

ANNEX 3: GUIDELINES ON SPORTING EVENTS IN ENGLAND & WALES

Voluntary Guidelines on the carriage of passengers to designated sporting events in England and Wales

For many years the coach industry has complied with a voluntary code of practice whereby operators taking passengers to a designated sporting event meet certain guidelines set by the police. This has worked very well, and it has seldom been necessary for a traffic commissioner to take any further action against an operator who has contravened the guidelines. Nevertheless the police in England and Wales are concerned that incidents of football related violence and disorder do still occur, and have asked the commissioners to revise the guidelines. This has been done in conjunction with the Confederation of Passenger Transport (CPT), the Crown Prosecution Service (CPS), the Coach Operators Federation (COF) and the Association of Transport Coordinating Officers (ATCO). The relevant sections of the legislation are set out at the end of this guidance note.

PSV operators are reminded of the terms of section 1(1) of the Sporting Events (Control of Alcohol) Act 1985, as amended by the Public Order Act 1986, which prohibits the carriage of alcohol on a PSV that is being used for the principal purpose of carrying passengers for the whole or part of a journey to or from a designated sporting event.

PSV operators are reminded of the terms of section 2A of the Sporting Events (Control of Alcohol) Act 1985, as amended by the Public Order Act 1986, which prohibits the possession of a firework or an article or substance, whose main purpose is the emission of a flare, smoke or a visible gas, at any time during the period of, while entering or trying to enter a designated sporting event. A 'designated sporting event' generally means any association football match, whether national or international. The full legal definition of the different classes of designated sporting events may be found in the Sports Grounds and Sporting Events (Designation) (Amendment) Order 2011, under Article 2(1) and 2(2) of Schedule 2.

It is an offence for an operator of a PSV (or his servant or agent) to knowingly cause or permit the carriage of alcohol on journeys to which these Regulations apply. In addition to these statutory provisions, the police have asked that operators comply with the following guidelines when conveying passengers to such sporting events:

- a. Coach operators taking bookings from groups of supporters are to notify the police liaison officer at the destination, at least 48 hours before the event, of the number of supporters expected to travel, the number of coaches booked, the name and the contact number for the person who made the booking. Once available the operator must also notify the VRM and coach drivers name to the local police liaison officer.
- b. Coaches are not to stop within 10 miles of the venue either en route to or on departure from the event unless prior agreement is obtained from the local police liaison officer.
- c. Coaches are to arrive at the venue no earlier than two hours before and not later than one hour before the scheduled start of the game, unless otherwise directed by police.
- d. Coaches are not to set down or uplift passengers at any unauthorised locations without prior permission of the police.
- e. Coaches must leave the venue within 30 minutes of the finish of the event.
- f. Intoxicating liquor, flares and similar pyrotechnics, must not be carried on coaches travelling to or from designated grounds. Operators will draw hirers' attention to the requirements of the law, and drivers shall, as far as reasonably practical, supervise boarding passengers and check that they are not obviously carrying intoxicating alcohol, flares and similar pyrotechnics. Drivers will not be expected to carry out baggage or body searches, nor will they be expected to confiscate alcohol or

to remove passengers without police assistance. Operators may add a condition of entry to the PSV that a voluntary search may be undertaken.

g. Coach operators are to notify the police liaison officer at the destination upon arrival at an away football ground, of any racist, homophobic or similar chanting, which had taken place during the journey to the ground

Operators are expected to comply with these guidelines on a voluntary basis. However if the police inform the Traffic Commissioner of any failure on an operator's part to comply with them the Commissioner will be likely to apply them as a formal condition to that operator's licence under the authority of Section 16(3) of the Public Passenger Vehicles Act.

Relevant Legislation

Section 1(1) of the Sporting Events (Control of Alcohol) Act 1985, as amended by the Public Order Act 1986,

1 Offences in connection with alcohol on coaches and trains.

(1) This section applies to a vehicle which—

(a) is a public service vehicle or railway passenger vehicle, and

(b) is being used for the principal purpose of carrying passengers for the whole or part of a journey to or from a designated sporting event.

(2) A person who knowingly causes or permits intoxicating liquor to be carried on a vehicle to which this section applies is guilty of an offence—

(a) if the vehicle is a public service vehicle and he is the operator of the vehicle or the servant or agent of the operator, or

(b) if the vehicle is a hired vehicle and he is the person to whom it is hired or the servant or agent of that person.

(3) A person who has intoxicating liquor in his possession while on a vehicle to which this section applies is guilty of an offence.

(4) A person who is drunk on a vehicle to which this section applies is guilty of an offence.

(5) In this section "public service vehicle" and "operator" have the same meaning as in the Public Passenger Vehicles Act 1981.

1A Alcohol on certain other vehicles.

(1) This section applies to a motor vehicle which—

(a) is not a public service vehicle but is adapted to carry more than 8 passengers, and

(b) is being used for the principal purpose of carrying two or more passengers for the whole or part of a journey to or from a designated sporting event.

(2) A person who knowingly causes or permits intoxicating liquor to be carried on a motor vehicle to which this section applies is guilty of an offence—

(a) if he is its driver, or

(b) if he is not its driver but is its keeper, the servant or agent of its keeper, a person to whom it is made available (by hire, loan or otherwise) by its keeper or the keeper's servant or agent, or the servant or agent of a person to whom it is so made available.

(3) A person who has intoxicating liquor in his possession while on a motor vehicle to which this section applies is guilty of an offence.

(4) A person who is drunk on a motor vehicle to which this section applies is guilty of an offence.

(5) In this section— “keeper”, in relation to a vehicle, means the person having the duty to take out a licence for it under [the Vehicle Excise and Registration Act 1994], “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, and “public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981.]

Section 2A of the Sporting Events (Control of Alcohol) Act 1985, as amended by the Public Order Act 1986

2A Fireworks etc.

(1) A person is guilty of an offence if he has an article or substance to which this section applies in his possession—

(a) at any time during the period of a designated sporting event when he is in any area of a designated sports ground from which the event may be directly viewed, or

(b) while entering or trying to enter a designated sports ground at any time during the period of a designated sporting event at the ground.

(2) It is a defence for the accused to prove that he had possession with lawful authority.

(3) This section applies to any article or substance whose main purpose is the emission of a flare for purposes of illuminating or signalling (as opposed to igniting or heating) or the emission of smoke or a visible gas; and in particular it applies to distress flares, fog signals, and pellets and capsules intended to be used as fumigators or for testing pipes, but not to matches, cigarette lighters or heaters.

(4) This section also applies to any article which is a firework.]

The Sports Grounds and Sporting Events (Designation) (Amendment) Order 2011,

Article 2(1) and 2(2) of Schedule 2.

1. Association football matches in which one or both of the participating teams represents a club which is for the time being a member (whether a full or associate member) of the Football League, the Football Association Premier League, the Football Conference National Division, the Scottish Football League or Welsh Premier League, or whose home ground is for the time being situated outside England and Wales, or represents a country or territory.

2. Association football matches in competition for the Football Association Cup (other than in a preliminary or qualifying round).

Article 2(3) of Schedule 2:

Association football matches at a sports ground outside England and Wales in which one or both of the participating teams represents a club which is for the time being a member (whether a full or associate member) of the Football League, the Football Association Premier League, the Football Conference National division, the Scottish Football League or Welsh Premier League, or represents the Football Association or the Football Association of Wales.