

Explanatory Memorandum on Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events [CETS No. 218]

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Command Paper No 864

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament as an un-numbered Act Paper.

2. Subject matter and purpose of the Treaty

2.1 The Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events, also known as the 'Saint-Denis Convention', consists of 22 Articles aimed at preparing and delivering an integrated and balanced multi-agency approach to safety, security, and service in connection with football matches and other sports events.

2.2 Article 2 sets out the aims of the Convention which is to provide a safe, secure, and welcoming environment at football matches and other sports events. The Convention also sets out obligations on parties

3. Background

3.1 The Saint-Denis Convention is a convention of the Council of Europe, of which the UK is a founding member. The Convention was adopted by the Committee of Ministers of the Council of Europe on 4 May 2016. It was opened for signature on 3 July 2016 in Saint-Denis (France).

3.2 The UK signed the Saint-Denis Convention on 15 May 2019 and the UK Government always intended to ratify the Convention as a strong international leader in safety, security and service at football matches and other sports events.

4. Content

4.1 Articles 1 to 3 of the Convention cover its scope and aim, and the definitions of the key terms used within it. "Safety measures" are defined as any measure designed and implemented with the primary aim of protecting the health and well-being of individuals and groups who attend, or participate in, a football match or other sports event, inside or outside of the stadium, or who reside or work in the vicinity of the event. "Security measures" are defined as any measure designed and implemented with the primary aim of preventing, reducing the risk and/or responding to any violence or other criminal activity or disorder committed in connection with a football or other sports event, inside or outside of a stadium. "Service measures" are defined as any measure designed and implemented with the primary aim of making individuals and groups feel comfortable, appreciated, and welcome when attending a football match or other sports event, inside or outside of a stadium.

4.2 Article 4 covers the domestic co-ordination arrangements whereby parties ensure that national and local co-ordination arrangements are established, involving key public and private agencies, and taking full account of the principles in the Convention.

4.3 Articles 5 and 6 set out the expected safety, security and service in both sports stadiums and public places. This includes incorporating clear policies and procedures on pyrotechnic use, violent or other prohibited behaviour and racist or other discriminatory behaviour in stadiums.

4.4 Articles 7 and 8 set out that multi-agency contingency and emergency plans should be developed, and supporters and local communities are engaged with to foster mutual respect and understanding

4.5 Articles 9 to 11 focus on policing, prevention and sanctioning of offending behaviour, and international co-operation. It sets out that all possible measures are taken to reduce the risk of individuals or groups participating in or organising incidents of violence or disorder. This includes a national football information point (NFIP) within the police force which acts as a direct and single contact point for exchanging general information and personal data (in line with relevant domestic and international rules) as well as facilitating, co-ordinating or organising the implementation of international police co-operation.

Procedural clauses

4.6 Articles 12 to 14 include various procedures that relate to establishing the Committee on Safety and Security at Sports Events, providing information to the Committee on relevant information concerning legislation and functions of the Committee. The functions of the Committee include keeping under review the provisions of the Convention, making recommendations for its implementation, and facilitating the collection, analysis and exchange of information, experience, and good practice.

4.7 Article 15 sets out that amendments to the Convention may be proposed by a Party, the Committee on Safety and Security at Sports Events or the Committee of Ministers of the Council of Europe and the process for doing so.

Final clauses

4.8 Articles 16 to 22 include opening the Convention for signature, entry into force dates, accession by non-member states, effects of the Convention, territorial application, denunciation, and notification procedure.

4.9 Article 17 specifies that the Convention shall enter into force following signature and ratification by three member states and for subsequent signatories, the Convention shall enter into force on the first day of the month following the expiration of a period of one month of the deposit of the instrument of ratification, acceptance or approval. To date, more than three member states have signed, ratified and entered into force the Convention.

2 Implementation

2.1 Existing UK legislation satisfies the requirements of the Convention, primarily through the legislation set out below:

England, Wales, Scotland and Northern Ireland

- The Policing and Crime Act 2009 extends the restrictions connected with England and Wales football banning orders to Scotland and Northern Ireland.

England, Wales and Scotland only

- The Health and Safety at Work etc. Act 1974 makes it clear that all employers have a duty to ensure, as far as is reasonably practicable, the health, safety, and welfare at work of their employees.
- The Safety at Sports Ground Act 1975 places a statutory duty on local authorities for issuing and enforcing a safety certificate for sports grounds designated by the Secretary of State.
- The Fire Safety and Safety of Places of Sport Act 1987 places a similar responsibility as in the Safety at Sports Ground Act 1975 on the local authority in relation to regulated stands at non-designated sports grounds.
- The Licensing Act 2003 allows the police and local authority to measure and counter the disruption to their local communities.
- The Civil Contingencies Act 2004 provides for emergency and contingency planning.
- The Anti-social Behaviour, Crime and Policing Act 2014 introduced dispersal powers for the police where someone's behaviour is causing or is likely to cause harassment, alarm or distress, crime, or disorder.

England and Wales only

- The Sporting Event (Control of Alcohol etc) Act 1985 creates offences connected to being drunk entering or inside a stadium and the possession of alcohol and fireworks/pyrotechnics as well as the control of alcohol on trains and coaches connected to football matches.
- The Football Spectators Act 1989 established the Sports Ground Safety Authority which is the UK Government's expert body on safety at sports grounds. The Act also provides for the provision of football banning orders.
- The Football (Offences) Act 1991 creates offences of racist and indecent chanting, throwing objects towards the playing area and pitch incursions.
- The Criminal Justice and Public Order Act 1994 provides the power to stop and search persons when violence is anticipated, or police believe weapons may be carried and prohibits unauthorised persons from selling or otherwise disposing of a ticket to a football match.

- The Crime and Disorder Act 1998 includes offences on racially aggravated assault, public order offences, criminal damage, and harassment.
- The Equality Act 2010 sets an expectation that service providers make a reasonable adjustment to facilities, policies and/or procedures so that disabled people are not placed at a 'substantial disadvantage' compared with non-disabled people.
- The Sports Ground Safety Authority Act 2011 is able to confer further powers on the Football Licensing Authority.
- The Safety of Sports Grounds (Designation) Order 2015 2015/661 designates that all stadiums in England and Wales with a capacity of over 5,000 require a Safety Certificate under the Safety at Sports Ground Act 1975.

Scotland only

- The Disability Discrimination Act 1995 provides the requirements and obligations with regards to accessible stadia.
- The Criminal Law (Consolidation) (Scotland) Act 1995 Part II (Sporting Events: Control of Alcohol etc) provides for the control of alcohol at sports grounds, sporting events and on transport.
- The Criminal Justice (Scotland) Act 2003 makes provision in relation to criminal justice.
- The Police, Public Order and Criminal Justice (Scotland) Act 2006 provides for arrangements that prohibit individuals attending football matches (in the UK or overseas) or the local areas associated with football violence.
- The Violent Crime Reduction Act 2006 makes provision for reducing and dealing with the abuse of alcohol.
- The Criminal Justice and Licensing (Scotland) Act 2010 amended the law relating to the licensing of certain activities by local authorities and amended the law relating to the sale of alcohol.
- The Community Empowerment (Scotland) Act 2015 provides for a framework to develop legislation to enhance the rights of football supporters.

The following Scottish Statutory Instruments, all relating to offences of possession of pyrotechnic articles, took effect on 6 June 2023:

- The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Commencement No. 2) Regulations 2023.
- The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Designation of Events and Incidental Provision) Regulations 2023.
- The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Consequential Modifications, Saving and Transitional Provisions) Regulations 2023.

Northern Ireland only

- The Health and Safety at Work (Northern Ireland) Order 1978 places requirements on venue operators where employment can be demonstrated.
- The Safety of Sports Grounds (Northern Ireland) Order 2006 requires that operators of venues designated under the legislation obtain from the relevant district council a safety certificate containing terms and conditions to ensure the reasonable safety of spectators attending fixtures.
- The Justice Act (Northern Ireland) 2011 creates specific offences regarding spectator behaviour at larger fixtures and criminalises several activities at regulated matches.

2.2 All the legislative changes which were necessary to ensure the UK's compliance with the Convention have been enacted and implemented. Ratification of the Convention would therefore not require further changes in UK legislation.

3 Territorial Application

3.1 The UK's ratification of the Convention will apply to the metropolitan UK only and will not extend to the Overseas Territories and Crown Dependencies (see paragraph 10.2).

4 Financial

4.1 As the UK already has the legislation in place to meet the requirements of the Convention, there will be no direct financial implications beyond those needed to cover the process of ratifying this Convention.

5 Human Rights

5.1 The Home Office considers that ratification will entail no significant human rights implications. The human rights implications relating to the legislation whose passage was necessary to ensure the United Kingdom's compliance with the Convention will have been considered in line with Ministers' responsibility under section 19 of the Human Rights Act 1998.

6 Reservations and Declarations

6.1 No reservations or declarations have been made in relation to the Convention.

7 Consultation

7.1 The Convention covers devolved and reserved matters. The UK Government consulted the Devolved Administrations on the drafting of this Convention and in the preparation of this EM.

7.2 Consultation has started with the Crown Dependencies and British Overseas Territories to establish if they would like the Convention extended to them. It has been made clear that it could be extended to them in the future after the UK has

ratified under the provisions of Article 20(2), in which case a further full consultation would take place to establish compliance.

8 Ministerial Responsibility

8.1 The Secretary of State for the Home Office has overall responsibility for security at sports grounds and for this Treaty. The Secretaries of State for the Department for Digital, Culture, Media and Sport, Ministry of Justice and Foreign, Commonwealth & Development Office also have policy responsibilities for the implementation of the Convention.

8.2 The Secretary of State for Foreign, Commonwealth and Development Office has overall responsibility for UK policy relating to the UK's relations with the Council of Europe.

A handwritten signature in black ink, appearing to read 'Suella Braverman', with a long horizontal flourish extending to the right.

Rt Hon. Suella Braverman KC MP
Home Secretary