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Your reference:

The Chief Executive of the
County Council
The Director General of the
Greater London Council

26 August 1976

Dear Sir

HOME OFFICE CIRCULAR NO. 130/76

SAFETY OF SPORTS GROUNDS ACT 1975: FIRST DESIGNATION ORDER AND ACCOMPANYING REGULATIONS

1. The intention was expressed in Home Office Circular No. 150/1975 of issuing, in due course, further guidance on the procedure to be followed when a ground is designated under the Safety of Sports Grounds Act 1975 as requiring a safety certificate. As will be seen from the enclosed copy, an order has now been made (SI 1976 No. 1254) designating under the Act, with effect from 1 January 1977, the international association and rugby union football grounds and those of the clubs in the first division of the football league.
2. It is an offence under section 12(1) of the Act to admit spectators to a designated stadium after the date on which the designation order relating to it comes into operation, unless an application for a general safety certificate has been made and not subsequently withdrawn or deemed to have been withdrawn. In consequence, therefore, of this order, the local authorities for the areas in which the grounds are situated may expect to receive by the date of operation applications for the grant of general safety certificates under the Act, which will thereupon fall to be dealt with in accordance with the Act and the regulations, also enclosed made under section 6(1) of the Act (SI 1976 No. 1263).
3. Guidance as to the procedure to be followed, in conformity with the regulations, in dealing with applications for general safety certificates is set out in the annex to this circular.
4. It is not proposed at this stage to issue guidance as to the procedure to be followed in connection with the grant of special safety certificates, since, under section 5(2) of the Act, such certificates are not required until general safety certificates are in operation. Further guidance for this purpose will accordingly be deferred until nearer the date when a need for special safety certificates may arise. There is, however, one factor regarding the issue of such certificates which may have a bearing on the date of the introduction of a general safety certificate and to which regard should accordingly be paid. Once a general safety certificate has been issued, a person wishing to conduct an activity calling for the issue of a special safety certificate must comply with all the requirements relating to such certificates laid down in the regulations. Where, therefore, such an event has already been arranged, local authorities may wish to consider, where appropriate, the desirability of not issuing a general certificate until after the event has taken place.
5. The regulations provide specific time limits for the determination of applications for special safety certificates, but this is not the case as regards general safety certificates. Although local authorities and the clubs and other organisations operating stadia will no doubt have done as much pre-planning as possible, it is assumed that the

surveys and consultations involved in determining suitable terms and conditions will, in many cases, still extend over several weeks, so that it will not be practicable, especially should appellate proceedings arise, to bring certificates into effect significantly in advance of the end of the 1976/77 season. In these circumstances, and where a club or stadium company wishes to take advantage of the close season to carry out structural work which will have the effect of significantly altering the terms and conditions which would otherwise have applied, local authorities may feel that, depending on the condition of the stadium and having regard to the powers already available to deal with cases of severe risk, the maximum advantage is to be gained by deferring the issue of a certificate until the beginning of the 1977/78 season so as to enable as much work as possible to be done. In this way, it is hoped that it will normally be possible for a sufficient measure of agreement to be reached between the interested parties to obviate the need for appeals against the terms and conditions imposed.

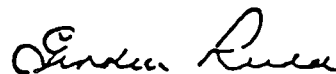
6. It is suggested in paragraph 3 of the annex that local authorities will wish to keep in mind the guidelines set out in the Guide to Safety at Sports Grounds when framing the conditions which they consider should be included in the safety certificate. Some of these recommendations have been revised in the light of the experience gained in applying the guidelines during the past year or so. The Guide is being reprinted and should be available well before the first designation order becomes effective; a copy will be sent to you as soon as it becomes available. A list of the proposed amendments to the Guide is attached for reference in the meantime.

7. Section 6(1)(b) of the Act enables the Secretary of State to make regulations authorising local authorities to determine the fees which may be charged in respect of applications for safety certificates. In the discharge of this power, Regulation 14 provides that such charges may be made in respect of applications for the issue or amendment of safety certificates, but that they shall not exceed an amount commensurate with the work actually and reasonably done. As regards the issue of a general safety certificate it is hoped that, by affording stadium authorities an opportunity to co-operate to the full, by eg preparing plans, checking crush barriers, etc, local authorities should, in the normal course, not find it necessary to charge fees representing more than 17 man/days' work.

8. The clubs and stadium authorities whose sports grounds are named in the designation order have been advised about their position. A copy of that letter is enclosed for your information. The note appended to the letter and covering the procedure regarding applications for general safety certificates is in the same terms as the annex to this circular.

9. A further copy of this circular is enclosed for the information of the Chief Financial Officer.

Yours faithfully



G T RUDD

ENCS:

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.

PROCEDURE REGARDING APPLICATIONS FOR GENERAL 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 are being made available to potential applicants and they are being advised of the need to provide such information in support of their application as will enable the local authority to discharge its functions under the Act. In particular, the application should be accompanied by detailed information as to the structure, capacity, etc of the stadium, including plans of the stadium, certificates relating to the testing of crush barriers and evidence of the applicant's status. It is, however, open to a local authority, under section 3(4) of the Act, to require, by notice in writing, such further information of this kind as it may consider necessary to enable it to determine the terms and conditions to be included in the certificate.

2. On receipt of an application for a general safety certificate, the local authority must first determine whether the applicant is a qualified person, is a person likely to be in a position to prevent contravention of the terms and conditions to be imposed in the certificate. If it considers him to be such a person the authority is then under a duty to issue a general safety certificate to him. In the case of a general safety certificate, where considerations of time are not paramount, the regulations impose no specific time limit for such a determination. In any event, it seems prima facie unlikely that an application for a general safety certificate would be made by an unqualified person. There is, however, a right of appeal against a determination by a local authority that an applicant is not a qualified person (see paragraph 10).

3. The local authority is required, by section 3(3) of the Act, to send a copy of any application for a safety certificate (general or special) to the appropriate Chief Officer of Police and building authority, and must consult them about the terms and conditions to be included in the certificate. In framing such conditions, local authorities will no doubt wish to keep in mind the principles or guide lines set out in the Guide to Safety at Sports Grounds. In this connection local authorities are reminded that, as was pointed out in paragraph 6 of the Annex to Home Office Circular No.150/1975, this non-statutory document is not a set of requirements to be rigidly applied regardless of individual circumstances. The maximum flexibility should be maintained to take account of the different circumstances at individual grounds deriving from differences in such matters as age, size and mode of construction. In this regard, it should also be noted that the Act provides that the terms and conditions should be such as "necessary or expedient to secure reasonable safety" and it would be unreasonable, even if it were practicable, to seek the absolute safety of everyone attending the sports stadium.

4. It is envisaged that there will be a good deal of consultation between the local authority and the stadium representatives in the process of drawing up the certificate conditions. In this way, if evidence is advanced that a ground is rarely filled to capacity, the local authority may consider it proper to base its requirements on actual levels of attendance over a given period rather than on maximum capacity. On the rare occasions on which a capacity crowd could be expected, separate provision might be made for this contingency on the lines indicated in paragraph 7 below. Again, if a stand were found to be structurally weak, the local authority might, in consultation with stadium representatives, offer the choice of having any necessary remedial works carried out or of restricting admission to the stand until it had been strengthened.

5. As will be apparent from the foregoing paragraphs, the form and content of a safety certificate is likely to vary according to the circumstances of the individual case. Accordingly, a standard form of certificate would not be appropriate. It 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 have annexed to it a plan of the stadium by reference to which the terms and conditions will be framed.

The certificate when first issued may contain restrictive conditions which may be relaxed or deleted by amendment of the certificate. The local authority may find it convenient to list, in a covering letter to the certificate, such modifications as will be subsequently permitted, eg in the form of a statement of the increased spectator activities to be allowed for the separate sections of the ground when the various stages are completed, of any future works programme for the ground which has been agreed with the stadium authorities. This arrangement, by excluding from the certificate itself proposed conditions which would apply only to future works, should serve to obviate confusion. At the same time, however, care must be taken not to exclude from the certificate any restriction germane to current conditions, since section 5(3) of the Act provides for an interested party to appeal to the Secretary of State against the inclusion of anything in, or the omission of anything from, a safety certificate, and these rights must not be prejudiced in any way in consequence of the form of the certificate.

6. As regards the scope of a general safety certificate, section 2(5) of the Act provides that different terms and conditions may be included for different activities. Although, therefore, a stadium may be in regular use only as a football ground, in cases where it is also used from time to time to stage other events it would be desirable, and in many cases obviate the need for special safety certificates, if the terms and conditions appropriate to those events were to be included in the general certificate. It is suggested that any such events for which it is considered desirable to provide might conveniently be divided into 2 classes:

- (1) those sufficiently similar in character to the main purpose of the stadium for the normal terms and conditions to be equally applicable;
- (2) Those of a fundamentally different character, eg boxing matches, pop concerts, etc which may involve all or part of the playing area being given over to spectator accommodation and for which separate terms and conditions will have to be devised. It is not, of course, necessary to provide for these contingencies in cases where no clear need is foreseen by the stadium authorities.

7. There may also be circumstances in which the terms and conditions applicable to the normal activity of the stadium may be found to be inappropriate, eg when a special event, such as a cup tie or a "Local Derby", is expected to attract significantly more than the usual attendance. In the case especially of cup replays these special events may arise with only a few days' notice, within which it would not be possible to accommodate the whole of the statutory procedure appropriate to the grant of a special safety certificate. In order to overcome this difficulty, it would seem desirable for the local authorities and stadium authorities to seek to work out in advance the modifications to the normal terms and conditions which might be appropriate to such occasions, eg the admission of increased numbers to certain areas on the condition that extra stewards and police are employed, that notice is given to the local authority, and so on, and to provide for their incorporation in the general safety certificate.

8. Once a general 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, which may be at the initiative either of the holder of the certificate or of the local authority (see section 4(2) of the Act) and will presumably reflect changes in circumstances occurring since the grant of the original certificate. It will thus be to the mutual benefit of local authorities and clubs/stadium authorities for a close liaison to be maintained after the issue of the certificate and certainly while any further works of safety measures are being carried out. It is likely to be in the stadium operators' financial interest to get the safety certificate amended as soon as possible after work has been completed, and they should accordingly ensure that the local authority is kept informed of progress. For its part the local authority will no doubt wish to co-operate by arranging matters so that, following completion of the work, the certificate can be amended without delay.

9. After a certificate has been granted, an application may be made for the transfer of the certificate to another person. Similarly, while a local authority is considering an application for a certificate and before the certificate has been granted, it may be asked to substitute some person other than the original applicant as the person to whom the certificate should be granted. These are, however, likely to be rare occurrences in the case of general safety certificates, where an application will normally be made on behalf of a club or a stadium organisation by an authorised official of the club or representative of the organisation. However, if it does happen, the local authority will be required in both cases to determine whether the substituted nominee is a qualified person. Thereafter, in the first case, the procedure laid down in the regulations relating to giving notice of, and the reasons for, the determination will apply together with any necessary appeals procedure. In the second case, 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 one and process it from the point it had already reached.

10. In addition to the right of appeal by an applicant for a general safety certificate against the determination that he is not a qualified person (see paragraph 2 above), which, of course, applies also in the case of a proposed transfer of a certificate, the Act provides a further right of appeal to any "interested party" (which term includes the holder of the safety certificate) 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 general safety certificate, notice of any such appeal shall be given within 28 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 its decision in a newspaper circulating in the locality.

11. In this connection, Regulation 7 requires a local authority, on issuing or amending a safety certificate or refusing to do so, to give notice to certain specified "interested parties" and also to advertise their action in the press. It is regretted that it has been necessary to incur the trouble and expense of advertising, but, since Section 5(5) of the Act is not specific in the definition which it provides of "interested party", no other means could be found of ensuring that all persons who might validly claim to be "interested parties" within the meaning of the Act should be able to acquaint themselves with the local authority's decision, and failure to bring the decision to their notice could result in a denial of their rights of appeal or of a hearing by the Secretary of State. For the same reason a similar obligation has been imposed on an appellant (by 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 28 days of such advertisement.

12. 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 28 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 of the Act. (The procedure governing the conduct of all such hearings is set out in Regulation 10.)

13. 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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