



## **IFO COMPLAINT REF: 16/04**

### **ENTRY REFUSED AT MANCHESTER CITY**

#### **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) 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. 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 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 Club and the Premier League.

#### **The complaint**

3. A Millwall fan, a 65 years' old retired schoolteacher, complained that on 12 December 2015 he and a group of friends had been refused entry at Manchester City after the match at Oldham, which they had been due to attend, had been postponed

at relatively short notice. He also complained about the way in which the Club had handled his complaint about the matter.

### **The complainant's account**

4. The complainant and a teacher friend, who was accompanied by his 20 years' old disabled son and his 13 years' old son, had return tickets to London which limited them to a specified train. After the Oldham match had been called off, the complainant checked that tickets were available for the Manchester City v Swansea match and the group travelled to the Etihad stadium by train/tram. Outside the ground in heavy rain at about 2.30pm they explained to two police officers that they were Millwall fans whose match had been postponed and asked for directions to the ticket office. The officers were aware that the Oldham match had been postponed and said that the group should have no problem getting tickets. At the ticket office the friend asked for tickets, including two seats adjacent so he could look after his disabled son, and presented his credit card. Before the transaction was processed he commented that he was pleased to get tickets as the game they had been planning to watch had been postponed; the group was thus identified as Millwall fans. The ticket officer then went to see a colleague. When she returned she said she could not sell tickets to Millwall fans as the police had told them not to. The group was understandably upset and protested, but to no avail. The decision to visit the Etihad was based not only on watching a football match, but also the chance to visit a historic club with a world class stadium, an opportunity which does not occur often for dedicated home and away Millwall fans. The complainant said that he had not related the story to the press or social media, despite friends having advised him to do so; he had wanted his complaint to be resolved in the "proper way".

5. The following week the complainant telephoned the Club, speaking first with Customer Services, then the Safety Officer. By the complainant's own account, both were unapologetic and simply said that the Club could refuse admission to whomever they liked, reiterating that the police had "told" the Club not to sell tickets to Millwall fans; the Customer Services Officer said that supporters of other clubs such as Crawley, Leyton Orient and Brentford would have been admitted. The complainant subsequently spoke to Millwall's Chief Executive, who apparently raised the matter with Manchester City.

### **Later events**

6. On 21 January the Football Supporters Federation (FSF), on behalf of the complainant, wrote to Manchester City outlining the complaint as described above. The FSF pointed out that Millwall's away fans' scheme, of which all four of the group were members, ensures through thorough checks that only legitimate fans purchase tickets. The FSF said that all the group were seeking was a personal apology from the club's senior management. The FSF said that it appeared that the group had been refused entry simply because they were Millwall fans.

7. On 19 February the Club's Director of Stadium Sales and Operations wrote to the complainant, following up a telephone conversation of 5 February. He said that shortly before the match Greater Manchester Police had told the Club that the postponement of the Oldham match could pose a safety risk at the Etihad. At that time the Club had been in "full matchday mode" focussing on delivering a safe environment at the match. There had been insufficient time to assess the impact of fans from other clubs wishing to attend. The Safety and Security Manager had, therefore, decided that the sale of tickets to Oldham or Millwall fans might pose a significant safety and security risk to others attending. The Club's conclusion was that the decision made on the day was justified; that represented the Club's "full and final decision" and they would not be entering into any further correspondence on the matter.

8. On 29 February the complainant referred the matter to the Premier League. In discussions with the Club, the League suggested that the Club should write again to the complainant and should consider an offer for him and his party to return to a pre-determined game at the Etihad, or an alternative goodwill gesture. When the League discussed the matter with the FSF and the complainant, it became clear that, from the way in which the Club had handled his complaint, he had become more upset than he had been and expected the Club to go further than the mere apology originally sought. When the League explored with the Club the prospect of final mediation or resolution it was concluded that the respective positions were too far apart to do so.

9. On 16 March the Club's Director of Stadium Sales and Operations wrote again to the complainant. He said it would be wrong for the Club not to sympathise with the circumstances in which the group found themselves on the day, but it was important to clarify that the Club's ticket processes were designed to ensure that the atmosphere within the stadium was a safe and positive one. It was not the Club's intention to discriminate against Millwall, or any other team. The Director explained

their ticketing policy; staff were encouraged to use any available information to ensure that tickets in home areas were taken up by home fans. On the day the Club had taken the view that it would not be possible to adjust their established policies and communicate any related messages clearly to all staff within the short timescale available. The Club very much sympathised with the complainant's position and regretted any upset caused. If the complainant ever wished to visit the Etihad again he should feel free to contact the club in advance, which would enable them to identify suitable seats for the group. The complainant remained dissatisfied and, through the FSF, referred his complaint to the IFO.

### **The Premier League's comments to the IFO**

10. The League said that they sympathised with the group's position and did not doubt that they had attempted to buy tickets with the sole intention of watching a game of football. The League acknowledged the Club's right to set the terms of admission and to manage them appropriately. Those terms clearly define both home and away fans, but make no provision for casual fans or those of other clubs. The League accepted that it was a matter for the Club to determine how rigidly to enforce its written policies. The Club's desire is to sell home section tickets only to home fans. They acknowledge that it is impractical to screen every person but they draw a distinction between actively screening people and using any available information to determine that ticket purchasers are clearly not home fans; the complainant's group fell into the latter category. Although the League understood that the complainant felt aggrieved, they recognised the Club's right to set the terms of entry. The League accepted that the Club apply their policies equally and do not actively discriminate against Millwall fans.

11. The League had advised the Club that their initial response to the complainant, although informative on policy, had perhaps lacked empathy, which had led to the second written response. The League said that they actively encourage clubs to adopt policies which promote maximum attendance and introduce the game to new fans. They understand, however, the range of "push and pull factors" which underpin club policy in respect of ticket sales. The League found it disappointing that a positive resolution could not be reached but noted the Club's offer for the group to return.

### **Evidence from Greater Manchester Police**

12. In response to a Freedom of Information request made by a Manchester City fan known to the group, Greater Manchester Police said that they had not given any instruction to the Club not to admit Millwall fans on 12 December. A police log entry said "As Oldham fixture has been cancelled due to the weather a small number of Millwall fans have arrived in the city intending to go to the City match. The Club are aware as are all commanders. The Club anticipated this and whilst are happy with selling tickets it will be on merit based on individuals' behaviour, any tickets sold to them will be in the home end and not within 2 blocks of away fans..... whilst there have been previous issues between these fans, it is some years ago and no issues are expected today especially with the numbers expected to attend plus the demeanour reported by officers of older Millwall, well behaved fans." The IFO contacted the police seeking to amplify that information but the police said that they would respond only to a Freedom of Information request which would simply have produced the same result.

### **The investigation**

13. The Deputy IFO met with the complainant who confirmed the account given to the FSF and the Premier League. The group's return train had not been until 7pm. 330 Millwall fans had travelled to Oldham; the complainant did not know how many had gone to the Etihad. The complainant said that none of the group was wearing Millwall colours; they never do for away games so as to avoid potential confrontation. He said that in seeking to purchase tickets they had not been questioned or challenged in any way; they would have got in no trouble at all had had his friend not effectively declared their status as Millwall fans, and that was the sole reason they had been denied entry. The complainant was particularly aggrieved that boundary displays at the Etihad say "Please come to the Etihad and enjoy a game".

14. The complainant said that there had been temptation to seek publicity over what had happened; one reason for not showing a photograph of the group was that the obvious disability of the 20 year old could well have attracted trolls. The complainant's dissatisfaction over the affair had been exacerbated by the way in which the Club had handled his complaint. Having initially sought nothing more than an apology from the Club's senior management, his attitude had hardened. His telephone conversations with Club officials and the initial letter from the Club had been unsatisfactory. After the Premier League's intervention, the further letter from the Club, while expressing sympathy and being more courteous than the first letter, still fell short of what the complainant felt was merited. The acceptance of the Club's offer to allow the group to attend a match at the Etihad was of little value as it was unlikely that the group would

be in the vicinity of Manchester unless to watch a Millwall away game; in order to visit the Etihad otherwise they would have to buy tickets and incur transport charges.

### **The Club's account**

15. The IFO and his Deputy visited the Etihad and met with the Director of Stadium Sales and Operations, the Ticket Office Manager and a Legal Adviser. (The Safety Officer was out of the country on Club business.) They described the Club's ticketing policies including the intention to sell home tickets only to home fans. When the Club had learned of the postponement of the Oldham match, they had already been in full matchday mode and, following discussions with all matchday partners, including the police, the Safety Officer had decided not to admit either Millwall or Oldham fans. The Director said that the Club had no knowledge of the police having been told that well behaved fans would be admitted. The Safety Officer has ultimate responsibility for such decisions. His decision not to admit Millwall or Oldham fans was consistent with the Club's policy and was communicated to the ticket office. The Director was adamant that the group had not been denied access simply because they were Millwall fans – the situation would have been the same no matter which club they supported. The worry was that, had some non-home fans obtained tickets, the situation could have escalated to the stage of all non-home fans demanding entry, irrespective of their behaviour or demeanour. The Club felt they had to be consistent.

16. The Director said that in early exchanges with the complainant the Club had apologised for the impact of their decision, but not the decision itself, and that remained the case. On 5 January the Customer Services Officer had given the complainant a detailed explanation of the Club's decision and had apologised for the impact it had had on the group's day. The Club had no knowledge of anyone having told the complainant that supporters of other clubs would have been admitted; that had simply not been the situation. The Director conceded that in his letter of 19 February he had been wrong to have said that the police had told the Club that the postponement of the Oldham match could pose a safety risk at the Etihad. The situation was that the Safety Officer had to decide what impact the postponement might have at the Etihad. When pressed by the IFO, the Director said that, although his letter of 16 March had not made clear, his intention had been to offer the group complimentary tickets for a match at the Etihad, where the Club would "look after" them. That offer still stands.

## Findings

17. The IFO is satisfied that the complainant and his friends are genuine football fans who went to the Etihad with the sole intention of watching a football match, yet were left disappointed at being refused entry because they are Millwall fans. The IFO is also satisfied that they would have received tickets had not they volunteered the fact that they were Millwall fans, whose own match had been postponed. The fact that they were denied access because they were Millwall fans is not in dispute. The question for the IFO is whether that was simply because they were Millwall fans per se.

Manchester City's ticketing policies are quite clear in specifying that home tickets are sold only to home fans and the IFO has seen no evidence that the Club did not apply that policy equally to any known Oldham fans on the day. Equally, the IFO has seen no evidence that Oldham fans were denied access.

18. According to the police's contemporary note in their log, someone at the Club told them that they would be happy selling tickets to well-behaved Millwall fans (paragraph 12). Unfortunately, the log does not identify the Club official. The IFO has no reason to question the veracity of the police log, which is consistent with what police at the ground told the complainant in directing him to the ticket office. Although the Club contend that they have no knowledge of such information having been given to the police, the IFO is satisfied someone at the Club communicated that message, which had an air of authority about it in specifying in which part of the Etihad Millwall fans would be seated. The conclusion can only be that the Club either misled the police or that the Club's position changed. Whatever the case, the Club maintain that the ultimate decision on the matter lay with the Safety Officer who, after consultation with relevant parties, including the police, decided to adhere to Club policy in denying access to fans of other clubs. Part of the reason the Club have given for that decision was that they had insufficient time to assess the impact of allowing access to fans of the other clubs. Given that the police log talks of "no issues are expected today especially with the [small] numbers expected to attend plus the demeanour reported by officers of older Millwall well-behaved fans", the IFO is not persuaded by that argument. It would not have been difficult to assess the demeanour of such a small number.

19. Although the IFO accepts the Club's right to set terms of admission and to manage them as they see fit, he has the greatest sympathy over what happened to the group. The IFO notes that the Premier League actively encourage clubs to adopt

policies which promote maximum attendance and **the IFO recommends that Manchester City adopt more flexible ticketing arrangements which cater for casual visitors and fans of other clubs who want to experience the Etihad, rather than having a "one size fits all" policy.** Adopting such a policy would sit comfortably with the Club's Supporter Charter which says "... the City Promise .... aimed at making a visit to the Etihad Campus the best experience in world football .... We will give you a warm and friendly welcome. We will go the extra mile to help you. We want you to enjoy your day at Manchester City."

20. The Club have made the point that catering for casual visitors is not an issue peculiar to them. There is no directive from the Premier League for any member club to cater for anyone other than home and away supporters. In light of that, **the IFO recommends that the Premier League consider including in their guidance suitable arrangements to cater for casual visitors,** which should sit nicely with their desire to promote maximum attendance. In response, the Premier League said that their League Rules outline that a club's ticketing policy should aim to promote greater accessibility by the adoption of flexible and imaginative ticketing schemes. As clubs have responsibility for matchday logistics, the Rules also allow them scope to adopt individual processes in some key areas. Safety is quite rightly each club's first priority, but the League always encourage policies which make tickets available to a broad range of people, including first time and casual visitors, wherever it is practical to do so. The League said that they will work with their clubs to understand how they currently assess and provide for these types of purchases, with a view to making positive developments to the guidance provided by the League. The IFO welcomes this development.

21. The IFO believes that the Club's handling of the complaint could have been much better. An initial expression of regret over the complainant's disappointment regarding what had happened, when he was seeking no more than an apology, might well have concluded the matter. However, the Club's letter of 19 February left a lot to be desired. Not only was it wrong in attributing the refusal of entry to police advice, a position which was maintained until the police's reply to the Freedom of information request, it was curt in its peremptory dismissal of the complaint, which led to its escalation to the Premier League. The League clearly sympathised with the complainant and pointed out that the Club's response lacked empathy, which led to the Club's letter of 16 March. Unfortunately, in offering the group the opportunity to

obtain tickets for a future match at the Etihad, the Club failed to mention that the tickets would be complimentary, as eventually clarified by the IFO enquiry.

22. The Club have drawn a distinction between expressing sympathy about the situation in which the group found themselves and offering an apology. The Club's view remains that, because they were simply applying their ticketing policy, there was nothing which warranted an apology. That is a very fine distinction to have made, when a simple "sorry" for what happened might well have concluded this whole saga at an early stage. The IFO believes that the offer of complimentary tickets for the whole party to visit the Etihad for a future match is a reasonable goodwill gesture, though it is for the complainant to decide whether to take up the offer.

### **Conclusion**

23. The IFO accepts that Club have a right to set terms of admission and to manage them as they see fit, but has every sympathy for the disappointing experience of the complainant and his friends. The IFO is also critical of the way in which the Club handled the complaint. The IFO welcomes the Club's offer of complimentary tickets and the fact that the Premier League will be working with their clubs with a view to making positive developments to league guidance in relation to ticketing arrangements for casual and first time visitors.

**Professor Derek Fraser, Ombudsman**

**Mr Alan Watson CBE, Deputy Ombudsman**

**12 July 2016**