

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN



Chartered Trading
Standards Institute
ADR Competent Authority

The Independent Football Ombudsman is approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015

IFO COMPLAINT REF: 18/02

A THREE YEAR BAN 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 the full cooperation of Manchester United FC.

The Complaint

3. A Manchester United season ticket holder complained that the Club have treated him as a ticket tout and banned him for three years, when all he had done was to allow a colleague to use the tickets

The complainant's account

4. The complainant is a lifelong Manchester United fan who has been a season ticket holder for 15 years. He describes himself as a property developer, writer and restaurateur and maintains that he does not need to make money by selling the season tickets he has for himself and his family. He told the IFO that for the match against Brighton on 25 November 2017 he had given his tickets to a colleague who, unbeknown to the complainant, had sold them to an agency, who had then sold them on for profit. The people who had bought them had been stopped at the Old Trafford turnstiles and the tickets were confiscated. At the Club's request the complainant had explained what had happened and he had offered to meet Club officials to explain further, but the Club had banned him for three years. The complainant was adamant that he is not a ticket tout and has never profited from his tickets; when he was unable to attend he allowed friends or colleagues to use them as a gift. The complainant said he finds it difficult to accept that he is being punished for something he has not done. All he had done was to make a mistake by trusting the wrong person. He said that he had offered to make a donation of £1000 to UNICEF in order to demonstrate that he was not operating a money-making scheme.

The investigation

5. On 25 January the IFO and Deputy visited the Club and met with the Head of Customer Services and Experience and the Customer Services Manager. The officials explained that the Club make random ticket checks which mean that those cards selected do not work at the turnstiles and, in order to gain admission, users have to visit the ticket office to confirm their identity, or their connection to the ticket holder. Season ticket holders are permitted to allow family and friends to use their tickets, but remain responsible for their appropriate use. If the Club identify that tickets are being used outside the terms and conditions, those in possession of the cards are asked to complete forms giving relevant information, and the Club confiscate the cards. If possible, the Club give the touting victims the opportunity to buy legitimate tickets to attend the match. Ticket touting is a level 4 offence in the Club's official sanctions; it is defined as "tickets are actually or are suspected of being transferred or re-sold (or advertised or offered for re-sale) in breach of applicable terms and conditions."

6. The Club said that the complainant's season ticket account is linked with three others of the same surname. At the Brighton match two of those tickets were confiscated after the holders stated, and confirmed in writing, that they had purchased the tickets outside the stadium for £80 each. The other two tickets linked to the complainant were confiscated from a different couple who stated, and confirmed in writing, that they had been given them for free by a friend – "John", whose surname they did not know; those cards had been collected from a hotel and were to be returned to someone at the airport the following day. The IFO examined the evidence provided by those who had been in possession of the tickets. The Club had given all four ticket holders the

standard official sanction for touting – a suspension of three years, for both home and away matches.

7. The complainant had appealed on behalf of all four ticket holders. His defence was that he regularly works abroad and when he does the other three cannot attend as he is the designated driver. He said that he had given the tickets to a former work colleague, whom he named, with the intention of that man using them for the CSKA Moscow match, and giving them to clients for the Brighton match. That appeal was unsuccessful as the Club had evidence of the tickets having been sold, and the complainant had known that they were not going to be used by friends or family. The complainant had then made a second appeal, describing how upset he was that his tickets had been touted and offering the donation of £1000 to UNICEF to demonstrate that he does not have tickets in order to profit. He also said that the person who had tried to profit “will be fired from my company”. On 19 December the Club’s Appeals Panel, which includes an independent member, unanimously determined that the Club had sufficient evidence that the tickets had been touted and that no part of the appeal gave cause not to impose the standard sanction.

Findings

8. It is important at the outset to stress that the IFO strongly supports the Club’s efforts to combat ticket touting and the unauthorised use of tickets. The key question in this case is whether the complainant was indeed involved in ticket touting. The season ticket brochure clearly states “you can share your season ticket with friends and family if you are not able to attend a game”, but the more detailed regulations make clear that any breach by the “authorised” user is deemed a breach by the ticket holder. There is no evidence to show whether the complainant allowed his ticket to be used by a tout, which he strongly denies, or whether, as he contends, he was let down by a colleague, or former colleague, to whom he gave the tickets. Whatever the case, it is clear that the complainant, knowing that for the Brighton match that person supposedly intended giving the tickets to clients – outside the category of “friends” - was in breach of the ticketing terms and conditions. The IFO is satisfied that, ultimately, the complainant remained responsible for the appropriate use of the tickets. The IFO finds that it was distinctly unwise of the complainant to allow the tickets to go totally outside his control, with no idea of to whom they were intended; with two of them being sold on the secondary market and two being used by persons who did not know the complainant. The complainant has been through the Club’s Appeal Panel, which includes independent membership, which upheld the sanctions imposed. The IFO has found no reason to demur from that decision and, therefore, does not find the complaint justified.

Conclusion

9. Although the complainant feels that he has been designated a ticket tout, in fact he has breached the rules by allowing his ticket to reach the secondary

market, even if unintentionally. The IFO does not believe that he personally sold the tickets, but he was responsible for their proper use and the IFO supports the Club in enforcing the rule that any breach by the recipient of the ticket is deemed to be a breach by the season ticket holder himself. The IFO cannot uphold the complaint.

Professor Derek Fraser, Ombudsman

1 March 2018

Alan Watson CBE, Deputy Ombudsman