

# IFO

THE INDEPENDENT  
FOOTBALL OMBUDSMAN



Chartered Trading  
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ADR Competent Authority

The Independent Football Ombudsman is approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015

## **IFO COMPLAINT REF: 18/27**

## **A LIFETIME BAN AT LIVERPOOL FOR A TICKETING OFFENCE**

### **Role of the Independent Football Ombudsman (IFO)**

1. The office of the IFO has been established by the three English football authorities (The Football Association [FA], The Premier League and The English Football League [EFL]) with the agreement of Government. The IFO has been designated as the final stage for the adjudication of complaints which have not been resolved within football's complaints procedure. The IFO is an Approved Alternative Dispute Resolution Body and its findings are non-binding. IFO Adjudications will normally comprise two parts: an impartial assessment of the substantive complaint and a review of the procedure by which the complaint was handled. The IFO's role is to investigate the complaint and judge whether it was dealt with properly and whether the outcomes were reasonable for all parties concerned. Under the procedure agreed by the Football Governing Bodies, the adjudication of the IFO is final and there is no right of appeal against IFO findings.
2. The IFO must make clear at the outset that he has received full cooperation from Liverpool FC.

### **The complaint**

3. A season ticket holder of more than 30 years complained that the Club had unjustly terminated his membership account and given him a lifetime ban.

### **The Facts of the Case**

4. On 26 June 2018 the Club wrote to the complainant saying that they had reason to believe that the ticket he had purchased for the recent UEFA Champions' League final on 26 May had been offered for sale on a re-sale website. They said that offering for sale any such ticket was a clear and fundamental breach of the ticketing terms and conditions with which the complainant had agreed to comply at the time of purchase. The Club had investigated the matter and after a review and consideration by an internal panel, had decided to terminate his membership account. In addition, he would not be allowed to purchase tickets from the Club for an indefinite period. The Club explained his right of appeal. On 29 June the complainant replied saying that he was in total shock and totally refuted the allegation and any knowledge of his ticket being sold on a re-sale website. He said that he had not used the ticket as he had been unable to obtain flights and accommodation. He said that he had tried several times to contact the Club to discuss arranging flights as Thomas Cook had advised him, but to no avail as each time his call had been terminated. He said that he had tried seven times on 14 May, once on 16 May, three times on 18 May and 28 times on 22 May. He said that it would be strange that he should call so many times if he was selling his ticket. On 18 July the Club wrote to the complainant saying that the final decision of their appeal panel was to uphold the sanction of a lifetime ban. Any further appeal could be made to the IFO, which the complainant did on 3 August.

### **The investigation**

5. On 30 August the IFO and Deputy visited the Club and discussed the complaint with the Ticketing Investigation Manager and two of his investigators. The officials explained that demand for tickets for the final had far exceeded the Club's allocation of 16,000, but the complainant had been successful in the ballot. On 14 May he had purchased the ticket via the internet for £140, plus an associated special delivery charge of £9.45. On the following day the Club learned that the ticket was being offered for sale on a re-sale site for £3,100 plus postage. The IFO inspected the relevant evidence which the investigation team had assembled and is persuaded that the Club had clear evidence that the complainant's specific ticket had been offered for sale. The officials explained that the offence was to advertise the ticket, even if it was not sold. The action is in contravention of UEFA ticketing terms and conditions as well as those of the Club. The officials pointed out that if the complainant had not intended to use the ticket he could have recouped the money by using the Club's buy back scheme which can be accessed on line. That would also have enabled the ticket to be used by a fan unsuccessful in the ballot. If the complainant was having trouble getting through on the phone, he could have used email, or paid a visit to the Club (which is about two miles from his home).

6. The IFO subsequently asked the complainant what had happened to his ticket if indeed it had not been used. The complainant said that, following an argument with his girlfriend about the ticket, it had been thrown away. The complainant could offer the IFO no explanation as to how his ticket came to be advertised for resale. From the IFO's conversation with the complainant it emerged that the

Club had continued to take funds from his account for his 2018-19 ticket despite his ban. The IFO alerted the Club to this matter and they agreed to process a refund.

### **Findings**

7. The IFO is on record as strongly supporting clubs which seek to address the widespread problem of "ticket touting", which is common at clubs, such as Liverpool, where every game is sold out. The IFO notes that Liverpool FC have received much evidence from other fans about tickets being sold on social media sites. The IFO commends Club officials for their diligent detective work in ensuring that they can conclusively link an offer for sale to a specific ticket holder. In this case the IFO is satisfied that the Club have compelling evidence that the complainant's ticket was offered for sale on the re-sale site on 15 May, the day after its purchase. If he had genuinely attempted to obtain flights and accommodation, and was unable to do so, the logical thing to do would have been to recoup his outlay, which he could have done online, or by visiting the Club. Despite that, he maintains that the ticket was not used, but he has not been able to provide evidence of that.

### **Conclusion**

8. The IFO is satisfied, in light of the clear evidence that the complainant's ticket was advertised on a re-sale site, that the Club were entitled to impose the sanction on the complainant as they have done. In such circumstances the IFO cannot uphold the complaint.

**Professor Derek Fraser, Ombudsman**

**8 October 2018**

**Mr Alan Watson CBE, Deputy Ombudsman**