

The logo for the Sports Grounds Safety Authority (SGSA) features the letters 'SGSA' in a bold, dark green, sans-serif font. A horizontal green bar is positioned behind the letters 'G' and 'S', extending slightly beyond their width.

Sports Grounds Safety Authority

The SGSA's Oversight and Licensing Policy

October 2017

The SGSA's Oversight and Licensing Policy

About this document

This document sets out the SGSA's policy on how it will discharge its oversight and licensing powers under the Football Spectators Act 1989.

The SGSA's Regulatory Role

1. Under the provisions of the Football Spectators Act 1989 (1989 Act) the SGSA has two regulatory responsibilities:
 - i. To keep under review the discharge by local authorities of their functions under the Safety of Sports Grounds Act 1975 (1975 Act) in relation to grounds at which designated football matches are played (section 13 of the 1989 Act); and
 - ii. To issue licences to admit spectators to any premises for the purpose of watching any designated football match played at those premises (sections 10 -12 of the 1989 Act)

Designated football matches are those matches played at the home grounds of clubs in the Premier and English Football Leagues, Wembley and the Principality Stadium.

2. This policy sets the SGSA's regulatory objectives and how it will discharge its statutory responsibilities under the 1989 Act.

Regulatory Objectives

3. The SGSA's principal purpose is to ensure sports grounds are safe for everyone. We will use our regulatory powers to ensure reasonable safety is maintained at the home grounds of clubs in the Premier League and English Football League, Wembley and the Principality Stadium.
4. Safety is a broad term which means that people present at a sports ground are protected against dangers of physical harm or injury arising from being present. In today's changing world, such dangers could arise from a range of factors including sports ground structures, safety management arrangements, terrorism, crowd disorder and other anti-social behaviour by individuals or groups which may cause physical harm or injury. Safety at the sports ground is not limited to the safety of spectators; it includes the safety of all people present at the ground. This will include measures to ensure the protection of groups such as club employees, stewards, agency staff, medical staff, players and officials during an event. However, it does not extend to any risks inherent from participation in the sporting or competitive activity.
5. Responsibility for safety at a ground where designated matches are played rests with ground management. This is regulated by the safety certificate issued by a local authority under the 1975 Act. In overseeing how local authorities discharge their functions and in taking licensing decisions the SGSA will seek to satisfy itself that appropriate provision is being made to secure reasonable safety at the ground. We believe that true safety comes when those who are responsible understand and believe in it for themselves. It cannot be imposed or achieved through external regulation alone. We will therefore work in partnership and seek to ensure the provision of reasonable safety at sports grounds at which designated football matches are played through education, guidance and persuasion. If such an approach fails and we are concerned that reasonable safety is being compromised by the actions or the inactions of others the SGSA will use its regulatory powers to ensure reasonable safety is maintained.

6. The SGSA's regulatory powers to insert a condition in a safety certificate issued by a local authority to any ground at which designated football matches are played (section 13 of the 1989 Act) and to issue licences to admit spectators (section 10 of the 1989 Act) are complementary and are not mutually exclusive. We are able to use both powers to regulate safety if we consider it appropriate to do so. Our licensing powers are particularly wide and, in addition to enforcing the Government's all-seated policy, can extend to other issues relating to the admission of spectators and the arrangements to which they are admitted, including facilities for disabled people.
7. Any condition inserted into a licence would only apply when the ground was being used for a designated football match, while a condition in a safety certificate would apply more widely to any activities specified in the certificate.
8. In line with the Hampton principles, we will take a risk based approach to all our regulatory activity, ensuring that we focus our attention on those sports grounds where the actions or inactions of the ground management or the local authority threatens to compromise the reasonable safety of those at the ground.

Relationship with Other Agencies and Regulatory Bodies

9. The SGSA recognises the scope of its responsibilities extends into areas where other agencies are involved and other regulatory regimes exist, for example the safety of those working at a sports ground will also be covered by the Health and Safety at Work legislation. In such circumstances of regulatory overlap the overriding principle should always be that the more specific legislation shall have primacy. In such cases the SGSA will seek to reach agreement with the other regulatory body with a view to ensuring that there is no duplication of regulatory control.
10. Where an issue within the SGSA's remit is being appropriately addressed by another specialist agency the SGSA would not normally seek to take regulatory action.

Oversight of Local Authorities

11. Under the provisions of the 1975 Act where a sports ground has been designated by the Secretary of State for Culture, Media and Sports as requiring a safety certificate the local authority is required to issue a certificate containing such terms and conditions as it considers necessary or expedient to secure reasonable safety at the sports ground when it is in use for any activity specified in the safety certificate, to monitor compliance with that certificate and where necessary take any appropriate enforcement action.
12. Under the provisions of section 13 of the Football Spectators Act 1989 (1989 Act) the SGSA has a statutory responsibility to keep under review the discharge by local authorities of their functions under the 1975 Act in relation to sports grounds at which designated football matches are played. This includes any activity specified in the safety certificate of such grounds and is not restricted to football matches. In discharging that responsibility the SGSA will provide detailed advice and guidance on all aspects of safety certification and, at appropriate intervals, examine whether the

certifying authority's policies, decisions and actions on the following matters are reasonable:

- the issue, revision and amendment of the safety certificate
- the terms and conditions of the safety certificate, especially the prescribed capacity; and
- the certificate holder's compliance with the terms and conditions of the safety certificate.

13. The SGSA needs to be satisfied that terms and conditions in safety certificates, or the content of accompanying operations manuals, are sufficient to ensure the reasonable safety at the ground. These terms and conditions should be consistent with the particular circumstances at the ground concerned. The SGSA shall seek to encourage and persuade all local authorities to issue risk-based safety certificates.
14. The SGSA will concern itself not merely with the contents of safety certificates but also with the procedures adopted by the certifying authorities for determining the contents, for monitoring and for enforcing compliance. It will promote consistency and good practice.
15. The SGSA will not intervene formally where it considers terms and conditions to be excessively stringent provided that these do not put the safety of those at the ground at risk. Action by the SGSA is not a substitute for clubs' statutory right to appeal to the courts.
16. The SGSA will carry out its statutory review function by:
 - attendance at Safety Advisory Groups, meetings with the certifying authority and with such other parties that it may consider appropriate;
 - monitoring the contents of the safety certificate, of the records required to be kept under the terms and conditions of the safety certificate, and such other documents as it may consider relevant;
 - a biennial (every other year) cycle of self-assessment audits of local authorities' safety certification procedures; and
 - proactive monitoring of compliance with the requirements and conditions of the safety certificate by way of match visits to the sports grounds concerned.
17. Day to day contact with individual certifying authorities will be handled by SGSA inspectors. Contact will normally be with the officer with delegated responsibility for safety certification who may or may not be the Chair of the Safety Advisory Group. If issues cannot be resolved at this level they will be escalated to the SGSA's Chief Inspector.
18. If the SGSA is unable to persuade the local authority to take the appropriate action and, as a consequence, it is felt that reasonable safety is being compromised the SGSA shall exercise the power provided by section 13(7) of the 1989 Act to issue a notice to the local authority to add a relevant condition to the safety certificate. Any such notice will be issued by the SGSA Chief Executive and the local authority's enforcement of the condition monitored by the SGSA inspector.

19. Should a local authority fail to satisfactorily enforce any condition inserted into a safety certificate under the provisions of section 13(7) of the 1989 Act the SGSA shall consider, subject to the consultation required under section 10(11) of the 1989 Act, whether to insert a condition into the licence issued in respect of the ground. Compliance with any such condition shall be monitored by the SGSA inspector and any non-compliance dealt with as a breach of a licence.

National Safety Issues

20. The SGSA recognises that there may be national safety issues which call for a consistent approach across all grounds at which designated football matches take place. In such cases, once it has first sought to educate and persuade, including discussing the issue with local authorities, the SGSA shall consider whether the nature of the issue is such that it should issue a notice to all local authorities requiring an appropriate condition to be inserted into a safety certificate or the management of the issue to be included within an operations manual. The local authority's enforcement of such conditions shall be monitored by the SGSA inspector. Should the local authority fail to satisfactorily enforce the condition the SGSA shall consider, subject to the consultation required under section 10(11) of the 1989 Act, whether to insert the condition into the licence issued to grounds.

Licensing

21. Under the provisions of section 10 of the 1989 Act the SGSA issues an annual licence, before the start of each season, to allow spectators to be admitted to a ground at which a designated football match is to take place. A key purpose of the licence issued to those grounds is to ensure that the Government's policy in respect of all-seated stadia is enforced at those grounds to which the policy applies and, that at any other ground, any standing accommodation is of the specified standard. As set out above under regulatory objectives, our licensing powers can be used to regulate safety and can also extend to other issues relating to the admission of spectators and the arrangements to which they are admitted.
22. The requirement for football grounds in the top two divisions of English football to have all-seated stadia has been in place since 1994. It is recognised that it would be unreasonable to expect a club that is promoted to the Championship for the first time to immediately replace any existing terracing with seating, however they are expected to do so before they commence their fourth season in either the Championship or Premier League. Once a club has been in the Championship or the Premier League for three seasons the Secretary of State for Culture, Media and Sport will consider instructing the SGSA to include conditions into the licence issued to the ground in respect of the seating of spectators, but before doing so s/he is required to consult the SGSA. Where the SGSA wishes to make recommendations to the Secretary of State, in particular where it is aware a club will be seeking an extension to the deadline, it is required, under the provisions of 11(5) of the 1989 Act, to consult with the local authority in whose area the ground is situated. Although there is no similar statutory requirement for the SGSA to consult with the licence holder we will do so before making any recommendations.

23. In considering any case made by a licence holder and/or local authority for an extension to the deadline for meeting the all-seated requirement the SGSA shall seek to be fair both to the licence holder who is seeking the extension and to other licence holders who have previously met the all-seated requirement within the specified deadline. The SGSA would expect to support extensions only in the most exceptional circumstances. The SGSA shall not seek to lay down criteria because every case shall be judged strictly on its merits but by way of illustration, the SGSA would expect any licence holder seeking an extension to demonstrate to its satisfaction that:
- its circumstances were wholly exceptional (i.e. not shared by other clubs);
 - the reasons for delay could not reasonably have been foreseen; and
 - the delay could not be attributed to the actions or inaction of the club.
24. Should a licence holder be seeking an extension because a club is in the process of moving to a new ground and wishes to avoid expenditure on its existing ground the SGSA will not normally consider supporting a relaxation of the deadline until it had clear evidence that this would be for a strictly limited period and that the club concerned could realistically complete its relocation within a reasonable and definite timescale. In considering such cases the questions to which the SGSA will require clear answers are likely to include:
- Has the club received detailed planning permission?
 - Has the site been acquired?
 - Has the design of the stadium and related facilities been finalised and approved by all relevant authorities?
 - Has the necessary financial package been secured?
 - Has the contract to build the stadium been let?
 - Has work started on site or has a start date been settled?
 - Has a firm date for completion been fixed and are there safeguards against delay?
 - Has the disposal of the existing site been agreed?
25. Once the consultation is complete, unless the Secretary of State agrees to any extension or other variance, the SGSA will be directed to include conditions into the licence of any club that has spent three years in the top two divisions of English football. These conditions are a matter for the Secretary of State but are currently:
- Only seated accommodation shall be provided for spectators at a designated football match.
 - Spectators shall only be admitted to watch a designated football match from seated accommodation.
26. Clubs not subject to the all-seated requirement will be permitted to continue using standing accommodation provided it is of the specified standard in respect of the layout, strength and positioning of barriers. In considering whether to licence the use of each individual terrace the SGSA will have regard to the following criteria:
- i. whether the layout:
 - comprises continuous crush barriers between radial gangways, as outlined in paragraph 11.8 and illustrated in Diagram 11.3 of the Fifth Edition of the Guide to Safety at Sports Grounds "the Green Guide"; and

- is such that all spectators are within 12 metres of a gangway or exit as measured along a line of unobstructed travel from the viewing position (see paragraph 13.4.a. of the Fifth Edition of the Green Guide).
 - ii. whether the spacing, strength and construction of all the crush barriers conform to paragraph 11.2 and Table 11.1 of the Fifth Edition of the Green Guide.
 - iii. whether the height and positioning of all the crush barriers are in accord with paragraph 11.10 and Diagram 11.4 of the Fifth Edition of the Green Guide.
27. It should be assumed that level standing areas or non-stepped sloping areas will not form part of the viewing accommodation that will be licensed for spectator use.
28. Any club entering the English Football League for the first time will have 3 seasons to bring any terracing up to the specified standard. Any applications from such clubs to extend the 3 year deadline will be considered against the criteria set out in paragraphs 23 and 24 above. The SGSA recognises that there may be a very small number of existing terraces at clubs entering the English Football League for the first time which consist of non-continuous crush barriers, but which were built strictly in accordance with the then edition of the Green Guide and now comply fully with paragraph 11.9 of the Fifth Edition of the Guide. The SGSA will consider sympathetically applications to license any terraces that fully satisfy these criteria.
29. Where a club in the Premier League or the Championship faces a deadline for meeting the all-seated requirement, or a club in Leagues 1 or 2 for bringing its terraces up to the prescribed standard, the SGSA will, when considering any licence application during the 3 year deadline, seek to satisfy itself that the licence holder has achievable plans for meeting the deadline.
30. Licenses issued by the SGSA can encompass issues wider than the Government's all-seated policy and ensuring any permitted standing accommodation is of the specified standard. Our licensing powers can be used to regulate safety and can also extend to other non-safety issues relating to the admission of spectators and the arrangements to which they are admitted. If an issue which cannot be addressed through a safety certificate is brought to our attention and the SGSA is persuaded as to the case of why the licence would be the most effective way of addressing it consideration shall be given to including appropriate conditions within a licence.
31. The SGSA's current policy is not to take the facilities provided for disabled people into consideration when issuing licences. Instead, the SGSA will seek to work in partnership with the Equality and Human Rights Commission (EHRC), and with clubs, and encourage good practice in this area by providing advice and guidance.

The Licensing Process

32. When considering the renewal of a licence the SGSA will wish to be satisfied that further licence conditions are unnecessary. When submitting its licence application the applicant may be required to provide information in respect of the safety of the stadium, including its safety management systems and procedures, or any other issue which the SGSA considers relevant to its licensing decision. Where such information is

to be requested licence applicants will be given a minimum of 2 months' notice of what will be required to be submitted with the licence application.

33. In addition to the information requested of clubs already subject to the SGSA's licensing requirements any club seeking promotion to the League 2 of English Football League will be asked to supply the following additional information/documentation – a copy of the ground's safety certificate or any regulated stand safety certificates, a copy of the capacity calculations for the ground and each individual section of the ground, an assessment of the (P) and (S) factors and a copy of either the operations manual or event day management plan. Prior to the SGSA considering any licence application from a club seeking promotion an SGSA inspector will visit the ground on a match day to validate the capacity calculation and whether the physical conditions at the ground and the ground's safety management would support the (P) and (S) factors if the club secured promotion.
34. The relevant SGSA inspector will consider the information submitted and prepare a report for the SGSA Board taking in to account the information submitted and the inspector's knowledge of the ground as a result of the SGSA's oversight activity. The SGSA will act proportionately when considering licence applications. The reasonable safety of those at the ground will be treated as an overriding consideration. Where there are areas of concern identified from the documents supplied by the applicant which impact on the reasonable safety at the ground the SGSA inspector will liaise with the applicant and local authority to agree how the issues should be addressed. If the issue cannot be resolved by education and persuasion the SGSA will consider issuing a notice requiring appropriate conditions to be inserted into the safety certificate. Only if that fails to achieve the required improvement would the SGSA consider addressing the issue by inserting a condition into the licence. If the area of concern was not safety related, for example an accessibility issue, the first step will be to seek a resolution through discussion and if that fails to consider attaching additional conditions to the licence.
35. Any decision to insert a condition, whether safety or non-safety related, will only be taken after the consultation required under section 10(11) of the 1989 Act which provides that –
36. The SGSA shall not vary the terms or conditions of a licence without:
 - i. notifying the licence holder in writing of the proposed alterations or additions;
 - ii. giving him an opportunity to make representations about them within the period of 21 days beginning with the service of the notice; and
 - iii. taking any representations so made into account in making the decision.
37. A decision as to whether to insert a condition will be made within 21 days of the end of consultation with the licence holder. The SGSA will provide full reasons for any decision to insert a condition.