



**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

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## **IFO COMPLAINT REF: 18/01**

### **ENFORCED REQUIREMENT TO MOVE SEATS AT NORWICH CITY**

#### **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. 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 Norwich City.

## **The Complaint**

3. A Norwich City season ticket holder complained that he and his 11 years' old daughter had unfairly been required to move from their seats at Carrow Road, rather than the Club deal with the problem of persistent standing by others in the stand. He maintained that the Club had targeted the minority, those with children in attendance, as the easy option, instead of tackling the majority who stand. He said that he had no qualms about picking up his daughter on occasions so that she could see the action, but felt that the fact that he was not allowed to, on the grounds of health and safety, was grossly unfair as he had purchased seats which his daughter was unable to use. He said that his daughter was most upset at having to move.

## **The facts of the case**

4. On 18 December the Club wrote to the complainant and other affected fans with children. They said that in the previous week they had written to all season ticket holders in Block A of the Lower Barclay Stand appealing for cooperation during the Sheffield Wednesday match in trying to deal with a serious safety issue caused by persistent standing, which was leading to young supporters standing on seats in order to see matches. The Club's Safety Advisory Group (SAG) had made it clear that, if the Club were unable to stop children standing on seats, they would have to consider reducing the capacity of the Block to a level which would enable the Club to manage the area safely. Despite the Club's efforts to address the problem, persistent standing had continued and the Club had been unable to stop children from standing on seats. On 11 December, in a meeting with Club officials, the SAG Chair had said that a significant reduction in Block A capacity would have to be made for the next home fixture (Brentford on 22 December). However, the Club indicated that they wanted to resolve the problem by moving those supporters under 16 years of age, and those accompanying them, to areas of the ground where standing was not a problem. That had removed the safety issue which was concerning the SAG. That was not a decision the Club had taken lightly but it affected a significantly smaller number of supporters than if the capacity of the stand was to be reduced. The Club said that, unfortunately, the complainant and his daughter were affected by the decision, and they asked him to contact a named Club official to discuss relocation. The Club said that they appreciated that the complainant having to

move would seem unfair, but it was the best option available. On 20 December the complainant asked the IFO to intervene.

### **Evidence from the Club**

5. The Club said that despite their best efforts, including ejections, they had been unable to resolve the persistent standing problem which led to children standing on seats. The situation had reached a point where there was more concern about the public order risks caused by asking fans to sit, than by standing per se; the SAG's view was that standing on seats was unacceptable in any circumstances because of safety risks. The Club's objective was to impact as few fans as possible; it affected a maximum of 31 under 16s, and 51 fans in total, compared to 211 fans had the capacity been reduced. Had the reduction been effected, the 51 fans would have had to relocate in any event. The Club realised that all this was of no consolation to the complainant, but the move eradicated the SAG's safety concerns.

6. The Club pointed out that their season ticket terms and conditions read:-

"1.10 In the event of any unforeseen circumstances or incidence of force majeure affecting any part of the Stadium, the Club reserves the right to require any Season Ticket Holder .... in the affected part of the Stadium to move to any other part of the Stadium and to sit in any other seat of equivalent or higher value."

The Club said that on 20 December their Head of Ticketing had spoken to the complainant and relocated him and his daughter to higher priced seats for which the Club had made no additional charge.

### **Evidence from the SAG**

7. The Chair of the SAG confirmed to the IFO the information contained in the Club's letter. He said that the issue for the SAG had been about the safety of children standing on seats, rather than persistent standing, and the Club's relocation measures had resolved that situation. The Chair said that the SAG continually monitors the standing situation; their current view is that the Club and their stewards work hard to try to keep supporters seated and ensure that gangways and vomitories are kept clear. The rake of the Lower Barclay Stand is shallow and no serious injuries have been recorded as a result of persistent

standing. On that basis, the SAG has not to date taken enforcement action, but are keeping the matter under review.

## **Findings**

8. Although the health and safety of children was the catalyst for what has happened, the underlying problem was undoubtedly persistent standing. So, should the Club have been able to get everyone to sit and thereby enforce the ground regulations, and hence obviate the need for children to stand on seats? That certainly would have been desirable but, through no fault of the Club, has proved impossible, a situation which the SAG has accepted. Over the years the IFO has adjudicated many complaints involving persistent standing. In the IFO Annual Report for as long ago as 2013/14 season, the IFO said:

*Safety Officers and Match Commanders have a preference for watchful monitoring of standing supporters rather than active intervention to persuade supporters to sit down for fear of provoking a public order incident. In the IFO's opinion this renders the ground regulations in effect unenforceable.*

From subsequent IFO investigations that opinion remains the same. Many clubs, including Norwich, despite their best efforts, find it quite impossible to get fans to sit where large numbers are involved, and from talking to a number of Safety Officers, the IFO is satisfied that the fears over public order are real, sad as that may seem. In his 2016/17 Annual report, the IFO said:

*The IFO takes the view that the introduction of safe standing sections would make it easier for clubs to enforce the seating ground regulations elsewhere in a stadium. The IFO recommends the authorities press ahead with experiments in safe standing and meanwhile encourage clubs to consider further customer service strategies to protect the interests of those wishing to remain seated during matches"*

This adjudication report will be copied to the Football Authorities.

9. The IFO sympathises with the complainant in having had to move against his will, and the upset that has caused his daughter. However, given that the

alternative the Club faced was having to reduce the capacity of the stand, which would have had a similar impact on the complainant in any event, the IFO accepts that the Club made a pragmatic decision which adversely affected a smaller number of fans than would otherwise have been the case. The IFO is satisfied that the Club acted with the best of intentions and welcomes the fact that the Club have allocated the complainant more expensive seats at no extra charge.

### **Conclusion**

10. It would have been desirable for spectators in the Lower Barclay stand to have refrained from standing persistently, but that has proved impossible to achieve, despite the best efforts of the Club. Although the complainant and his daughter have had to move seats against their will, the IFO accepts that the Club acted in a pragmatic way in the best interests of the majority.

**Professor Derek Fraser, Ombudsman**

**29 January 2018**

**Mr Alan Watson CBE, Deputy Ombudsman**