



## **IFO COMPLAINT REF: 17/04**

### **ENTRANCE ARRANGEMENTS AND STEWARDING AT THE BURTON ALBION v BIRMINGHAM CITY MATCH, 21 OCTOBER 2016**

#### **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 received the full cooperation of officials of Burton Albion FC and the Chair of the Local Authority Safety Advisory Group.

#### **The Complaints**

3. A Birmingham City supporter complained on behalf of himself and his brother that at the match at Burton Albion they had been unable to access the terrace until just before half-time. They had difficulty seeing the match and the stewards had taken no action to help them. He said that there appeared to have been an oversale of tickets.

### **The facts of the case**

4. The complainant was an away supporter at the Burton v Birmingham fixture in October 2016. He had a disappointing experience and on the day after the match the complainant emailed Burton to complain. He said that when he found that he was unable to access the terrace to see the match, he had asked stewards for help, but one walked off and the other just stood there. He later heard one of them say "It's always like this". The complainant asked a steward if there was any other way in but he said not, and there were no spaces to which those blocking the entrance could be moved. The complainant said that he was amazed that there was no pushing, which would have been dangerous as, he understood, the whole aisle was full of fans. The complainant understood that the stewards made no attempt to clear the aisles. After about 20 minutes of waiting a steward at the entrance to block C said that they could get in at block A; he had just been given the news by radio. However, when the complainant got to block A the situation was even worse. Although the complainant saw the second half, the whole occasion had been ruined for him. He said that he had paid £20 for his ticket and asked for refunds for himself and his brother.

5. On 26 October the Club replied saying that the number of tickets allocated to Birmingham supporters was well within the allocation permitted for the East stand. They said that it appeared that most supporters had waited until just before kick-off to access the turnstiles, which may have caused some congestion at the beginning of the match. They had reports that most fans had refused requests to move to the ends of the stands. The Club would be passing on the complainant's comments to their Safety Officer.

6. That same day the complainant replied. He said that fans arriving just before a 7.45pm kick-off was pretty normal for an evening fixture, particularly given that there had been traffic problems on the A38. He said that he had encountered no congestion at the turnstiles; it had been purely around the four entrances to the rear of the terracing. They had never been cleared and fans simply could not get onto the terrace to watch the game. He had not seen any stewards asking people to move up. He said that the Club had not addressed the fact that it had been impossible for him to gain access until half-time and he again asked for refunds.

7. On 6 December the complainant pointed out that he had not received a reply. On 17 January 2017, having still not received a reply, the complainant told the Club that he would be forced to escalate the complaint if he did not receive a refund. On 23 January the complainant emailed the Club. He said that the Club had failed to fulfil the contract he had with them by buying a ticket to see 90 minutes of football. He said that not only had there been a failure of crowd management, but the stewards had been unhelpful and uncaring. His online search had found reports of similar incidents in previous matches.

8. On 27 January the Club replied saying that the Safety Officer had confirmed that the initial problem of fans not having been able to get onto the terraces had been resolved, and fans had been directed by stewards either to the front or side of the stand and were able to watch the match. The Club were satisfied that they had responded satisfactorily to his complaint and that no further action would be necessary. The complainant remained dissatisfied and on 30 January 2017 asked the IFO to intervene. In addition to his complaint about the match, he was unhappy with the tone of the Club's correspondence, which effectively blamed the fans for the Club's failures of crowd management, and which stated that the problem of access had been resolved, which he maintained was patently untrue. By his estimate some 40 fans had been unable to get onto the terrace until nearly half-time. The complainant subsequently directed the IFO to You Tube videos of clips of the terraces during the match, which clearly showed fans standing at the top of the aisles well into the first half.

### **The Investigation**

9. The IFO carefully reviewed the submission and evidence provided by the complainant, including correspondence to and from the Club. The IFO also obtained evidence from the Sports Grounds Safety Authority (SGSA) that at their match at Burton, Newcastle fans had complained of overcrowding but that had not been the case; it had rather been that fans entering the terrace stopped to watch the match and refused to move, thus causing blockages. The situation had been perpetuated by a few stewards telling fans that it was not their fault that the Club had oversold tickets. Fans had also been insistent on maintaining a level of personal space much greater than the density for a terrace such as at Burton. The SGSA Inspector was entirely satisfied with safety management at the Club.

10. On 17 February the Deputy IFO visited the Club and met with the Chief Executive, the Club Secretary, the Deputy Safety Officer and the Chair of the Safety Advisory Group. The Deputy IFO viewed CCTV footage of the concourse and the entrances behind the away terrace from before the 7.45pm kick-off until half-time, and also walked around the section of the ground referred to in the complaint. The officials explained that the away section of the stadium is licensed for 1451 spectators but the Club voluntarily set a limit of around 1350 for the Birmingham match. 1354 Birmingham fans attended. Some were seated in a small stand and the majority had tickets for the terrace. Pre-match intelligence did not suggest any particular problem other than a lot of drinking. There were six away fans refused entry at the gate because of drunkenness and six away fans ejected, but no arrests. The only police involvement was the use of spotters. The number of stewards on duty exceeded the Green Guide requirement. The Club has 50 of its own stewards and uses others from two agencies, many of whom also steward at Derby County. There are four entrances (A, B, C and D) from the away concourse onto the terrace; fans can use any of the entrances. In order to regulate the flow to the terrace and ensure that the sides fill, the

Safety Officer closes entrances B and C periodically, and stewards direct those waiting to A and D.

11. The officials described the Birmingham match as the worst of the season. There had been substantial numbers of fans trying to access the terrace at kick-off time, and well beyond. The last fans had not accessed the turnstiles until 8.06pm. Fans had refused to move along the rows despite the efforts of stewards and the tops of the aisles became blocked, thus preventing proper access to the terrace. Many fans had been confrontational and there was abuse and threatening behaviour towards stewards. With the agreement of the Safety Officer the stewards trying to clear the aisles were withdrawn from the back of the terrace for safety reasons. Supervisors were asked to identify gaps on the terrace and took in those waiting in groups of two or three around the front of the stand and fed them into the bottom of the terrace. CCTV footage covered only entrances A and B but the situation is most likely to have been replicated at entrances C and D. The CCTV footage clearly showed blockages at the entrances, with those waiting for access trying to see the match over the heads of others. Half an hour into the match the concourse was much clearer with only a handful of people still seeking to gain access.

12. The officials said that following the Newcastle match (which was in December) they had stressed to stewards the need not to exacerbate any problems by making unhelpful comments, as seems to have happened also in the complainant's case. The Club would again be briefing stewards accordingly. Following the Birmingham match the Club had reviewed matters and had introduced additional stewards. They were also reviewing their communications with other clubs, outlining the uniqueness of the stadium and stressing the need for fans to get in early and to position themselves sensibly. The IFO welcomed that development. On 23 November the Safety Advisory Group had discussed the match. They had described the match as "challenging", but had concluded that the Club had managed the standing areas well in the circumstances.

13. As far as the handling of the complaint was concerned, the Club conceded that it had fallen through the net. After her initial response, the Customer Service Officer had been away for three months and the complaint had not been picked up again until she returned.

## **Findings**

14. As is normal IFO practice this Adjudication addresses the substantive issue first and subsequently how the complaint was handled. Although the IFO is impressed with the experience and professionalism of the stadium staff, access to the terrace can be something of a problem at Burton when the attendance is particularly high and when large numbers of fans turn up near to, or at kick off time; and the situation can be exacerbated when fans do not co-operate fully with stewards and safety arrangements.. The difficulty they face is how, despite their best efforts, do they get the fans of Championship clubs, the majority of whom are used to all seater stadia, to

fill the terrace properly, where standing spaces are not allocated and fans have the choice of whether to remain or move along. The IFO has sympathy with the Club in that respect as the layout of the stadium is not conducive to such situations. The Birmingham match was particularly difficult because of the large number of fans accessing the concourse late and being unable to get onto the terrace; and those on the terrace refusing to move to the ends of the rows. The IFO is satisfied that there was no threat to public safety requiring police intervention. Indeed, it was concern about the safety of stewards who were being abused and threatened, which led to their withdrawal from the back of the terrace. Although there does not seem to have been much more that the Club could do, without the danger of provoking a public order incident, **the IFO nevertheless upholds the complainant's claim** that his enjoyment of the match was impaired by his inability to access the terrace at an earlier stage. The Club had reduced the number of tickets available to away fans. That was a sensible precaution and in that respect the IFO is satisfied that the Club did not oversell tickets for the Birmingham match.

15. The Club's initial response to the complaint was prompt and although it addressed the claim of overselling tickets, it lacked empathy over the situation described by the complainant. The complainant immediately took issue with the reply but, despite sending reminders, he did not get a further response until three months later; and that reply simply reaffirmed that the Club had resolved the initial problem of access to the terrace and that they had replied satisfactorily to his complaint. That was poor customer service both in the delay and in the content of the reply. The officer's absence to some extent explains but certainly does not justify the delay which was unacceptable.

16. The complainant specifically sought ticket refunds for himself and his brother. The IFO considers that they are both entitled to some redress, justified in part by the shortcomings in the handling of the complaint. **The IFO recommends that the complainant and his brother each be given a goodwill payment of £30 and that they are provided with complimentary tickets for Birmingham's next visit to Burton.**

### **Conclusion**

17. There seems no doubt that the Birmingham match presented a particular challenge for the Club's stewards and safety staff and for the reasons outlined above, the complainant's enjoyment of the match was impaired, a situation which was exacerbated by shortcomings in customer service following his complaint. The IFO welcomes the Club's acceptance of the recommendations at paragraph 16.

**Professor Derek Fraser, Ombudsman**

**8 March 2017**

**Mr Alan Watson CBE, Deputy Ombudsman**