



ND/IM/MS

7 February 2019

Humza Yousaf MSP
Cabinet Secretary for Justice
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

By email only - scottish.ministers@gov.scot

Dear Humza

Thank you for hosting us at St Andrew's House on 19 December to discuss issues of mutual interest. I hope you share our view that it was a productive meeting.

During our discussion regarding incidents of Unacceptable Conduct at matches under the auspices of the Scottish FA and Scottish Professional Football League ("SPFL"), you requested that we prepare a list of suggested methods for tackling such incidents. It should be noted that the definition of Unacceptable Conduct in the respective Rules and Regulations of the SPFL and Scottish FA is very wide ranging and the methods employed will vary depending on the nature of the incident in question.

It should also be borne in mind that incidents of Unacceptable Conduct will often involve alleged criminal activity and the stadium safety officers and stewards have no powers of arrest or ability to physically intervene in such incidents. Taking the example of offensive singing, it can be extremely difficult to identify individuals participating in such behaviour in a large crowd. In order to arrest any individual for such conduct it is necessary to be able both to (i) have evidence to the requisite standard that the individual was personally responsible for using the specific words considered offensive and (ii) that the risks inherent with intervention can be justified by the possibility of making a successful arrest. This emphasises the continued need for a holistic approach to reducing Unacceptable Conduct at Scottish football matches, encapsulating both pre and post-match actions.

It is important to note that while certain behaviour may manifest itself at football matches, it is clearly a wider societal issue.



Current and proposed methods for tackling Unacceptable Conduct

1. Continued sharing of information between the SPFL, Scottish FA and Scottish Government

We discussed the information sharing process that was put in place in 2017 and how this clearly identifies that significant and material Unacceptable Conduct only occurs at a small minority of football matches in Scotland. We trust that you have found this exercise useful and fully intend the process to continue into Season 2019/20. The continued dialogue and collaboration between Ministers, the footballing authorities and Police Scotland is, in our view, essential in order to continue to improve matters in this area.

2. Working with clubs to increase their CCTV capability

The SPFL has been arranging for CCTV audits to take place at Premiership stadia. Eight clubs have been audited to date with, in some cases, action already having been taken to improve standards. Ensuring fit-for-purpose CCTV coverage is an important part of the collaboration between our member clubs and Police Scotland in order to identify and discipline any supporters engaging in Unacceptable Conduct.

CCTV evidence can be highly effective in identifying individuals taking part in disorderly activities such as coin throwing, pyrotechnic misuse and pitch incursions. The dangers of pyrotechnics at sporting events have been well documented and it is concerning to look at the number of pyrotechnics being discharged in stadiums across Europe. The easier it is to identify those individuals bringing pyrotechnics to football matches in Scotland, the more evidence our clubs will be able to provide to Police Scotland with a view to disciplinary action being taken. Whilst the evidence gathered may not in itself be sufficient to secure a conviction in the criminal courts, alternative actions may be available. For example, through club discipline or the civil courts where corroboration is not required and the standard of proof is the balance of probabilities.

3. Civil football banning orders

Under Section 52 of the Police, Public Order and Criminal Justice (Scotland) Act 2006, Police Scotland is entitled to summarily apply to the courts for a football banning order to be issued to a person who has not committed an offence. In our view, permitting football clubs to apply for such orders would be an important additional measure available to clubs to counter spectator disorder.

The police have historically been very limited in their willingness to pursue such orders in the civil courts and without a change in the law it is not possible for clubs to make the required application. These 'civil' orders should be differentiated from the equivalent orders in the criminal courts which are available as part of the 'suite' of criminal law sentences available to Sheriffs.



Without such a change it is impossible for clubs to secure a wider ranging legal order to stop the serious 'offender' without a criminal conviction attending matches. For example, a club may remove a season ticket and try and prevent an individual from attending home matches but they can have no effect on his attendance on transport to and at away matches.

4. *Working with Police Scotland and the Judiciary to improve the implementation of Football Banning Orders*

Further to point 3 above, we view football banning orders as an important part of the efforts to tackle Unacceptable Conduct. We would welcome further discussion with Police Scotland, Ministers and the Judiciary with a view to making these orders more established in Scotland.

5. *'Cultural' Measures*

Whilst there remains a difficult to influence core of individuals who engage in Unacceptable Conduct at football matches, these are often the persons who engage in such behaviours in a social and domestic context.

Our clubs frequently re-iterate in their programmes, PA announcements, screens and stadium rules their absolute opposition to such actions and expressions. The more these behaviours become marginalised the less likely it will be that the young supporter will feel the need to adopt the behaviours of his relatives and Unacceptable Conduct in football stadia will become as much a 'social sin' as drink driving. It can take decades to change societal attitudes and behaviours but that is no reason not to seek to continue the progress that has been made in recent years.

6. *Community and Educational Initiatives*

The wide range of hugely successful community programmes delivered by our member clubs and the SPFL Trust are an important part of educating current and future generations of supporters. Further details of key programmes delivered by our member clubs are available on request. Both the Scottish FA and the SPFL remain enthusiastic to work with the Scottish Government to use the 'power of football' to try to combat these societal issues and would welcome further discussion on this.



Finally, we recognise the important cultural and economic role that Scottish football plays in Scottish society and would like to reiterate that we remain committed to working in partnership with the Scottish Government and Police Scotland with a view to addressing the issues raised in this letter and seeking to ensure that Scottish football continues to make a positive and valuable contribution to society.

Should you require further information, please do not hesitate to get in touch.

Yours sincerely

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