

Policy Guidance

Sport with Spectators: COVID-19 Regulatory Controls

16 December 2020



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Foreword

The Sports Grounds Safety Authority (SGSA) recognises the challenges facing all those involved in the provision of live sport in the ongoing impact of the COVID-19 pandemic.

We continue to provide relevant help and advice to enable the safe return of live sport with spectators. Such an outcome is foundational to the long-term economic sustainability of sport, as well as the unique and vibrant atmosphere associated with live outdoor sports events that so many people value and enjoy.

With that in mind, we have prepared this revised policy guidance to complement the Government's latest Stage Five guidance. Our revised guidance also supports SGSA's own *Supplementary Guidance 02: Planning for Social Distancing at Sports Grounds* published in August.

We continue to live in challenging times. This revised policy guidance seeks to maintain common understanding on how the existing sports grounds safety regulatory framework in England and Wales will apply in the context of the latest COVID-19 secure protocols, including the local COVID alert system in England announced by the Government on 23 November.

We will keep this document under review and revise again as necessary to maintain alignment with wider Government announcements.

Martyn Henderson

Chief Executive

16 December 2020



Introduction

1. This Sports Grounds Safety Authority (SGSA) policy guidance outlines the Regulatory Controls in England and Wales relevant to planning for social distancing at outdoor sports grounds hosting domestic and international competition with spectators present during the current COVID-19 pandemic restrictions. This represents Stage Five in the Government's five stage framework for elite sporting competition.
2. There is no single approach to regulating sport events and ensuring reasonable safety in relation to COVID-19. It is anticipated, however, that competition organisers will voluntarily reflect the protocols in SGSA's [Supplementary Guidance 02: Planning for Social Distancing at Sports Grounds](#) (SG02) within the rules of their competitions and require competition venue operators to confirm their adherence to them. The SGSA is of the view that the best way of ensuring the safe resumption of live sporting events with spectators is for competition organisers and venue operators alike to adopt a consistent approach to COVID-19 secure measures across all elite sports.
3. This guidance is consistent with, and builds upon, SGSA's [Oversight and Licensing Policy](#), which outlines how the SGSA will discharge its statutory licensing and local authority oversight responsibilities under the Football Spectators Act 1989 ('the 1989 Act').
4. This guidance is not exhaustive. Venue operators and certifying authorities should seek independent legal advice if they are in any doubt as to whether proposed ground safety procedures comply with the law.

Disclaimer

5. This guidance, when read in conjunction with SG02, is designed to help venue operators at outdoor sports grounds in England and Wales comply with the law in relation to the admission of spectators to live outdoor sporting events. However, duty holders must ultimately satisfy themselves that any sporting events they stage comply with applicable laws, including health and safety legislation.

Definitions

6. For the purposes of this guidance, 'with spectators present' is intended to mean the hosting of sporting events with the admission of the general public. 'Spectator' is intended to mean any individual in attendance inside the sports ground who is not accredited by the competition organiser to participate in and/or deliver the competition, consistent with the definition of spectator in the Safety of Sports Grounds Act 1975¹. Accredited 'User Groups' are defined in more detail in the Stage Three guidance.²

¹ Section 17 (1)(d) of the Safety of Sports Grounds Act 1975

² See [Elite sport - return to domestic competition guidance](#), updated 30 November 2020"



7. For the purpose of this guidance, 'certifying authority' means the local authority responsible for issuing a General Safety Certificate under the Safety of Sports Grounds Act 1975 ('the 1975 Act') or the Fire Safety and Safety of Places of Sport Act 1987 ('the 1987 Act'). Where the term 'local authority' is used instead this refers to the local government body responsible for enforcing the function being described, and in some areas of England this may not be the same organisation as the certifying authority.

Health and safety requirements

8. The re-admission of spectators introduces requirements on venue operators contained within the Health and Safety at Work etc. Act 1974 (Sections 2 and 3) to reduce workplace health and safety risks, including those associated with potential COVID-19 exposure, 'so far as is reasonably practicable' for all those admitted inside the sports ground as listed at paragraph 6 above. Responsibility will be to both employees and people other than employees (including members of the public) who may be affected by the way an undertaking by the duty holder is conducted.
9. Government guidance on [Working safely during COVID-19](#), which has been informed by input from the Health and Safety Executive and Public Health England, will be relevant here. The Health and Safety (Enforcing Authority) Regulations 1998 allocate enforcement of health and safety law at sports grounds primarily to local authorities.
10. Despite the demanding circumstances, compliance with occupational health and safety requirements remains with duty holders (for example, employers including TV contractors) and they must still meet their responsibilities in the context of the current public health risks. However, it is essential that all employers co-operate with the venue operator to co-ordinate the safety measures they need to take with those of other employers concerned.
11. When following Public Health England guidelines, there may be occasions on which conflicts with workplace risk assessments/method statements and working practices arise. For example, there may be activities where for safety purposes two or more people are required and therefore the advised social distancing measures cannot be satisfied. In cases such as this, mitigation measures must be considered, developed and put into place to ensure observance of both legislation and current good practice.

General Safety Certificate

12. In some cases, domestic and international competition with spectators present will be held within designated sports grounds as defined under the 1975 Act. A General Safety Certificate will therefore be in scope and will contain requirements over all areas for which ground management has direct or indirect control. This could encompass offices or players' facilities within a stand, media facilities, club or leisure facilities, satellite buildings and access and egress to and from car parks, as well as spectator accommodation.



13. The General Safety Certificate, whether prescriptive or risk-based, will require amendment to reflect the additional condition(s) to place a requirement upon the certificate holder to comply with Government and sport governing bodies' protocols in relation to being COVID-19 secure.
14. It is recommended that for a sports ground where a General Safety Certificate is in force a COVID-19 related condition is inserted into the certificate. The SGSA proposes the following standard condition³ for insertion within both prescriptive and risk-based certificates, although it will be for individual certifying authorities to judge precisely how best to frame the condition in the context of a particular sports ground:

“The holder shall ensure that, whilst the provisions of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 and the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (as amended) remain in force (as these may be amended, modified or replaced from time to time, whether generally or for a particular area which includes [name of the sports ground]), the procedures for the phased return of live sport, as set out in Appendix Z of this safety certificate (prescriptive safety certificate) or Section Y of the Operations Manual (risk-based safety certificate) are followed.”

15. In some cases the scale and layout of the sports ground may mean that regulatory control is through the 1987 Act, which extends the provisions for local authority safety certification to include covered stands (known as regulated stands) with accommodation for more than 500 spectators in sports grounds, but which are not designated under the 1975 Act. If a certifying authority determines that a sports ground with a regulated stand will be hosting domestic or international competition with spectators present and thereby within scope of the General Safety Certificate for a regulated stand, a COVID-19 condition along the lines of paragraph 14 above is also recommended.
16. Consideration should be given where appropriate to the widening of invitations to Safety Advisory Groups beyond the normal membership to include participation from specialist areas of expertise, such as public health and transport, where it is felt that added value could be achieved or where regulatory overlap exists. For example, such an approach will help to identify the potential risk of individual outdoor sports events to attract mass gatherings in breach of social distancing rules which may be material to the safe arrival or departure of spectators. In circumstances where such risk is identified as high, the SAG may consider on an event-by-event basis that spectator numbers need to be lower than the identified safe capacity for the ground and/or the maximum number of spectators permitted at outdoor sports events in England under the local COVID tier system (see also paragraphs 18-21 below).

³ The standard condition wording shown in paragraph 14 replaces previous wording from the August 2020 edition of this policy guidance which referenced the COVID regulations then in force in England at that time (“the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020”). General Safety Certificates for sports grounds in England containing that previous standard condition wording are sufficient and do not require revision in that regard as they cite the No. 2 Regulations subsequently replaced by the All Tiers Regulations.



17. It should be noted that as a result of the changes necessary to both prescriptive and risk-based styles of General Safety Certificate, the requirements of regulation 5(5) of the Safety of Sports Grounds Regulations 1987 should be followed in relation to advertising the change.
18. For competition venues subject to General Safety Certificates, it will therefore be critical for venue operators to consult their local certifying authority at the earliest opportunity to determine what amendments to the General Safety Certificate will be required in relation to COVID-19. Such amendments to the General Safety Certificate are likely to include an amended safe capacity calculation informed by the guidance in SG02. An amended safe capacity will be foundational to the ground being able to demonstrate compliance with relevant COVID-19 secure protocols.
19. The SGSA anticipates setting a safe capacity for a sports ground will be a dynamic process, with ground management using SG02 to agree an initial safe capacity figure with the relevant certifying authority for inclusion in the General Safety Certificate. SG02 (Section 3.21) specifically recommends that, once an initial safe capacity figure has been identified, that ground management considers staging 'test events', for example at 50% of the identified safe capacity, to assess plans and competency in operating a ground with spectators present in accordance with social distancing and COVID-19 secure protection. With that in mind, the certifying authority may wish to review the General Safety Certificate on a regular basis whilst SG02 is being used, to allow subsequent amendments to be made to the safe capacity figure informed by actual experience of operating the ground with spectators present in accordance with relevant COVID-19 secure protocols.
20. Without prejudice to the guidance in paragraphs 18 and 19 above, competition venues in England hosting elite sport should comply with the Government announcement of 23 November 2020⁴ about the return of spectators. For those sports grounds subject to General Safety Certificates, a condition should be included requiring the certificate holder to abide by the maximum number of spectators permitted at outdoor sports events relevant to the current local COVID tier for the area in which their competition venue is located, as follows:
 - Tier 3 areas: no spectators permitted;
 - Tier 2 areas: the lowest of: the SGO2 capacity for the ground; 50% of the normal safe capacity; or 2,000 spectators, with further reductions where appropriate; and,
 - Tier 1 areas: the lowest of: the SG02 capacity for the ground; 50% of the normal safe capacity; or 4,000 spectators, with further reductions where appropriate.
21. Any Government endorsed test events in England may be subject to different arrangements and capacity calculations than those outlined at paragraphs 18-20 above.

⁴ Further details available at: [Culture Secretary announces return of fans to elite sport](#)



22. The Operations Manual appended to the General Safety Certificate should provide more detail on arrangements for managing COVID-19-related public health risks at the ground and will cover other non-COVID-19 risks which will need to be revised in line with the new operating plans.
23. Powers vested in local authorities also extend to the closure of grounds under emergency conditions when matters of safety give cause for concern. Local authorities also have a power of entry to sports grounds which are subject to safety certification which may need to be factored into any planning.

COVID-19

24. The measures contained within Stage Five of the Government's five stage framework for the return to full elite sporting competition build upon measures contained within Stages One to Four, which must also be followed together with any specific advice/protocols published by the relevant sport's governing bodies.
25. [Stage 5 guidance](#) advises on the resumption of domestic and international elite competition with spectators present for teams and individual elite sports. The guidance sets out core responsibilities applicable to competition delivery partners⁵ and spectators in upholding public health principles. For example, competition delivery partners should inform spectators of the steps being taken to minimise COVID-19 transmission risks and spectators should commit to abide by a code of conduct. The guidance also advises competition delivery partners to work collectively with Safety Advisory Groups and local authorities in assessing how spectators can return safely.
26. The Stage Five guidance promotes the need for competition delivery partners to work collectively with Safety Advisory Groups and local authorities to develop risk assessment and mitigation plans to address the points contained within the guidance at each stage of the fan journey:
 - Ticketing and capacity - including no travelling away supporters, and mandatory capture of contact information at point of sale for NHS Test and Trace
 - Pre-event communications and build up - including publication of a code of conduct outlining what is expected of spectators, and communications with spectators to assure them about what the venue is doing to be COVID-19 secure
 - Safe travel to/from venue - including to encourage spectators to walk/cycle where possible
 - Last Mile (Zone Ex) and entry - including staggered arrival times
 - Inside the venue - including mandatory face coverings indoors and in all covered communal areas including but not limited to entry and concourses
 - Departure: Venue, Zone Ex and post-event - including staggered departure times

⁵ Competition delivery partners are: competition organisers and competition venue operators



27. The Stage Five guidance indicates that competition venue operators are responsible for undertaking a risk assessment of the venue to identify and mitigate COVID-19 related public health risks associated with operating the venue with spectators present, working closely with local public health officials in their local certifying authority, and local transport representation. The guidance emphasizes the importance of such joint working when multiple venues in the same locality are planning events in the same time period, to identify and address at an early stage potential issues with local public transport capacity.
28. The Stage 5 guidance includes a set of minimum operating standards across some of the key areas of competition delivery. These include catering and retail concessions where relevant wider hospitality⁶ and retail⁷ guidance and regulations are cited. Neither that guidance nor the related regulations alter that already in place in the Sporting Events (Control of Alcohol, etc) Act 1985 ('the 1985 Act'). Further details about the 1985 Act are available on the SGSA website here: [Alcohol at football grounds in England and Wales](#)
29. If there are local lockdown restrictions in place, the competition venue operator will need to consult their local certifying authority and other interested parties, including the police. In such circumstances, the Safety Advisory Group is likely to be the appropriate local governance mechanism for deciding whether events planned for a particular venue need to take place without spectators and/or relocated to a neutral venue outside the area covered by the local lockdown requirements.
30. Competition venue operators will also wish to be mindful that upper tier local authorities (unitary metropolitan councils and county councils) now have powers⁸ to close individual premises or public outdoor places and prevent specific events. Those local authorities will no longer have to make representations to a magistrate in order to close premises. The Government expects local authorities to use these powers with discretion, and only having had regard to any advice from the relevant Director for Public Health.

SGSA Oversight and Licensing Powers

31. Under the Football Spectators Act 1989, the SGSA is responsible for overseeing the discharge by local authorities of their safety certification responsibilities at International, Premier League and English Football League (EFL) football grounds in England and

⁶ See: [Working safely during Covid-19 - restaurants offering takeaway or delivery](#)

⁷ See: [Working safely during Covid-19 - shops and branches](#)

⁸ Further details available at: [Covid-19 contain framework: a guide for local decision-makers](#)



Wales⁹ at which designated football matches¹⁰ are played. The SGSA is also responsible under the 1989 Act¹¹ for issuing licences to admit spectators to those football grounds.

32. In discharging its regulatory functions, the SGSA will routinely undertake inspections at International, Premier League, and EFL football grounds in England and Wales. Such inspections will assess adherence to conditions in the General Safety Certificate, including those measures put in place for social distancing and COVID-19 secure protection.
33. Subject to prior consultation with local authorities, police and building authorities, under the terms of the 1989 Act¹² the SGSA may direct local authorities to include specific terms and conditions in a General Safety Certificate, including in relation to the recommendations in SG02, and along the lines of the model condition at paragraph 14 above. SGSA anticipates, however, that all certifying authorities with powers over those football grounds will voluntarily insert a COVID-19 related condition into General Safety Certificates.
34. The SGSA considers that certifying authorities will be best placed to take enforcement action if required, drawing on their relevant local public health expertise to identify any instances of serious non-compliance and take appropriate and proportionate enforcement action accordingly. This is consistent with the position in the SGSA's existing Oversight and Licensing Policy that it is first and foremost the relevant local authority's responsibility to ensure sports ground safety in accordance with the 1975 Act. This is also consistent with the SGSA's existing [enforcement approach](#).
35. Although the inclusion of a COVID-19 condition in the local authority General Safety Certificate is the preferred route, the SGSA reserves the right to impose licence conditions on a ground subject to SGSA licensing at the start of a licensing period (1 August each year) using its general licensing powers under the 1989 Act¹³ as long as these do not conflict with any Direction as to seating imposed by the Secretary of State under Section 11 of that Act.
36. Equally, the SGSA reserves the right to use powers during a licensing period (1 August to 31 July each year)¹⁴ to vary the terms of a licence to include a COVID-19 condition, subject to statutory consultation requirements¹⁵. Breach of any licence conditions is an

⁹ Section 13 of the Football Spectators Act 1989

¹⁰ A designated match is defined under the Football Spectators (Designation of Football Matches in England and Wales) Order 2000 as "any association football match which is played at Wembley Stadium, at the Principality Stadium in Cardiff or at a sports ground in England and Wales which is registered with the Football League or the Football Association Premier League as the home ground of a club which is a member of the Football League or the Football Association Premier League at the time the match is played".

¹¹ Section 11 of the Football Spectators Act 1989

¹² Section 13 (2) of the Football Spectators Act 1989

¹³ Section 10 (5) of the Football Spectators Act 1989

¹⁴ Section 10 (10) of the Football Spectators Act 1989

¹⁵ Section 10 (11) of the Football Spectators Act 1989



offence under the 1989 Act¹⁶ and the SGSA may revoke or suspend of the licence in these circumstances.

Review

37. The SGSA does not anticipate needing to use its existing oversight powers to direct local authorities to include COVID-19 conditions in safety certificates. Nor does the SGSA anticipate needing to use its existing licensing powers to include a COVID-19 condition in SGSA licences for football grounds in England and Wales subject to SGSA licensing.
38. The SGSA will, however, keep this guidance under review, and reserves the right to use its oversight and licensing powers to include COVID-19 conditions if a change of circumstances merits such an approach. For example, if there is very low take up of the model COVID-19 condition nationwide and this leads to widespread divergence in COVID-19 secure arrangements at designated sports grounds resulting in spectators being exposed to unacceptably high safety risks.
39. If the SGSA does judge that such a change of approach is merited, advance notice will be given in accordance with the statutory consultation requirements under the 1989 Act.

References

- Stage Five Guidance “Elite sport – return to competition: safe return of spectators”: <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-phased-return-of-sport-and-recreation/elite-sport-return-to-competition-safe-return-of-spectators>
- Working safely during COVID-19: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>
- SGSA Supplementary Guidance 02: Planning for social distancing at sports grounds: <https://sgsa.org.uk/planning-for-social-distancing-guidance-published/>
- SGSA Oversight and Licensing Policy: <https://sgsa.org.uk/oversight-and-licensing-policy/>
- SGSA Enforcement Approach: <https://sgsa.org.uk/enforcement-approach/>

¹⁶ Section 10 (13) of the Football Spectators Act 1989