

Football Licensing Authority

A Hampton Implementation Review Report

March 2010

Football Licensing Authority

This is one of a series of reviews of regulatory bodies focusing on the assessment of regulatory performance against the Hampton principles and Macrory characteristics of effective inspection and enforcement. It was carried out in December 2009 by a Review Team drawn from the Better Regulation Executive, the Human Fertilisation and Embryology Authority and the Security Industry Authority.

Further information on the reviews can be found at:

<http://bis.gov.uk/policies/better-regulation/improving-regulatory-delivery/implementing-principles-of-better-regulation/reviewing-regulators>

EXECUTIVE SUMMARY AND CONCLUSIONS

Key findings from the review:

The Football Licensing Authority (FLA) has an impressive record on improving the safety of sports grounds: there has not been a single fatality at a licensed football ground since its inception 20 years ago. All stakeholders interviewed during the review praised the FLA's contribution to making stadia safe. Its licensing is well understood, straightforward to implement and easily enforced.

As a result of improvements to stadia construction, design and safety management brought about by the FLA since it was established in 1989, the challenges to achieving safety have changed since its founding legislation was introduced. This means that many stakeholders, and the FLA itself, would like to see legislative reform to adapt to changing circumstances. Competing pressures for parliamentary time have prevented this from happening to date.

The review team was pleased to note that the FLA works flexibly within the existing statutory framework: its inspectors work in a pragmatic, risk-based and proportionate way, for example. The FLA's recent decision to launch a consultation on safety certification, which considers moving from a prescriptive to a risk assessed approach in which the ground management takes the lead, is also a good sign that the organisation is keen to move with the times.

However, there is scope for improvement in the area of stakeholder engagement. In today's world influencing supporter and club behaviours is arguably the most important factor in ensuring sports grounds are safe and comfortable environments. This necessitates working collaboratively with stakeholders to secure buy-in for shared solutions. Some of FLA's partners reported that they would like to feel more involved in its decision-making, and the review team believes that the FLA needs to recognise more fully its dependence on the support of those it regulates for meeting its objectives. It would therefore do well to spend more time asking its stakeholders for feedback on its performance, and, where legal limits prevent it from rectifying problems, communicating this effectively to them.

The FLA has contributed to many impressive outcomes: its key guidance document, the Green Guide, is world renowned; its inspectors' advice is highly valued by local authorities and grounds operators; its licence application form is quick and easy to fill in and compliance with its requirements is high. In addition, over the past 20 years grounds have become safer and more comfortable, attendance is higher, the spectator demographic is more heterogeneous, spending and tax revenues have increased and the quality and quantity of facilities for the disabled have risen. However, the review team did not get the sense that the FLA could fully explain how its policies and activities related to these outcomes. This

	<p>is not because it did not play a key role in these achievements, but rather because it does not appear to devote a great deal of attention to evaluating the impact it makes. The review team would therefore like to see the FLA measure the impact of its work more systematically in future. This would help it to capture the benefits of the work it is doing, track progress and identify areas for improvement.</p> <p>FLA inspectors were praised by stakeholders for their risk-based approach to their work. The review team saw some of them in action and was equally impressed with their approach. Although there were systems in place to capture the intelligence inspectors gained on the ground, it seemed that this information did not always feed into FLA strategic decision-making. The review team therefore welcomes the FLA's imminent plans to introduce a formal risk assessment framework.</p> <p>The FLA has a good record on sanctions. Although it does not generally impose sanctions directly, it has influenced local authorities to take meaningful action to change behaviour in the past. On the other hand, it is equally capable of being flexible when clubs can provide reasonable justification for being unable to meet their obligations.</p>
<p>Issues for follow-up identified during the review:</p>	<p>Improving stakeholder engagement</p> <ul style="list-style-type: none"> • The FLA should explore how it can make its engagement with stakeholders (e.g. football authorities, clubs, HSE, local authorities, supporters' groups) more collaborative in order to maximise the impact it has on changing behaviour. The FLA needs to show its stakeholders that it is willing to respond to their feedback and keen to work with them closely to deliver the shared goal of increasing the safety and comfort of spectators. • The FLA already has plans to consolidate and update the advice in Home Office/DCMS departmental circulars. The review team recommends that the FLA should measure customer satisfaction with all its advice and guidance in a systematic way. As part of this work, it should seek to accommodate stakeholders' preferences in terms of the type and/or format of the advice and guidance it provides. • Legislative changes would significantly help the FLA act more effectively and a wider range of sports benefit from the FLA's expertise. <p>Formalising risk assessment</p> <p>The FLA is planning to introduce a more formal system for assessing the risks to spectator safety which should be operational as of next season. As part of this process, the review team would like to see:</p> <ul style="list-style-type: none"> • improved internal communication and collaboration between its Grade A inspectors and the FLA senior management team, so that intelligence gathered during inspections is fed into the decision-

making of the FLA more systematically

- a more flexible, risk-based and targeted approach to rating risks to stadium safety from the centre to mirror that taken by inspectors;
- more targeted monitoring regimes for local authorities.

Clarifying roles and responsibilities

The review team noticed that there sometimes seemed to be a divergence of views between FLA HQ and its inspectors about its monitoring role over local authorities. In part this reflects the constraints imposed by its statutory remit. Similarly, there had been some confusion about the division of responsibilities between FLA inspectors, local authorities and clubs. The FLA should clarify the position and ensure it communicates it effectively to everyone involved.

Evaluating data requests

- The FLA should measure the impact of its data requests both in terms of the burden they impose on respondents and in terms of the way the information they generate is used to inform future activity. The FLA should use the results of this assessment to explore whether there are opportunities for burden reductions and/or to use the data more effectively to feed into strategic decision-making.
- This analysis should include finding out whether there is a demand among clubs to submit applications online and responding to feedback accordingly.

Developing an evidence base to inform future strategy

- The review team shares the view of the FLA and many of its stakeholders that the legislation which underpins its work is in need of reform. However, the review team believes that there is scope for the FLA to improve its performance within the limits of the existing statutory framework.
- The review team recommends that the FLA assess the impact of the existing regulatory regime to develop an evidence base to inform decisions on which changes, be they legislative or operational, would lead to further advances in the spectator experience. As well as highlighting where improvements could be made, this evaluation would also highlight what is currently working well and should consequently be preserved.
- As part of this appraisal, the FLA should consider measuring its impact on a number of aspects of the spectator experience, such as comfort, public order and disabled access. Although its statutory obligations do not currently cover these areas, its work has had significant, positive impacts on them. It would therefore be worth capturing the benefits it has achieved. Conducting customer satisfaction surveys to establish baselines and track progress would prove useful in this context.

	<ul style="list-style-type: none">• In addition, the FLA should try to establish to what extent its activities have encouraged economic progress: higher attendance at sports events and higher tax revenues would suggest the FLA's work has had a positive influence, but it would be useful to demonstrate exactly which factors explain these developments. For example, it would be worth the FLA exploring the way in which its advice and guidance and the interaction of its inspectors with its partners on the frontline have impacted on behaviour.• The FLA should build a strong evidence base for change through the production of an impact assessment which sets out the relative costs and benefits of options for change. The FLA should work closely with its stakeholders on this impact assessment work to build consensus about the type of changes which would lead to optimal outcomes in the sector.
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INTRODUCTION

Background Information:

FLA origins and key events

Although ensuring public order and spectator safety had been debated over a number of years, three stadium disasters in the 1980s ultimately led to the creation of the FLA:

- the **Bradford City Fire** in 1985, where 56 supporters died and 256 were injured when a wooden stand caught fire, and many spectators were unable to escape;
- the **Heysel Stadium disaster**, also in 1985, where 39 supporters died and 600 were injured when a stadium wall collapsed under the weight of Juventus fans trying to escape from rival Liverpool supporters who had breached the barriers between them; and finally,
- the **Hillsborough disaster** in 1989 where 96 people died and 766 were injured initially as a result of crushing following rapid overcrowding in enclosed standing areas (known as pens), and subsequently because the emergency services were unable to get to many of the casualties.

Taylor Inquiry

The subsequent inquiry into the Hillsborough disaster, by Lord Justice Taylor¹, found that the safety certificate for the stadium had not been reviewed since 21 December 1979 despite major redevelopment at the ground². He also cited a lack of proper monitoring of the number of people in the standing areas concerned, which led to overcrowding and fatalities.

The local authority issues a safety certificate under the Safety of Sports Grounds Act 1975; the licence is issued by the FLA under the Football Spectators Act 1989.

Among the 76 recommendations of the Taylor report were:

- a newly created 'Football Licensing Authority' to oversee the safety certification activities of local authorities with regard to football grounds;
- the conversion to "all seated" stadia as a means of better controlling capacities; and
- the creation of Safety Advisory Groups.

Government Sponsor

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<http://www.southyorks.police.uk/sites/default/files/foi/significantpublicinterest/interim%20report%20hillsborough.zip>

² The ground had undergone major developments in 1981 and 1985

	<p>The Department for Media, Culture and Sport (DCMS) is the sponsoring body for the FLA.</p> <p>Parliamentary Activity</p> <p>A Private Peer's Bill, the Sports Grounds Safety Authority Bill, had its first reading in the House of Lords recently. The Bill, introduced by Lord Faulkner of Worcester seeks to amend the Football Spectators Act 1989 relating to the Football Licensing Authority (FLA). Its purpose is to:</p> <ul style="list-style-type: none"> • reconstitute the FLA as the Sports Grounds Safety Authority (“the Safety Authority”); • give the Safety Authority the power to provide advice and guidance about safety at sports grounds to any national or international organisation, person or body (including local authorities and Ministers of the Crown); and • charge for these services in certain circumstances. <p>A similar private members bill was submitted by Russell Brown MP in the 2007/08 session of Parliament. These are the latest in a series of bills reflecting the government's policy going back over ten years.</p>
<p>The legislation establishing the regulator:</p>	<p>The FLA was set up under the Football Spectators Act 1989. In addition, it operates with delegated powers from DCMS from time to time (e.g. in developing the Green Guide).</p>
<p>The regulator's statutory remit or objectives:</p>	<p>Statutory Duty</p> <p>The Football Licensing Authority is responsible, under the provisions of section 13 of the Football Spectators Act 1989, for keeping under review the discharge by local authorities of their functions under the Safety of Sports Ground Act 1975 at Wembley Stadium, the National Stadium Cardiff and all Premier and Football League grounds.</p> <p>To fulfil these duties the FLA monitors the safety certification and inspection activities of any Local Authority that has a Premier or Football League ground within its bailiwick under the Football Spectators Act 1975.</p> <p>FLA Mission Statement:</p> <p>“Our mission is to ensure that all spectators regardless of age, gender, ethnic origin, disability, or the team that they support are able to attend sports grounds in safety, comfort and security.”</p> <p>FLA Objectives:</p> <ul style="list-style-type: none"> • To ensure by means of education, guidance, assistance and monitoring that the local authorities undertake safety certification

to a consistent and acceptable standard; in the long term, to enable these authorities to reduce their involvement as clubs take more responsibility for safety.

- To maintain and build on the achievements of the government's policies on spectator accommodation.
- To bring about a permanent change of culture whereby consistently high standards of safety are maintained at every Premiership, Football League and international football ground by the clubs or ground on their own initiative rather than in response to requirements imposed by other bodies.
- To maintain and enhance the position of the FLA as the leading authority on ground safety and standards at home and overseas and as the prime source of advice and assistance to government, local authorities, clubs and other bodies.
- To perform effectively, efficiently, economically and with absolute probity in line with best practice on corporate governance and risk management.

The FLA seeks to fulfil this aim by performing the following actions:

- Inspections of football grounds to keep under review the local authority certification process in regards of spectator safety.
- Attending meetings of Safety Advisory Groups.
- Publishing guidance to assist local authorities undertake their safety certification responsibilities.
- Publishing guidance on safety at football grounds and other venues.
- Providing advice to local authorities, stadium management and other organisations on spectator safety at football grounds.
- Responding to requests for advice in respect of other sporting venues in the UK and abroad.

FLA Activities

1. Implement the Government's policies in respect of spectator accommodation at football grounds in England and Wales.

2. To ensure that local authorities are properly discharging their statutory obligations the FLA undertakes two activities.

- Inspection and audit of the safety certificates issued by Local Authorities to ensure that the certificates provide for reasonable safety and that the local authority has appropriate procedures for monitoring that the club is adhering to the conditions in the certificate.
- When attending the Safety Advisory Groups, to monitor how local authorities are discharging their safety certification responsibilities; the inspectors also provide advice and guidance on all matters concerning crowd safety at football matches.

	<p>3. Issue guidance on spectator safety in football grounds</p> <p>The FLA is responsible for the publication of the Guide to Safety at Sports Grounds or the “Green Guide”. The purpose of the Guide is to assist ground management and local authorities in assessing how many spectators may be safely accommodated within a sports ground. Although the guide has no statutory force, many of its recommendations are made statutory at individual grounds by their inclusion in the safety certificate issued by the local authority.</p> <p>In addition to the “Green Guide” the FLA publishes many other documents, all on the themes of crowd safety or stadia design. Its website includes links to other publications that may be useful in assisting decisions on crowd safety, such as the Information Commissioner’s Office document on the use of CCTV cameras, “CCTV code of practice”.</p> <p>The FLA, in conjunction with the Cabinet Office Emergency Planning College, currently runs two courses, with three more under development:</p> <ul style="list-style-type: none"> • <i>Working in Safety Advisory Groups</i>: to educate those who are involved in planning and managing public safety in sports grounds and at sporting events. • <i>Public Safety at Sports Grounds and Events</i>: to train people in the techniques of planning an event where a large crowd is expected. <p>4. Provide advice to the Government on safety at other sporting venues</p> <p>In 2008/09 the FLA provided advice to various organisations on creation of safe sporting venues. For example, they advised DCMS on crowd safety at Ascot Racecourse for which, as Crown land, DCMS issued the safety certificate. The FLA also provided advice and guidance to the Northern Ireland authorities.</p>
The regulator’s budget:	£1.3 million per year
Number of staff:	The FLA has 16 members of staff.
The sector and number of businesses regulated either directly or indirectly:	<p>Regulated Stakeholders</p> <p>The FLA covers 92 league football clubs incorporating the Premiership, Championship, Division One and Two as well as the Wembley and Millennium Stadia.</p> <p>The FLA also works with all the 81 local authorities who have a football</p>

club (in the top 4 divisions) within their geographical boundary areas.

Areas of further influence:

- Safety Advisory Group – A group hosted by each local authority where a ground in which designated football matches are played is located. It includes representatives from the emergency services (police, fire and rescue, and ambulance), the ground management/club, the building authority, the local authority emergency planning department, in some cases the supporters and, as invited observers, the FLA. The Group advises the local authority on the terms and conditions of the safety certificate, though the responsibility for all decisions rests with the local authority.
- Persistent Standing Working Group – bringing together the football authorities, local authorities, safety officers, police and, DCMS, which the FLA chairs as honest broker.
- Football Authorities Safety Management Focus Group, Sector Skills Council, Skills Active and the various awarding bodies for steward qualifications, the Football Safety Officers' Association national and regional meetings and the local authority regional groupings are among the many bodies with whom the FLA is regularly engaged. Meetings are also held with the football authorities and supporters' groups though there is scope for these to be more frequent.
- European Committee for Standardisation (CEN) – where they have an inspector as a project leader working on the "Spectator Facilities – safety management" project.
- Standing Committee of the European Convention on Spectator Violence and Misbehaviour – the group that oversees the observance of the Convention and produces Recommendations for all contracting parties.
- Union of European Football Associations (UEFA) – in terms of assisting publication of guidance on crowd safety

THE HAMPTON VISION

“Both the Hampton and Macrory reports are concerned with effective regulation – achieving regulatory outcomes in a way that minimises the burdens imposed on business. Key to this is the notion that regulators should be risk-based and proportionate in their decision-making, transparent and accountable for their actions and should recognise their role in encouraging economic progress.”

Any findings relevant to whether the regulator is risk-based:	<p>The review team commends the way in which FLA inspectors on the ground appear to use their wealth of experience and local knowledge in a proportionate, risk-based manner in what is a highly changeable and volatile environment.</p> <p>The FLA clearly has a good understanding of what is required to make stadia safe. The FLA informed the review team that inspectors meet the Chief Executive individually at the start of each season to present a review of the safety management at the club and the quality of oversight exercised by the local authority. These discussions help to determine the coming season’s inspection regime.</p> <p>The review team welcomes this practice, but believes that the FLA could go further to make sure information from the ground is fed back into policy and strategy development in a transparent and sustained way. The review team is pleased to note that the FLA is currently seeking to introduce a more formal system for assessing the risks to spectator safety. As part of this process, the review team would like to see the FLA develop a more systematic approach to understanding and rating the risks around stadium safety.</p> <p>Now that most stadia comply with statutory requirements, taking a risk-based approach entails a shift of focus away from the physical condition of a ground’s viewing area (the ‘P’ factor) towards the quality of the safety management in an area of a ground (the ‘S’ factor) and the quality of the local authority’s safety certification procedures. The review team commends the FLA for following this approach, but would like to see it doing more to influence clubs in this area who are responsible for liaising with spectators on safety issues.</p>
Any findings relevant to whether the	The FLA provided evidence of a series of consultations on a number of topics in which it sought to involve a wide range of stakeholders since its establishment in 1989. For

<p>regulator is transparent and accountable:</p>	<p>example, consultations have taken place on its licensing scheme, safety certification, safety management and technical issues (e.g. accessible stadia), among many other subjects.</p> <p>In spite of this activity, many stakeholders consulted by the review team stated that they felt that they had no input into regulatory design and planning. This meant it sometimes seemed as if FLA decisions came out of nowhere. As a result, the review team believes that there is scope for the FLA to improve its communications to make stakeholders feel “listened to”.</p>
<p>Any findings relevant to whether the regulator encourages economic progress:</p>	<p>It is clearly appropriate that minimum safety standards must be maintained, even when they prove costly to adhere to. That said, the review team would be interested to see the FLA doing some work to assess the impacts of the regulatory regime on economic activity. This would help to inform decision-making on the future of the regulatory framework. Such an evidence base could be used by DCMS, local authorities, stakeholders and the FLA itself to identify whether any changes to the system could be made to further economic progress.</p>

DESIGN OF REGULATIONS

Hampton Principles

“All regulations should be written so that they are easily understood, easily implemented, and easily enforced, and all parties should be consulted when they are being drafted”

“When new policies are being developed, explicit consideration should be given to how they can be enforced using existing systems and data to minimise the administrative burden imposed.”

Key findings on
Design of
Regulations:

The legislation has been successful in what it set out to achieve: establishing safe stadia across English league football. The fact that there has not been a single fatality since the FLA's inception speaks for itself. The licensing regime has led to the vast majority of clubs in scope of the Act to become all-seated. Furthermore, the safety standards it sets for terracing help to prevent life-threatening densities building up behind any one particular barrier.

However, in today's world the key challenges are less about stadia construction and design and more about influencing supporter and club behaviours. It is recognised that the predominant focus on seating in the FLA licence is dictated by the provisions of the Act.

The review team was therefore pleased to learn that the FLA does not allow these legal restraints to unduly distort its focus – that is to say, it devotes a considerably greater proportion of its time to helping local authorities manage safety than dealing with seating issues.

The review team noticed that there sometimes seemed to be a divergence of views between FLA HQ and its inspectors about its monitoring role over local authorities. The review team is pleased to note that the FLA is aware of this issue and is already seeking to improve the situation through the introduction of a more formal risk assessment which inspectors will have to complete before going on a match visit.

The FLA has a high level of expertise in safe stadium design and spectator management. Indeed, all the stakeholders that the review team spoke to would like to see this expertise being utilised in more areas, including other sports events and concerts. However, the existing legislation limits FLA's remit to football.

	<p>The FLA has expressed the wish to extend its power to offer advice in respect of all sports grounds to respond to stakeholder demands. Competing pressures in DCMS and its predecessors for the parliamentary time which would be necessary to make the legislative changes required has prevented FLA's remit being extended to date.</p> <p>The review team shares the view that it makes sense for FLA expertise to be used more widely, but believes that a precondition for extending its remit should be the development of a more responsive, collaborative stakeholder engagement strategy. The latter would put it in a position to work with an array of new partners to achieve optimal outcomes.</p> <p>The review team welcomes the FLA's recognition of the fact that legislative changes would permit it to act more effectively and its consequent attempts to press for changes to the regulatory framework.</p> <p>The review team particularly welcomes the FLA's recent decision to launch a consultation on safety certification, which considers shifting responsibility for safety to stadium owners. With regard to other regulatory changes, the review team believes that the FLA would be in a stronger position to achieve these if it:</p> <ul style="list-style-type: none"> • provided a stronger evidence base for change through impact assessment work; • joined forces with its stakeholders, who on the whole share its concern around the need for legislative reform, to build consensus on the optimal way forward.
<p>Background information such as the regulator's role in developing regulations:</p>	<p>Background information around the Design of Regulations:</p> <p>The Football Spectators Act 1989 originally conceived the FLA as the implementing body for the proposed Football Membership Scheme following the Heysel Stadium disaster in 1985. However, following the Hillsborough Stadium disaster in 1989, the Bill was amended at a late stage in its passage through Parliament. The FLA was directed by the Government to implement or oversee over 40 recommendations of Lord Justice Taylor's Final Report on the Hillsborough Disaster. The Act specifically requires the FLA:</p> <ul style="list-style-type: none"> • To license grounds at which designated football

	<p>matches are played, the conditions to be determined in accordance with the requirements of the Act or the instructions of the Secretary of State; and</p> <ul style="list-style-type: none"> • Keep under review the certification by local authorities of grounds at which designated football matches are played. <p>The Football Spectators Act 1989 thus sets out a clear but narrow purpose for the FLA which focuses on its statutory licensing function and the oversight of local authorities. In practice, the FLA's statutory licensing function accounts for under 10% of its activity. The remaining 90+% consists of statutory oversight of the local authorities and the provision of advice and guidance.</p> <p>The FLA played no part in the design of its regulations at their inception. Where amendments were made to the Act through the Football (Offences and Disorder) Act 1999, the Football (Disorder Act) 2000 and the Violent Crime Reduction Act 2006, the FLA liaised with the Home Office who was responsible for these acts. The FLA was closely involved with one section of the 2006 Act which related to removing grounds from regulation by the Security Industry Authority.</p> <p>The FLA's primary regulatory function and the policy behind it has remained unchanged since 1992 when football clubs successfully lobbied for safe standing areas to be permitted in the bottom two divisions of the Football League on the grounds of cost.</p>
<p>Example(s) of good practice:</p>	<p>The FLA's role as joint co-ordinator in offering training courses on "Working in Safety Advisory Groups" and "Public Safety at Sports Grounds and Events" at the Emergency Planning College is commendable. This work helps to spread good practice across all stakeholders working, not just in stadia environments, but also in other areas of regulated public safety.</p>
<p>Review findings:</p> <p>The extent to which the review team believes the regulator is acting in line with the Hampton</p>	<p>FLA licensing is well understood, straightforward to implement and easily enforced.</p> <p>The role that the FLA plays in monitoring local authority oversight of the safety certification of stadia at which designated football matches are played is not always well understood by regulated entities or other stakeholders.</p> <p>The review team believes the FLA could be more effective in its attempts to secure support for bringing the legislative framework into line with current demands if it</p>

principles:

used impact assessment and worked in partnership with its stakeholders.

ADVICE AND GUIDANCE	
<i>Hampton principle</i>	
<i>“Regulators should provide authoritative, accessible advice easily and cheaply”</i>	
Key findings on Advice and Guidance:	<p>The FLA’s most prominent guidance document, the <i>Guide to Safety at Sports Grounds</i> (known as the Green Guide and published by DCMS) is nationally and internationally recognised as authoritative and comprehensive.</p> <p>The FLA’s own publications (e.g. Accessible Stadia, Concourses, Safety Management etc.) and its many circulars are also regarded as comprehensive, accessible and easily understood by non-specialists.</p> <p>Some of the legacy guidance inherited from other departments (e.g. Home Office and DCMS statutory guidance and circulars) which the FLA has to apply is considered dated, not fully relevant, inconsistent and confusing by some stakeholders. The FLA recognises this problem and has been in talks with DCMS for some time about an FLA review and consolidation of DCMS statutory guidance. The review team was pleased to hear that the FLA plans to consolidate and, where necessary, update the advice in departmental circulars – an action which it identified in response to the recent consultation on safety certification.</p> <p>In addition to written guidance, the FLA’s inspectors provide valued advice in an accessible form to local authorities and ground operators as part of their monitoring role.</p> <p>The FLA does not appear to collect empirical evidence of the impact of its advice and guidance on those who use it. The review team believes it would be useful for the FLA to become more systematic in the way that it evaluates stakeholder feedback on all of its advice and guidance. This would enable it to make sure that stakeholder preferences in terms of the type and/or format of guidance could be accommodated more quickly. The review team is pleased that the FLA has expressed strong interest in developing such an approach.</p>
Background information such as the means by which the regulator provides advice and guidance:	<p>The FLA has two main methods for giving advice and guidance:</p> <ul style="list-style-type: none"> • Guidance documents including the Green Guide, guidance on Accessible Stadia, Concourses, Control Rooms, Safety Management and Safety Certification and FLA circulars on both physical and safety management issues. A lot of useful information is available on the FLA website, in particular in the form of frequently asked questions.

	<ul style="list-style-type: none"> • Advice, through direct interactions between inspectors, local authorities and stadium owners or from FLA headquarters. <p>The Green Guide is primarily intended to advise local authorities on how to set the capacity of the ground having regard to its condition and safety management. In doing so, it also promotes best practice but is not a design guide as such.</p> <p>Advice is sought by a range of stakeholders both in the UK and internationally.</p>
<p>Example(s) of good practice:</p>	<p>Local authorities and stadium owners report that FLA inspectors are knowledgeable and helpful in their interactions with regulated entities and the review team formed a similar opinion during the inspection it observed. The review team concluded that the FLA Grade A inspectors' approach is flexible, proportionate and risk-based.</p>
<p>Review findings:</p> <p>The extent to which the review team believes the regulator is acting in line with the Hampton principle:</p>	<p>The FLA recognises the importance of advice and guidance in improving compliance. For the most part, it receives positive feedback from stakeholders (including internationally) for the quality and authority of both its written guidance and the specific advice provided by its inspectors. However, some stakeholders expressed a desire for improvements in some of the Home Office/DCMS guidance documents. The FLA assured the review team it would be revising the guidance on behalf of DCMS.</p> <p>The review team therefore believes that the FLA should develop a more systematic, evidence-based approach to evaluating stakeholder satisfaction with its advice and guidance, so that it can respond to any concerns quickly and effectively.</p>

DATA REQUESTS

Hampton principle

“Businesses should not have to give unnecessary information or give the same piece of information twice.”

Key findings on Data Requests:

The FLA’s licence application process is brief and straightforward: the stadium safety officer completes the form with the name of the stadium owner (usually the football club), the address of the stadium and their own name and signature and submits it to the FLA. The burden on the regulated entity is estimated to be no more than 15 minutes.

The FLA carries out themed audits to assess how local authorities are performing their safety certification responsibilities. These audits have not always proceeded as intended, in part, because of internal differences at the FLA and poor communication of the initiative to local authorities. The review team is pleased to note that this issue has been addressed since the review was undertaken. FLA HQ now ensures that it notifies local authorities of the scope of forthcoming audits at an early stage. This replaces the previous system in which local inspectors advised individual local authorities just prior to the start of the audit.

The majority of FLA requests for data from clubs are for copies of documents that they are legally required to maintain and have available for inspection. The review team was impressed to learn that the FLA does not ask clubs to send copies to the FLA, but seeks to minimise burdens by arranging for local inspectors or relevant Grade B inspectors to visit clubs at times when it is convenient for them to examine their records.

The FLA has also requested statistics of spectator injuries from the football clubs themselves. This has been a challenging process because the returns from the clubs have not been consistent, reflecting the variety of ways in which injury statistics are reported. The FLA is seeking to address this problem by employing a statistician on a consultancy basis to help it to refine and collate its injury statistics. The review team is optimistic that improvements to this area of data collection will be made.

The FLA does not currently permit clubs to submit licence application forms electronically. Since these forms must

	<p>be accompanied by a cheque, the FLA has argued that the use of a manual form makes sense, especially since smaller clubs may not have access to electronic banking. While this may be valid in many cases, the review team believes it would be worth the FLA asking clubs about their preferences to establish whether electronic options would be worth pursuing.</p> <p>A local authority provided evidence of minimising reporting burdens by having agreed access to online stadia certification and record files thereby eliminating the need to ask for the information. The review team believes it would be useful for the FLA to explore similar types of arrangements with stadia owners.</p> <p>The FLA is in the process of auditing and mapping implementation by local authorities. The outcome of the audit ought to provide higher quality intelligence from which the FLA can monitor local authorities. Although this work will involve burdensome data gathering, the information it generates should lead to more targeted monitoring regimes for local authorities.</p>
<p>Background information, such as the data required by the regulator; the means by which business can return data, etc:</p>	<p>The FLA's licence application form, which comprises its main data request, is completed annually by stadium management. According to the FLA's website, "the primary purpose of the licence is to ensure compliance with the government's policy that clubs in the Premiership and Championship must provide all seated accommodation and any standing accommodation at grounds in Football Leagues One and Two are of the prescribed standard." The FLA's licence application is considered by the FLA in the light of information supplied by the club and the local inspector.</p> <p>In 2008 the FLA restarted themed audits of local authorities after a break of 18 months. According to the FLA, these audits form part of its statutory duty of keeping under review the discharge by local authorities of their functions under the Safety of Sports Grounds Act 1975. This work is primarily undertaken by newly-created FLA Grade B Inspectors. Grade B inspectors were introduced as part of a restructuring of the FLA which was designed to enable Grade A inspectors to devote more time to developmental work.</p> <p>The FLA has also requested statistics of spectator injuries from football clubs.</p>

<p>Review findings:</p> <p>The extent to which the review team believes the regulator is acting in line with the Hampton principle:</p>	<p>The FLA seeks to minimise the burdens it imposes through its data requests. Its licence application form is easy to fill in and it has sought to reduce the inconvenience to local authorities of its audits. These audits should help it to take a more risk-based approach to monitoring local authorities in future.</p> <p>There is scope for improvement in terms of allowing clubs to submit applications online.</p> <p>From consulting local authorities it appeared that the FLA's efforts to reduce burden and duplication were not always understood. The review team felt the FLA could do more to clarify its intentions.</p> <p>It would be useful for the FLA to develop a mechanism to measure the burden of its data requests to establish whether there are further opportunities for reducing burdens. It should seek to learn lessons from local authority best practice in this context.</p>
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INSPECTIONS	
<i>Hampton principle</i>	
<i>"No inspection should take place without a reason."</i>	
Key findings on Inspections:	<p>There is strong evidence that FLA inspectors are recognised and valued as authoritative sources of expertise and advice by those who interact with them. However, the review team heard from stakeholders that despite FLA policy guidelines, the direct interactions between inspectors and clubs blur the lines of responsibility between clubs, local authorities and the FLA.</p> <p>Although the inspector who met the review team seemed to have a firm understanding of risk and was selecting visits based on this knowledge, no <i>formal</i> risk analysis was being undertaken or used to schedule or inform inspections centrally. The review team welcomes the fact that the FLA has acknowledged this issue and is already taking positive steps to improve the situation: work is underway to develop a more formal approach to risk assessment which should be in place from as soon as the start of the next season.</p>
Any relevant background information:	<p>The FLA employs seven Grade A Inspectors who cover all relevant football grounds through regional responsibilities.</p> <p>The FLA has moved to a system of employing more junior inspectors who take on the administrative parts of an inspector's role. There are currently three Grade B Inspectors.</p> <p>Not every football match in a licensed ground is visited by an inspector, but each ground will be inspected on match day on a number of occasions during the year. Each inspector fills in a post match/visit report which it sends to the FLA.</p>
Example(s) of good practice:	Stakeholders reported, and the review team also observed, that FLA inspectors add real value to safety management at ground level, and that they also play a crucial role in keeping ground safety on the radar of local authorities who might otherwise fail to focus on this area of work.
Review findings: The extent to which the	The review team found the FLA inspectors adopted a proportionate, risk-based approach to their work. Stakeholders appear to genuinely appreciate the interactions they have with them. However, there is a need

<p>review team believes the regulator is acting in line with the Hampton principle:</p>	<p>to delineate more clearly the responsibilities between local authorities and the FLA on FLA visit days.</p> <p>The review team also feels that more could be done to systematically feed intelligence gathered from inspections into the decision-making of the FLA.</p>
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SANCTIONS

Hampton & Macrory principles

“The few businesses that persistently break regulations should be identified quickly, and face proportionate and meaningful sanctions.”

“Regulators should be transparent in the way in which they apply and determine administrative penalties.”

“Regulators should avoid perverse incentives that might influence the choice of sanctioning response.”

“Regulators should follow up enforcement actions where appropriate.”

Key findings on Sanctions:

The FLA has the power to refuse, revoke or suspend the licence of a club, but It has never needed to do so. It has, however, on a few occasions declined to license a part of a ground that did not comply with the requirements for spectator accommodation.

In addition, as part of its oversight of safety certification by the local authority, it has the power to require the insertion of particular conditions, including a ground capacity, in the safety certificate. It has, however, never needed to go this far. It has always found it better to proceed through advice, guidance and persuasion, in order not to take responsibility away from those to whom it belongs.

Although, these measures are not, in the strictest sense, sanctions, there is good evidence that they have been used proportionately.

Background information, such as a summary of sanctions available to the regulator and any data on sanctions imposed by the regulator:

The FLA's means of enforcing regulation comprises two options:

- Requiring the inclusion of terms and conditions in a safety certificate. The FLA can theoretically impose a capacity reduction by inserting a condition into a safety certificate, although the FLA has never exercised this power, preferring instead to work with the local authority in question.
- Refusing to grant a licence because of non-compliance with the requirements on spectator accommodation.

Example(s) of good practice:

Where a club can demonstrate good reasons why it should be given extra time to meet the all-seater deadline (normally when it is actively seeking to relocate), the FLA

	<p>invites the Secretary of State to consider whether the licence may be issued without such a requirement. This has been agreed in a number of cases (e.g. Portsmouth FC, Middlesbrough FC, Sunderland FC and Cardiff City FC).</p>
<p>Review findings: The extent to which the review team believes the regulator is acting in line with the Hampton principles and Macrory characteristics:</p>	<p>Although the FLA does not generally impose sanctions directly, it has influenced local authorities to limit capacity at sports grounds on a number of occasions. Such decisions can have significant financial impacts on a club and are thus effective sanctioning tools.</p> <p>The review team saw good evidence that the FLA responds to non-compliance (for example where a club is about to re-locate and therefore is not upgrading its current stadium) in proportionate and flexible ways.</p>

FOCUS ON OUTCOMES

Hampton principle

“Regulators should measure outcomes and not just outputs.”

“Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.”

Key findings on
Focus on
Outcomes:

The FLA has been remarkably successful in meeting the overarching objective it was established to achieve i.e. to help prevent the recurrence of disasters, such as the one at Hillsborough in 1989 – there have been no fatalities since it was founded.

The FLA is clear about its objectives with regard to licensing and safety certification: to ensure that all the grounds in the top two leagues are seated and that stadia are safe places to be for spectators.

Indirect outcomes to which the FLA has contributed include safer, more comfortable grounds, higher attendance, a changing demographic among supporters and increased spending and tax revenues.

The FLA plays a significant role in promoting better access to stadia for spectators with disabilities. Although the FLA’s oversight only extends to the safety of facilities for spectators with disabilities, it has been able to influence their quantity and quality.

There have thus been significant improvements to stadia safety and the quality of the spectator experience and it would be worth the FLA finding ways to effectively measure these changes. This would enable it to capture the full benefits of its contribution. Furthermore, it would help it to identify both improvements to its approach which could be made within the existing regulatory framework and any legal amendments which would be required to meet the challenges of an environment which has moved on since it was set up.

FLA inspectors appear to significantly add value to the clubs and authorities they interact with. It would be useful for the FLA to investigate in more detail the regular and extensive interaction with its partners on the frontline and measure the value of their contribution to determine what explains their success and identify other lessons learnt

	<p>from their practices.</p> <p>Some stakeholders believe the FLA’s targets and guidance could be more flexible, especially with respect to local authorities. However, in practice there is significant flexibility in the approach FLA inspectors take. The review team believes that a more flexible, risk-based and targeted approach from the centre to mirror that taken by inspectors would be welcomed by stakeholders.</p> <p>Given the restrictions of the legislative framework, informal rather than statutory regulatory practices appear to be the main way the FLA is able to pursue its objectives. The FLA needs to recognise the importance of securing buy-in from key stakeholders in order to achieve behavioural change. The stakeholders interviewed felt that it could do more to involve them in shaping a shared vision, values and strategic priorities on an ongoing basis.</p> <p>The review team was convinced that stakeholders understand the legal limits but would like to see more flexibility within these parameters. For example, much more could be done in the area of behaviour management to achieve real cohesion across stakeholders.</p> <p>The review team would like to see the FLA develop measures to assess its performance in other areas in addition to injuries. For instance, it would be helpful if it had formalised success criteria in terms of safety, care, comfort and public order. Customer satisfaction surveys to establish baselines and performance measurements would be helpful in developing spectator-focussed performance measures in these areas.</p> <p>The FLA must be careful not to focus exclusively on outputs (e.g. 74 stadia are all-seater etc).</p>
<p>Background information such as the regulator’s key objectives:</p>	<p>The FLA’s mission statement, which can be found on its website, reads: “to ensure that all spectators, regardless of age, gender, ethnic origin, disability, or the team that they support, are able to attend sports grounds in safety, comfort and security”.</p> <p>In practice, these objectives and wider outcomes are achieved in collaboration with a variety of partners including local authorities, emergency services and stadium management.</p>
<p>Example(s) of</p>	<p>The FLA’s regulation has resulted in significant improvements in facilities for spectators with disabilities.</p>

good practice:	
The extent to which the review team believes the regulator is acting in line with the Hampton principle:	<p>The FLA has contributed successfully to a very different stadium environment from that of 20 years ago.</p> <p>The FLA has a tendency to measure outputs and activity rather than outcomes in some areas and would benefit from taking a broader view to incorporate the organisation's role in shaping safety, spectator behaviour, comfort and security.</p> <p>The FLA is restricted by the legislation under which it operates. The review team believes that a review of this legislation is long overdue, but recognises that the FLA alone is not in a position to make this happen.</p>

**Appendix 1:
Review team
membership**

Chris Southworth is Assistant Director for public and third sector strategy at BRE. Prior to BRE he has worked in local strategic partnership development and the third sector with a background in innovative public service delivery, participatory budgeting and community leadership.

Dr Charlotte Augst is Acting Head of Policy at the Human Fertilisation and Embryology Authority. Prior to this, she worked in the charity sector and in Parliament.

Ahilan Sri-Skanda-Rajah develops policy at the Security Industry Authority, leading on better regulation. Prior to this he worked in a variety of operational grant-making functions at the Big Lottery Fund and before that in environmental compliance and construction.

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