

# **Safety Certification – Guidance on Developing Policies and Procedures**

## Table of Contents

### **PART 1 – GENERAL PRINCIPLES**

- 1.1 Purpose of the guidance
- 1.2 Importance of written policies and procedures
- 1.3 What should the policies and procedures cover?
- 1.4 General principles applying to all policies and procedures

### **PART 2 - POLICIES AND PROCEDURES FOR THE ISSUE AND RENEWAL OF A GENERAL SAFETY CERTIFICATE**

- 2.1 Introduction
- 2.2 Legislation and guidance
- 2.3 Roles and responsibilities
- 2.4 Considering an application
- 2.5 Safety Advisory Groups
- 2.6 Public access to the safety certificate
- 2.7 Fees
- 2.8 Review of safety certificate
- 2.9 Special Safety Certificate

### **PART 3 - POLICIES AND PROCEDURES FOR INSPECTION AND MONITORING**

- 3.1 Introduction
- 3.2 Legislation and guidance
- 3.3 Responsibility for undertaking monitoring
- 3.4 Scope of monitoring
- 3.5 Audit Trail
- 3.6 Reducing the burden on business

## **PART 4 - POLICIES AND PROCEDURES FOR ENFORCING THE PROVISIONS OF SAFETY AT SPORTS GROUNDS LEGISLATION**

- 4.1 Introduction
- 4.2 Legislation and guidance
- 4.3 Responsibility for enforcement
- 4.4 Offences
- 4.5 Suitably trained and qualified staff
- 4.6 Consistency and accountability
- 4.7 Range of enforcement actions
- 4.8 Conflict of interest

## **PART 5 - GUIDANCE ON BUSINESS CONTINUITY AND RESILIENCE PLANNING**

- 5.1 Introduction
- 5.2 Roles and responsibilities
- 5.3 Training and competency

Appendix A Process for the issue of a Designated Ground General Safety Certificate

Appendix B Process for the issue of a Regulated Stand General Safety Certificate

Appendix C General Safety Certificate application form – Designated Ground

Appendix D General Safety Certificate application form – Regulated Stand

Appendix E Policy for the issue and review of General Safety Certificate

Appendix F Policy for monitoring and inspection

Appendix G Enforcement policy

Appendix H Template Prohibition Notice

## **Acknowledgements**

*This document seeks to identify and promote good practice in the development of written policies and procedures in respect of safety certification. The SGSA would like to record its thanks to the following local authorities who kindly shared their policies and procedures with us in the development of this guidance:*

*Brighton and Hove City Council*

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*Southampton City Council*

*Swindon Borough Council*

*Staffordshire County Council*

## **Part 1 - General Principles**

### **1.1 Purpose of the guidance**

This guidance is designed to assist local authorities to develop written policies and procedures which clearly set out how the authority will discharge its responsibilities under the [Safety of Sports Grounds Act 1975](#) (1975 Act) and the [Fire Safety and Safety of Places of Sport Act 1987](#) (1987 Act).

### **1.2 Importance of written policies and procedures**

Setting out the policies and procedures a local authority will follow in discharging its responsibilities under the 1975 and 1987 Acts not only demonstrates that the authority owns and understands the key issues involved, but also provides the authority with the opportunity to set out its objectives and the roles of individual staff in delivering those objectives. It provides for greater consistency and efficiency when staff or organisational changes result in responsibility for sports grounds safety being taken on by new staff, as well as ensuring that those delivering the service are aware of the performance standards.

### **1.3 What should the policies and procedures cover**

Under the provisions of the 1975 Act local authorities are required to issue a safety certificate to any sports ground designated by the Secretary of State for Culture, Media and Sport. Similarly under the 1987 Act they are required to issue a safety certificate in respect of any regulated stand that is any covered stand which has accommodation for 500 or more spectators. The authority should therefore have written policies and procedures in place which clearly set out how it will consider an application for, and the issue of, a safety certificate and special safety certificate; how it will monitor if the terms and conditions of the safety certificate are being adhered to and what action it will take if they are not. The following sections of this guidance identify the key points which should be included in the policies and procedures for the issue, monitoring and enforcement of safety certificates together with guidance on developing appropriate resilience for the delivery of the safety certification responsibilities.

### **1.4 General principles applying to all policies and procedures**

Each procedure will be unique to an individual local authority, reflecting its particular structure but also incorporating best practice. The procedures should provide a systematic specification of all the routine work involved in the safety of sports grounds process in a documented format. The documents should be available to any member of staff at any time to assist them in ensuring the required standards are being met. It is recommended that these should also be available to the public to ensure they have a full understanding of what can be expected from the local authority.

For each of the sections discussed below the following general principles will apply and should be included in any policies and procedures produced by the local authority:

- All policies and procedures should contain a date of issue along with the author's name and the name of the individual or body that has approved it.
- They should be reviewed regularly and contain the date of last review.
- Where policies and procedures are to be published on the local authority's web site it would be advisable to include contact details such as a postal address, telephone number and email address of the relevant responsible department.

## **Part 2 - Policies and Procedures for the Issue and Renewal of a General Safety Certificate**

### **2.1 Introduction**

The policies and procedures with regard to the issue of a General Safety Certificate should clearly set out the arrangements that the local authority has put in place for ensuring compliance with the relevant sports ground legislation. They should contain sufficient detail to enable officers to deal with an application effectively and efficiently.

### **2.2 Legislation and Guidance**

Under the [Safety of Sports Grounds Act 1975](#) (1975 Act), the local authority is responsible for issuing a safety certificate in respect of sports grounds designated by the Secretary of State. These are sports grounds that, in his opinion, have accommodation for more than 10,000 spectators, or 5,000 in the case of Premiership or Football League grounds in England and Wales.

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

The [Fire Safety and Safety of Places of Sport Act 1987](#) (1987 Act) lays a similar responsibility upon the local authority in relation to regulated stands at non-designated sports grounds. Regulated stands are stands that provide covered accommodation for 500 or more standing or seated spectators. Responsibility for determining if a stand is a regulated stand rests with the local authority. However the determination must be undertaken in accordance with the statutory guidance contained in [Home Office Circular 97/1988](#) as determined by the local authority under section 26 of the 1987 Act.

The processes for the issue of a safety certificate under the 1975 and 1987 Acts are summarised at Appendix A and B. In addition to identifying the relevant legislation and referencing relevant centrally issued guidance a local authority's policies and procedures for the issue of a safety certificate should also identify the following issues.

### **2.3 Roles and responsibilities**

It is for the local authority to decide which directorate or department is responsible for the safety certification function having regard to its administrative structure. It is usually advisable that this department should be responsible for some similar or related subject. The policies and procedures should clearly record which department will take the lead on safety certification.

A local authority will normally delegate the power to take decisions in respect of applications for a safety certificate to one or more officers. The person(s) should be clearly identified in the policies and procedures.

#### **2.4 Considering an application**

An application for a safety certificate for a designated ground must be in the form prescribed in the [Safety of Sports Grounds Regulations 1987](#) (1987 Regulations), and for a regulated stand in the form prescribed in the [Safety of Places of Sport Regulations 1988](#) (1988 Regulations), or a form to a like effect. A local authority may require the applicant to provide additional information in respect of the ground or regulated stand. The information a local authority is likely to require should be set out in the procedures. An example of the General Safety Certificate application form for a Designated Ground is attached at Appendix C and for a Regulated Stand at Appendix D.

Under the provisions of section 3(1) of the [1975 Act](#), or section 28(1) of the [1987 Act](#) the local authority is required to ensure the applicant for a General Safety Certificate is a qualified person. The 1975 Act defines a qualified person as someone who is in a position to prevent contravention of the terms and conditions of a certificate. The 1987 Act defines a qualified person as someone who is responsible for the management of the ground. Both Acts require the local authority to notify an applicant in writing if it is determined they are not a qualified person and any such letter should also identify how the applicant may appeal against that decision. The procedures should set out how the local authority will determine if an applicant for a safety certificate is a qualified person and how an appeal will be dealt with.

Under the provisions of section 3(3) of the 1975 Act, or 28(10) of the 1987 Act the local authority is required to forward a copy of any application for a safety certificate to the chief officer of police and where the local authority is in Wales, Greater London or a metropolitan county, the fire authority or, in any other case, the building authority for the area in which it is situated and to consult them about the terms and conditions to be included in the safety certificate. The procedures should identify who should be consulted and how that consultation is to be undertaken.

Although neither Act sets out a time limit for the consideration of an application it is recommended that the procedures for handling an application should include a timetable.

#### **2.5 Safety Advisory Groups**

Safety Advisory Groups (SAG) are set up with the purpose of providing advice to assist the local authority in carrying out its statutory duties and members of the SAG will undoubtedly be consulted about the terms and conditions to be included in a safety certificate. However, the SAG cannot take decisions on behalf of the local authority.

## **2.6 Public access to the safety certificate**

The Safety Certificate is a public document to which any person applying for it, or is affected by it, should have access.

Both the [1987](#) and [1988](#) Regulations require the local authority to notify every interested party, in writing, of its decision to issue, amend, replace or refuse a safety certificate. The Regulations define “interested party” as:

- the holder of the safety certificate;
- any other person known to the local authority to be, or likely to be, concerned in ensuring compliance with the terms and conditions of the safety certificate;
- the chief officer of police; and
- where the local authority is in Greater London or a Metropolitan County the fire authority or, in any other case, the building authority.

This notice must specify that a copy of the safety certificate is available for inspection at a specified time and place. Similarly the Regulations require a local authority to advertise its decision to issue, transfer or amend a safety certificate in a newspaper circulating in the locality of the sports ground to which the safety certificate relates.

## **2.7 Fees**

Under the provisions of the [1987](#) and [1988](#) Regulations a local authority is permitted to charge a fee for the issue, amendment, replacement or transfer of a safety certificate. The regulations explain that any fee should be commensurate with the work actually and reasonably done by or on behalf of the local authority. It should also be noted that a local authority may only charge for amending a safety certificate if the amendment was at the request of the certificate holder. The procedures should set out how any fee charges are to be determined.

## **2.8 Review of safety certificate**

The local authority should formally review the general safety certificate as soon as reasonably practicable after any incident in which the safety of the public may have been put at risk or where doubts have been cast on the condition or management of the sports ground. A “near miss” should be always treated as an incident for these purposes. The local authority should conduct at least one such review every year, even if nothing untoward has occurred. The procedures should not only set out the frequency of review of the safety certificate but also how that review is to be undertaken.

An example policy for the issue and review of a General Safety Certificate is attached at Appendix E.



## **2.9 Special safety certificate**

The general safety certificate should cover any event, both sporting and non-sporting that is held regularly at the sports ground. Where it is intended to hold an event of a type not specified in the general safety certificate, an application should be submitted to the local authority for a special safety certificate. While the policy and procedures for the issue of a special safety certificate will be similar to the example for a general safety certificate at Appendix E. The local authority should be aware that the procedure for the issue of a special safety certificate is slightly different from that for a general safety certificate. Unless the applicant is already the holder of a general safety certificate, the local authority must first determine whether he or she is a qualified person. However, whereas it is obliged to grant a general safety certificate provided that the applicant is a qualified person, it has the discretion to refuse to issue a special safety certificate. In reaching its decision, the local authority must act reasonably. The applicant has the right to appeal within seven days against any refusal.

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

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

## Part 3 - Policies and Procedures for Inspection and Monitoring

### 3.1 Introduction

The achievement of reasonable safety is a continuous process that does not end with the issue of a safety certificate. Local authorities must monitor the holder's compliance with the certificate's terms and conditions and should have a clearly set out policy and procedure which identifies who will be responsible for undertaking that monitoring, the frequency of the monitoring and how it will be undertaken.

### 3.2 Legislation and guidance

It is important that a monitoring policy clearly sets out the powers that the local authority has to undertake an inspection or monitoring of a sports ground.

Section 10 B of the [1975 Act](#) provides that:

*“It shall be the duty of every local authority to enforce within their area the provisions of this Act and of regulations made under it and for that purpose to arrange for the periodical inspection of designated sports grounds .....*”

That section also explains that “periodical” means at least once in every 12 months and that in undertaking any inspections the local authority shall act in accordance with such guidance as the Secretary of State may give them. Statutory guidance on inspections is given in [Home Office Circular 72/1987](#).

Section 34 of the [1987 Act](#) includes the same provision in respect of the periodical inspection of sports grounds which contain regulated stands but does not define what is meant by periodical. However statutory guidance contained in [Home Office Circular 97/1988](#) requires local authorities to carry out inspections at least once every calendar year following the date of the last inspection of any regulated stand with accommodation for more than 2000 spectators and of any other regulated stands within a ground with a regulated stand for more than 2000 spectators. For any other regulated stands it requires local authorities are required to carry out inspections at least once every alternate calendar year following the date of the last inspection.

Although the timescales for inspections in the statutory guidance apply to regulated stands the notes accompanying the guidance remind local authorities that the provisions in respect of inspections set of in section 34(1) of the 1987 Act apply to the whole sports ground not just the regulated stand. The extent and frequency of any inspections of parts of the sports ground beyond the curtilage of the regulated stand should be determined by the local authority.

The monitoring policy and procedures should set out the frequency of inspections and where a ground contains a regulated stand it should also identify the frequency

and extent of any inspection of the parts of the sports ground beyond the curtilage of the regulated stand. It is important to recognise that the timescales set out in the legislation and the statutory guidance are a minimum and the actual frequency of any monitoring and inspection should be determined by the particular circumstances. One way of determining this would be for the local authority to require each venue it monitors to undertake an annual self assessment. The local authority can then take this into account, along with any other relevant factors, in particular the management's compliance with the safety certificate, or any operations manual required under the safety certificate.

### **3.3 Responsibility for undertaking monitoring**

Under the provisions of section 11 of the [1975 Act](#) a person authorised by a local authority –

*“.....may, on production if so required of his authority, enter a sports ground at any reasonable time, and make such inspection of it and such inquiries relating to it as he considers necessary for the purposes of this Act, and in particular may examine records of attendance at the ground and records relating to the maintenance of safety at the ground, and take copies of such records.”*

Section 35 of the [1987 Act](#) makes a similar provision in respect of a power of entry to a sports ground to inspect a regulated stand.

As well as identifying which directorate/department is responsible for undertaking the monitoring of designated sports grounds and regulated stands the procedures should identify which officers have been authorised to enter and carry out an inspection. The local authority must be satisfied that the authorised officers are competent to carry out the inspections.

### **3.4 Scope of monitoring**

The monitoring procedures should identify the activities the local authority will undertake in respect of the inspection and monitoring of sports grounds and regulated stands. These are likely to include:

- Annual inspection
- During performance inspections

[Home Office Circular 72/1987](#) advises that at most designated sports grounds, it will normally be sufficient for the local authority to inspect the structures and fittings once a year while the sports ground is empty. It might be sensible to conduct this inspection at different times each year, so as to observe the sports ground under a variety of conditions. Further inspections are likely to be necessary only in the event of significant structural modifications.

The circular prescribes in considerable detail what is to be examined by or on behalf of the local authority during an annual inspection and includes:

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

[Home Office Circular 97/1988](#) prescribes a similar inspection regime for regulated stands.

In our [“Guide to the Safety Certification of Sports Grounds”](#) we advise that at most designated sports grounds, it will normally be sufficient for the local authority to inspect the structures and fittings once a year while the sports ground is empty. However, the sports ground management’s performance during events will undoubtedly need to be checked more frequently. Without regular during performance inspections there is a risk of potentially hazardous situations developing unchallenged. The same considerations apply to the local authority’s checks of the records of attendances, accidents, maintenance, steward training and contingency plans, though some of these could be carried out on non-event days. Such during performance inspections are equally important with regulated stands

During performance inspections not only allow the local authority to monitor the certificate holder’s general compliance with the safety certificate, or with any operations manual required under the safety certificate, but also provide an overview of the safety management and the appropriateness of the (S) factor.

The monitoring procedures should identify what the local authority will inspect and examine during the annual inspection and any during performance inspections.

As the provisions contained in section 11 of the [1975 Act](#) extend to all sports grounds, not just those that are designated, the local authority should also have a policy in respect of sports grounds that are neither designated or contain a regulated stand. This may involve periodic inspections to ensure reasonable safety measures and precautions are in place for the safety of spectators. The policy should identify the circumstances when the local authority would seek to exercise its power of entry to such grounds.

### **3.5 Audit Trail**

As part of its audit trail the local authority should maintain detailed records of all annual inspections and during performance inspections. The local authority monitoring procedures should identify who should receive copies of inspection reports and what follow up action is to be taken by officers where the inspection has identified either the need for remedial action by ground management or a contravention of the safety certificate.

### **3.6 Reducing the burden on business**

The [Regulators Code](#) April 2014 produced by the Department for Business Innovation and Skill (BIS) recommends that regulators should “*avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.*”

An example policy for inspection and monitoring is attached at Appendix F.

## **Part 4 - Policies and procedures for enforcing the provisions of safety at sports grounds legislation**

### **4.1 Introduction**

An enforcement policy should set out the arrangements that the local authority has put in place for ensuring compliance with the relevant safety at sports grounds legislation. It should explain the local authority's powers and approach to enforcement activity, how a local authority expects to deal with sports grounds and what happens when infringements of the law are established. It should also ensure that any enforcement action taken is fair, open, consistent and clear.

### **4.2 Legislation and Guidance**

It is important that an enforcement policy clearly identifies the relevant legislation that enforcement action would be taken under. For designated grounds Section 10B of the [1975 Act](#) provides that -

*“It shall be the duty of every local authority to enforce within their area the Act and regulations made under it and to arrange periodical inspection of designated sports grounds”;*

and for regulated stands section 25 of the [1987 Act](#) provides that -

*“It shall be the duty of every local authority to enforce within their area the provisions of this Act and of regulations made under it for designated grounds.”*

However, it should be noted that Section 10 of the 1975 Act, which gives the local authority the power to issue a prohibition notice in the case of a serious risk to the safety of spectators, applies to any sports ground not just those which are designated or which contain a regulated stand.

In addition to the relevant legislation reference should also be made to centrally issued guidance that includes information on enforcement by the local authority. Such guidance would include the following:

[DCMS Circular of 16<sup>th</sup> November 1995](#) - The purpose of this Notice is to remind Chief Executives of their powers and responsibilities under section 10 of the Safety of Sports Grounds Act 1975, which allows local authorities to issue prohibition notices for sports grounds if they are of the opinion that spectators are likely to be at serious risk of injury.

[Enforcement Concordat](#) - published by the Cabinet Office

[Regulatory Reform \(Fire Safety\) Order 2005](#) - Under the provisions of the Regulatory Reform (Fire Safety) Order 2005 the local authority is the enforcing authority for that legislation at designated sports grounds and regulated stands. Local authorities should refer to the [Regulatory Reform \(Fire Safety\) Order 2005 Guidance Note No. 1: Enforcement](#) published by the Department for Communities and Local Government for advice on enforcement procedures in respect of fire safety at designated sports grounds and regulated stands.

The [Regulators' Code](#) produced by the Department for Business Innovation and Skill.

### **4.3 Responsibility for Enforcement**

It is for the local authority to decide which directorate or department is responsible for the enforcement function having regard to its administrative structure. It is usually advisable that this department should be responsible for some similar or related subject. The policies and procedures should clearly record which department will take the lead on enforcement.

A local authority will normally delegate the power to take decisions in respect of enforcement to one or more officers. The person(s) should be clearly identified in the policies and procedures

As noted in section 1.5 if the policies and procedures are to be published on the local authority's web site it may be advisable to include contact details of the relevant responsible department.

### **4.4 Offences**

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

The enforcement policy should not only identify what would constitute an offence but should also clearly identify the process and procedure the local authority will follow in considering what enforcement action would be appropriate when an offence has been committed and also the role of individual officers in that process.

### **4.5 Suitably trained and qualified staff**

It is important that individual officers who undertake enforcement duties under the sports grounds legislation are suitably trained and qualified to ensure their competency. The enforcement policy should therefore contain a statement which explains how the local authority intends to ensure that officers possess the

necessary qualifications, competence and professional experience to carry out relevant enforcement action.

#### **4.6 Consistency and accountability**

In line with both the [Enforcement Concordat](#) and the [Regulators' Code](#) all local authorities should promote consistency and accountability when taking enforcement action.

The Regulators' Code states that when local authorities are responding to non-compliance they *“should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.”*

The Code also states that the above paragraph *“does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.”*

The enforcement policy and procedures should clearly set out how the local authority aims to ensure that enforcement is fairly applied. This can be evidenced by the following principles:

- **Proportionate** in applying sports ground law and ensuring compliance
- **Consistency** of approach
- **Targeted** enforcement action
- **Transparent** about how the local authority operates and what those regulated may expect
- **Accountable** for the local authority's actions

#### **4.7 Range of Enforcement Actions**

The enforcement policy should identify all the choices of enforcement action that are available to the local authority and should also include such information as a description and explanation of how the enforcement action would affect the individual/organisation along with the possible results of the action taken. An example of each enforcement action may help the reader to understand the local authority's options.

Examples of enforcement action available include:

- Informal Warning
- Prohibition Notice



- Reduction in Capacity
- Simple Caution
- Prosecution

An example policy for the enforcement of a General Safety Certificate is attached at Appendix G and a template for a prohibition notice is at Appendix H.

#### **4.8 Conflict of Interest**

Where a local authority is the owner, or part owner of a sports ground for which it is also the enforcing authority there may be a potential for an actual or a perceived conflict of interest. In such cases enforcement policies should include a clear statement of the local authority approach to premises in which it may have an interest, such that it will:

- carry out its enforcement policy and practice in exactly the same way that it does for all other premises and duty holders; and
- have arrangements in place to identify and resolve potential conflicts of interest.

It is also important that a local authority:

- has plans and contingencies in place for dealing with those exceptional circumstances where a conflict of interest has come to light after an incident has occurred; and
- identifies whether any potential conflicts of interest are introduced or removed when governance arrangements change.

## Part 5 - Guidance on business continuity and resilience planning

### 5.1 Introduction

The [Civil Contingencies Act](#) requires local authorities to maintain plans to ensure that they can continue to exercise their functions in the event of an emergency so far as is reasonably practicable. This should include the safety at sports grounds function.

Business Continuity Management (BCM) is a process that helps manage risks to the smooth running of an organisation or delivery of a service, ensuring continuity of critical functions in the event of a disruption, and effective recovery afterwards. It is about identifying those parts of service delivery that the organisation cannot afford to lose. Planning and exercising minimises the impact of potential disruption. It also aids in the prompt resumption of service. In order to be successful, BCM must be regarded as an integral part of an organisation's normal ongoing management processes. And in doing so, it safeguards the interests of the key stakeholders and the reputation of the organisation

In addition to a local authority having plans in place to deal with any incident, large or small, whether it is natural, accidental or deliberate, that can cause major disruption to service delivery the department of the local authority that deals with safety at sports grounds should also have specific resilience plans for loss of key staff through:

- Sickness
- Secondment
- Resignation
- Redundancy

Any resilience plan covering the safety certification function should include:

- who is responsible for the plan;
- identification of key roles and how they will be covered;
- clear job descriptions;
- details of the SAG Chair deputy/deputies;
- competency and training requirements; and

- details for deputy/deputies to shadow the SAG Chair.

To promote consistency and show how compliance with the resilience plan is monitored and measured a local authority must be able to demonstrate that:

- business continuity plans are documented and regularly reviewed and tested to ensure resilience;
- plans are regularly reviewed by senior management with an emphasis on continual improvement;
- staff resilience planning is in place to ensure continuity of the function; and
- staff are aware of what will be required of them to ensure continuity and staff have the necessary training and experience to undertake the roles they could be expected to perform.

## **5.2 Roles and Responsibilities**

Local authorities should clearly define the SAG Chair's roles and responsibilities in the SAG terms of reference. The roles and responsibilities of any deputy/deputies should also be clearly identified.

## **5.3 Training and Competency**

There should be a training plan in place which may include factors such as identifying how the successor receives the necessary training and knowledge development along with how training needs are identified.

The local authority should be aware of what training is available which could include:

- job shadowing;
- attendance at relevant courses. For example Working in Safety Advisory Groups (available from Emergency Planning College); or
- shared working with other local authorities.

Competency could include:

- Testing the plan;
- Deputy/Deputies chairing SAG.

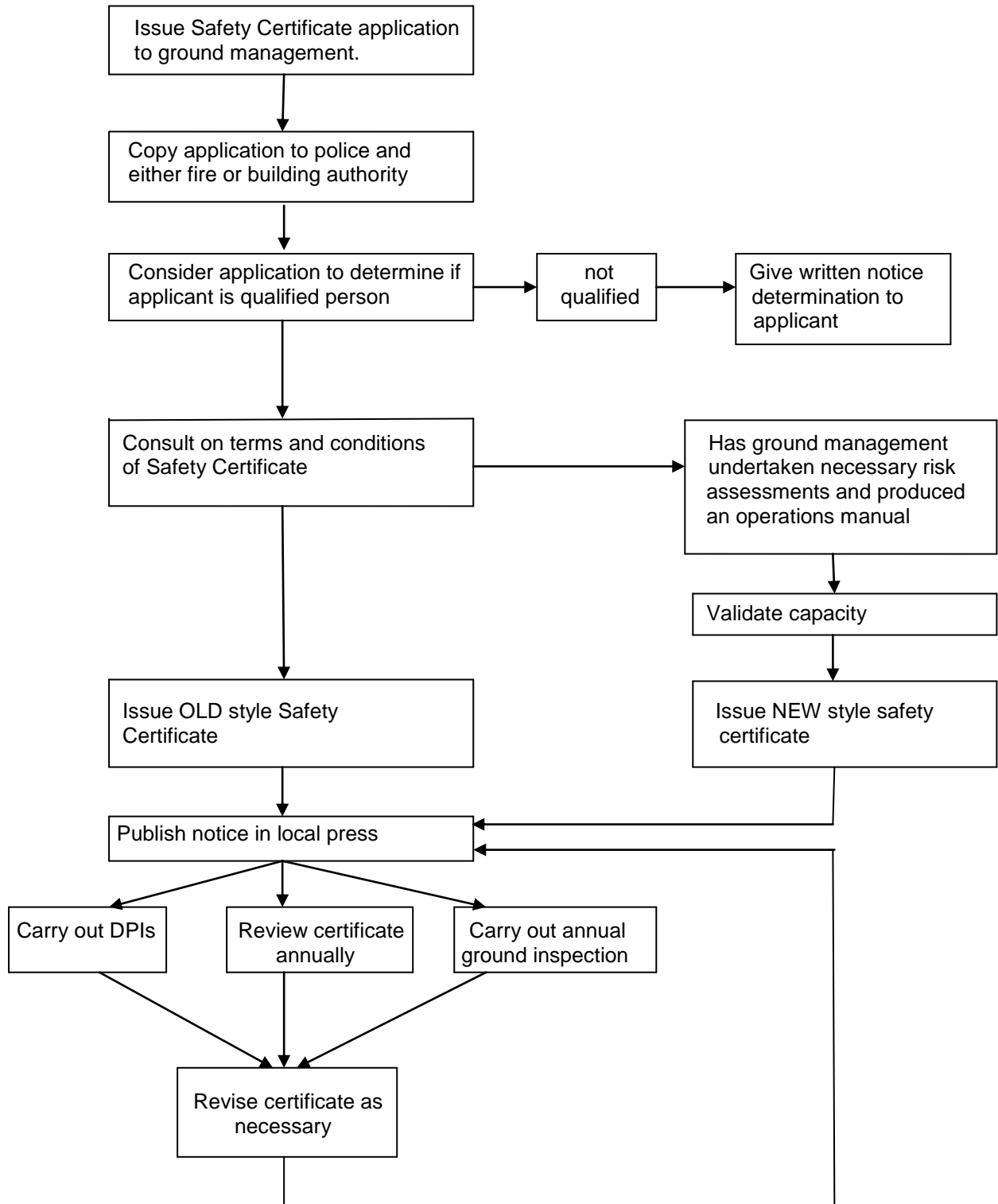
Further guidance on business continuity planning, including details of recognised standards can be found at:

[www.cabinetoffice.gov.uk/content/business-continuity](http://www.cabinetoffice.gov.uk/content/business-continuity)

There are also recognised standards of practice for BCM, the Business Continuity Institute (BCI) Good Practice Guidelines 2010 are available on the BCI website-  
[www.thebci.org](http://www.thebci.org)

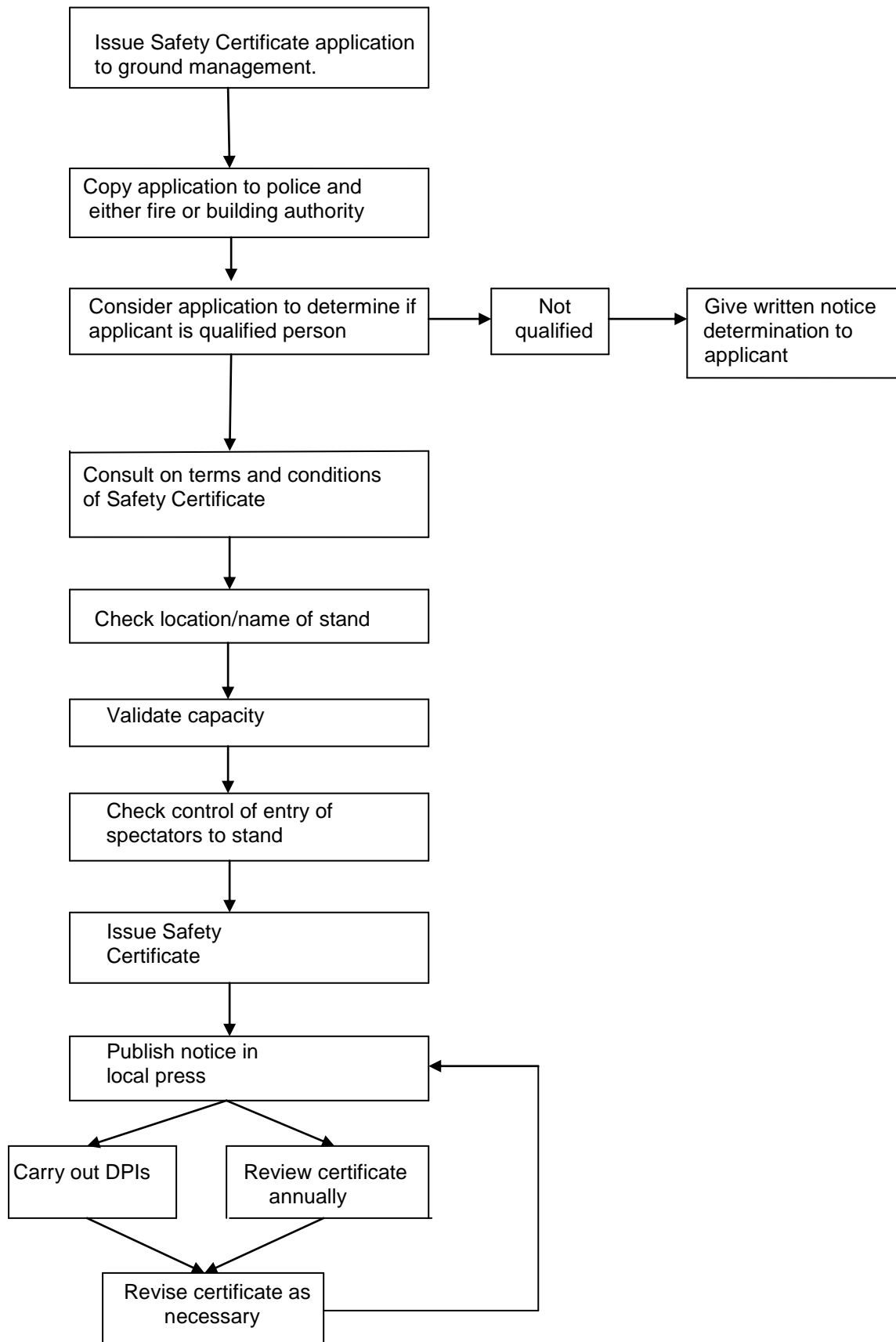
## Appendix A

### Process for the issue of a designated ground safety certificate



## Appendix B

### Process for the issue of a regulated stand general safety certificate



## Appendix C

### Safety certificate application form – Designated Ground

#### SAFETY OF SPORTS GROUNDS ACT 1975

#### APPLICATION FOR A SAFETY CERTIFICATE TO A DESIGNATED GROUND

*When completed, this form should be sent to:*

Chief Executive of

*To be completed in all cases*

I hereby apply for a \*[general] [special] safety certificate in respect of the sports ground described below to be issued to

.....  
.....

I make the application \*[on behalf of] [as]..... of †

.....  
.....

Date.....	Signed.....
Address..... ..... ..... .....	Tel. No.....  Email address.....

\* Delete as appropriate

† If applying on behalf of a sports club, company or some other person, insert status (e.g. secretary).

Under the provisions of section 3 (1) of the Safety of Sports Grounds Act 1975, a local authority receiving an application for a safety certificate have to determine whether the person to whom the certificate may be issued is likely to be in a position to prevent contravention of the terms and conditions of the certificate. The applicant should therefore furnish below the information required so as to enable the local authority to make such a determination. Under section 3(4) of the 1975 Act the local authority may also require the applicant to submit plans and further information.

1. (a) Name and address of sports ground

.....  
.....  
.....  
.....

(b) Name of the occupier

.....  
.....

(c) Name and address of the owner

.....  
.....  
.....  
.....

(d) Names and addresses of any persons other than the proposed holder of the certificate who to his knowledge will or may be concerned in ensuring compliance with the terms and conditions of the safety certificate for which this application is being made.

.....  
.....  
.....  
.....



*Complete Part I only for an application for a general safety certificate (to cover activities held over an indefinite period).*

*Complete Part II only for an application for a special safety certificate (to cover one occasion or a series of occasions).*

**PART I:**

**GENERAL SAFETY CERTIFICATES**

2. List activities to be covered by general safety certificate  
.....  
.....  
.....
3. Give the approximate date of the construction of the spectator accommodation on the sports ground and details of any subsequent extension, major alteration or reconstruction of the spectator accommodation on the sports ground, together with relevant dates.  
.....  
.....  
.....
4. Give particulars of any current statutory licences granted in respect of the sports ground or parts of it:
  - (a) Name of issuing licensing authority.....
  - (b) Name of licensee.....
  - (c) Type of licence .....
  - (d) Date of expiry.....
  - (e) Description of the part or parts of the sports ground covered by the licence  
.....

.....

4. (1) State maximum capacity for which spectator accommodation at the sports ground is intended:

(a) seated spectators.....

(b) standing spectators.....

(2) State any restrictions on that capacity:

(a) Seated spectators.....

(b) Standing spectators.....

6. Set out for each of the last three years the total number of seated spectators and the total number of standing spectators for each activity other than reserve team matches, practice sessions or community use, held at the sports ground. Each activity (other than those excluded) should be named, together with the number of occasions on which each activity took place during each of those years.

--

(use a separate sheet if necessary)

7. Set out for each activity the total number of seated spectators and the total number of standing spectators attending at the occasion during the last three years when that activity took place which attracted the highest number of spectators. Give the date of that event and the name of the activity taking place.

(use a separate sheet if necessary)

**PART II:**

**SPECIAL SAFETY CERTIFICATES**

8. Name event for which special safety certificate is required

.....  
.....

9. Give date(s) of event

.....  
.....

10. Give the number of occasions on which this special event has taken place at the sports ground during the last three years

.....  
.....  
.....

11. Set out the total number of seated spectators and the total number of standing spectators at any similar event held within the last three years at the sports ground, giving the name of the event and the date on which it was held.

(use a separate sheet if necessary)

## Appendix D

### Safety certificate application form – Regulated Stand

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

#### APPLICATION FOR A SAFETY CERTIFICATE FOR A REGULATED STAND

*When completed, this form should be sent to:*

Chief Executive of

*To be completed in all cases*

I hereby apply for a [general] [special]<sup>1</sup> safety certificate in respect of the stand <sup>2</sup> described below at the

.....

sports ground, to be issued to .....

I make the application [on behalf of] [as]<sup>1</sup> ..... of <sup>3</sup>

.....

Date.....	Signed.....
Address..... ..... ..... .....	Tel. No.....
	Email address .....

<sup>1</sup> Delete as appropriate

<sup>2</sup> A separate application form is required for each regulated stand at a sports ground

*(although any certificate issued may cover all such stands)*

<sup>3</sup> *If applying on behalf of a sports club, company or some other person, insert status (e.g. secretary).*

Under the provisions of section 27(7) of the Fire Safety and Safety of Places of Sport Act 1987 in the case of a general safety certificate or section 28(8) of the 1987 Act in the case of a special safety certificate, a local authority receiving an application for a safety certificate have to determine whether the applicant is qualified to hold the safety certificate. The applicant should therefore provide the information required below to enable the local authority to deal with the application. Under section 28(11) of the 1987 Act the local authority may also require the applicant to submit plans and further information.

1. (a) Name and address of sports ground

.....  
.....  
.....  
.....

(b) Name of the occupier

.....

(c) Name and address of the owner

.....  
.....  
.....

(d) Location and name (if any) of the stand for which application is being made

.....  
.....  
.....

(e) Names and addresses of any person other than the proposed holder of the certificate who to his knowledge will or may be concerned in ensuring compliance with the terms and conditions of the safety certificate for which this application is being made.

.....

.....  
.....  
.....

*Complete Part I only for an application for a general safety certificate (to cover activities held over an indefinite period).*

*Complete Part II only for an application for a special safety certificate (to cover one occasion or a series of occasions).*

PART I:

GENERAL SAFETY CERTIFICATE

2. List activities for which the stand provides viewing accommodation and which are to be covered by the general safety certificate

.....  
.....  
.....

3. Give the approximate date of the construction of the stand for which application is made and details of any subsequent extension, major alteration or re-construction of it, together with relevant dates.

.....  
.....  
.....

4. Give particulars of any current statutory licences granted in respect of the sports ground or parts of it:

(a) name of issuing licensing authority.....

(b) name of licensee.....

(c) type of licence.....

(d) date of expiry .....

(e) Description of the part or parts of the sports ground covered by the licence.....

.....  
.....  
.....

5. (a) State maximum capacity of the accommodation in the stand for spectators to view activities at the sports ground:

(i) Maximum no. of seated spectators .....

(ii) Maximum no. of standing spectators .....

(b) State any restrictions on that capacity:

(i) Seated spectators.....

(ii) Standing spectators.....

6. Is the number of spectators admitted to the stand controlled on entry to that stand?

Yes/No

7. If the answer to question 6 is "Yes", set out below for each of the last three years (that is, ending on 31<sup>st</sup> December) and for each of the activities listed in answer to



question 2 above (setting out the year and activity in question), the following information, namely-

(a) the highest number of spectators admitted to the stand on any one occasion during each of the last three years, showing separately the number of seated and standing spectators if these figures are known; and

(b) the total number of spectators admitted during each of the last three years and the number of occasions they were admitted but excluding-

(i) any occasion when no charge was made for, or in respect of, admission; and

(ii) any occasion when the number of spectators admitted was less than 100.

Year	Activity	Total attendance	Number of occasions	Highest attendance (a) seated (b) standing

8. If the answer to question 6 is "No", set out below for each of the last three years (that is, ending on 31<sup>st</sup> December) and for each of the activities listed in answer to question 2 above (setting out the year and activity in question), the following information, namely-

(a) the highest number of spectators who had access to the stand on any one occasion during each of the last three years; and

(b) the total number of spectators who had access to the stand during each of the

last three years and the number of occasions when they had access but excluding-

- (i) any occasion when no charge was made for, or in respect of, admission to the sports ground so as to have access to the stand; and
- (ii) any occasion when the number of spectators so admitted was less than 100.

Year	Activity	Total attendance	Number of occasions	Highest attendance

PART II:

SPECIAL SAFETY CERTIFICATE

10. Name activity (or activities) for which the stand provides viewing accommodation and which are to be covered by the special safety certificate

.....  
 .....

11. Give date(s) of occasions(s) when it is proposed that the stand will be used for the activity (or activities) listed in 9 above

.....  
 .....  
 .....

12. Set out below the information required in respect of each occasion during the last three years (ending on 31<sup>st</sup> December) when spectators were admitted, or had access to, the stand to view activities which are the same as, or similar to, those listed in answer to question 9 above. The name and date of the occasions in question should be given together with the total number of spectators who had access to the stand.

Year	Occasion	Maximum number of spectators who had access to the stand

12. State what changes or adaptations (if any) are proposed to the stand or to arrangements for entry and control (if any) of spectators to and from the stand

.....

.....

.....

.....

.....

## Appendix E

### Policy for the issue and review of general safety certificate

#### 1. Introduction

***(Insert local authority name)*** Council recognises its statutory duty for the safety certification of sports grounds under Safety of Sports Grounds Act 1975 (as amended) (1975 Act) and the Fire Safety and Safety of Places of Sport Act 1987(1987 Act), and also recognises its responsibilities for spectators safety at all sports grounds within its boundary. In undertaking this role the Council will:

- delegate its power to take and implement decisions on safety certification to a designated council officer;
- appoint a designated council officer to chair the Safety Advisory Group (SAG) for each sports ground subject to a safety certificate;
- provide for adequate resources and appoint appropriate council officers and/or engage competent specialist agencies/external consultants as necessary, to assist the Council in carrying out its statutory duties relating to the safety of spectators at sports grounds under the 1975 and 1987 Acts;
- convene regular SAG meetings to assist in its statutory duty to sports grounds, whose membership will include representatives of the police, fire service, ambulance service, building control, the relevant certificate holder and invite the Sports Grounds Safety Authority where applicable;
- determine if any sports grounds contain regulated stands and will expediently process and issue safety certificates in respect of those stands and/or any sports ground designated by the secretary of state under the provisions of the 1975 Act;
- put in place policies and procedures for monitoring by inspection/audit compliance with the terms and conditions of any safety certificate issued and

taking appropriate and proportional action in response to any identified defect or incident compromising spectator safety;

- provide prompt advice on spectator safety on request from sports ground venue operators, and
- keep under review its procedures and arrangements in pursuit of ensuring the reasonable safety of spectators at sports grounds within its responsibility.

## **2. Definitions**

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

Under the provisions of section 1 of the 1975 Act the Secretary of state for Culture, Media and Sport may designate as requiring a safety certificate any sports ground that has accommodation for more than 10,000 spectators, or 5,000 in the case of Premier League and Football League grounds in England and Wales. These sports grounds are referred to as designated grounds.

A Regulated Stand is defined in the 1987 Act as any covered stand at a sports ground with accommodation for 500 or more spectators, whether seating or standing.

The Safety Advisory Group (SAG) is a multi-agency advisory group consisting of the appropriate members of local authority staff, representatives of ***(insert details of membership of SAG)***

## **3. Legislation and Guidance**

This policy and procedures should be read in conjunction with the following legislation that applies to the safety of spectators at sports grounds:

Safety of Sports Grounds Act 1975

Fire Safety and Safety of Places of Sport Act 1987

Safety of Sports Grounds Regulations 1987

## Safety of Places of Sport Regulations 1988

Guidance on the application of the legislation referenced above can be found in the following Home Office Circulars-

**Home Office Circular No 7/1986** – Annex C of which provides guidance on the procedure regarding applications for general safety certificates under the provisions of the Safety at Sports Grounds Act 1975.

**Home Office Circular No 96/1988** – Which includes advice on the issue of safety certificates for regulated stands.

**Home Office Circular No 97/1988** – Which includes statutory guidance to local authorities under section 26 (8) of the 1987 Act on the methodology that must be applied in determining whether a stand at a sports ground is a "regulated" stand.

Further advice is contained in "Guide to safety certification of sports grounds" published by the Sports Grounds Safety Authority.

### 4. Purpose

This document sets out **(insert local authority name)** Council's approach to discharging its powers and responsibilities in respect of the issue and review of safety certificates for sports grounds.

### 5. Scope

The sports grounds covered by these arrangements are:

**(Insert list of grounds for which local authority has issued a safety certificate under either the 1975 or 1987 Acts)**

The powers of issue and review of the safety certificate are vested solely in **(insert local authority name)** officers with delegated authority for this activity.

### 6. Delegated Powers

The Council has delegated its powers for the safety certification of sports grounds under the 1975 Act and the 1987 Act to:

**(Insert relevant lead officer/Dept with delegated power)**

The delegated powers allow for the designated council officer to issue and amend safety certificates.

## **7. Qualified person**

Upon receipt of an application for a safety certificate the Council must determine if the applicant is a “qualified person” This is defined in the 1975 Act as a person who is likely to be in a position to prevent any contravention of the terms and conditions of the safety certificate. The certificate holder should be in a position of authority within the management of the sports ground and could include the chairman, chief executive, club secretary, ground manager, safety officer or a director, depending on the sports ground/club.

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

If the Council determines the applicant is not a qualified person, it must notify him/her in writing. The applicant may then appeal against this determination to a magistrate’s court within 28 days or 7 days in the case of a special safety certificate.

## **8. Safety certificate applications and information required**

The format of an application for a safety certificate for a designated ground and for a regulated stand are set out in the Safety of Sports Grounds Regulations 1987 and Safety of Places of Sport Regulations 1988 respectively. In accordance with the European Services Directive of December 2006 the Council is required to make provision for online safety certificate applications. Application forms for a safety certificate under either the 1975 Act or 1987 Act are accessible on the Council’s web site.

Applications are processed through the Council’s (*insert lead dept*). The Council must supply the chief officer of police and, where it is not itself that authority, the fire authority or the building authority, with a copy of any application received. It will also formally consult them about the terms and conditions of the certificate. The normal forum for this consultation will be the SAG.

The application should be accompanied by detailed information as to structure, capacity and safety management systems. The Council may, by writing, require the applicant to submit within a reasonable period such additional information and plans

it considers necessary to enable it to determine what terms and conditions to include.

## **9. Timetable**

### ***(Insert local authority's own time limit)***

*(There is no set time limit for issuing a safety certificate but it is recommended that the local authority determine an appropriate time scale and include this in the policy/procedure document.)*

## **10. Contents of a safety certificate.**

In accordance with section 2 of the 1975 Act and section 27 of the 1987 Act the Council is required to include in the safety certificate such terms and conditions it considers necessary or expedient to secure the reasonable safety of spectators. Safety certificates issued by the Council will include the capacity of the designated ground, or regulated stand, as well as capacities for each part thereof. The certificate will also include the terms and conditions with which the holder must comply to maintain that capacity. In determining the contents of a safety certificate the Council will take account of the advice of the safety advisory group and the guidance contained in the Guide to Safety at Sports Grounds and that published by the Sports Grounds Safety Authority in its "Guide to the safety certification of sports grounds".

## **11. Ratification of the certificate**

In accordance with its standing orders, the Council has delegated its power to issue and amend a safety certificate to ***(insert name of relevant committee, subcommittee, or officer)***

## **12. Rights of Appeal**

The 1975 and 1987 Acts both provide right of appeal to the magistrate's court to:

- any person against a determination by the local authority that he/she is not qualified to hold a safety certificate;
- any interested party against the inclusion of anything in or omission of anything from a safety certificate or the refusal of the local authority to amend or replace it; or



- any person, upon whom the local authority has served a notice that it, has determined that a particular stand is a designated stand, against that determination.

Appeals must be lodged within 28 days if they relate to a general safety certificate.

### **13. Review of safety certificate**

The Council will undertake a review of issued safety certificates on an annual basis or at a lesser time in response to physical changes at sports grounds, incidents or 'near misses' brought to their notice, changes in safety management performance or in response to changes to legislation or spectator safety guidance.

The review will consider the terms and conditions of safety certificates to validate they remain relevant for providing for the reasonable safety of spectators at the designated sports ground or regulated stand. The review will be undertaken by (*insert the name of the relevant officer or their job title*) who shall consult with (*insert name of consultees SAG, holder etc*). The outcome of the review shall be recorded and reported to (*insert name of appropriate committee*).

### **14. Public access**

The safety certificate is a public document, to which any person who is either responsible for applying it or likely to be affected by it should have access. The Safety at Sports Grounds Regulations 1987 and 1988 require the Council to notify every interested party, as defined by the Regulations as

- the holder of a safety certificate;
- any other person who is or may be concerned in ensuring compliance with the terms and conditions of a safety certificate;
- the chief officer of police; and
- where the local authority is in Wales, Greater London or a metropolitan county, the fire authority or, in any other case, the building authority.

This notice must specify that a copy of the safety certificate and any application is available for inspection at a specified time and place. The Council must also publish a similar notice in a local newspaper.

### **15. Suitably trained and competent staff**

Individual officers who are responsible for the issue and review of safety certificates

under the 1975 and 1987 Acts will be suitably trained and qualified to ensure their competency.

The Council will ensure that:

- duties are specified in job descriptions and experience is built-up over time with provision made in individual appraisal for monitoring progress;
- all advisers have professional qualifications, experience in other sectors and are on CPD cycles as well a regular participation in sports grounds work and SAGs; and
- appropriate succession planning is in place to ensure that staff have the necessary training and experience to undertake the roles they may be expected to undertake.

## **16. Revisions to this Document and Review**

This policy and procedures will be reviewed at intervals not exceeding 12 months and amended at any stage to reflect any changes that may occur in operation procedure or to current legislation.

Following any amendment a complete replacement will be distributed.

Date of Issue –

Date of last review –

Reviewed by –

# Appendix F

## Monitoring and inspection policy

### 1. Introduction

***(Insert name of local authority)*** Council recognises its statutory duty for the safety certification of sports grounds under Safety of Sports Grounds Act 1975 (as amended) (1975 Act) and the Fire Safety and Safety of Places of Sport Act 1987 (1987 Act), and also recognises its responsibilities for spectators safety at all sports grounds within its boundary, and in furtherance of meeting its role will implement the following procedures and arrangements in respect of monitoring and inspection of sports ground.

This document should be read in conjunction with the following policies:

***(Insert relevant policies e.g. Enforcement etc)***

so as to provide a full understanding of the Safety at Sports Ground role carried out by ***(insert local authority name) Council***

In discharging its monitoring and inspection responsibilities the Council will:

- delegate its power to take and implement decisions on safety certification to a designated council officer;
- appoint a designated council officer to chair the Safety Advisory Group (SAG) to each sports ground subject to a safety certificate and be delegated with powers to make decisions on behalf of the Council;
- provide for adequate resources and appoint appropriate council officers and/or engage competent specialist agencies/external consultants as necessary, to assist the Council in carrying out its statutory duties relating to the monitoring and inspection sports grounds under the provisions of the 1975 and 1987 Acts;
- convene regular SAG meetings to assist in its statutory duty in respect of sports grounds.

- regularly monitor by inspection/audit compliance with the terms and conditions of any safety certificate issued; and
- keep under review its procedures and arrangements in pursuit of ensuring the reasonable safety of spectators at sports grounds within its responsibility.

## 2. Definitions

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

Under the provisions of section 1 of the 1975 Act the Secretary of state for Culture, Media and Sport may designate as requiring a safety certificate any sports ground that has accommodation for more than 10,000 spectators, or 5,000 in the case of Premier League and Football League grounds in England and Wales. These sports grounds are referred to as designated grounds.

A Regulated Stand is defined in the Fire Safety and Safety of Places of Sport Act 1987 as any covered stand at a sports ground with accommodation for 500 or more spectators, whether seating or standing.

The Safety Advisory Group (SAG) is a multi-agency advisory group consisting of *(insert details of membership of SAG)*

## 3. Legislation and guidance

The legislation that applies to the monitoring of the safety of spectators at sports grounds should be read in conjunction with this policy and procedures. The relevant legislation is as follows –

**Safety of Sports Grounds Act 1975** – Section 10B of which provides that it shall be the duty of every local authority to enforce within their area the Act and regulations made under it and for that purpose to arrange for the periodical inspection of designated sports grounds. “Periodical” is defined in that section as meaning at least once in every 12 months.

**Fire Safety and Safety of Places of Sport Act 1997** – Section 34 of which provides that it shall be the duty of every local authority to enforce within their area the provisions of Part III of the Act and for that purpose to arrange for the periodical inspection of sports grounds at which there are regulated stands.

Both Acts also require local authorities to act in accordance with such guidance as the Secretary of State may give them. Such guidance has been given in the following Home Office Circulars.

**Home Office Circular No 72/1987** - This circular sets out the Statutory Guidance given by the Secretary of State on the scope of inspections of designated sports grounds.

**Home Office Circular No 97/1988** - This circular sets out the Statutory Guidance given by the Secretary of State on the frequency and scope of the inspections of the regulated stands. It also reminds local authorities that section 34 of the Act applies to the whole of a sports ground which contains a regulated stand but that the extent of the inspection of any un-certificated parts of the ground should be determined by the local authority.

In addition the “Guide to Safety Certification of Sports Grounds” published by the Sports Ground Safety Authority provides further guidance on monitoring by local authorities.

#### **4. Purpose of monitoring and inspection**

The monitoring and inspection regime is intended to provide reassurance to the Council that the terms and conditions of safety certificates issued under the provisions of the 1975 and 1987 Acts are being complied with and that ground management are maintaining the sports ground and its safety management regime at a level which provides for the reasonable safety of spectators.

The regime will include:

- annual inspections; and
- during performance inspections.

#### **5. Scope**

The monitoring and inspection procedures set out in this document will apply to the following sports grounds - ***(insert names of all designated sports grounds and sports grounds with regulated stands)***.

#### **6. Delegated powers**

The Council has delegated its powers for the monitoring and inspection of sports grounds under the 1975 Act and the 1987 Act to:

***(insert name/job title of lead officer / Department with delegated power)***

## **7. Annual Inspection**

An inspection will be undertaken of each designated ground at least once every 12 months.

The inspection schedule of grounds with regulated stands will depend on the size of the largest regulated stand.

Where a ground contains a regulated stand that has accommodation for more than 2000 spectators an inspection of that stand, plus any other regulated stands and such un-certificated parts of the ground as the Council considers necessary, will be undertaken at least once every calendar year following the date of the last inspection.

At all other grounds with regulated stands an inspection of the regulated stands and such un-certificated parts of the ground as the Council considers necessary will be carried out at least once every alternate calendar year following the date of the last inspection.

In addition to the officer with delegated authority for undertaking the inspections, the council's structural engineer and council's electrical engineer will be part of the inspection team. The police, fire authority and ambulance authority will also be invited to take part in the inspection.

The inspection of designated sports grounds will include all items detailed in the Secretary of State's statutory guidance as set out in Home Office Circular 72/1987. For regulated stands the inspection will cover the items in the statutory guidance set out in Home Office Circular 97/1988. The inspections will encompass:

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

## **8. During Performance Inspection**

During Performance Inspections will be made from time to time, on event days, to ensure that the terms and conditions in the safety certificate are suitable and appropriate for the use taking place and to monitor the ground management's compliance with the terms and conditions of the safety certificate.

When undertaking during performance inspections the council's inspecting officer will:

- make their presence known to the duty safety officer and others in the control room;
- tour all accessible parts of the sports ground and 'walk the ground', that is to say, not stay in one particular area of the sports ground for any length of time;
- observe the safety management arrangements and crowd, recording any problems and noting the time of the incident etc;
- record items examined on an inspection check sheet a copy of which will be annexed to the officer's report of the inspection; and
- after the event produce detailed reports of the management of the activity which shall be copied to (***Insert details of who within the local authority should receive copies of inspection reports***) and submitted at any debriefing meeting or sent to the club requesting action and/or explanations, to enable consideration to be given to further control and/or enforcement action.

Where breaches in the terms and conditions of safety certificates are noted, these will be brought to the attention to the holder and duty safety officer immediately. A standard notification of non-compliance form will be used to notify the holder at the venue of any non-compliance. These will be followed up by formal letters of confirmation.

The responsibility for the safety of spectators lies at all times with the holder of the general safety certificate. Therefore, when the inspecting officer is at the ground, he should not try to enforce the terms and conditions of the safety certificate on the spectators, but should refer breaches and concerns immediately to the club's duty safety officer.

The frequency of during performance inspections will be determined by risk assessment which will take account of the safety management culture at the ground and ground management's compliance with the safety certificate.

## **9. Suitably trained and competent staff**

Individual officers who undertake inspection duties under the 1975 and 1987 Acts will be suitably trained and qualified to ensure their competency.

The Council will ensure that:

- duties are specified in job descriptions and experience is built-up over time with provision made in individual appraisal for monitoring progress;

- all advisers have professional qualifications, experience in other sectors and are on CPD cycles as well a regular participation in sports grounds work and SAGs; and
- appropriate succession planning is in place to ensure that staff have the necessary training and experience to undertake the roles they may be expected to undertake.

## **10. Review and revisions to this document**

This policy and procedures will be reviewed at intervals not exceeding 12 months and amended at any stage to reflect any changes that may occur in operation procedure or to current legislation.

Following any amendment a complete replacement will be distributed.

Date of Issue –

Date of last review –

Reviewed by -



## Appendix G

### Enforcement policy

#### 1. Introduction

This enforcement policy sets out the arrangements that ***(insert local authority name)*** Council has put in place for ensuring compliance with the relevant safety at sports grounds legislation. It explains the Council's powers and approach to enforcement activity, how the Council deals with businesses and the approach to be taken when infringements of the law are established. In applying this policy the Council's aim is to ensure that any enforcement action taken is proportionate, open, consistent and clear.

This document should be read in conjunction with the following policies:

***(Insert relevant policies e.g. Monitoring, Inspection etc)***

so as to provide a full understanding of the Safety at Sports Ground role carried out by ***(insert local authority name)*** Council

#### 2. Definitions

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

Under the provisions of section 1 of the 1975 Act the Secretary of state for Culture, Media and Sport may designate as requiring a safety certificate any sports ground that has accommodation for more than 10,000 spectators, or 5,000 in the case of Premier League and Football League grounds in England and Wales. These sports grounds are referred to as designated grounds.

A Regulated Stand is defined in the Fire Safety and Safety of Places of Sport Act 1987 as any covered stand at a sports ground with accommodation for 500 or more spectators, whether seating or standing.

The Safety Advisory Group (SAG) is a multi-agency advisory group consisting of *(insert details of membership of SAG)*

### **3. Legislation and guidance**

The relevant legislation that applies to sports grounds safety enforcement and which should be read in conjunction with this policy are as follows -

**Safety of Sports Grounds Act 1975 - 10B Enforcement** - The duty of every local authority to enforce within their area the Act and regulations made under it and to arrange periodical inspection of designated sports grounds.

**Fire Safety and Safety of Places of Sport Act 1997 - 25 Enforcement** - It shall be the duty of every local authority to enforce within their area the provisions of this Act and of regulations made under it for designated grounds.

Detailed guidance on prohibition notices is contained in the DCMS Circular of 16 November 1995.

It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice. The penalties for contraventions of the safety certificate are listed in section 12 of the 1975 Act and section 36 of the 1987 Act.

Further advice is contained in "Guide to Safety Certification of Sports Grounds" published by the Sports Grounds Safety Authority.

### **4. Purpose**

The Council seeks to ensure that in enforcement and regulation, the interests of the public are protected.

The purpose of this policy is to ensure that the law is applied in a fair, equitable and consistent manner and to guide officers into taking the appropriate action.

In general and where appropriate, consideration will be given to alternatives to prosecution, for example giving advice and assistance, or obtaining assurances about future conduct.

Before formal action is taken, officers will normally provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of spectator safety, health and safety or to prevent evidence being destroyed.)

All decisions will be impartial and will not be influenced by race, politics, gender, sexual orientation, religious beliefs or any other belief or status of the alleged offender.

Officers will have due regard to the principles contained within the Enforcement Concordat, and any other published and relevant guidance, including:

***(List relevant guidance)***

The Council will take into account the comments of any victim, injured party or other relevant person to establish:

- his or her views about the circumstances in which enforcement action is deemed appropriate; and
- the nature and extent of any harm or loss, and its significance relative to the individual circumstances.

***(Insert local authority name)*** is a public authority for the purposes of the Human Rights Act 1998. Officers will therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

## **5. Scope**

The sports grounds primarily covered by these arrangements are:

***(Insert list of grounds for which local authority has issued a safety certificate under either the 1975 or 1987 Acts)***

Under the provisions of section 10 of the Safety of Sports Grounds Act 1975 the Council has the power to issue a prohibition notice to limit the capacity, or totally prohibit the admittance of spectators to any sports ground within ***(insert the name of the county, borough etc.)***

## **6. Delegated powers**

The Council has delegated its powers for the enforcement of the Safety of Sports Grounds Act 1975 (as amended) and the Fire Safety and Safety of Places of Sport Act 1987 to:

***(Insert relevant Lead officer/Dept with delegation power)***

## **7. Consistency**

The Council will seek to ensure that enforcement is fairly applied by committing to the following principles of fairness:

**Proportionate** -. Any action taken by the Council, to achieve compliance or to bring regulated entities to account for non-compliance, will be proportionate to the risk to public safety, or to the severity of non-compliance, which includes any actual or potential harm arising from the failure under the law. We will seek to minimise the costs of compliance by ensuring that any action we require is in proportion to the risk.

**Consistency** –There will be a consistent approach from the Council in relation to any advice given, enforcement action, prosecutions and in response to incidents and complaints. The Council will discuss and compare enforcement decisions and policies amongst our own officers and, where appropriate, with other authorities and enforcement bodies.

**Targeted** – By adopting a risk based system for prioritising regulatory action the Council aims to make sure, through targeting, that the direction of regulatory effort takes into account the level of risk and ensure action will be targeted at those situations that give rise to the more serious risks or the least well controlled risks.

**Transparent**– The Council will be open about how we set about our work and will provide information and advice in plain language. We will ensure we help those we regulate to understand the standards expected from them and the standards that they should expect from the local authority.

**Accountable** - The Council will be able to justify all enforcement decisions and be accountable for the efficiency, effectiveness and cost. Consultation and feedback opportunities are given to stakeholders. The local authority will publish an annual report which will detail performance for the previous year.

## **8. Risk assessed approach to enforcement**

***(Insert local authority risk assessment approach)*** NOTE - It is for the local authority to decide on how they will approach risk based enforcement. This will be different for individual Local Authorities but should consider the combined effect of:

- *the potential impact of non-compliance on regulatory outcomes; and*
- *the likelihood of non-compliance.*

## **9. Enforcement considerations**

The Council's enforcement officers will consider a number of factors and questions before deciding when to act, these questions will include:

- The seriousness of compliance failure i.e. could the offence lead to a serious risk of injury or has serious injury or death already occurred, if the problem is not rectified will it lead to a significant risk?
- The degree of willfulness involved i.e. does the individual or organisation concerned appear to be willing to carry out the necessary action immediately or in a specified time frame or has the problem resulted from a deliberately ignoring conditions or the law?
- The ground managements past performance and its current practice i.e. has the recommendations, is this a recurring problem, has the business had a previous high standard of practice?
- The risks being controlled and their consequence – what type of risks are involved and will they have serious consequences that could affect the public?
- Legal, official or professional guidance – Has all legislation and guidance been taken into consideration when taking a decision? Has the issue been referred to the local authority legal department for their consideration and interpretation?

## **10. Choices of enforcement action**

There are several courses of action open to the council's enforcement officers depending on the different circumstances that may be encountered or apply to the situation. The choices of enforcement action are:

- Informal Warning
- Reduction in Capacity
- Prohibition Notice
- Simple Caution
- Prosecution

The following gives a more detailed explanation of each of the enforcement options:

### **Informal warning**

Informal action includes offering advice, verbal warnings and requests for action, the use of letters/informal notices and reports.

Informal action is appropriate where:

- the act or omission is not serious;
- it can reasonably be expected that informal action will achieve compliance;
- confidence in the business management is reasonably high; and
- the consequences of non-compliance will not pose a significant risk to health, safety or the public,

An informal warning will be in the form of a written letter that clearly and in plain language will:

- contain all information necessary to ensure that the club/organisation knows what is required and why it is necessary;
- indicate the regulations contravened and the measures that will achieve compliance with the legal requirements and that other means of compliance may be chosen;
- where recommendations of good practice are included make it clear that they are not legal requirements; and
- set out the timescales for compliance.

### **Reduction in capacity**

Reducing the capacity of all, or part of, a sports ground is a formal action which would be appropriate in the following situations:

- if an incident suggests that the management of a sports ground is performing poorly; or
- if the Council's inspecting personnel identify any deficiencies in the fabric, equipment, records or management systems, which the authority has not already taken into account when accepting or calculating the permitted capacity.

Any new capacity should be properly calculated having regard to the change in circumstances and the procedures to be followed will be the same as during the routine annual review of the safety certificate. Ground management should be invited to submit its proposed revised (P) or (S) factor, but the Council reserve the right to overrule this if appropriate.

When reducing a capacity it is important that

- officers act reasonably and in accordance with due process, not least because the certificate holder has a right of appeal against any reduction in capacity; and
- a formal amendment to the safety certificate is issued.

Once the remedial measures or improvements have been implemented consideration should be given to restoring the original capacity.

### **Prohibition notice**

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

Section 10 of the 1975 Act empowers the Council to issue a prohibition notice in respect of all or part of any sports ground if it considers that "the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious, that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the sports ground or that part of the sports ground ought to be prohibited or restricted". A prohibition notice is therefore a measure of last resort and should only be used where an amendment of the safety certificate (where issued) is not considered an effective way of dealing with the risk(s)

When issuing a prohibition notice consideration should be given as to whether the risk to spectators is or may be imminent and if so the notice should take effect as soon as it is served. In all other cases it should come into force at the end of the period specified in the notice.

A prohibition notice must specify:

- the nature of the risk to spectators; and

- the number of spectators that may be admitted to the sports ground, or any part of the sports ground, until appropriate steps have been taken to address those risks.

The notice may also include directions as to the steps which will have to be taken to reduce the risk to a reasonable level.

Under the Environment and Safety Information Act 1988 the local authority is required to keep a register of any prohibition notices that it has issued.

### **Simple cautions (formerly known as formal cautions)**

A simple caution should only be issued for offences where there is no imminent risk or where the offence is readily admitted and immediate action has removed the imminent risk. A caution can be used to:

- deal quickly and simply with less serious offenders
- to divert them from unnecessary appearance in the criminal courts and
- to reduce the chances of their re-offending

A record of the caution is required to be kept on the Council's computer system.

If the offender commits a further offence, the caution may influence our decision to take a prosecution

Simple cautions should not be used as an alternative to prosecutions where insufficient evidence is available. Officers should be prepared to prosecute where an individual or business refuses to accept a simple caution

More information can be found in Home Office Circular 016/2008 – “Simple Cautioning Adult Offenders”

### **Prosecution**

The decision to prosecute is very significant and must be related to risk. In general, it should be reserved for those who

- blatantly disregard the law;
- refuse to implement basic legal requirements and who put the public at risk.

Factors to consider are:

- The seriousness of the offence, including the seriousness of the result of the offence.



- The previous history of the defendant/organisation.
- Availability, co-operation and reliability of witnesses.
- The willingness of persons involved to put matters right.
- The probable public benefit and importance of the case.
- Whether other action e.g. prohibition notices would be more effective (It may be appropriate in some circumstances to serve a prohibition notice as well as to prosecute if the risk to employees or the public remains high).
- Any explanation offered by the defendant/organisation.

Before deciding to proceed with a prosecution officers must be satisfied that there is relevant, admissible, substantial and reliable evidence that the offence has been committed by the defendant and that there is a realistic prospect of conviction. Any prosecutions should be brought without delay.

## **12. Appeals**

Appeals against a reduction in capacity imposed by way of an amendment to a safety certificate or against a prohibition notice are to a Magistrates Court. Where an appeal is made against an amendment to a safety certificate the amendment cannot take effect until the appeal is heard. However, in the case of an appeal against a prohibition notice any reduction in capacity remains in place until the appeal is heard.

## **13. Penalties**

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

## **14. Suitably trained and competent staff**

Individual officers who undertake enforcement duties under the 1975 and 1987 Acts will be suitably trained and qualified to ensure their competency.

The Council will ensure that:

- duties are specified in job descriptions and experience is built-up over time with provision made in individual appraisal for monitoring progress;
- all advisers have professional qualifications, experience in other sectors and are on CPD cycles as well a regular participation in sports grounds work and SAGs; and
- appropriate succession planning is in place to ensure that staff have the necessary training and experience to undertake the roles they may be expected to undertake.

## **15. Revisions to this Document and Review**

This policy and procedures will be reviewed at intervals not exceeding 12 months and amended at any stage to reflect any changes that may occur in operation procedure or to current legislation.

Following any amendment a complete replacement will be distributed.

Date of Issue –

Date of last review –

Reviewed by -

## Appendix H

### Template for a prohibition notice

***(Inset local authority name) Council***

***Safety of Sports Grounds Act 1975***

#### **PROHIBITION NOTICE**

Name *(insert name of person on whom notice is being served)*

Address *(insert address at which it is intended to serve the notice)*

being:

\*the holder of a general safety certificate for *(insert the name of sports ground)*

\*the holder of a special safety certificate for *(insert the name of sports ground)*

\*the person who appears to the *(insert local authority name)* Council to be responsible for the management of *(insert the name of sports ground)*

\*a person who appears to the *(insert local authority name)* Council to be responsible for organising an activity at *(insert the name of sports ground)* on *(insert date of event covered by a special safety certificate to which the notice applies)*

Notice is hereby given that *(insert local authority name)* Council are of the opinion that the admission of spectators to \*[the *(insert name of sports ground)* sports ground] \*[parts of the *(insert name of sports ground)* sports ground which are] specified in the Schedule to this notice \*[involves] \*[will involve] a risk to them so serious that until steps have been taken to reduce it to a reasonable level the admission of spectators to \*[the ground] \*[that part of the ground] ought to be \*[prohibited] \*[restricted].

The matters which in the Council's opinion \*[give] \*[will give] rise to that risk are as follows

.....  
.....

The *(insert local authority name)* Council hereby direct that \*[no spectators] \*[no more than the number of spectators specified in the schedule which forms part of this notice] shall be admitted to \*[that sports ground] \*[the parts of that sports ground specified in the schedule] until those matters detailed above have been remedied.

\*The (*insert local authority name*) Council is of the opinion that the risk to spectators \**[is]* \**[will be]* imminent, and the \**[prohibition]* \**[restriction]* is to take effect immediately.

The \**[prohibition]* \**[restriction]* is to take effect after ..... , and relates to the admission of spectators \**[generally]* \**[on the occasion(s) specified in the schedule]*.

\*The (*insert local authority name*) Council further direct that the steps specified in the schedule which forms part of this notice will have to be taken to reduce the risk to a reasonable level.

Signature

Date

Name

Position held in council .....

[Being a person authorised by (*insert local authority name*) Council under section 101 of the Local Government Act 1972 to issue such a notice.]

\**delete as appropriate*

## **Schedule**

1.\* No more than the following numbers of spectators may be admitted to the ground/the parts of the ground specified below\*:

2.\* The following steps must be taken to reduce the risk to spectators to a reasonable level:

3.\* The prohibition/restriction\* applies to the admission of spectators on the following occasions:

*\*delete as appropriate*

## **NOTES**

### **Offences**

Contravention of any prohibition notice or restriction imposed by a prohibition notice is an offence provided by section 12 (1) (e) of the Safety of Sports Grounds Act 1975 (the 1975 Act) as amended by the Fire Safety and Safety of Places of Sport Act 1987 (the 1987 Act) and renders the offender liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £2,000) or, on conviction on indictment, to an unlimited fine, or imprisonment for not more than two years, or both.

Where any person is charged with an offence under section 12 (1) (e) of the 1975 Act it shall be a defence to prove:

- a) that the admission of spectators in contravention of the notice was without his consent; and
- b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any other person under his control.

Section 12(7) of the 1975 Act provides that where an offence under that Act which has been committed by a body corporate is proved to have been committed with the

consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Where the affairs of a body corporate are managed by its members, section 12 (7) of the 1975 Act shall apply in relation to the Acts, and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

The validity of a prohibition notice served on any person shall not be affected by a failure to serve another person required to be served with such a notice.

## **Appeals**

Your attention is drawn to the provision for appeal to a magistrates' court against this notice in section 10A of the 1975 Act as inserted by the 1987 Act.

Regulations made under section 10A (1) of the 1975 Act stipulate that a person on whom a prohibition notice is served may appeal to the court within 21 days after the day on which the notice is served on him.

Where an appeal is brought under this section against a prohibition notice or an amendment of it, the bringing of the appeal does not have the effect of suspending the operation of the notice.