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THE INDEPENDENT  
FOOTBALL OMBUDSMAN

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**IFO COMPLAINT REF: 11/05**

**REFUSAL OF ENTRY AT BLACKPOOL FC, 17 AUGUST 2011**

**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 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. In exercising its jurisdiction, the IFO does not seek to question the merits of judgements made by properly constituted Regulatory Commissions and Appeal Boards, unless there were shortcomings in the administrative processes which led to those judgements. It is not the role of the IFO to retry cases, but it is its role to explore and review the procedures under which complaints have been decided 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 at the outset that he has received full cooperation from Blackpool FC and the Football League.

## **The complaint**

3. A Derby County supporter (whom we call Mr A) complained that he had been wrongly refused entry to Bloomfield Road for the Blackpool v Derby County Football League Championship match on Wednesday 17 August 2011.

## **The events in question**

4. For the past 5 years Mr A has held a Derby home and away season ticket. He looks after the giant flag which he surfs at all home games and at those away games where he has obtained permission to do so. He regards it as a responsible job which he takes seriously. On 25 August he wrote to Blackpool complaining about what had happened on 17 August. He said that on 15 August he had telephoned Blackpool's Safety Officer and obtained permission to surf the flag (as he had on Derby's previous visit to the stadium). The Safety Officer had told him to tell the turnstile operator, who would allow him to use a wider door to allow through the holdall containing the flag, which weighs 17 kilograms. Mr A had arrived in Blackpool around 2pm and had got things ready to fly the flag off Blackpool pier, which he did at 5pm. He and friends had then played football on the beach, had a few drinks then arrived at the stadium around 7.40pm. He had gone to the left side of the queue where his ticket had been checked by a steward, then had gone to the right to allow others past the large holdall. When the East Stand Duty Manager, who like his colleague was checking tickets, approached him he explained that he had spoken to the Safety Officer about the flag. When the Manager asked him if he had been drinking, he said that he had had 4 or 5 drinks. The Manager said that he had been watching Mr A as he entered the queuing system and he looked intoxicated. Mr A had said that he was fine and was not intoxicated. The Manager had said that he could not enter and had taken his ticket. While waiting to see what he could do about the situation, Mr A had observed the Manager having similar conversations with other fans on a ratio of about 1:8, and confiscated their tickets. Around 17 Derby fans had been refused entry. Mr A contended that the Manager could not have seen him walking towards him as Mr A had been on the other side and the Manager had been busy checking tickets. If Mr A had not had the flag he would not even have approached the Manager as his ticket had already been checked. At no time had the Manager asked him **what** he had been drinking; and no other steward had refused anyone entry. Mr A said that some fans had been suggesting that Blackpool had had to refuse entry to some ticket holders because

the away end had been oversold. After the turnstiles had closed the Manager, at Mr A's request, had come out to see him again but had maintained the assertion that Mr A was intoxicated. Mr A had asked the Manager to write a report for the Safety Officer. On a couple of occasions since the match Mr A had spoken to the Safety officer, who had listened to his version of events and, according to Mr A, had apologised for what had happened. (This is disputed by the Club, see Para 13). Mr A asked for the cost of his match ticket to be refunded, and for a formal apology to be given to those Derby fans who had been wrongly refused entry.

5. On 8 September the Chairman of Blackpool replied saying that an investigation into the complaint had been carried out. On the day of the match a joint steward/police operation had been undertaken, aimed at ensuring the safety of spectators. The Chairman, having heard the evidence presented to him, was satisfied that the stewards and police had acted correctly in line with Football League Regulations and current football legislation. He said that there would be no apology or refund. On 14 September Mr A wrote to the Chairman asking that details of the investigation be shared with him to help him understand the findings. He asked if the Manager had made a report. In the absence of satisfaction in the matter he would report it to the Football League. On 26 September the Chairman replied saying that the club's position would not change and that Mr A should take up the matter with the Football League.

6. On 26 October the Football League responded to a complaint which Mr A had submitted. They had contacted Blackpool's Chairman who stood by the action of the stewards and police, and the club's right not to allow into the stadium any supporter suspected of being under the influence of alcohol. The League concurred that how to manage spectators to ensure safety was at a club's discretion, in accordance with Ground Regulations and Local Authority advice. On 16 November the IFO received the complaint and on the following day his Deputy wrote to Mr A saying that an investigation would begin.

### **The investigation**

7. The IFO carefully reviewed the correspondence submitted by Mr A. The Deputy IFO visited Mr A and also a second complainant (Mr B), who had also been refused entry to the match. Mr A said that he has a solid reputation through his responsibility for flag

surfing, which he would not be allowed to do if there were doubts about his behaviour. He was adamant that he had not been intoxicated and that the Manager could not have been in a position to observe him before confiscating his ticket. He said that he had merely told the Manager that he had had "4 or 5 drinks", without specifying what they had been, and the Manager had not asked for that information. He said he had been drinking bottles of Becks.

8. Mr B is a member of "England fans" and travels to England games home and abroad; to retain membership his behaviour needs to conform to the stringent rules which apply. Mr B had checked into a hotel in Blackpool with friends at about 5pm. He said that he had been drinking only shandies, because of a medical condition. He said that his gait was "a bit wobbly" as he had been off work for 8 weeks because of sciatica. On arrival at the ground, he and 3 friends had been shepherded along a makeshift entry, well away from the turnstiles. He had been duped into handing his ticket to the Stand Manager, who had refused him entry; his friends had been allowed in. When he asked why he had been refused entry, the Manager had said "I think you have had a drink" – not "You are drunk" or "You have had too many". When asked for the return of the ticket so a refund could be claimed, the Manager had said "No! You will get [expletive] out of Blackpool FC". Mr B thought that 20 to 30 fans had been refused entry while he was standing there; some had asked the police to give them breath tests. Mr B believed that the Manager was just refusing people at random. Two days after the match Mr B telephoned Blackpool, having had no reply to an earlier email. He also wrote to the Safety Officer about his complaint and Mr B was telephoned by the Safety Officer. He remained dissatisfied and, accompanied by an official from the Football Supporters' federation, he gave an interview to Radio Derby about the events at Blackpool. He said that he had done so out of a sense of duty to himself and to others who had been treated so badly at Blackpool.

9. The Deputy IFO contacted the Football Authorities and the Sports Ground Safety Authority but no safety advisor had been present at the match. The Deputy spoke with Derby's Football Liaison Officer who was aware of what had happened, but was unable to offer a personal view as he had been on holiday at the time of the match. The Deputy IFO spoke with two police officers who had been on duty at the away entrance, including one whom Mr B had named. Both regularly assist stewards at Blackpool. Neither could

remember any specific incidents from that evening. There had been no trouble outside the ground, and, in their opinion, nothing out of the ordinary in what took place. They said that turning away anyone suspected of being intoxicated is commonplace at football grounds, and although a few had been refused entry that evening, the number did not appear unusual. They could not recall witnessing any discourtesy by stewards in the process. They both said that it had generally been the decisions of stewards to refuse entry where they suspected a person was intoxicated, although police officers could also do so. The role of the police is mostly to support the stewards if problems arise, not to second guess their decisions or judgements. The club had the right to refuse entry. The Deputy also spoke with Derby's Safety Officer who said that Mr A is part of a group of fans who were warned last season about their behaviour at matches, but Mr A himself has not been in trouble.

10. The IFO and Deputy visited Blackpool and met with the Safety Officer, the Stand Manager and the official in charge of CCTV surveillance. CCTV tapes are passed to the police as a matter of routine but the Safety officer had obtained the ones from the Derby match for the IFO to view. There were 2,200 tickets available for Derby fans; 1,769 had attended. 17 Derby fans had been refused entry because of alcohol related offences. One Derby fan had been arrested inside the ground for assaulting a steward in a smoking offence incident. The gates had opened at 6.39 pm for the 8pm kick-off. The first refusal was at 7.27 pm; the last refusals consisted of a group of 8 young fans just after kick-off. CCTV footage showed orderly queues and access to the alley leading to the turnstiles controlled by stewards checking tickets for validity. At 7.40pm the Manager could be seen talking at some length to a fan, who could well have been Mr A, but could not be positively identified because his back was to the camera, with only head and shoulders in view. At 8.16 Mr A, carrying a largeholdall, could be seen talking to a mounted policeman. At 8.20pm Mr A was still in the vicinity of the ground, but none of the clips was long or detailed enough to be able to judge his demeanour.

11. The Manager has been in post for 10 years and produced to the IFO certificates showing his various qualifications for the job. On alternate weeks he is a stand Manager at Preston North End. He has a team of 2 supervisors and ordinary stewards. He has managerial duties both inside and outside the ground, and does not check tickets as a matter of routine. He said that on the evening in question he was observing fans joining

the queues awaiting access to the alley where the turnstiles are sited. He said that he had watched the man carrying the holdall as he walked past to join the queue; the man had been swaying and when he spoke to him the man's eyes had been bloodshot. When he had asked the man if he had been drinking, the reply was "4 or 5 **pints**". He had refused the man entry as he considered him to be intoxicated. The Manager said that he had suggested that other fans could take in the flag so it could be surfed, but Mr A had not taken up the offer. Mr A had kept returning to the area seeking entry but had disappeared about 15 minutes after kick-off.

12. The Manager said that Mr B had been identified by a police officer as having been drinking. Mr B's main concern had seemed to be that he was a member of "England fans" and could not be seen to be in breach of the membership conditions. The Manager said that he had personally refused entry to 3 or 4 fans; the supervisors had refused others.

13. The Safety Officer, a former police inspector, explained that all refusals are radioed immediately to the control room, where a log is maintained. The IFO saw that the log for the Derby match corresponded with the timings on the CCTV footage. The IFO was impressed by the standard of record keeping. As is normal procedure, the Safety Officer held a debriefing after the match to discuss with Managers and police the events of the evening. From that debriefing and, in light of the complaints from Mr A and Mr B, from subsequent discussions with Blackpool police and with Derby's Football Liaison Officer, the Safety Officer was satisfied that correct action had been taken. The Safety Officer said that he had taken calls from Mr A following the match. The Safety Officer said that he had expressed disappointment that the flag had not been inside the ground, but he denied having apologised for what had taken place. The IFO and Deputy inspected the layout of the area leading to the alley which holds the turnstiles. From the Manager's position on the CCTV recordings, he would have been able to observe fans joining the queues for ticket checking prior to entry to the alley.

## **Findings**

14. As in similar IFO adjudications, it has been impossible to resolve completely the contradictions in the accounts given by the respective parties. Some of the discrepancies can be explained. The IFO was impressed with the club's record keeping in relation to the

match, whereby incidents, such as refusals, outside the ground were radioed to the control room, where they were logged. The records showed that of the 17 Derby fans refused entry 9 were between 7.27 and 8pm, plus a group of 8 refused after that. That means that up to kick off time no more than 7 could have been refused after Mr A was turned away. By the manager's own account, he refused only 3 or 4 of the 17. That all certainly refutes any suggestion that there was any kind of orchestrated campaign to reduce the number of away fans, and there was clearly no overselling of tickets, as over 400 of the away allocation had not been taken up. From his inspection of the CCTV footage and the layout of the approaches to the turnstiles, the IFO is also satisfied that the Manager was in a position to observe supporters approaching the ground as they had to pass the entrance to the alley to join the queues for ticket checking, and Mr A was, of course, readily identifiable because of the large holdall.

15. The real dispute is in whether the complainants were intoxicated and rightly refused entry to the ground. Blackpool's customer charter states:

"Permission to enter or remain within the Ground (notwithstanding possession of any ticket) is at the absolute discretion of the Club, any police officer or authorised steward"; and:

"Under the Sporting Events (Control of Alcohol etc) Act 1985 the following is an offence for which a person can be evicted by a police officer and conviction could result in a Banning Order being made:

Attempting to enter the ground or being inside the Ground whilst drunk".

Both complainants appeared to the Deputy IFO to be sensible, respectable members of society who seemed genuinely appalled at having been considered intoxicated, while the Manager remains adamant that they were. What is not in dispute is that both complainants had been drinking alcohol, no matter how much, but that situation probably applied to a fair proportion of the away support that evening. What the IFO cannot determine is whether the weight of the flag caused Mr A "to sway", as the Manager described it; or whether Mr B's sciatica affected his gait. In addition the matter of intoxication can be a subjective judgement. While both complainants maintain that they were not intoxicated, the Manager's opinion clearly was that they were and, as such, he

was entitled to refuse them entry. The IFO has found no corroborative evidence in support of either contention and is unable, therefore, to say with any certainty that the Manager was wrong to refuse the complainants entry. However, if the Manager genuinely believed that they were intoxicated, then he had every right to refuse entry.

### **Conclusion**

16. The IFO fully appreciates the indignation and sense of injustice strongly felt by both complainants, who contend that they have been treated unfairly but, without corroborative evidence, is unable to make any considered judgement on the matter, other than to say that the Manager acted within his rights if he genuinely believed them to be intoxicated. **In the light of the investigation, the IFO is unable to uphold the complaint.**

**Professor Derek Fraser**

**29 January 2012**

**Mr Alan Watson, CBE**