

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN



Chartered Trading
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IFO COMPLAINT REF: 19/10

RESTRICTIONS ON HOME TICKETS AND A BAN ON AWAY TICKETS AT LIVERPOOL

The 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 that in investigating this complaint he has had the full cooperation of Liverpool FC.

The complaint

3. A Liverpool supporter complained that he and his family had been unfairly treated by being required to obtain paper tickets for each home game and by being banned from purchasing away tickets. The complainant and family own

three season tickets and further three membership cards. The sanctions had been applied to the family's tickets and he had assumed responsibility for protesting against the Club's action on behalf of all the ticket holders. He is aggrieved about how he and his family have been treated.

The Club's version of events.

4. On 24 October 2018 Liverpool played Red Star Belgrade in the Champions League, a match at which away fans were not permitted to attend under a UEFA ruling. Shortly before kick-off officials approached three people speaking in a foreign language who appeared to be Serbian nationals attempting to access the stadium. They were in possession of three tickets which they said they had bought on a website and had collected from a nearby pub. On investigation they were found to be the member cards belonging to the complainant's family. The complainant attended the stadium on the next day and offered an explanation on behalf of the members whose cards had been used and he was provided with three paper tickets for the next home game.

5. A second incident then followed involving the complainant. The Club was aware that at smaller grounds where the away allocation was lower the potential for mis-selling was correspondingly increased. Liverpool officials therefore were in attendance at the matches at Burnley and Bournemouth. At Burnley on 5 December two tickets purchased by the complainant were found to be in possession of other persons. One of them had gained access to the stadium and an official spoke to him by phone. He admitted that he has purchased the ticket from a secondary site for £50. The second person gave up his ticket which was retained by the Club, which had photographs of the two tickets which were reported by the individual as having been bought online

6. Furthermore, there was a third event which raised even more suspicion. At Bournemouth on 8 December a Norwegian national was found in possession of a ticket bought by the complainant. When challenged by officials he gave his name but refused to divulge any further information as to how he had obtained the ticket. Given his refusal to cooperate he was refused entry to the stadium by Bournemouth officials. The three incidents provided cumulative evidence that persuaded the Club that they had strong grounds for suspecting wrongdoing, which justified the imposition of severe sanctions on all the family. This view was reinforced when research revealed that on two previous occasions, in 2007 and 2014, the complainant's tickets had been suspended for unauthorised selling, incidents which were reviewed by the Appeals Panel

7. The Club's ticketing terms and conditions provide that match tickets, both home and away, are for the sole use of the purchaser, who is unable to resell or assign them to any other person without the consent of the Club. The unauthorised sale or disposal of tickets is a criminal offence under section 166 of the Criminal Justice and Public Order Act 1994.

The complainant's explanation

8. On Champions League nights the complainant has regularly driven to the ground after work and left the tickets in his car for his wife to collect later. For the Red Star match he left all six cards hidden in his car, for collection by his wife. When his wife and family reached the car later, they found that the side window been smashed and all the cards were missing, presumed stolen. Because of the well evidenced difficulty of getting a mobile phone signal at Anfield, the wife was unable to speak with the complainant to report the break in. Seeing long queues at the ticket office which made it likely that they would not get into the stadium in time, the wife and daughter went home and the brother and son watched the match in a pub. After the match the complainant discovered the damage to his car and reported the matter to the police, obtaining a crime number. The next day he visited the Club to report the theft of all the cards. When told later that three cards had been found in the possession of the Red Star supporters, he could offer no explanation, other than the person who stole the tickets had supplied them.

9. Because the complainant has a decades long record of support, he has achieved a loyalty status which permits him to purchase away tickets regularly. He bought three tickets for the Burnley match and attended with his son. When it became clear that his wife would not be able to attend, he gave the spare ticket to his son's friend. A further friend who admitted obtaining his ticket on a secondary site joined their party. When they were going in two of the tickets got mixed up and the friend who the complainant invited finished up with the improperly bought ticket. The complainant denies that the ticket was bought from him and he alleges that the Club has mistaken the names of the people involved. He claims that all this was explained to the Club and that only one ticket was sold at face value to his son's friend.

10. The complainant explains that he has become friendly with a Scandinavian man who he met over several years of attending European matches. It was this friend's 50th birthday so the complainant gave him a ticket for the Bournemouth game as a gift. The friend was worried about getting the complainant into trouble and was hesitant about providing information to the officials. However, he subsequently reported to the complainant that the Bournemouth official was very brusque with him and while he was considering what he could say, he was prevented from offering further explanation and excluded peremptorily. The complainant is adamant that the ticket was a birthday gift and was not sold.

The progress of the complaint

11. Letters relating to the Red Star match were sent to the three card holders on 26 October, requesting explanations as to how their tickets came to be in the possession of other persons. Following the Burnley match the complainant was handed letters on 10 December, again seeking an explanation for the improper use of away tickets. Following an early response from the complainant (which he says was mainly about another matter) the Club wrote on 13 December informing all six ticket holders that the Sanctions Panel was banning them indefinitely. The complainant submitted his appeal on 17 January 2019 and on 15 February the Club sent a long letter to the complainant detailing the outcome of the appeal. While the Panel concluded that the imposition of the original indefinite ban was fully justified by the evidence, it decided to downgrade the sanction in the light of the evidence submitted by the complainant. All six ticket holders would be required to collect paper tickets for each match and were not permitted to pass the tickets to others. More serious, none of the six would be allowed to purchase away tickets. Despite the reduction of the sanction, the complainant remained deeply dissatisfied and approached the IFO by phone on 27 February. He then made a Subject Access Request to the Club and waited for the material to be delivered by the Club before submitting his dossier to the IFO on 24 April.

Investigation

12. This case has produced by far the biggest club complaint file which the IFO has ever compiled. Each side produced hefty dossiers of correspondence and documents which took a considerable time to digest. There was delay while the Subject Access Request was complied with and further delay in arranging meetings. Hence this report has taken longer to complete than is usual in IFO investigations. On 7 June the IFO and Deputy met with the Club officials to review the case history and the Club's procedures. On 10 July the IFO met with the complainant accompanied by a member of the Spirit of Shankly supporters club. At the meeting the complainant submitted a further large dossier in support of his case.

The findings

13. The complainant has made much of the inconsistencies and factual errors in the Club's documentation. Indeed, the supplementary dossier handed to the IFO at the meeting on 10 July comprises a systematic list of mistakes, concluding that these errors undermine the whole case against the complainant. He cites such things as the contradictory statements that the Serbians were approached outside the ground, then later inside; that they were excluded and then that they were allowed to remain; that the Club had photographic evidence of the three tickets but only two were produced; that the Club totally confuses the names of the two friends whose Burnley tickets were in dispute; that letters were issued in error and that reports of meetings with the complainant were incorrect. He also cites procedural shortcomings in that he was given 10 days to

respond in December, but the sanction was imposed after three and that the investigating officer was allowed to amend his reports on the incidents before they went to the Appeals Panel. [For the record the Club confirms that all these matters were considered by the Appeals Panel]

14. These matters are not without importance and in the light of the inconsistencies identified, the IFO advises the Club to ensure in future that its investigations are more carefully conducted and correctly recorded, with a view to ensuring factual accuracy. However, the IFO finds that the issues raised do not detract from the seriousness of the complainant's infringement of the regulations. The IFO does not believe the complainant is a ticket tout, in the normally understood meaning of that term. Yet by his own admission he has passed tickets on to friends and beyond his family for face value. He has been a fervent Liverpool supporter all his life and he feels an affinity with the wider supporter network. When he hears of genuine supporters in need of tickets he will help out if he can, never overcharging and never, according to his testimony, selling his tickets for anything more than face value, nor on the secondary market. He admits that the Club's regulations require prior notification of ticket transfers, and the prohibition on reselling, but argues that the Club is fully aware of the widespread practice of an informal "friends and family" system and in effect condones it. The Club submitted photographic evidence that persons other than the complainant and his family were seen occupying their seats.

15. The question then arises as to what sanction this breach of the regulations merits. This is made the more difficult by the events surrounding the Red Star match. The IFO finds no reason to doubt the complainant's account of the car break-in and the theft of the tickets. The complainant's wife did not contact the police on discovering the damage to the car, but later that evening the complainant reported the incident to the police and obtained a crime number, which the Club later confirmed. As far as the IFO understands the chronology, at the time the complainant reported the crime he had no knowledge of the improper use of his tickets nor of the problems his wife had at the stadium. On the other hand, notwithstanding any inconsistency in the Club's account, the fact remains that three tickets belonging to the complainant and his family were found in the possession of away supporters, who because of a UEFA ban were in any case not allowed in the stadium. The complainant is at a loss to explain this other than linking it to the theft from his car. The Club maintains that if the tickets were stolen, then there was insufficient time for them to have been advertised on a secondary site, yet those in possession of the tickets provided information related to a known touting operation. The IFO questions why the complainant's family, having paid for tickets to see the match, did not bother to obtain paper tickets and report the theft, notwithstanding that there may have been a queue at the ticket office. Conversely, the complainant asks why the Club has not followed up the contact details linked to a known touting operation.

16. In a process which demonstrates that Liverpool's appeal system is working, the Panel downgraded the original heavy sanctions. The complainant and his family are required to obtain paper tickets for each *home* match they attend, which the complainant finds tedious and inconvenient. The IFO has extensive experience of investigating similar cases (as can be seen by the many reports on the IFO website) and for comparative cases both at Liverpool and elsewhere a ban of 3 years is likely to have been imposed. Hence the home match sanction imposed on the complainant is relatively light, even generous in that he is still allowed to attend home matches. The IFO does not find the requirement to obtain paper tickets unduly onerous, nor is the restriction of the tickets to the personal use of the ticket holder unduly restrictive; it simply reflects the provision in the ticketing terms and conditions. In the event that the monitoring of the ticketholders reveals no further breaches, then the **IFO recommends that the requirement for paper tickets is rescinded at the end of the 2019-20 season.**

17. The sanction banning the complainant from buying *away* tickets the IFO finds much more problematic. The complainant feels this penalty most keenly, depriving him of an important part of his life. The evidence against the complainant derives from the matches at Burnley and Bournemouth. For the latter, the Appeals Panel exonerated the complainant and concluded that giving his tickets to an overseas friend well known to him was a minor breach of the regulations for which a warning would suffice. It follows that the basis for the indefinite ban on away tickets rests wholly on events at Burnley. The matter is complex because of confusion over names and an apparent mix up over which tickets finished up in which supporter's hands. This is illustrated by the fact that the Club has photographs of two tickets which were in the possession of other persons and bought on the complainant's account, yet the complainant and his son were actually admitted to the stadium, thus having used two of the tickets purchased. It is accepted that the complainant purchased only three tickets and he appears to have used two of them, having by his admission sold the spare ticket to his son's friend at face value. The IFO is satisfied that the Club had well founded suspicions that untoward and improper ticketing arrangements were in train (the individuals questioned stated that they had bought the tickets on the secondary market) and on that basis were entitled to impose a ban. However, the IFO is not persuaded that there is conclusive proof to justify an indefinite ban, which the IFO believes is harsh. The IFO finds that the Club was entitled to impose a sanction, but that a one year ban would be more appropriate. **The IFO recommends that the sanction be amended to a ban of 12 months, to run from the date of the Burnley match, and that at the end of this period the complainant should be reinstated, with the restoration of his away ticketing credit status, as it stood at the start of his ban. Such reinstatement is conditional upon there being no further breaches of regulations in the meantime. The IFO further recommends that prior to his reinstatement, the complainant is required to provide**

written confirmation that he will abide by the Club's away ticketing regulations.

Conclusion

18. The IFO has found this complaint complex and difficult to unravel. The complainant asserts that the many factual errors and inconsistencies undermine the Club's case against him. He further claims that the Club is well aware that supporters pass tickets to friends and have condoned it and are in the process of establishing an official friends and family scheme. On the other hand, the IFO finds that there is clear evidence that the complainant was in breach of the regulations for home tickets and he cannot gainsay the fact that three away supporters were in possession of his tickets at the Red Star match. In the light of this, the IFO finds that the Club's sanction for home matches is light and not onerous. The IFO believes that the Club had justification for imposing the away ticketing restrictions, but that an indefinite ban is not merited for what was in effect a single breach of the regulations. The IFO recommends that a 12-month ban is more appropriate.

Professor Derek Fraser, Ombudsman

19 August 2019

Alan Watson CBE, Deputy Ombudsman