



IFO COMPLAINT REF: 17/03

**THE RELOCATION OF A SEASON TICKET
HOLDER AT WEST HAM UNITED**

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 acknowledges that in investigating this complaint he has received the full cooperation of West Ham United and club officials.

The complaint

3. A long standing West Ham United season ticket holder complained that he was unreasonably relocated from his seat at the London Stadium and that he

was not provided with the reasons to his satisfaction. He also complained about shortcomings in the Club's procedures and that he had not been offered suitable recompense for his inconvenience.

Background: West Ham United's move to the Olympic/London Stadium

4. At the end of the 2015-2016 season West Ham ended their long period at their traditional home of Upton Park and implemented their plans to move to the former 2012 Olympic Stadium, re-named the London Stadium. This was a major logistical exercise not least in scale, since the new home had a capacity almost double that of the old. There were, for example, some 26,000 new season ticket holders and the IFO acknowledges that there were bound to be some teething troubles with such a major upheaval. The IFO has already investigated a number of cases relating to different aspects of the transfer process, all of which were eventually settled to the satisfaction of complainants and one of which led to a published report (IFO Ref 16/16). In looking into those cases the IFO noted that there were significant personnel changes during the periods covered by the complaints.

5. There were some well publicised stewarding problems at the ground and the situation was not helped by the fact that there was no systematic police presence within the ground because of problems with radio communication. The security challenges were compounded by the unusual, though not unique, legal relationship. The Stadium is the legacy of the 2012 Olympic Games, part of the Queen Elizabeth Olympic Park, and is not owned by the Club, which is a long term tenant. The Stadium is managed by LS 185, the company appointed to manage the Stadium operations and to facilitate the Club's tenancy and the hosting of matches. The Safety Certificate is held by the company and not the Club, and the Safety Officer is employed by the company, critically important points. Conversely the Safety Advisory Group (SAG) is the same as that which the Club dealt with previously, as the two grounds are located within the same London Borough. Following safety and security concerns, in particular well documented problems at the Chelsea League Cup match, joint discussions between the Club, LS185, the police and the SAG led to the decision to increase the segregation line between the home and away supporters. This necessitated the relocation of 155 home season ticket holders from Block 114 and the

complaint arises directly from this decision. Away places from Block 117 were also relocated to increase the size of the segregation line.

The facts of the case

6. The complainant reports that his concerns about the move to the new stadium began when he visited the renewal suite and found that his original preferred location was not being sold to season ticket holders. He chose Block 114 as it was likely to be a singing section and it was the nearest to the away fans (this element of his preferences was consistently mentioned in the evolution of the complaint). Having attended 5 matches in the seat which he had purchased he was advised at short notice that he was being moved from Block 114 to Block 127. He complains that he was given no choice over his relocation and disputes that it was "comparable" accommodation, since it is further away from the away supporters. He disputes the case the Club put forward to justify the move. He was unable to locate any terms and conditions to ascertain his rights in this matter and he discovered that the Club did not have a Charter for 2016-17. He complained that in his new location he was subjected to over-zealous stewarding based on a zero tolerance policy on standing and claims that his section was unfairly targeted. He accepts that the Club did offer a visit to the training ground by way of compensation and that he was also offered a pro-rata refund. Both of these he rejected as either insufficient or inappropriate recompense. He claims that he is entitled to compensation for his inconvenience and that his main object is to be returned to the seat he originally chose. Finally he asserts that the Club has delayed dealing with his complaint so as to roll it into the renewal process for the next season, "which I suspect is what the club want".

The investigation

7. The IFO carefully reviewed the extensive correspondence between the complainant and the Club, together with the case submitted to the IFO and subsequent correspondence from the complainant. On 3 April 2017 the IFO and Deputy visited the London Stadium and met with senior Club officials, comprising the Head of Matchday Operations, the Head of Ticketing, the Supporter Services Manager, the Head of Media Relations and the Special

Projects Manager. Following a full discussion of the complaint the IFO and Deputy toured the Stadium to inspect the relevant sections of the ground.

The findings

8. As explained in Paragraph 1, the Adjudication has two parts and on this occasion it is sensible first to discuss the way the complaint was handled. In many cases, even where the IFO is unable to uphold a complaint, shortcomings are revealed in the complaint handling process. This is not the case here. Although the complainant remains aggrieved, he cannot claim that the Club was derelict in the way it responded. The Club has written to him several times and a number of officials have sought to address his concerns, including personally by phone. The Club attempted to give full details of the reasoning behind the decision to relocate and while the complainant has not been persuaded he has had the case put to him in a reasoned manner. He also complained about mixed messages in communications, being told that relocation back to Block 114 might be possible if there were a number of trouble-free games or alternatively when the ground capacity was raised to 60,000. Commendably, Club officials wanted to keep supporters apprised of what was a changing evaluation as the review of stadium safety was being developed. On the day of the IFO visit a circular letter was being sent out which clarified that those relocated would be given preference in choosing new seats, including Block 114 should they become available.

9. There are two aspects of the complaint which are well founded, those relating to terms and conditions and the Club Charter. Well before this complaint was received, the IFO was advised by the Football Supporters Federation that it was extremely difficult to locate the Club's season ticket terms and conditions, which were certainly not sent to supporters at the time that they purchased their tickets. Similarly, were supporters to consult the Charter to discover their rights they would have found that only the Charter for the previous season was available. The IFO upholds these two elements in the complaint and reminds the Club of its obligations to have an up to date Charter and to provide supporters with clear consumer information at the time of ticket purchase. The IFO has been assured that these two matters have been or are being addressed.

10. The IFO is persuaded that Club and Stadium officials had strong and compelling grounds for extending the segregation between home and away fans. In that context it is important to note that, although the Club has an important part to play in discussions in relation to stadium operations, the ultimate responsibility for safety and security lies with LS185, through the Safety Officer. The complainant argues that the exit tunnel between Blocks 114 and 117 is far wider than any which existed at Upton Park, which is true. However, the rake of the terrace and the big drop adjacent did pose a safety risk, compounded by the pressure of fans leaving their seats and pressing forward to get closer to the away section (and the Club has video evidence of fans doing just that). The complainant's assertion that the problem was confined to a few fans on either side throwing missiles is belied by the facts. Statistics provided at the Sports Ground Safety Authority 2017 conference reveal that by the end of February 148 fans had been ejected and 134 stadium bans had been imposed. A further 18 football banning orders have been issued by the courts and 21 offenders are in the criminal justice process. These figures show that there was a serious problem of anti-social behaviour which had to be addressed (not just in Block 114) and increasing the sterile zone between home and away fans has clearly played an important part in the dramatic fall in the number of ejections and arrests, with virtually none in the 8 matches prior to the IFO's visit. It is also worth noting that a Premier League "mystery shopper audit" reported that the stadium was "safe and secure".

11. What of the complainant's assertion that he has not been provided with "comparable" accommodation? Put in simple geographical terms the complainant has been moved from the south-western lower corner to the south eastern lower corner, which affords a similar view of the pitch. Efforts were made to move people together and so the complainant was seated in row 17 in Block 114 and now sits in row 17 of block 127, with the same neighbours. The complainant makes much of his increased distance from the away section, though he did not clarify why this assumes such a priority for him. Subsequently the complainant did explain to the IFO that such a location produces a good atmosphere at the games which his new location does not provide. The IFO is not persuaded that

this criterion undermines the Club's achievement in providing a comparable seat for him after relocation.

12. The complainant is critical of the Club's zero tolerance policy on standing which he found disconcerting in his new location. Since the IFO (and the IFC before it) has received countless complaints from fans inconvenienced by standing supporters, he is not going to criticise Club officials for seeking to confront persistent standing (which is against ground regulations). As in many other grounds, the term "singing section" is a veiled admission of the existence in effect of a "standing section" and it is therefore no surprise that the complainant's preference for a singing section seat should be accompanied by a large number of fans standing. The Club denies that Block 127 was targeted specifically and maintains that it seeks to get fans to remain seated throughout the stadium.

13. The complainant bemoans the fact that he has not been offered proper compensation for his inconvenience and, by his assessment, loss of enjoyment through lack of proximity to the away section. Understandably, as a fan who wishes to continue to watch his team, he rejected the offer of a pro-rata refund and indeed only 8 supporters took up this option. In the IFO's view he is unreasonably disparaging about the offer to watch the team train at the private training ground. (He asserts that the invitation was to an exclusive event simply to watch the first team training.) The Club explained that this had never before happened (and was quite different to the family day in the stadium offered to other fans). This unique offer was made in acknowledgment of the inconvenience suffered by the relocated supporters and included photos with the players, autographs, memorabilia and refreshments. Though it was non-monetary compensation, the IFO concludes that this would have been deemed a valuable experience for many loyal fans and was a not unreasonable goodwill gesture. It would, however, have been helpful if the goodwill gesture had been more explicit in what was to take place. The IFO cannot uphold the complainant's claim for monetary compensation and notes that the renewal communication offers the possibility of eventual relocation to Block 114.

Conclusion

The IFO acknowledges that there were many challenges facing West Ham United in moving to their new stadium and it is not surprising that the IFO has received a number of complaints, given the scope and scale of the operation. The early experience at matches revealed serious safety and stewarding concerns which had to be addressed. The SGSA has confirmed that had the Club and Stadium authorities not taken remedial action, they would have been required to by the licensing authority. The complainant is correct that the problems were not confined to Block 114, but as elsewhere the segregation line between home and away fans is always the most likely flashpoint. The safety professionals are all agreed that to increase the segregation space was the correct thing to do, especially given the physical context of the stadium. The IFO endorses the complainant's criticism in regard to terms of reference and the Club Charter, but cannot uphold his claim for financial compensation in relation to his relocation. If the dramatic improvement in fans' behaviour is maintained then the Club has indicated that a return to Block 114 might be possible, subject to appropriate safety considerations

Professor Derek Fraser, Ombudsman

5 May 2017

Alan Watson CBE, Deputy Ombudsman