



HOME OFFICE

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Our reference: ENT/75 477/13/26

Your reference:

The Chief Executive of the County Council

The Director General of the Greater London Council

8 December 1976

Dear Sir

HOME OFFICE CIRCULAR NO. 187/76

SAFETY OF SPORTS GROUNDS ACT 1975:
SPECIAL SAFETY CERTIFICATES

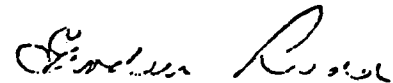
1. Home Office Circular No. 130/76 of 26 August 1976 advised local authorities of the procedure to be followed in dealing with applications for the general safety certificates which are required when a ground is designated under the Safety of Sports Grounds Act 1975. Paragraph 4 of that circular indicated that guidance on the procedures regarding special safety certificates would be deferred until nearer the time when the need for such certificates might arise, ie when general safety certificates were in operation.
2. The designation order becomes effective on 1 January 1977. By that time all the clubs and stadium authorities concerned should have applied for general safety certificates in respect of their grounds. Where a local authority decides, in accordance with paragraph 5 of Home Office Circular No. 130/76, that the maximum advantage is to be gained by deferring the issue of a general safety certificate until the beginning of the 1977/78 football season, the need for a special certificate cannot arise before that time. In other cases, however, it may be decided that a general safety certificate can usefully be issued at an earlier stage, as can be done at any time after an application has been received and the terms and conditions have been determined, and thereafter a special safety certificate will be required for any event which is not covered by the general certificate. It has accordingly been thought desirable to issue guidance now on the procedure to be followed in such cases. Such guidance is contained in the annex to this circular.
3. It should be borne in mind that, except with the permission of the local authority, an application for a special safety certificate must, in accordance with regulation 3 of the Safety of Sports Grounds Regulations 1976, be made at least 3 months before the event. This period is necessary to ensure that no person will be deprived of his rights of appeal under the Act, in cases where the full procedure for which the Act and Regulations provide requires to be accommodated. The period can therefore be relaxed only in cases where it is apparent that individual stages of the procedure will not be required, eg where the applicant has already been accepted as a qualified person.
4. It has also been necessary, in order to keep the length of the required notice down to an acceptable level, to apply a strict limit to the time available for each stage of an application for a special safety certificate. It is appreciated that this may well give rise to difficulties.

5. In the light of the foregoing considerations, clubs, stadium authorities and local authorities will no doubt consider that the need for special safety certificates should as far as possible be reduced by widening the scope of the general safety certificate on the basis suggested in paragraphs 6 and 7 of the annex to the Home Office Circular No. 130/76, but that, where they continue to be required, applications should normally be made by the holder of the general safety certificate (rather than the independent promoter of the special event), giving as much notice as possible.

6. A copy of the Guide to Safety at Sports Grounds (Football) will be forwarded as soon as it becomes available.

7. A complementary letter has been sent to the clubs and stadium authorities whose grounds were named in the recent designation order, together with an annex dealing with the procedure regarding applications for special safety certificates in the same terms as the annex to this circular. A copy is enclosed for your information.

Yours faithfully



G T RUDD

Issued to: County Councils in England and Wales and the Greater London Council.

Copies sent for information to: The Association of County Councils, the Association of Metropolitan Authorities and the Association of District Councils.

ANNEX

SAFETY OF SPORTS GROUNDS ACT 1975

PROCEDURE REGARDING APPLICATIONS FOR SPECIAL SAFETY CERTIFICATES

1. The regulations provide that any application for a safety certificate shall be made in the form contained in the Schedule to the Regulations or a form to the like effect. Copies of the form were enclosed with the Home Office letter of 26 August 1976 to clubs and stadium authorities. Part II of the form and its frontispiece should be completed in the case of applications for special safety certificates. In any case where an application for a special safety certificate is not made by the holder of the general safety certificate, it should be accompanied by evidence of the applicant's status. Details of any planned changes to the normal standing and seating arrangements for spectators should be provided, together with such further information in support of the application as is considered necessary to enable the local authority to discharge its functions under the Act. However, it is open to a local authority, under section 3(4) of the Act, to require, by notice in writing, any further information of this kind which they may think it necessary to have to enable them to determine the terms and conditions to be included in the special safety certificate.

2. A major difference in the grant of general and special safety certificates is that, once the local authority has determined that an applicant is a qualified person, the issue of a general safety certificate becomes mandatory, whereas the issue of a special safety certificate remains at its discretion. But an applicant has a right of appeal to the Secretary of State against a refusal (see following paragraphs for details).

3. An application for a special safety certificate should normally be made at least 3 months before the date of the proposed event, but a local authority has discretion to permit an application within a lesser period if it is satisfied that the procedures (including appeals procedures) required under the Act and Regulations can, in the particular case, be carried out within that lesser period when the applicant is known to be a qualified person. On receipt of an application for a special safety certificate, the local authority must first determine whether the applicant is a qualified person, i.e. a person likely to be in a position to prevent contravention of the terms and conditions to be imposed in the certificate. The local authority is required by regulation 5 to make this determination within 14 days of receiving the application. There is a right of appeal against a determination by a local authority that an applicant is not a qualified person (see paragraph 9), and, under regulation 5, the applicant must be furnished with the reasons for such a determination.

4. It next requires to be considered whether the application should be refused on grounds other than that the applicant is not a qualified person. This decision must, in accordance with regulation 6, be made within 28 days of the receipt of the application, not only in cases where the local authority has determined that the applicant is a qualified person but also in those where it has determined that he is not and an appeal has been lodged and remains to be considered. There is also a right of appeal against a refusal on grounds other than a determination that the applicant is not a qualified person (see paragraph 9). In the event of such a refusal, therefore, the local authority is again required, under regulation 6, to give the applicant the reasons for its decision.

5. When the first two stages have been completed, should it have been decided that a special safety certificate should be issued, the local authority is required, by section 3(3) of the Act, to send a copy of the application to the chief officer of police and to the building authority and to consult them about the terms and conditions to be included in the certificate. The special safety certificate must, in accordance with regulation 6(2), then be issued not less than 28 days before the proposed event is due to take place.
6. The form and content of a special safety certificate is likely to vary according to the circumstances of each individual case and a standard form of certificate would not be appropriate. (In suitable cases, however, regard may be had to the guide lines set out in the Guide to Safety at Sports Grounds (Football) on the basis indicated in paragraph 3 of the paper relating to the "Procedure Regarding Applications for General Safety Certificates".) Any special safety certificate must, however, contain full details of the terms and conditions imposed, including in particular the matters referred to in section 2(2) of the Act, and as required by section 2(4) should be framed where appropriate by reference to the plan attached to the general safety certificate.
7. Once a special safety certificate has been issued, subject to the determination of any appeal, the terms and conditions can be varied only by formal amendment of the certificate. This may be on the application of the holder of the certificate or at the discretion of the local authority (see section 4(2) of the Act). This seems an unlikely eventuality in the case of a special safety certificate, otherwise than in the exceptional case where the certificate has been issued well in advance of the event to which it relates. Any such amendment must, however, be publicised as in paragraph 10 below.
8. Considerations of time render the transfer of a special safety certificate to another person an equally unlikely contingency. Any possible difficulties in this connection are likely to be obviated, however, if the holder of the general safety certificate applies for the special certificate. Nevertheless, should an application for transfer be made, the local authority must decide within 14 days if the proposed transferee is a qualified person and, if it decides to the contrary, the procedure laid down in the regulations relating to giving notice of, and the reasons for, the determination will apply, as will the appropriate appeals procedure, should the need arise. In the case of an application for transfer before a special safety certificate has actually been issued, there is no reason why the local authority should not treat the application in all respects as a new application in the terms of the original and process it from the point already reached.
9. Reference has already been made to the rights of appeal against a determination that the applicant is not a qualified person (paragraph 3) and against the refusal of an application on other grounds (paragraph 4). In addition the Act provides (in section 5(3)) a right of appeal to any "interested party" against the inclusion of anything in or the omission of anything from a safety certificate or against a refusal to amend or replace a safety certificate. The regulations provide that, in the case of a special safety certificate, notice of any such appeal shall be given within 7 days following receipt of a notice of the local authority's decision, or, in the case of persons who are not notified, the publication by the local authority of the decision in a newspaper circulating in the locality.

10. As in the case of a general safety certificate, regulation 7 requires a local authority, on issuing or amending a safety certificate or refusing so to amend it, to give notice to certain specified "interested parties" and also to advertise its action in the press. A similar obligation falls on an appellant (under regulation 8(7)) to advertise his intention to appeal, and a person wishing to appear before a person appointed by the Secretary of State under section 5(4) of the Act is required to give notice within 7 days of such advertisement. (The reasons underlying these requirements are set out in paragraph 11 of the paper relating to the 'Procedure Regarding Applications for General Safety Certificates'.)

11. Any appellant is required (by regulation 8(5)) to give the local authority notice of appeal, accompanied by the relevant documents appertaining to the appeal. It will then be for the local authority, in accordance with regulation 8(9), to inform the Secretary of State in writing within 7 days whether it wishes to oppose the appeal. With any such notice, the local authority is required to submit its reasons and any relevant supporting documents and to state whether it wishes a hearing under section 5(4) of the Act. (The procedure governing the conduct of all such hearings is set out in regulation 10).

12. It is also open to the Secretary of State, if he considers it necessary, to order a public inquiry under section 5(6) of the Act in relation to any appeal. In such a case, the procedure to be followed is laid down in regulation 12.

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8 December 1976.