



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 16/14

A COMPLAINT ABOUT THE SUSPENSION OF A SEASON TICKET AT MANCHESTER 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 must make clear that in investigating this complaint he has received full cooperation from Manchester United FC and the Premier League.

The complaint

3. A season ticket holder complained that Manchester United had unjustly suspended his season ticket and banned him for three years. Although the ban had been lifted subsequently, he had been unable to renew his ticket for the 2016-17 season.

The facts of the case

4. The complainant was a season ticket holder at Manchester United and had been so for five years. At his request his season ticket card was reprinted on 1 February 2016 as he had reported the original stolen. His season ticket was reprinted for a second time on 1 March 2016 as he had reported not having received the 1 February replacement. On 3 April a lady tried to access Old Trafford for the Everton game using the ticket posted to the complainant on 1 February. She said that for £140 she had bought two tickets in the city centre. She named the complainant as the vendor, but was unable to provide personal details about him. That same day Ticketing & Membership Services received two separate telephone calls, purportedly from the complainant, giving his name, date of birth and post code, and advising that: (i) he had passed his ticket to another person; (ii) that she had been turned away from the turnstile when attempting to enter the stadium for the match; and (iii) that the ticket had been confiscated from his brother's girlfriend when she had later visited Ticketing & Membership Services. On 5 April the Club wrote to the complainant saying that his season ticket had been resold without their authorisation, as a result of which his ticket had been cancelled, without refund, and he was banned from attending both home and away matches for a minimum of three years. The complainant called Ticketing & Membership Services on 6 April and denied knowing anything about the above, including the calls made to Ticketing & Membership Services on the date of the match. He called Ticketing & Membership Services again on 8 April saying that he had lost the ticket and that someone must have sold it on. He repeated that he knew nothing about the calls made to Ticketing & Membership Services on the date of the match and that a friend must have called pretending to be him.

5. On 29 April the complainant wrote to the Club saying that since receiving their letter, he had exhausted every avenue trying to get the decision reversed. He said that on 3 April someone had tried to gain entry to Old Trafford, clearly using the card he had lost. Since then the Club had told him that someone had telephoned the Club using his details, trying to get the person into the game. The Club had told him that the person had said that she had bought the ticket from him in the city centre. He pointed out that as his name was on the card it was not difficult for anyone to use his name. He said that around three years previously he had found in his seat someone in possession of a season ticket that had been stolen, along with his wallet, from his car. Police had taken the man away for questioning. The complainant denied having sold the ticket and that he had telephoned the Club on 3 April, and maintained that he had himself been on his way to the game until his car had suffered a puncture. He asked for his ticket to be reinstated. He pointed out that he was still in possession of the ticket issued on 1 March.

6. On 7 June the Club's Director of Communications wrote to the complainant saying that his appeal was unsuccessful as his ticket had been found in the possession of a supporter who had bought it at above face value, without the authorisation of the Club. On 17 June the complainant appealed to the Premier League. Following discussions with the League, the Club allowed the complainant a second appeal. On 29 July the Club wrote to the complainant saying "The 3 years' ban has been lifted on your account, however, we are sold out of season tickets for the 2016/17 season and we are unable to reinstate your season ticket. You can purchase Official Membership for the season and purchase any available match tickets." He could apply for a season ticket for 2017/18. The complainant remained dissatisfied and asked the IFO to investigate.

The investigation

7. The IFO carefully considered documentation submitted via the Premier League and the complainant's correspondence to and from the Club. The review also took account of two submissions to the IFO made by the Club. On 11 October the IFO and Deputy visited Old Trafford to discuss the case with the Director of Venue, the Head of Ticketing and Membership Services and a Legal

Officer. The officials said that, based on the information provided by the lady, and the complainant's unusual pattern of behaviour in relation to lost tickets and reprints, Ticketing & Membership Services had taken the view that they had sufficient grounds to suspect that the ticket registered to the complainant had been resold without the authorisation of the Club, in breach of the season ticket terms and conditions for season 2015/16 and in contravention of applicable laws, namely section 166 of the Criminal Justice and Public Order Act 1994, as amended by the Violent Crime Reduction Act 2006. The Club had therefore exercised their right under paragraph 43 of the season ticket terms and conditions to terminate the complainant's season ticket and to prevent him from renewing his season ticket for a period of three years.

8. In addition, the Club had reviewed their recordings of the telephone calls received on 3, 6 and 8 April and were of the view that they were all from the same person, namely the complainant. In rejecting his appeal, the Club had also noted that there had been a number of other occasions where the complainant had made requests for other supporters to collect on his behalf reprints in the form of paper tickets for matches, and his season ticket card had also been "stolen" at least once every season since 2013, resulting each time in a reprint of his ticket. In 2013 one of the complainant's stolen tickets had been in possession of a fan who had been arrested.

9. After discussions with the Premier League, the Club allowed the complainant a further appeal as a result of which they decided to lift the ban. The officials explained that their intention had been to find a pragmatic solution to cut down the administrative time the Club, the Premier League and the IFO would need to spend on this case; in essence their intention was to reduce the season ticket ban from three years to one, effectively bringing it into line with a similar case on which the IFO had adjudicated (Adjudication 16/03). As all season tickets for 2016/17 had been sold by 29 July, the complainant was unable to obtain a season ticket earlier than the 2017/18 season, thus rendering the continuance of the ban unnecessary. The officials recognised that the Club's action had been misleading in so much as it had led the complainant to believe, wrongly, that he had been exonerated. The ban would probably have extended beyond 29 July had season tickets still been available. The complainant will need to purchase

Official Membership and apply for/buy tickets for individual games for the current season and join the waiting list for a 2017/18 season ticket. That will enable the Club to monitor his use of tickets, pending a purchase of a season ticket for 2017/18 if available. The Club consider that on the evidence available the action taken was fully justified and that their review resulted in a very favourable outcome for the complainant.

10. The officials referred to the Club's newly published Official Club Sanctions document to communicate to supporters the potential consequences of committing offences and to ensure consistency and transparency in the Club's decision making. Touting offences automatically carry a three years' ban. The Club have also established an Official Appeals Panel, which includes independent representation. The IFO welcomed those developments.

11. On 14 October the IFO met with the complainant. The complainant was convinced that his brother's friend stole his wallet three years ago and probably intercepted the letter containing the season ticket reprinted on 1 February. He said that the friend would know his personal details. He felt that the fact that the lady had bought two tickets cast doubt on her credibility when he had only one. The complainant was aggrieved at having lost the use of his ticket without refund, and felt particularly strongly about the loss of his seat in the front row. He considered that he should be able to return to that seat when he manages to get a new season ticket. The IFO was persuaded that the complainant had not made the telephone calls on 3 April and concluded that the complainant had been disadvantaged by someone close to his family.

The Findings

12. The IFO is satisfied that on the evidence before them, the Club were justified in taking action against someone they believed was touting tickets, first by imposing a ban of three years, then effectively reducing it to one year after a second appeal. The circumstances surrounding the loss and replacement of tickets, the telephone calls and the complainant having been named as the vendor certainly looked suspicious. On the other hand, the complainant has a plausible version of events. Without conclusive evidence either way, it is impossible for the IFO to conclude with any certainty what precisely the truth of

the matter is. However, with the benefit of having met the complainant face to face, the IFO is persuaded that the complainant was not involved in ticket touting and may well have been disadvantaged by the actions of someone close to him. It is now too late for the complainant to get a season ticket for the current season, but **the IFO recommends that the Club should allow him to renew his ticket for 2017/18 and, if possible, restore him to his previous seat.**

13. The Club have indicated that, notwithstanding the IFO's view that the complainant has a plausible explanation and that his difficulties were probably the result of wrongdoing by someone close to his family, they remain convinced that there were reasonable suspicions that the ticket had been resold illegally and that their actions were wholly justified. They reiterated their view that by effectively reducing the ban from three years to one, the complainant was given a significant concession. The Club accept the IFO recommendation that the complainant should be given some priority in the renewal process and advise that the best chance of renewal for the 2017-18 season will be for the complainant to become an Official Member, to join the waiting list and to pay a deposit. The Club have also explained that the complainant would be entitled to a refund for matches not attended, so long as the Club had been able to resell the tickets.

Conclusion

14. The IFO welcomes the publication of the Club's sanctions document which clarifies the consequences of misdemeanours by supporters and accepts that the three year ban imposed on the complainant was consistent with those regulations and was justified by the initial evidence. Nevertheless the ban, even when in effect reduced to one year, appears harsh for the complainant, who has persuaded the IFO that he has been the unfortunate victim of someone close to his family. The IFO hopes the Club will renew his season ticket for 2017-18 and restore him to his seat (or one similar) if at all possible.

Professor Derek Fraser, Ombudsman

16 November 2016

Alan Watson, Deputy Ombudsman