

Re-open for business in the UK: How to safely reintroduce sports fans into sporting venues

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They say a week is a long time in sport. No wonder then that the sight of fans standing shoulder to shoulder in sporting venues around the country seems like such a distant memory, four months on from the UK Government's introduction of lockdown measures in response to the COVID-19 pandemic.

Although the "shoulder to shoulder" aspect will remain largely absent for the foreseeable future, the government announced on Friday 17 June that a number of elite sporting events have been selected for a pilot which will see spectators admitted to sporting venues for the first time since March. If the pilot is a success, sports fans up and down the country may be allowed through turnstiles from as early as October although, of course, they will be fewer in number when they do return.

The basis of the pilot is the government's "Stage Five" guidance (the Guidance), which provides a set of minimum standards for the safe return of spectators to sporting venues. The Guidance makes clear that it is a work in progress and that we can expect further revisions following the pilot. It is also specific to England.

For those involved in hosting and organising sporting events (Competition Delivery Partners or CDPs), the prospect of fans returning will likely be met with both excitement and a degree of nervousness. The need for social distancing will remain paramount and therefore compliance with the Guidance (and other applicable legal requirements) will be essential to minimise both public health and liability risks.

The success of CDPs' plans to welcome back spectators will depend on the quality of the preparation, communication and execution of such plans. We have drawn out below some of the key issues for CDPs to consider when implementing the Guidance.

Preparation – Capacity, Circulation and Zone Ex

It is common knowledge (and, indeed, common sense) that sporting venues will be operating at a considerably reduced capacity when spectators can return. However, establishing the appropriate maximum capacity at a given venue will involve consideration of much more than just the seating or standing areas from which spectators actually watch the event. CDPs must consider how social distancing can be managed and enforced in all areas of the venue, especially those in which crowds and queues might typically form, such as catering and retail concessions. How CDPs manage the circulation of spectators before, during and after the event will be central to this, and

should be documented in a crowd management plan. Measures to facilitate circulation may include:

- extending or staggering the times at which spectators may enter and exit the venue;
- creating one-way crowd flow systems within the venue;
- speeding up certain processes (e.g. via digital ticketing and contactless payments); and
- closing certain concessions where deemed necessary.

The areas to consider are not confined to the venue itself either. The Guidance stresses the importance of “Zone Ex”, being the area which surrounds the venue. This will include, for example, local businesses and transport hubs. The Guidance recommends that CDPs prepare a transport management plan to address specific Zone Ex issues, such as how to minimise public gatherings outside the venue and whether additional travel routes and facilities (such as parking) can be provided.

The main consideration here is that while the venue itself may have capacity for a certain number of socially distanced spectators, if those spectators are less likely to be able to observe social distancing en route to and from the venue, the capacity of the venue may need to be further reduced in order to protect not just those attending the event, but the wider public in the vicinity of the stadium.

Communication – authorities, local businesses and spectators

The Guidance stresses the need for communication and co-operation at every stage of CDPs’ preparations for the return of spectators and between all stakeholders, including the CDPs themselves, local authorities, public health officials, local businesses and, of course, the spectators.

- **Local authorities and public health officials.** Plans for reopening sporting venues to fans will need buy-in from these stakeholders. In many instances, local authorities will be responsible under legislation for issuing and enforcing safety certificates in respect of the sporting venues. The conditions attached to such certificates may be amended to respond to COVID-19, so early engagement with local authorities will be key to helping CDPs focus on key areas of risk. Public health officials will also help CDPs understand the risk environment in which a planned sporting event will take place, thus informing the measures which must be taken to address this.
- **Local businesses.** All stakeholders have a vested interest in the safe return of spectators to sporting venues. Many businesses rely on the footfall generated by nearby sporting events for income. Local transport providers will also be keen to see uptake for their services increase on match days. CDPs are therefore well-advised to discuss their plans with these stakeholders in order to better appraise the associated risks and to collaborate with them in order to mitigate such risks. Transport providers, for example, may be able to increase service frequency to prevent crowding.
- **Spectators.** Whatever the “new normal” looks like for fans, its successful implementation is reliant upon spectators being aware of what, in practice, attendance means for them. CDPs should develop a communications strategy which helps spectators to: (a) plan safe journeys to and from the venue; and (b) understand what is expected of them while in attendance. This will include information about any revised entry and exit procedures, hygiene protocols and the availability of medical facilities. The Guidance also acknowledges that fans must accept responsibility for their own conduct when on site. It therefore recommends that CDPs draw

up a spectator code of behaviour which spectators must confirm at the point of ticket purchase. The code should instruct fans not to travel to the event if they have any COVID-19 symptoms, and fans are to be reminded of such instruction in the build-up to the event.

Execution

The success of the safe reopening of sporting venues depends to a large extent on the staff tasked with putting the CDPs' plans into action. All staff should be fully briefed as to their roles and responsibilities and should receive adequate training in advance. CDPs must also ensure that staff are equipped with necessary PPE to enable them to perform their roles safely. CDPs will need to be mindful of their obligations to their staff under Health and Safety legislation here, as well as any other applicable guidance.

The learning curve for CDPs will be steep when fans do return. It is crucial that CDPs continually monitor and evaluate the effectiveness of any measures that have been taken, updating their risk assessments and procedures as necessary.

Conclusion

The Guidance serves as a helpful starting point for CDPs as they ramp up plans to welcome back sports fans. The Sports Grounds Safety Authority (SGSA) has also published new guidance in this area recently – "[SG02 - Planning for Social Distancing at Sports Grounds](#)" (the Supplementary Guidance). The Supplementary Guidance goes into greater detail on a number of topics addressed by the Guidance and even provides a sample spectator code of behaviour for those CDPs wondering where to begin.

The operational challenge which CDPs will face in the coming months will be considerable but it is clear that documenting their plans and risk assessments effectively will go a long way towards ensuring success. The same is true of clear and authoritative communications, not least of all with the fans themselves.

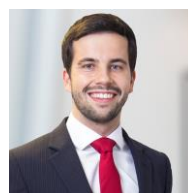
Moreover, though the Guidance does not elaborate upon this point, it will be important for CDPs to assess its contractual position with a number of interested parties. Will ticket purchasing terms and conditions need to be updated? If there is a need to close retail concessions operated by commercial partners, should the contracts underpinning those partnerships be amended? The Supplementary Guidance notes that where CDPs routinely deploy personnel provided by third-party contractors on match day, CDPs should ensure that their service level agreements with such contractors are fit for purpose and specify minimum numbers of staff required.

As the target fan return date of October draws closer, we are working with a number of clients on implementing safe re-opening plans. For further information on this topic, please contact the authors, your usual Hogan Lovells contact or visit our [COVID-19 Topic Centre](#) for the latest updates.

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