

Sports Grounds Safety Authority Guidance

Safety for All at Sports Grounds

This guidance note has been developed by the Sports Grounds Safety Authority and is supported by the Health and Safety Executive.

1. Introduction

1.1 Context

All owners and managers of work places and employers have ongoing duties to protect their staff and all those visiting their property from injury and harm. Health and safety and other legislation and guidance is in place to advise those with responsibilities how best they might meet those obligations and to outline for public authorities the action they may take in the event of a failure on the part of those with responsibility.

These responsibilities also fall on those who manage sports grounds and events at those grounds.

1.2 Structure of Document

This guidance note describes the interactions between the different legislation in this area and the impacts on the safety management of a sports ground thereby protecting all those present, including spectators, staff, contractors and participants.

2. Legal Responsibility for Safety at Sports Grounds

The management of a sports ground are responsible for the safety of all those at the ground. This applies on both event days and non-event days. For all scenarios sports ground management must assess the risk of harm to people at the ground and form strategies to mitigate those risks. There are four main pieces of legislation relating to this responsibility at sports grounds.

2.1 Safety of Sports Grounds Act 1975 and Fire Safety and Safety of Places of Sport Act 1987

Designated sports grounds and grounds with a regulated stand are subject to the issue of a safety certificate under the Safety at Sports Grounds Act 1975 or the Fire Safety and Safety of Places of Sport Act 1987. The certificate may be a general safety certificate, a special safety certificate or a regulated stand safety certificate depending on the circumstances of the sports ground. Other grounds will have no certificate in which case this legislation, except for s10 of the 1975 Act (prohibition notice), will not apply to them.

In this document, 'certifying authority' refers to the local authority responsible for issuing a safety certificate.

The safety certificate may be a prescriptive certificate where conditions within the certificate direct the sports ground on what actions to take to provide reasonable safety for people at the ground during an event. Alternatively, it may be a risk based certificate where the certificate requires the sports ground to comply with their operations manual

which is designed to provide for the reasonable safety of those at the ground during an event.

Regardless of the style of certificate, the activity required to achieve reasonable safety includes measures to ensure the protection of all people, including spectators and groups such as ground employees, stewards, agency staff, medical staff, participants, officials and visitors during an event. However, s17(1) of the 1975 Act states that the responsibility under the Act does not extend to risks inherent from participation in the sporting or competitive activity and only applies when the sports ground is in use for a specified activity.

The length of time the safety certificate is in force for a specified activity should be identified within the certificate.

If the holder is unable to comply with the conditions of the certificate or the local authority is concerned that people will not be kept safe at the ground for particular circumstances, the local authority may insert conditions into the certificate or they may reduce capacity by reducing the 'P' or 'S' factors to whatever the local authority considers necessary to ensure reasonable safety.

Section 10 of the 1975 Act provides a power to a local authority to issue a prohibition notice if they are of the opinion that the admission of spectators to a sports ground or any part of it involves a serious risk to spectators. However, this power only applies where the risk is to spectators not to other people at the ground. The s.10 power can be used at all grounds and not just those which are certificated.

The local authority can also prosecute for breaches of a certificate condition.

2.2 Health and Safety at Work etc Act 1974 (HSWA)

The Health and Safety at Work etc. Act 1974 (HSWA) requires employers and self-employed people to do what is reasonably practicable to ensure people's health and safety either whilst working for them or whilst on their premises.

HSWA sets out the general duties that employers have towards employees whilst at work (section 2), and also requires them to protect people other than those at work (section 3).

For example, in a sports ground context these duties would apply to all people, including spectators and groups such as ground employees, stewards, agency staff, medical staff, participants, officials and visitors during an event. All people should be protected from risks to their safety arising out of, or in connection with, the work activities.

In addition, anyone with control of premises, including a sports ground, has a duty to see that the premises, plant (e.g. sports equipment) and substances provided are safe (section 4). These responsibilities apply at all times, including event periods.

If breaches of Health and Safety Legislation occur, the relevant enforcing authority has a range of responses from informal notices to issuing an improvement notice or a prohibition notice and can also undertake a prosecution.

2.3 Licensing Act 2003

The Licensing Act 2003 permits local authorities to issue a Premises Licence which will permit the sale or supply of alcohol and other activities. The Act applies to most sports grounds. However, the geographic area subject to a premises licence will vary from ground to ground. For instance, at some sports grounds the whole of the sports ground area will be licensed premises whilst at others only one building or part of a building might be licensed. Sports Ground management must be familiar with the extent of the licensed area in their sports ground.

The Licensing Act requires that all places subject to a premises licence comply with the four licensing objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

Sports grounds subject to a premises licence either for the whole or part of their premises must be able to demonstrate how they will fulfil those responsibilities.

In the event of a breach of a premises licence condition, the local licensing authority can review the issues then revoke or suspend the licence or reduce the hours or licensable activities in the licence. The local authority can also undertake a prosecution in the event of a breach of a condition.

2.4 Regulatory Reform (Fire Safety) Order 2005

Each ground must have a responsible person whose role is to ensure compliance with the Regulatory Reform (Fire Safety) Order 2005.

The Order places a general duty on the responsible person for the premises to ensure the safety of employees and non-employees by taking such fire precautions as may be reasonable in the circumstances to ensure the premises are safe and that fire risk assessments have been carried out.

The Order also imposes a number of specific duties in relation to the fire precautions to be taken, these include designing emergency routes, instigating fire safety policies and procedures, provision for fire-fighting and detection, and measures in respect of dangerous substances.

If the ground does not meet the requirements of the Order, the fire authority (local authority or Fire and Rescue Authority) may issue advice or a formal notice. In serious cases, they can also issue a notice preventing the use of the premises for particular purposes.

In the case of sports grounds and covered stands subject to a safety certificate under the 1975 or 1987 Acts, the relevant local authority is responsible for enforcement and not the Fire and Rescue Authority.

3. Guidance for Sports Ground Management

The above legislation makes it very clear that sports ground management have a duty to take reasonable steps to keep all people at the ground free from physical harm or injury. This will include ground employees, stewards, agency staff, medical staff, participants, officials and visitors during an event.

To meet the requirements of the legislation listed above during an event, sports ground safety management should take a number of steps:

- Risk assess all activities connected with premises and the event
- Check that organisations working at the ground (for instance, broadcasters, caterers etc) have conducted their own risk assessments, that they are sufficient and are relevant for the venue and the event
- Provide mitigating actions where any risk is identified e.g. operational plans, policies, contingency plans (and test these plans)
- Provide sufficient trained staff to manage the event and its identified risks safely
- Keep records of all activities in relation to the event
- Undertake and record checks of the sports ground structure and infrastructure.

The risk assessments and mitigating factors taken by the ground to protect all people from harm and injury also apply to members of the emergency services on duty at an event. However, they remain under the direction and control of their own organisation whilst performing their unique functions as police, fire or ambulance officers and will act in accordance with their own training, policies and risk assessments.

3.1 Event Safety Policy Statement

Sports ground management should have in place a written Event Safety Policy Statement which outlines the ground's operational safety policy and its commitment to managing, assessing, preventing and reducing the risk of harm or injury to all those present at the ground during an event, not just spectators. The SGSA has provided a template Event Safety Policy Statement as an example [here](#).

4. Guidance for Certifying Authorities

Local authorities should consider the risks to all people attending an event at a sports ground and ensure that they are appropriately addressed by the ground so as to provide reasonable safety for all.

In determining which regulatory approach to take to any particular risk 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.

It is not unusual for regulatory powers 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. As explained above, HSWA, the Safety of Sports Grounds Act 1975 (The 1975 Act) and Fire Safety and Safety of Places of Sport Act 1987

(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.

The overlap between the 1975 and 1987 Acts and HSWA is well understood in relation to spectator issues. Where matters affect spectators, sports grounds safety legislation will generally have primacy.

On the whole, the general duties of a sports ground for its employees whilst at work are adequately covered by the HSWA. It is not expected that local authorities will scrutinise these general duties as part of the safety certification process. It is 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*.

4.1 Enforcement Options

Ultimately, if a situation arises where a local authority is 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.

The options available to local authorities might include:

- Advice and guidance
- Informal notice or letter
- Formal notice (for instance, prohibition, enforcement, improvement or alteration)
- Removal of a premises licence (where applicable)
- Review of a premises licence (where applicable)
- Reduction in capacity of a certificated ground or stand
- Conditions being placed in a safety certificate or licence
- Formal caution
- Court proceedings.

4.2 Unitary and Two-Tier Authorities

Where a local authority is a unitary authority, it is responsible for enforcing HSWA, sports grounds certification and premises licencing. Local authorities should ensure that good communication and liaison mechanisms are in place between the relevant sections of the council.

In areas where there are two-tiers of local authority, the certifying authority under safety at sports grounds legislation will be a County Council and the enforcing authority under HSWA will be a District Council. In these areas County Councils may find themselves in the position of identifying a risk to the safety of non-spectators but a reduction in the S factor will not mitigate the risk, and amending the conditions will not resolve the issue in a timely manner. They will therefore be reliant on colleagues in the District Council to take enforcement action under HSWA legislation.

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.

There are no mandatory accident reporting arrangements under Sports Grounds Safety legislation. However, it is important to note that notifiable accidents, incidents or dangerous occurrences that happen during an event at a sports ground must still be reported by the responsible person using reporting arrangements under the RIDDOR Regulations 2013. Certifying Authorities may wish to instigate protocols with their local authority colleagues to ensure they receive notice of RIDDOR submissions that relate to events at the ground.