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THE INDEPENDENT  
FOOTBALL OMBUDSMAN

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## **IFO COMPLAINT REF: 09/01**

### **COMPLAINTS ABOUT THE COST OF TICKETS FOR AWAY FANS IN THE PREMIER LEAGUE**

#### **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 Football League) 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 operates a system of non-binding arbitration. In exercising its jurisdiction, the IFO does not seek to question the merits of judgements made by properly constituted Regulatory and Disciplinary Commissions and Appeal Boards, unless there were shortcomings in the administrative processes which led to those judgements. It is not the role of the IFO to retry cases, but it is its role to explore and review the procedures under which complaints have been decided 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make clear at the outset that he has received full cooperation from The Premier League and has been provided with some unpublished information which must remain confidential.

3. The complainant, a Sunderland fan, made a number of complaints in connection with the pricing by certain Premier League clubs of tickets for away fans. He complained specifically that:-

a) The Premier League's ruling that in season 2007/08 Birmingham City had overcharged Sunderland fans was incomplete and inadequate, in that it neither specified the amount by which the fans had been overcharged, nor ordered that they be compensated. The complainant also considered that the fine of £30,000 imposed on Birmingham was likely to be less than the profit made from overcharging.

b) The application of match categorisation discriminates unfairly against the fans of some clubs, generally those at the top of the league or those who have a strong away following. Many home supporters have season tickets which not only give them cheaper admission to all games, but protect them from the impact of match categorisation. As an example, the complainant quoted West Bromwich Albion who had nominated 11 of their 19 home matches as category A, for which they charged away fans £40 a ticket, compared to £25 a ticket for their category B games.

c) Aston Villa relocated the area for away fans, then sold seats in the original away area to home fans for less than half the price which had been charged to away fans.

d) For their final three home games of their 2008/09 season (against Wigan Athletic, Portsmouth and West Bromwich Albion), Blackburn Rovers offered adult tickets for a total of £20 for the three games. The offer applied also to Wigan fans. They also offered to fans of both clubs match day adult tickets for £15 and concessionary tickets for £5. For the Portsmouth match, in addition to the above offer, Blackburn allowed their season ticket holders to buy tickets for £10 (£5 for concessions) for "friends and family" for all areas of the stadium. Adult Portsmouth fans were charged £24.25, despite Blackburn's customer charter stating that they do not charge away fans more than home fans for comparable accommodation.

### **Investigation**

4. Since February 2008 the complainant has had a number of contacts with the Premier League in relation to the pricing of tickets for away fans. With regard to the

specific complaints which he put to the IFO, the Premier League gave the complainant the following information:-

a) Complaint regarding Birmingham City

The Independent Disciplinary Commission did not determine the amount by which Sunderland supporters had been overcharged. They found in favour of the Premier League but decided it would not be appropriate to make an order for compensation, and that the appropriate sanction would be a fine of £30,000. Any money collected from such fines is credited to the Premier League's Charities Aid Foundation account, and the League suggested that an appropriate use would be to direct the funds to a charity of Sunderland's choice. At Sunderland's request the donation was made to the Washington Millennium Trust.

b) Complaint against Aston Villa

The club's policy does not breach any Premier League rule as the League does not consider that away fans are paying more than home fans for comparable accommodation.

c) West Bromwich Albion

There is no limit on the number of matches that a club can place in each of its pricing categories.

d) Match Categorisation

While the League sympathises with supporters of clubs with the larger fan bases, who are frequently charged higher prices, the justification is quite simply supply and demand. The League has no power in its Rules to determine prices. The League wants clubs to charge prices which encourage full stadia and, at approximately 92% capacity across the League, are close to achieving that.

e) Blackburn Rovers

The League had looked into the situation and it appeared that Blackburn had offered tickets for match day sale to both home and away fans at the same price for comparable seating. The League did not want to discourage offers made to season ticket holders who wanted to take friends. Each club sells only home tickets so will be selling them

only in home areas. The League did not consider that any breach of their Rules had taken place.

5. Premier League Rule J9 says:-

"A Home Club shall not charge admission prices to supporters of a Visiting Club which are higher than those charged to its own supporters for comparable accommodation and in particular concessionary rates offered to senior citizens and junior supporters shall apply to supporters of a Visiting Club".

6. The Independent Disciplinary Commission which considered the Birmingham City case gave an extremely useful interpretation of what they regarded was meant by "comparable accommodation". The Commission argued that the accommodation did not need to be identical and that, indeed, the restriction to identical accommodation would frustrate the intention of J9 that away supporters should be treated fairly. The Commission argued for a liberal interpretation which required a reasonable assessment of the facts in each case.

7. The Deputy IFO visited the Premier League and discussed the complaints. The League are satisfied that in each of the cases cited by the complainant, there was no breach of League Rules as match day tickets for both home and away fans were charged at the same rate for comparable accommodation. The League have sympathy with Sunderland fans, and have looked at ways of assisting away fans, but without success. The League keeps its Rules under constant review and is keen to stamp on any attempt to overcharge away fans, as they demonstrated by instituting disciplinary action against Birmingham City.

## **Findings**

8. Birmingham City

Although the Disciplinary Commission did not explicitly state the amount by which Sunderland fans had been overcharged for their seats in the Railway Lower Stand, they did identify what they regarded as comparable accommodation in the Kop stand for which home match day fans had paid £30 per seat. The Commission's conclusion was that in charging £35 for seats for the Visiting Supporters when compared to the £30 which was charged to the home supporters in the Kop, the Club was acting in breach of

Rule J9. The Commission went on to conclude that a fine rather than an order for compensation was appropriate in the circumstances. The Commission did not find that the breach had been deliberate or intentional and set the level of the fine at £30,000, plus the costs of the Commission. The IFO welcomed the fact that the Premier League donated the amount of the fine to a charity of Sunderland's choice. As outlined in paragraph 1, it is not within the remit of the IFO to question the merits of the judgement of a Disciplinary Commission, unless there were shortcomings in the administrative process. The IFO found no such shortcomings. However, although the Commission chose not to make an order for compensation, the IFO is of the view that that should not prevent any individual who has suffered a **demonstrable** loss through a breach of League Rules from making a claim on the club concerned. The IFO **recommends** that in any future breach of League rules, the Premier League should make it clear that any individual who has suffered a proven loss as a result of such a breach should be free to seek recompense from the club concerned. It is not for the IFO to assess whether the fine imposed on Birmingham City was less than the profit made from overcharging. The level of the fine was a judgement of the Commission.

#### 9. West Bromwich Albion

There is no doubt that the match categorisation system operates adversely to the fans of some clubs but it really is a question of supply and demand, rather like the attractiveness of a concert. These are commercial decisions of the clubs concerned and the IFO accepts that it is not the role of the Premier League to attempt to set prices or to determine match categories.

#### 10. Aston Villa

The IFO can well understand the apparent injustice perceived by the complainant in circumstances where accommodation previously occupied by away fans then becomes available to home fans at much reduced cost. However, within the Premier League Rules the test is whether a club has charged more to away fans than to home fans for comparable accommodation at the same match. The fact that the accommodation previously occupied by away fans was reduced in price for home fans is not relevant to the comparison. As the club charged fans in the new away accommodation the same as home fans in comparable accommodation, the IFO is satisfied that there was no breach of League Rules.

11. Blackburn Rovers

The offer of tickets for three matches for £20 was rather like a mini-season ticket, and was made also to Wigan fans. The "friends and family" scheme (which several clubs use occasionally) is regarded as a reward for season ticket holders and a means of attracting regular fans of the future. In neither scenario was there a breach of league rules as the price of match day tickets for that game and for the other two, were the same for both home and away fans for comparable accommodation.

**Conclusion**

12. Although the IFO has sympathy with many of the points made by the complainant, he is satisfied that none of the examples cited (except that of Birmingham City which was dealt with by the Commission) have breached the Premier League Rules in that in each instance the price charged to away fans was the same as that charged to home fans for match day tickets for comparable accommodation. The IFO welcomes the fact that the League keeps its Rules under constant review.

**Professor Derek Fraser. Ombudsman**

**Mr Alan Watson, Deputy Ombudsman**

**7 September 2009**