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Our reference: FEP/87 6/233/19/21

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Your reference:

The Chief Executives
County Councils
Metropolitan District Councils
London Borough Councils
Common Council of the City of London

Dear Sir

HOME OFFICE CIRCULAR NO 97/1988

FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987:
PART III - SAFETY OF STANDS AT SPORTS GROUNDS

- a. STATUTORY GUIDANCE BY THE SECRETARY OF STATE UNDER SECTION 26(8)
- b. STATUTORY GUIDANCE BY THE SECRETARY OF STATE UNDER SECTION 34(2)

Introduction

1. This circular introduces (a) Statutory Guidance under section 26(8) of the 1987 Act to local authorities in discharging their function of determining whether a stand at a sports ground is a "regulated" stand; and (b) Statutory Guidance under Section 34(2) on inspections of sports grounds containing regulated stands.

2. Local authorities may find it useful to cross reference this circular with Home Office Circular No 96/1988 giving general guidance on the operation of Part III of the 1987 Act and also with Home Office Circular 72/1987 which covers Statutory Guidance under the Safety of Sports Grounds Act 1975 on inspections of designated sports grounds.

General

3. Both sets of Statutory Guidance are accompanied by

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explanatory notes and commentaries. Local authorities are reminded that whereas these supplementary commentaries are not binding the Statutory Guidance under sections 26(8) and 34(2) is mandatory.

Resource implications

4. No resource implications result directly from the Statutory Guidance under section 26(8) which provides no more than a basis for determining whether, in borderline cases, a stand is a regulated stand.

5. Inspections of sports grounds containing regulated stands under the Statutory Guidance made under Section 34(2) are not expected to give rise to significant resource implications. These inspections are not intended to be as detailed or the same as those carried out by the local authority when drawing up, or amending, a safety certificate; nor is it intended that they should duplicate those required to be carried out by or on behalf of the holder under the terms and conditions of the safety certificate. Subject to the size, condition of a particular sports ground and the stand or stands to be inspected, it is not expected that inspections should take more than 2 man days per ground on average and in some cases it may be less.

Supplementary

6. Any enquiries about this circular or the Statutory Guidance should be directed to Miss D Russell on 01-273 3406.

Yours faithfully

R R G WATTS

R R G WATTS
Fire and Emergency
Planning Department

Enclosures: Statutory Guidance under section 26(8)
Statutory Guidance under section 34(2)

Copies for information to:-

Association of County Councils
Association of Metropolitan Authorities
London Boroughs Association
Association of District Councils
Sports Council
Magistrates Association
Justices Clerks Society
Association of Chief Police Officers
Clerks to Fire & Civil Defence Authorities
Chief Officers of Police

NO. 97/1988

FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987

STATUTORY GUIDANCE UNDER SECTION 26(8)

STATUTORY GUIDANCE UNDER SECTION 34(2)



HOME OFFICE

Queen Anne's Gate London SW1H 9AT

STATUTORY GUIDANCE UNDER SECTION 26(8) TO LOCAL AUTHORITIES FOR THE DISCHARGE OF THEIR FUNCTION UNDER SECTION 26(6) OF THE FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987

The following guidance is given by the Secretary of State in pursuance of section 26(8) of the Fire Safety and Safety of Places of Sport Act 1987.

Purpose and Scope

1. Local authorities are required by section 26(6) of the Fire Safety and Safety of Places of Sport Act 1987 (the 1987 Act) to determine whether any and, if so, which of the sports grounds in their areas provide covered accommodation in a stand for 500 or more spectators to view activities at the ground. A certificate under Part III of the 1987 Act is required for such a stand (which expression is defined by section 26(11) of that Act). This guidance provides criteria for the purpose of calculating the number of spectators for whom such accommodation is provided.

Calculation of the capacity of the accommodation to view the activities

2. Both seated and standing accommodation to view the activities at the ground should be taken into account and aggregated as necessary.

3. Where the accommodation consists of fixed seating for spectators the capacity of that accommodation should be determined as follows:-

i. where individual seats are provided, by counting the number of seats;

ii. where bench seating is provided and

a. it consists of marked places, and

b. the result of dividing the length of the bench by

the number of marked places is that no such place exceeds 550mm in length,

by counting the number of places;".

iii. for bench style seating where (ii) above does not apply by calculating on the basis that one person occupies each 530mm of benching and disregarding any portion of a bench of less than 530mm which remains after that calculation.

4. Where the accommodation consists of a terraced or sloped viewing area for standing spectators the capacity should be determined by dividing the net standing area of the accommodation in question excluding any gangways, stairways, landings by the factor of 2.7 persons to 1 square metre. (1 person to .37 square metres)

5. Where the accommodation (whether at ground level or above) consists of a flat area without fixed seating, its capacity should be determined by using the calculation of paragraph 4 above to a depth of up to 2 metres from the front of that part of the accommodation in question from which the activities at the ground can be viewed. Any area behind the 2 metres referred to should be disregarded for the purpose of calculating the number of spectators.

Supplementary advice and explanatory notes to the Statutory Guidance to Local Authorities given by the Secretary of State under section 26(8) of the Fire Safety and Safety of Places of Sport Act 1987

Introduction

1. This advice supplements and comments on the Statutory Guidance issued under section 26(8) of the 1987 Act. It does not form part of the Statutory Guidance itself. The advice contained in the following paragraphs is not binding on local authorities and although it is given in good faith it should be remembered that only the courts can rule authoritatively on the interpretation of points of law.

Objectives of the Statutory Guidance

2. The objective is to achieve a measure of consistency by local authorities when they determine under section 26(6) whether a stand is a regulated stand if there is doubt, or dispute as to the stand capacity. The Statutory Guidance is not intended for use for any other purpose. In most cases the capacity of the accommodation will be manifestly above or below the 500 level.

Calculation

3. The figures used in paragraphs 4 and 5 of the Statutory Guidance are notional. They are solely for the purpose mentioned above and are only in respect of the covered areas of the stand (which must be an artificial structure) used by spectators for viewing activities at the ground. For bench seating consisting of marked places paragraph 4 of the Statutory Guidance allows up to the maximum width recommended in the Guide to Safety at Sports Grounds (the Green Guide). Otherwise, for example where such seating does not have places marked, the notional figure of 530mm is used instead. The figure of 2.7 persons per square metre for standing spectators is in line with paragraph 222(b) of 'the Green Guide'. It not only allows for potentially different crowd densities and mobility requirements which, in practice, may apply to different sports but also produces an area of similar size to that for seated spectators (using the notional "unit width" and allowing 610 mm to 760 mm for seat depth).

4. Once the local authority have determined that a stand is a regulated stand, the actual capacity permitted by any safety certificate will where appropriate be determined by the safety requirements for the stand. That figure may be less than 500 unless required remedial work is carried out on the stand.

5. Local authorities may wish to bear in mind that in calculating the capacity for standing accommodation the Statutory Guidance refers to the net area, ie it excludes existing gangways, landings, etc.

6. Paragraph 6 of the Statutory Guidance applies to both ground level and raised areas of a stand such as executive boxes, balconies, together with bars, restaurants etc which are also used for viewing. Although more people may be accommodated in such areas, it is assumed that spectators are unlikely, in general, to be able to view an event beyond a depth of 2 metres from the limit of the viewing area. Local authorities will note the discretion given by use of "up to" so that a lower figure can be adopted, for example if the sight line is obscured for some reason. Stands which contain multi facilities are liable to hold well over 500 spectators so calculations under paragraph 6 of the Statutory Guidance may not, in practice, prove necessary in such cases.

Home Office
Fire and Emergency Planning Department
10 November 1988

STATUTORY GUIDANCE TO LOCAL AUTHORITIES ON INSPECTIONS TO BE CARRIED OUT UNDER SECTION 34 OF THE FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987 ON SPORTS GROUNDS CONTAINING REGULATED STANDS

The following guidance is given by the Secretary of State in pursuance of section 34(2) of the Fire Safety and Safety of Places of Sport Act 1987.

General

1. For the purpose of this guidance "regulated stand" has the meaning given by section 26(5) of the Fire Safety and Safety of Places of Sport Act 1987 and includes any installations in or serving the stand which are the subject of terms and conditions in the safety certificate.
2. Each regulated stand at a sports ground in respect of which a safety certificate under Part III of the 1987 Act has been issued is to be inspected in accordance with this guidance.
3. The local authority should be satisfied that inspections under this guidance are carried out by a person or persons qualified for that purpose.

Frequency of Inspections

4. Where a sports ground has a regulated stand which is the subject of a safety certificate and which, in the opinion of the local authority, contains accommodation under cover for over 2,000 spectators to view activities at the ground an inspection under this guidance of all the regulated stands at that sports ground should be carried out in the calendar year following the date of issue of the last safety certificate. Thereafter, an inspection of the regulated stands under this guidance should be carried out at least once in every calendar year following the date of the last inspection.

5. In any other case of a sports ground containing a regulated stand or stands which is/are the subject of a safety certificate(s) at least one inspection under this guidance of the regulated stands at that sports ground should be carried out within two years from the date of issue of the last safety certificate. Thereafter, an inspection should be carried out at least once in every alternate calendar year following the date of the last inspection.

Scope of Inspection

Certificates and Records

6. Inspection should, where possible, include inspection of the following certificates of testing and records as may be required under the terms and conditions of the safety certificate to be kept by the holder and/or submitted to the local authority in respect of the regulated stands:

a. any certificate covering the testing of:-

i. strength/loading capacity of guard rails, hand rails, balustrading and any crush barriers

ii. condition, stability of the stand

iii. inspections and condition of electrical installations.

b. any records of the following:-

i. spectator attendances where appropriate;

ii. accidents involving spectators;

iii. maintenance and other inspections of components and installations together with identified deficiencies and recorded remedial measures taken;

iv. tests and checks on emergency lighting, public address system, fire fighting equipment, fire warning system (if installed);

v. emergency evacuation procedures and any steward training sessions.

7. Inspection under this paragraph relates to the regulated stands only and should normally include inspection of the following items:-

a. any part of the stand or stands where an accident or incident resulting in serious injury to spectators has occurred since the last inspection;

b. any recorded defect or deficiency which has arisen since the last inspection and which, in the opinion of the inspecting officer, would be likely to lead to an accident which could result in serious injury to spectators;

c. major remedial work carried out since the date of the last inspection;

d. all public stairways for their general condition, slip resistance; condition of hand rails for overt signs of weakness (see also (j) below), trip hazards especially at the head of stairways, adequacy of lighting and structural fire separation;

e. all egress routes used by the public, including emergency exit routes, for obstructions, operation of exit gates and/or doors, adequacy of sign-posting and lighting;

f. fire fighting equipment and fire warning system (if installed);

g. generally for the presence of any accumulation of litter;

- h. any emergency lighting system including any generator or batteries;
- i. any first-aid facilities and equipment;
- j. 10% of any crush barriers and other protective barriers on gangways, stairways, exit routes for overt signs of weakness which might signal the need for further testing, remedial action or (additional) restriction on the number of spectators allowed to occupy that part of the stand or stands;
- k. 10% of the terraces or viewing slopes for general surface condition, evenness and slip resistance;
- l. anchorage and fastening of 10% of any fixed seating;
- m. any provision for disabled people.

Where the inspection of a sample in paragraphs (j), (k) and (l) reveals matters giving rise to serious concern for the safety of spectators, all the items in that part of the stand(s) where the sample indicated that there were deficiencies should be inspected.

Testing of Equipment

8. For each of the regulated stands at the sports ground the following tests should, wherever possible, be carried out to confirm that the following are in working order:
- a. lighting, particularly on stairways and exit routes;
 - b. emergency lighting;
 - c. public address system, (including the proper functioning of zoning where this facility is part of the requirements of the safety certificate);

d. fire warning system (if installed);

e. 10% of any metering system for recording the admission of spectators to parts of the stand or stands.

Home Office
Fire and Emergency Planning Department
10 November 1988

SUPPLEMENTARY ADVICE AND EXPLANATORY NOTES TO THE STATUTORY GUIDANCE TO LOCAL AUTHORITIES GIVEN BY THE SECRETARY OF STATE UNDER SECTION 34(2) OF THE FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987

Introduction

1. The following advice does not form part of the Statutory Guidance given under section 34 of the Fire Safety and Safety of Places of Sport Act 1987 (the 1987 Act). The following advice is given in good faith but it should be remembered that only the courts can rule authoritatively on interpretation of points of law.

General

2. The Statutory Guidance follows similar lines to that which accompanied Home Office Circular 72/1987 in respect of designated sports grounds except that the Statutory Guidance under section 34(2) is limited to inspections of the regulated stands for which a safety certificate is likely to have been issued.

3. As the size, age, condition, type of seating (if any) and use of the regulated stands, as well as the attitude or ability of management, can vary considerably, the discretion of local authorities to carry out more frequent and/or more extensive inspections than those under the Statutory Guidance is not restricted. The frequency and extent of the inspections under the Statutory Guidance have been set at what is seen as a minimum likely to achieve the objectives described below. It leaves authorities with discretion to add to the inspections and increase their frequency according to locally determined needs. The Statutory Guidance also concentrates on certificated stands - i.e. those which will be occupied by spectators. However, the duty of section 34(1) of the Act applies to the whole of a sports ground which contains a regulated stand irrespective of whether or not a safety certificate has been issued. It will be for each local authority to decide, in the light of local knowledge, the extent of inspection of other parts of a sports ground which contains a certificated stand, and the inspection requirement for a sports ground containing an uncertificated stand. Local authorities may wish to note that some additional flexibility on inspection frequency is built into the Statutory Guidance by the use of the term "calendar year" rather than "12 months".

4. Local authorities are reminded that inspections under section 34 are in addition to, not a substitute for, those which may be required to be carried out under the terms and conditions of the safety certificate by or on behalf of the holder.

Objectives

5. The object of inspection under the Statutory Guidance is primarily to monitor the suitability of the terms and conditions of the safety certificate in the light of any change in conditions of the regulated stand and to help ensure that the

stand is maintained and occupied in compliance with these terms and conditions.

6. Inspections under the Statutory Guidance are not intended to shift responsibility for safety away from the holder of the safety certificate or ground occupier; rather they are to help him succeed in achieving (and maintaining) safety standards intended to be set by the certificate for the numbers of spectators who are to be accommodated within the regulated stands.

Inspection Team

7. The Statutory Guidance allows the local authority to determine how best to arrange and effect inspections under section 34. Local authorities are however reminded of the advice contained in paragraphs 6 and 7 of the supplementary notes and guidance accompanying the Statutory Guidance issued with Home Office Circular 72/1987.

Scope of Inspections

8. Where a regulated stand or stands is the subject of a safety certificate all the items listed in paragraphs 6 - 8 of the Statutory Guidance should wherever possible be inspected and tested. It is recognised however that there may be occasions where one or more of these elements cannot, for some reason, be inspected or tested at the same time. For this reason there is a degree of discretion within paragraphs 6 - 8 of the Statutory Guidance. In this way it is hoped to avoid the situation where the local authority have to pay unnecessary repeated visits to a ground in order to comply with the Statutory Guidance.

9. The Statutory Guidance does not require that an inspection should take place at any particular time so the local authority's discretion to carry out an inspection whilst the ground is in use is not restricted. An "in-use" or "during performance" inspection could therefore constitute part of the inspection required by section 34 even though it might not be sufficient (having regard to the requirements of the Statutory Guidance) to be an inspection itself.

Records

10. Local authorities will doubtless need to keep a record of all inspections carried out under the Statutory Guidance and may wish to consider whether a copy of any report/record could be sent to the holder of the safety certificate.

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