

Sports Grounds Safety Authority Guidance

Frequently Asked Questions

The SGSA's Response to the Joint Consultation 2017

The Sports Grounds Safety Authority (SGSA) has recently held a consultation on a wider definition of the term 'safety' in the Safety at Sports Grounds Act 1975. The SGSA's response to the consultation confirmed 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.

The questions and answers below are intended to help clarify for Sports Grounds and Local Authorities issues that might arise from the new understanding of safety.

1. General

Q.1. Why now?

We must be flexible to today's challenges and the context for sports grounds has changed: new technology, spectators looking for new ways to create atmosphere, financial pressure and the terrorist threat.

One of the SGSA's roles as the national regulator is to ensure that the regulatory system is working and to regularly review it to ensure it is fit for purpose for the current context and for the future.

Q.2. What are the benefits of making these changes?

Alongside other risks, the risks from terrorist activity and crowd disorder and anti-social behaviour are matters which need to be assessed in a sports ground. Where a safety certificate is in place, local authorities should ensure grounds have robust plans in place to mitigate these risks. Inclusion within the safety certification process will ensure grounds are dealing with these risks appropriately.

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.

Q.3. Terrorism and crowd disorder and anti-social behaviour are just two elements of safety. Why has the SGSA chosen these two elements to focus on?

Safety is a broad term which means that all people present at a sports ground during an event are protected against the 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.

Local authorities will need to use their regulatory judgement to determine what their approach will be to any particular danger they identify as relevant to their oversight of safety at a sports ground.

In assessing this wider understanding of safety, we identified the risks from terrorism and from crowd disorder and anti-social behaviour as two particular risks which were relevant to sports grounds which may not have been previously being addressed through the safety certification process.

It will be for local authorities to identify any other risks which may also be relevant to the grounds for which they have oversight responsibilities.

Q.4. If this is an updated definition of safety, what was the old definition?

The term 'reasonable safety' in the 1975 Act has never previously been explicitly defined. However, an understanding had developed that safety meant protection from risks from faults in the physical structures of the ground and from crowd risks such as overcrowding.

Some local authorities understood it to include dangers from crowd disorder or anti-social behaviour, while others felt that this was solely the responsibility of the police.

Counter terrorism matters were generally classed as 'security' and therefore sometimes excluded from consideration under the safety certificate.

An understanding had also developed that the safety certificate only covered the safety of spectators, not all people at the ground.

2. Sports Grounds

Q.5. Is this a big change for sports grounds?

Many sports grounds already consider and address risks from terrorist activity, and from crowd disorder and anti-social behaviour. They also already consider risks to all people in the ground, not just spectators. For these grounds, this will not be a significant operational change, although local authorities may require additional information as part of the safety certification process, and will need to be assured that the plans provide for reasonable safety at the ground.

Q.6. Will the SGSA be producing guidance on what should be included in a crowd disorder and anti-social behaviour plan?

The SGSA has developed an example template plan for crowd disorder and anti-social behaviour. This is available from SGSA inspectors.

3. Certifying Authorities

Q.7. Is this a big change for local authorities?

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. It is likely that this will inserting new conditions into the safety certificate.

Where these matters do not routinely form part of the safety certification process this may result in significant change. It is essential that all local authorities fully understand their responsibilities under the legislation governing safety at sports grounds.

A checklist of documents that may need reviewing can be found on the SGSA website at: sgsa.org.uk/joint-consultation.

Q.8. When should local authorities begin to implement this new understanding?

The most important thing is that the operational management of events by sports grounds reflects this new understanding at the earliest opportunity.

It is likely that, for many grounds who are already addressing these issues, there will be little or no change in their safety operation as a result of the understanding that safety is a broad term.

Where local authorities do not currently consider these issues as part of their safety certification role then their safety certification processes will need to be updated.

The timing of this change is for each local authority to determine. The SGSA will be considering the extent to which each local authority which comes within its regulatory remit has made the necessary changes as part of the self-assessment of local authorities which will be undertaken in the summer of 2018.

Local authorities may wish to take account of each ground's ability to action administrative responsibilities. For instance, well resourced grounds are likely to be able to fully implement changes more quickly.

The SGSA's guidance clarifies the legal responsibilities of certifying authorities when issuing safety certificates under the 1975 Act and 1987 Act. These legal responsibilities apply now. It is for each local authority to assure themselves that they are discharging those responsibilities effectively.

Q.9. How will the SGSA monitor whether local authorities implement the wider understanding of safety?

Under section 13 of the Football Spectators Act 1989, the SGSA has a duty to keep under review the discharge by local authorities of their responsibilities under the 1975 Act in relation to sports grounds at which designated football matches are played. In future, the SGSA will consider this wider understanding of safety when reviewing the performance of local authorities under this provision. This will include the self-assessment process which is undertaken every other year and will next take place in the summer of 2018.

Q.10. There are a number of mentions of the red-line drawing in the Guidance denoting the boundary within which terms and conditions in the safety certificate can apply. I'm new in post and can't find any trace of this red-line drawing. Where should this boundary be?

The drawing showing the red-line boundary should show the limit of the extent of the certificate. The terms and conditions in a safety certificate should only apply to the area within the boundary of the certificate. Because of the different circumstances at each ground this is best decided locally between the local authority and the ground management.

Q.11. What is the time period over which the specified activity takes place and during which the certificate is in force?

This will depend on the type of activity, for instance cricket, horse racing and motor sports are much longer events than football or rugby. You can usually express the period as a time before and after the event rather than specific times of the day, for instance two hours before the start of the event until one hour after the event. Again, circumstances at different grounds will be varied and so the period is best determined locally between the local authority and the ground management.

Q.12. Will the SGSA be producing model conditions for Safety Certificates?

Ensuring that people are safe from the risks of terrorist activity, crowd disorder and anti-social behaviour is likely to be best achieved by including conditions within the safety certificate.

The SGSA has developed a checklist to help ensure that Safety Certificates remain current. This includes example model conditions for both types of Safety Certificates. These are available on the SGSA website at: sgsa.org.uk/joint-consultation.

Q.13. Will the SGSA be producing model terms of reference for Safety Advisory Groups?

The SGSA has developed a checklist to help ensure SAG terms of reference remain current. This includes example model paragraphs. These are available on the SGSA website at: sgsa.org.uk/joint-consultation.