contacts. However, just as for other specialist areas of safety, local authorities should have an awareness of the key risks and mitigations in order to be able to assure themselves that the plans implemented at the ground are sufficient.
- 4.21 We will work with NCTPHQ and NaCTSO to develop briefing sessions for local authorities to improve their awareness about counter terrorism and protective security measures.
- 4.22 In recognition of the sensitivities involved in discussing counter terrorism matters, it may be necessary for these issues to be discussed in a separate meeting of the SAG

where only those needing to be engaged are present. Separate confidential minutes might also be required for that part of the meeting. It is important that the privacy of counter terrorism documents is preserved and that documents are shared and discussed only with those who need to see them. This is likely to include the SAG chair or lead officer at the certifying authority.

- 4.23 The understanding of the broad meaning of safety does not have any impact on the geographical remit of the safety certificate. The terms and conditions in a safety certificate should still only apply to the area within the boundary of the certificate, which is generally identified by a red line on a plan of the ground appended to the safety certificate.
- 4.24 SAGs have always been a valuable forum for discussing not only areas within scope of legislation but also those external factors relevant to the safe operation of the sports ground. There is no reason why the SAG cannot discuss protective measures away from the ground, although the SAG chair must make it clear which matters are outside the remit of the safety certificate.

5. Preventing Crowd Disorder and Anti-Social Behaviour

What the Consultation Asked

- 5.1 The consultation document set out that safety is a broad term which means that all people present at a sports ground during an event are protected against dangers of physical harm or injury arising from being present, including risks from crowd disorder and anti-social behaviour.
- 5.2 In the chapter of the consultation document entitled 'Prevention of Crowd Disorder and Anti-Social Behaviour' we asked 7 questions covering:
- Views on what other activities the SGSA could undertake to support local authorities and sports grounds
 - Implications on sports grounds of the inclusion of terms and conditions relating to anti-social behaviour and crowd disorder or to request police services
 - The challenges that would face local authorities and the guidance and support they would want
 - The implications for the police and the Statement of Intent document.

What Respondents Said

- 5.3 Most respondents believed that crowd disorder and anti-social behaviour was currently managed well with good relationships between football clubs and the police, and with local authorities acting well as arbitrators where necessary. There was a concern from a number of respondents that there might be significant unintended consequences, including a deterioration in current good working relationships between football grounds and the police, if crowd disorder and anti-social behaviour were to be included within the safety certification process. It was felt by some that this would have an impact on levels of policing within the ground and the scheduling of kick-off times for football matches. Some respondents had significant concerns about this while others could see benefits.
- 5.4 There was mixed opinion expressed by football clubs and local authorities as to whether the inclusion of crowd disorder and anti-social behaviour in the safety certification process would lead to more or fewer police-free games. A number of respondents saw limited or no implications for sports grounds.
- 5.5 The Home Office UK Football Policing Unit (UKFPU) and the Football Policing Lead for the National Police Chiefs' Council (NPCC) recognised the potential sources of concern but explained that they did not anticipate a change in approach from the police. They expected the current constructive working arrangements to continue and therefore the likelihood of any impact on football grounds to be low.
- 5.6 Some respondents were concerned that, while there might be few implications for football grounds, this may have more of an impact on other certificated grounds that do not currently manage crowd disorder and anti-social behaviour to the same extent.
- 5.7 A number of respondents felt that crowd disorder and anti-social behaviour was already considered as part of the safety certification process. Some respondents suggested that where it was not already happening the inclusion of crowd disorder and anti-social behaviour in the safety certification process would bring a more risk-based approach to managing resources and that this would bring benefits.

- 5.8 It was evident that some respondents believed mistakenly that the SGSA was suggesting statutory changes and seeking either to become an expert body on crowd disorder and anti-social behaviour or take a role in direct oversight of this aspect of safety at individual grounds.
- 5.9 Over half of respondents offered suggestions for activities that the SGSA could undertake to support local authorities and sports grounds. The main areas in which it was suggested that support could be given were:
- Providing guidance and training on various aspects of crowd disorder and anti-social behaviour
 - Promoting joined up working with better sharing and cascading of information, intelligence and statistics.
- 5.10 The most frequently identified issue was potentially increased costs for grounds. There were some concerns that prevention was too high a standard to reach in this area and that there would be increased costs because of the need for extra resources on match days, through either increased policing or increased stewarding. This was raised equally by football clubs and local authorities. Some respondents identified a skills gap for the safety certificate holder and ground safety officer. Increased cost was seen to be a significant implication if a safety certificate required a ground to request police services, and both football clubs and local authorities questioned what could happen if police did not attend following such a request.
- 5.11 Some local authorities believed that they had limited enforcement options and resources. Some also commented that they would need to rely on police advice.

The SGSA Response

- 5.12 The SGSA believes that the primary aim in this area should be to *prevent* crowd disorder and anti-social behaviour from affecting the safety of people at an event. On those occasions where crowd disorder or anti-social behaviour does occur, sports grounds will need to have in place plans and resources required to *manage* the risks to safety in a proportionate and effective manner.
- 5.13 It is clear that many sports grounds already address risks from crowd disorder and anti-social behaviour in their event day planning and that systems and relationships are in place to manage these risks. Where there are already reasonable and proportionate measures in place to prevent and manage crowd disorder and anti-social behaviour, we do not expect there will need to be any change to a ground's safety operation in this respect.
- 5.14 In relation to football, the SGSA has held meetings with the NPCC's National Football Policing Lead, the UKFPU and the football bodies to discuss the concerns raised in response to the consultation. The NPCC's National Football Policing Lead and UKFPU have been clear that they do not anticipate a change in approach from the police, and expect current constructive local working relationships to continue. These national partners, as well as the SGSA, are available to provide strategic support and guidance in the event of local disagreement about the management of any football match which is perceived to be high risk. Early contact will hopefully allow any matters to be resolved amicably and before the issues escalate.
- 5.15 With regard to the sharing of intelligence on crowd disorder and anti-social behaviour, at a local level in many cases this is already successfully managed by way of formal Information Sharing Agreements between the local police and the ground.

- 5.16 There are a number of sources of information available on national trends in relation to crowd disorder and anti-social behaviour that interested parties can access to inform local decision making. This includes:
- UKFPU Mid Season and End of Season Assessments – these reports provide the police with an assessment of arrests and banning orders, and notes any emerging themes at football across England and Wales. These reports are not available publicly but Dedicated Football Officers (DFOs) are able to verbally brief safety officers and SAGs on the key trends in the reports.
 - The Home Office publish on their website⁴ official statistics on football-related arrests and banning orders in connection with regulated international and domestic football matches involving English and Welsh clubs and the national teams.
- 5.17 Where a Safety Certificate is in place, the certifying authority should consider the risks from crowd disorder and anti-social behaviour as part of the safety certification process and ensure they are appropriately addressed by the ground.
- 5.18 The SGSA will use its expertise and experience and engage with other experts to ensure that appropriate advice and guidance is developed or signposted for those who are responsible for safety at sports grounds. We have liaised with UKFPU and we have produced a guidance note on *Prevention of Crowd Disorder and Anti-Social Behaviour at Sports Grounds* and accompanying FAQs, to support sports grounds and certifying authorities. This takes into account the topics for guidance suggested in the response to the consultation.
- 5.19 We will work with the NPCC National Football Policing Lead and the UKFPU to ensure that the Statement of Intent⁵ and any other relevant documents are updated where necessary.

⁴ www.gov.uk/government/statistics/football-related-arrests-and-banning-orders-england-and-wales-season-2015-to-2016

⁵ The Statement of Intent is a non-legally binding agreement that outlines the locally agreed division of safety-related responsibilities and functions between the police and the sports ground.

6. Safety for All at a Sports Ground

What the Consultation Asked

- 6.1 The consultation document set out that safety is a broad term which means that all people present at a sports ground during an event are protected against dangers of physical harm or injury arising from being present. This includes ensuring that all people at a sports ground are protected, not just spectators.
- 6.2 In the chapter of the consultation document entitled 'Consideration of All People in a Sports Ground' we asked 5 questions covering:
- What challenges local authorities would face in discharging their responsibilities
 - How SAGs could be strengthened
 - What guidance or other support local authorities would find helpful
 - Other implications for sports grounds
 - How the SGSA could support local authorities and sports grounds.

What Respondents Said

- 6.3 A number of respondents explained their view that health and safety of staff is already considered by sports grounds as part of their day to day management and some respondents highlighted that this was already reflected within a ground's operations manual.
- 6.4 A key topic addressed in responses was the overlap and potential duplication of regulatory regimes, in particular with the Health and Safety at Work Act Etc (1974) (HSWA). While some respondents highlighted the potential for confusion of jurisdiction, others, in particular unitary authorities, said that local authorities would not face any particular challenges in considering the safety of all people in the sports ground. This is because they felt that this is already being considered, with officers already making judgements about which legislation was most appropriate.
- 6.5 Several respondents pointed out that the overlap in legislation will be more challenging for two-tier (non-unitary) authorities. In these cases, the certifying authority under safety at sports grounds legislation may be a County Council and the enforcing authority under HSWA may be the District Council which is independent of the County Council. A few respondents expressed concerns about County Councils relying on the advice or enforcement powers of District Councils or other agencies, explaining that those agencies might not prioritise attendance at SAGs if they perceived that they had no responsibility for enforcement. One suggestion was to move responsibility for sports grounds safety to District Councils.
- 6.6 More than half of respondents raised challenges with the most frequent being:
- Duplication of tasks between local authority teams, and between the Health and Safety Executive (HSE) and the SGSA
 - Added pressure on local authority resources
 - Local authority and SAG staff would need training and upskilling
 - Safety certificates and operations manuals would need updating.
- 6.7 Another challenge highlighted by local authorities was a perception of a lack of appropriate enforcement tools to address non-spectator safety issues under the 1975 Act. The concern was that given a Section 10 Prohibition Notice cannot be used for non-spectator matters, the only remaining enforcement tool would be a reduction in the S factor (which may not reduce the risk) or prosecution for breach of a certificate, which would not be a timely solution. It was also commented that neither

of these enforcement tools would be available in the case of oversight of a non-designated ground.

- 6.8 A few respondents indicated their view that the SGSA should focus on promoting the status quo and improving what it currently does, rather than considering the safety of all people, which was an area that respondents believed to be outside the SGSA's remit and already effectively regulated.
- 6.9 While a small number of local authorities felt that their SAGs were already equipped to address this issue, nearly half of all respondents provided suggestions for how SAGs could be strengthened to support the local authority. The most popular suggestions were:
- Attendance of a Health and Safety Executive representative or equivalent local authority expert with the necessary expertise
 - SGSA to provide guidance on the constitution, roles and responsibilities and terms of reference of SAGs with regard to this issue.
- 6.10 The most common themes suggested for guidance for local authorities were:
- The extent of local authority enforcement powers
 - How to work within the legislative overlap
 - Clarification of roles and responsibilities
 - Which groups of people within the grounds need to be protected
 - Good practice examples
 - Model conditions and guidelines on what to include in safety certificates and operations manuals.
- 6.11 A small number of respondents felt that there would be increased costs to local authorities and one suggested that financial support and free training should be available.

The SGSA Response

- 6.12 It is clear that many sports grounds already address risks to all people at the ground on an event day. The inclusion of the consideration of all people at the ground within the safety certification process does not in any way remove the responsibility placed on sports grounds as employers under HSWA.
- 6.13 Where a Safety Certificate is in place, the certifying authority should consider the risks to all people attending an event at a sports ground and ensure that they are appropriately addressed by the ground.
- 6.14 It is not unusual for regulatory regimes to overlap, and in such cases it is for local authorities to determine the most appropriate and effective legislation to apply to achieve the regulatory outcome they are seeking. HSWA, the 1975 Act, the 1987 Act, the Licensing Act 2003 and the Regulatory Reform (Fire Safety) Order 2005 all provide routes by which a local authority can address safety issues at a sports ground.
- 6.15 The overlap between the 1975, the 1987 Act and HSWA is well understood in relation to spectator issues. The 1991 HELA circular explained that in relation to spectators, sports grounds safety legislation has primacy. Although this circular has been withdrawn the principles have continued within the HSE Policy document⁶ on enforcing Section 3 and working with other regulators.

⁶ www.hse.gov.uk/enforce/opalert.htm

- 6.16 The clarification that the safety of all people at the ground should be considered under the safety certification process introduces a further overlap between the two pieces of legislation. On the whole, the general duties of a sports ground for its employees whilst at work are adequately covered by the HSWA regime. It is not expected that local authorities will scrutinise these general duties as part of the safety certification process. It is the view of the SGSA and the HSE that it would be most appropriate to use sports grounds safety legislation to address risks to safety which are connected with the use of the ground for the specified activity in the safety certificate; that is *risks to safety which arise because of the particular environment of a sports ground and the activities which take place there*.
- 6.17 Ultimately, if a situation arises where a local authority was considering enforcement action then it would be for the local authority to determine the most appropriate and effective legislation to apply in the circumstance to achieve the regulatory outcome they are seeking. It may be that, as highlighted by respondents, the risk to non-spectators identified by the local authority is not a risk which will be mitigated by a reduction in the S factor and a prosecution of a breach of the certificate would not resolve the issue in a sufficiently timely manner. In this scenario, the local authority may decide to use their powers as an enforcing authority under HSWA to take the necessary action.
- 6.18 As highlighted in the responses, the overlap between the two legislative regimes is particularly challenging for two tier (non-unitary) authorities. We understand that County Councils may find themselves in the position of identifying a risk to the safety of non-spectators but where a reduction in the S factor will not mitigate the risk, with limited enforcement options to resolve the issue in a timely manner. They may be reliant on colleagues in the District Council to take enforcement action under HSWA legislation.
- 6.19 Where there are concerns about the safety of non-spectators which the County Council believes can only be effectively resolved under HSWA legislation they should make the appropriate representations to the relevant District Council. It will be essential for those with responsibility for sports grounds safety in County Councils to build a strong relationship and develop protocols with health and safety colleagues in the relevant District Council. This could take the form of a Memorandum of Understanding if appropriate. In addition, the relevant health and safety officers from the District Council should be invited to join the Safety Advisory Group.
- 6.20 We are working with the Health and Safety Executive to produce a guidance note on *Safety for All at Sports Grounds*, and accompanying FAQs, to support sports grounds and local authorities. This will be published in November and will take into account the topics for guidance suggested in the response to the consultation.

Part 2

The SGSA's Oversight & Licensing Policy

7. The SGSA's Oversight & Licensing Policy

What the Consultation Asked

- 7.1 Part 2 of the consultation document asked for comments on the SGSA's draft Oversight and Licencing Policy, which set out the SGSA's statutory powers and how the SGSA will use them to achieve its primary regulatory objective to ensure reasonable safety is maintained at the home grounds of clubs in the Premier League and the English Football League, and at Wembley and the Principality Stadium.
- 7.2 The Oversight and Licensing Policy applies only to those bodies who come within scope of the SGSA's licensing and oversight powers namely:
- The 94 football grounds at which designated football matches are played
 - The local authorities with responsibility for issuing safety certificates to those grounds.
- 7.3 This part of the consultation asked 11 questions covering:
- Whether our regulatory approach was proportionate and appropriate
 - The impact of SGSA match visits
 - What burden was placed on clubs by the SGSA's proposed information requirements as part of the application for a licence
 - To what extent the SGSA should consider accessibility issues within its licence.

What Respondents Said

The SGSA's Regulatory Approach

- 7.4 The draft policy set out that our regulatory approach would be that where the SGSA had concerns that the reasonable safety of those at the ground may be compromised it would initially seek to resolve the issue by education and persuasion. Should that not be possible it would seek to exercise its statutory power to require the certifying authority to insert an appropriate condition into the safety certificate and then only if a certifying authority failed to satisfactorily enforce the condition would the SGSA seek to include the condition in its licence. The majority of respondents agreed that this approach was proportionate. Respondents commented that the SGSA's approach has always been well measured and advisory, but that safety is paramount and therefore the SGSA should exercise its statutory powers if needed.
- 7.5 A handful of respondents provided additional comments or suggestions, particularly in relation to the SGSA including a condition in its licence. A few respondents said that the transparency of the decision would be important, and that the SGSA should work with certifying authorities and clubs before choosing this enforcement option. A few local authorities also warned that the SGSA should avoid duplication with the local authority safety certification process which could cause complacency on the part of certifying authorities.
- 7.6 The draft policy explained that where there were national safety issues which call for a consistent approach across all grounds at which designated football matches take place, the SGSA will consider whether the nature of the issue is such that it should issue a notice to all certifying authorities requiring an appropriate condition to be inserted into a safety certificate. The majority of respondents were of the view that this approach was appropriate, with some saying that it could help to achieve consistency and uniformity on serious issues.

- 7.7 However, respondents both for and against this approach expressed concern that in certain circumstances it could be a heavy-handed approach and a one-size-fits-all approach would not always be appropriate to all grounds or certifying authorities. A few respondents, both football clubs and local authorities, suggested that issues were best managed locally and that if the SGSA were to opt for this approach they should first consult certifying authorities and SAGs. One respondent explained that where a risk-based certificate is in place, it would be more appropriate to list criteria which needed to be included in an operations manual.
- 7.8 A small number of respondents suggested that the SGSA could do more to consider other sports, and to provide support to football clubs in lower leagues.

Match Visits

- 7.9 The majority of respondents said that the attendance of an SGSA inspector does not place any additional burden on the match-day operation. Many respondents provided positive feedback on SGSA inspector match-day visits and the benefit they bring, saying that the inspectors are valuable experts who can act as a critical friend and can help improve service provision.
- 7.10 A small number of respondents said that the presence of an SGSA inspector places an additional burden on the match day operation or the safety certificate holder. Some respondents felt that supporting and in some cases escorting the SGSA inspector diverted resources away from the match-day safety operation.
- 7.11 Many respondents commented on the expertise of SGSA inspectors, saying that they bring a wide range of experience and a knowledge of best practice. Local authorities commented that they appreciate the additional oversight provided by the SGSA through conducting match visits, as local authorities cannot always attend matches themselves. Local authorities also commented that they would like to see a report from the SGSA inspector after they have undertaken a match visit.

Provision of Information as Part of the Application for a Licence

- 7.12 Appendix B of the consultation document set out the information it proposed to require from grounds when submitting a licence application. The majority of respondents agreed with the SGSA's estimate of approximately one day to complete this information, although they acknowledged that the time taken would depend on the competence and experience of the safety officer and the ground's circumstances. A few of the respondents commented that the grounds should already have the information requested in appendix B on hand. The few respondents that disagreed with the SGSA's estimation of time taken had different views on how long it would take, from 1.5 days to 3 months.
- 7.13 A small number of local authorities expressed concern that the information required in appendix B would duplicate the information required by certifying authorities as part of the safety certification process. A handful of respondents felt that clubs should not have to submit anything to the SGSA, indicating that the issues are already covered by the risk based safety certificate or operations manual.
- 7.14 There was a mix of opinion as to whether the SGSA should ask clubs for the more tailored information in appendix B or a safety audit. Most local authorities preferred a safety audit, provided it followed an agreed template for consistency. Others preferred appendix B, or having the option to pick between the two. A few respondents did not seem to have a strong preference, but did say that there should be a consistent approach towards all clubs.

- 7.15 With respect to grounds newly promoted to the English Football League (EFL) providing additional information there was a roughly even split between those that thought this requirement would be a burden and those that did not. Several respondents thought that clubs would be managing safety properly already and would therefore not find this a significant challenge.
- 7.16 Time pressures and a lack of expertise or resource were the main reasons for the requirement being seen as a burden. Furthermore, a few respondents commented that small clubs would find the requirement more burdensome than large clubs. A number of respondents said that, even if the requirement to provide the information is a burden, it is necessary to ensure that clubs meet a certain safety standard.
- 7.17 A small number of respondents felt that clubs with potential to be promoted into the EFL should have inspections from the SGSA earlier in the season than suggested (late March), in line with the EFL process which ensures National League clubs can meet the necessary criteria by 1st March each season.

Accessibility

- 7.18 There was no clear consensus on whether the SGSA should consider using its licensing powers in respect of accessibility issues.
- 7.19 Level Playing Field were supportive of the SGSA using its licensing powers in this way. Others in favour were local authorities, as well as a small number of football clubs. Several local authorities agreed that the SGSA could help to improve consistency in how accessibility issues would be addressed across the country. One local authority highlighted that local authorities are currently only able to address accessibility issues related to safety, so it would be helpful for the SGSA to use its licence for non-safety related accessibility issues.
- 7.20 Several caveats were mentioned by those that supported the use of the licence for accessibility issues. The primary caveat was that any approach by the SGSA must be proportionate and practicable, given that many old grounds have site constraints that might hinder physical changes. A small handful of respondents also called for the SGSA to gather evidence on whether there is a demand for accessible seating before proceeding.
- 7.21 A similar number of respondents did not think that the SGSA should use its licence in relation to non-safety related accessibility issues. Whilst many of these respondents acknowledged the importance of ensuring sports grounds are accessible and inclusive environments for all spectators, they expressed concerns about the prospect of the SGSA addressing these issues in the licence. The main reasons cited were:
- The Equality and Human Rights Commission (EHRC) already exists in order to oversee the implementation of the Equality Act 2010, so it would be duplication for the SGSA to play a formal role in this way
 - The SGSA lacks the suitable level of experience and knowledge to take responsibility for this matter
 - The SGSA licence should only be used to address safety issues
 - It would be difficult to judge whether clubs have made 'reasonable adjustments' (Equality Act 2010), given that each ground is unique and faces different challenges.
- 7.22 When asked what the SGSA's objectives should be if the licence were used in this way, the most common suggestions were:
- Compliance

- Reasonable and safe access and egress, with appropriate signage (including in an emergency)
- Wheelchair spaces of the standard specified in the Green Guide
- Ensuring amenity as well as safety
- Setting minimum standards and expectations
- Ensuring staff have disability inclusion and etiquette training.

7.23 When asked what approach the SGSA should take to achieving these objectives, the most common suggestions were:

- The SGSA should avoid duplicating the remit of the EHRC
- The SGSA should continue to educate, persuade and advise before using the powers in the licence
- The SGSA should consult and work in partnership with other bodies and experts
- The SGSA must consider realistic timescales and consider phasing in any requirements
- The SGSA should only use the licence to regulate minimum standards, but could provide advice and guidance to encourage clubs to raise their standards
- Any approach should be fair, balanced and proportionate, tailored to the ground and its unique circumstances and constraints
- Any enforcement approach and penalties should be graduated

7.24 A few football clubs also suggested that the SGSA could work with Government to provide financial support (particularly to smaller clubs) for accessibility initiatives.

7.25 One respondent suggested that the SGSA could 'step in where there is no improvement or lack of intent'. They also envisaged the SGSA playing more of a supporting role with lower league clubs, focusing on providing advice and guidance together with Level Playing Field.

The SGSA Response

7.26 The final version of the SGSA's Oversight and Licensing Policy is being published alongside this response document, and incorporates a number of changes in response to feedback received through the consultation process.

The SGSA's Regulatory Approach

7.27 The fundamental elements of the Oversight and Licensing Policy remain unchanged in the final version of the policy. The majority of respondents were of the view that our regulatory approach was proportionate. The SGSA has always sought to educate and persuade, engaging fully with the ground and the certifying authority, before using its regulatory powers, and this will continue to be the case. However, if the SGSA feels that the reasonable safety of those at the ground may be compromised, it will not hesitate to take the necessary and proportionate regulatory action.

7.28 There was some concern expressed about duplication between the SGSA's licensing powers and the certifying authority's powers under the safety certification process. Responsibility for regulating safety at sports grounds continues to rest primarily with local authorities. In most cases, the effective working relationships between local authorities, sports grounds, the police and other stakeholders ensures that issues are resolved at a local level. The SGSA's licensing powers would only be used to address safety issues in exceptional circumstances, where a certifying authority failed to satisfactorily enforce a condition in the certificate.

7.29 The majority of respondents felt that the SGSA's approach to national safety issues which call for a consistent approach was appropriate. There was concern from some

respondents that this could be a heavy-handed approach and a one-size-fits-all approach would not always be appropriate to all clubs or local authorities. Paragraph 21 of the final policy has been updated to explain that before taking this step we would seek to educate and persuade, including discussing the issue with local authorities. This paragraph has also been updated to reflect that an alternative to including the condition within the certificate would be to ensure management of the issue is included within an operations manual.

Match Visits

- 7.30 We welcome recognition from the majority of respondents of the value our match visits bring and the expertise of our inspectors. We always aim to minimise the burden of a match visit on football clubs, and seek to balance this with the activities needed to ensure we have a good understanding of the safety operation at the ground.
- 7.31 Local authorities have indicated they would like to see a report from the SGSA inspector after they have undertaken a match visit. At present, during or immediately after the visit inspectors raise any concerns about safety arrangements at the ground with the safety officer, and with the certifying authority if it is a serious concern or relates to their oversight of safety at the ground. This may be done verbally or by email. In response to this feedback, we will explore options for sharing information in a more formal way with certifying authorities and football grounds after each visit.

Provision of Information as Part of the Application for a Licence

- 7.32 The policy remains unchanged in relation to information being requested from licence applicants. We will confirm the details of the information required in advance of the 2018/19 licensing round, giving at least 2 months' notice as to what information will be required. This will be based on the information set out in appendix B to the consultation. It will not be an option to substitute this information with a safety audit, but if a ground has a recent safety audit it may be submitted in addition to support the information provided. The submission of this information will replace the information currently requested by the SGSA as part of its Annual Club Record process.
- 7.33 The SGSA considers it appropriate and proportionate to request additional information from clubs that are newly promoted to the EFL in order to provide assurance about levels of safety at these grounds. We recognise that this could place a burden on some clubs and will provide advice to guide them through this process. We will also work with the EFL to consider whether it is possible for our assessment of clubs with potential to be promoted to be brought in line with their processes for newly promoted clubs.

Accessibility

- 7.34 The SGSA has carefully considered whether it should take facilities provided for disabled people into consideration when issuing licences. Taking all of the issues into account, including the current activity of the EHRC in this area, the SGSA has decided that its policy at this time will be to not take facilities for disabled people into consideration when issuing licences. The policy has been updated at paragraph 31 to reflect this position.
- 7.35 The SGSA is a strong advocate of ensuring disabled facilities at football grounds meet the standards required. The SGSA will seek to work in partnership with the

EHRC, and with grounds, and encourage good practice in this area by providing advice and guidance. We will look to establish a Memorandum of Understanding with the EHRC to clarify our respective roles and responsibilities, and will also work closely with Level Playing Field (LPF) to progress our shared objectives in this area. In addition, a forum has been established between the EHRC, LPF, Office of Disability Issues, DCMS and the SGSA which aims to ensure we are taking a co-ordinated approach to this issue.

8. Next Steps

- 8.1 The SGSA is committed to supporting the sports grounds safety sector in implementing the necessary changes, including to safety certification processes. There are a number of actions that the SGSA is taking following the responses to the consultation and this section summarises our next steps.

Support and Advice

- 8.2 Alongside this document the SGSA has published two guidance notes, *Preparing Counter Terrorism Measures at Sports Grounds* and *Prevention of Crowd Disorder and Anti-Social Behaviour*, aimed at supporting both sports grounds and certifying authorities. In November, we will publish a further guidance note on *Safety for All at Sports Grounds*. These guidance notes are supplemented by FAQ documents and can be found on the SGSA website at: www.sgsa.org.uk/joint-consultation.
- 8.3 Advice the SGSA has previously published will be reviewed and if necessary amended to cover counter terrorism, crowd disorder, anti-social behaviour, and safety for all. The SGSA is currently re-writing the *Guide to Safety at Sports Grounds* to create the sixth edition with plans to publish in the summer of 2018. *Safety Certification*, the guidance for local authorities, will also be updated.
- 8.4 SGSA inspectors will brief sports grounds and local authorities which come within our regulatory remit on these matters at SAGs. We will also attend regional meetings of local authorities to offer support and advice. We are planning a series of webinars for a wider audience.
- 8.5 We will respond to feedback and develop further training and briefing materials as needed, working with expert partners where appropriate. This will include working with NCTPHQ and NaCTSO to provide briefing for local authorities on counter terrorism.

Working in Partnership

- 8.6 The SGSA will continue to work closely with our wide range of national partners to ensure that sports grounds and local authorities have access to the most appropriate advice. In particular, we will develop MoUs with NaCTSO and the EHRC to set out how we will work together. This will ensure clarity of responsibility and effective collaboration.
- 8.7 We will work with the NPCC National Football Policing Lead and the UKFPU to ensure that the Statement of Intent and any other relevant documents are updated where necessary.

The SGSA's Oversight & Licensing Policy

- 8.8 The final version of the SGSA's Oversight and Licensing Policy is being published alongside this response document. The document confirms that we will request information from licence applicants. We will confirm the details of the information required in advance of the 2018/19 licensing round, giving at least 2 months' notice as to what information will be required.
- 8.9 In response to the feedback that local authorities would like to see a report from the SGSA inspector after they have undertaken a match visit, we will explore options for sharing information in a more formal way with certifying authorities and football grounds after each visit.

- 8.10 We will work with the EFL to consider whether it is possible for our assessment of clubs with potential to be promoted to be brought in line with their processes for newly promoted clubs.

Annex A – List of Respondents

Name of organisation	Category
AFC Bournemouth	Football Club
Aston Villa FC	Football Club
Barnsley FC	Football Club
Blackburn with Darwen Borough Council	Local Authority
Blackpool Council	Local Authority
Bolton MBC	Local Authority
Brighton and Hove Council	Local Authority
Bristol City Council	Local Authority
Cardiff City Council	Local Authority
Chelsea FC	Football Club
City and County of Swansea	Local Authority
Club Doncaster / Keepmoat Stadium	Football Club
Crystal Palace FC	Football Club
Derbyshire SAG	Local Authority
Devon and Somerset Trading Standards (County Council)	Local Authority
Emergency Planning College	Other Organisation
England and Wales Cricket Board (ECB)	Cricket Body
English Football League	Football Body
Essex County Council	Local Authority
Events Medicine Advisory Group	Other Organisation
Everton FC	Football Club
Football Association	Football Body
Football Supporter	Supporter or Supporter Body
Football Supporters' Federation	Supporter or Supporter Body
Gloucestershire County Council	Local Authority
Harrow Council	Local Authority
Ipswich Town FC	Football Club
Kirklees Council	Local Authority
Lancashire County Council	Local Authority
LDSA London and SE Regional Group	Local Authority
Leicester City Council	Local Authority
Leicester City Football Club	Football Club
Level Playing Field	Supporter or Supporter Body
Liverpool City Council	Local Authority
London Borough of Brent	Local Authority
London Borough of Hammersmith and Fulham	Local Authority
Medway Council	Local Authority
Member of FSF	Supporter or Supporter Body
Merseyside Police	Emergency Service
Middlesbrough Council	Local Authority
Middlesbrough FC	Football Club
Monmouthshire County Council (Environmental Health)	Local Authority

Name of organisation	Category
Newcastle City Council	Local Authority
Newport County AFC	Football Club
NI Ambulance Service	Emergency Service
Northampton Town FC	Football Club
Norwich City Football Club	Football Club
Nottingham City Council	Local Authority
Nottinghamshire County Council	Local Authority
Nottinghamshire Police	Emergency Service
Peterborough City Council/Cambridgeshire Council	Local Authority
Premier League	Football Body
Preston North End	Football Club
Private individuals	Private Individual
Queens Park Rangers FC	Football Club
Reading Borough Council	Local Authority
Royal Borough of Greenwich	Local Authority
Rugby Football Union	Rugby Body
Scottish Government, FA, FSOA	Government Body
Sports Grounds Safety Regional Chairs	Local Authority
Stoke City FC	Football Club
Sunderland FC	Football Club
Trafford Council	Local Authority
Tutis Concepts Group Ltd	Other Organisation
UK Football Policing Unit	Emergency Service
Walsall Football Club	Football Club
West Midlands Counter Terrorism Unit	Emergency service
West Midlands Regional Group	Local Authority
Wiltshire Council	Local Authority
Worcestershire County Council	Local Authority
Yorkshire Ambulance Service	Emergency Service