

PART Part 7 ends:-

Home Secretary to ms/spore 17-1-89

PART 8 begins:-

ms/WetsL office to ms/spore 2.2.89

Cabinet / Cabinet Committee Document

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Reference: L(88) 47

Date: 15 December 1988

Signed

Wayland

Date

31 October 2016

PREM Records Team



QUEEN ANNE'S GATE LONDON SW1H 9AT

17 January 1989

*M
bpm*
Dear Colin,

FOOTBALL SPECTATORS BILL

I am grateful for your letter of 11 January, with which I am entirely content.

I am pleased that you agree to limiting FMA discretion to two years disqualification (subject to review, of course, when someone re-applies). I gather that our officials had a useful meeting with the NCCL on 12 January, and that they were in favour of the principle of excluding troublemakers from football grounds. However, I am sure they will not be slow to pick up on any points they disagree with, after publication - and brief opponents to the Bill accordingly.

I am copying this letter, as yours, to the Prime Minister, "H" colleagues, the Attorney General and Sir Robin Butler.

*T
over,
D
ayl
n.*

The Hon Colin Moynihan, MP



DEPARTMENT OF THE ENVIRONMENT
2 MARSHAM STREET LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

M/PSO/76806/88

Ian Grist Esq MP
Parliamentary Under Secretary of State
Welsh Office
Gwydyr House
Whitehall
London SW1

Wp

12 January 1989

Dear Ian,

FOOTBALL SPECTATORS BILL

Alas

Thank you for your letter of 15 December. You will by now have seen my letter to the Home Secretary of 12 December, his of 16 December and the note of the Prime Minister's meeting on 19 December. These letters have resolved most of the general policy issues raised in earlier correspondence and left it to my Secretary of State and the Home Secretary to discuss further those that remain.

Your letter raises a number of specifically Welsh issues on which my comments are below:

1. Designation of Matches

The Bill is so drafted as to allow the Secretary of State for Wales and the Secretary of State for the Environment to adopt different approaches in designating matches in Wales and England. I assume, however, that there is no question in your mind of excluding from designation Football League or FA Cup matches which take place in Wales, when the home team is one of the Welsh Football League clubs. It might be appropriate, if you agreed, to make an Order in the name of both Secretaries of State to designate all Football League matches and FA Cup matches between League teams in England and Wales.

My understanding is that your thoughts on the possibility of a different approach between Wales and England concerned matches involving the Welsh national team and such competitions as the Welsh FA Cup. On the question of Welsh national matches, you should by now have seen my letter to Michael Forsyth of 3 January about our plans for the England v Scotland match. I would be interested to know of your plans for the Welsh FA Cup since it involves a number of English teams.

2. Licensing of Grounds

The Bill provides for the Secretary of State, or a body appointed by him, to license grounds individually. There is no reason why the Secretary of State for Wales should not exercise this role in Wales.

3. The Football Membership Authority

The Bill provides for a body to be appointed by the Secretary of State to draw up a national membership scheme for the Secretary of State's approval. The Bill says nothing about the constitution of the body which we generally refer to as the Football Membership Authority but, as you know, we expect the Football League and the Football Association to set up the FMA. Welsh clubs who are members of the Football League would no doubt have their say along with other League clubs. But I am not clear whether you envisage a role specifically for the Welsh FA; that would depend presumably on how far their competitions were to come within the scheme. As to approval of the scheme itself, the Bill, as drafted, provides for one Secretary of State to lay it before Parliament but we would of course consult you before doing so.

Finally, I am happy for you to publicise your intentions about the designation of matches in Wales at the time the Bill is published but I wonder if your announcement might not draw out the distinction between matches involving Football League clubs and others, as in my point (1) above, rather more clearly than the present draft.

I am copying this to the recipients of your letter.

Yours ever,

Colin

COLIN MOYNIHAN

HONG AFFAIRS: Football Hooliganism
PTA.

0-101

Vol

181



DEPARTMENT OF THE ENVIRONMENT
2 MARSHAM STREET LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

M/PSO/76586/88

MBpm

11 January 1989

Dear Douglas,

FOOTBALL SPECTATORS BILL

Will request if required

Thank you for your letter of 16 December about the unresolved points of policy on the Bill. Our officials have met to discuss these points in the light of the Prime Minister's meeting on 19 December.

Restriction Orders

Your officials have instructed Parliamentary Counsel to amend the Bill to bring the period of restriction orders in line with the provision on the periods of mandatory disqualification.

Licensing

Clearly we must proceed on the assumption that the licensing function may fall to the Secretary of State. It is therefore accepted that the Bill should provide for criminal sanctions for breaches of licensing conditions. I suggest that we might meet your concern about the direct involvement of the Secretary of State in the detail of the enforcement process by appointing an independent Chief Inspector, perhaps a QC, to head the inspectorate.

FMA discretion

I do see the strength of argument about persuading Parliament that the FMA should have unfettered power to impose discretionary bans. I am content therefore that we should impose a 2 year ceiling on the length of any ban. The scheme should, however,

12.1. PM-9

provide for the FMA to extend the period of disqualification by rejecting an application for membership on expiry of a 2 year period, provided it has reason to do so. It would be open to the applicant to appeal against such a decision, of course. This change will mean an amendment to the Bill; the words "indefinitely or" should be deleted from Clause 5.2(c).

I hope you and colleagues can agree that we dispose of these issues in this way. I am copying this to the Prime Minister, "H" colleagues, the Attorney General and Sir Robin Butler.

Yours ever,

Colin

COLIN MOYNIHAN

The Rt Hon Douglas Hurd MP

Papers removed from file

Date 14-1-89

Ch Exch. to SS/Health 23.12.88

~~Colin Roynihan to PM 21/12/88~~

HOME AFFAIRS: Football Hookies
Pt 7.



cc: P.H.
NBM SCOTTISH OFFICE
WHITEHALL LONDON SW1A 2AI

The Rt Hon Douglas Hurd Esq CBE MP
Secretary of State for the
Home Department
Home Office
50 Queen Anne's Gate
LONDON
SW1H 9AT

22 December 1988

Douglas Hurd
FOOTBALL SPECTATORS' BILL

Your letter of ^{*11ap.*} 8 December to Nicholas Ridley sought my views and those of Tom King on where we thought Scotland and Northern Ireland might fit into the proposals you put forward to allow restriction orders to be placed on football hooligans who had been convicted of football related offences by courts outside England and Wales.

I would see no major objections in principle to the convictions of the Scottish courts being used in this way and although there will be practical problems I hope that the informal approach you envisage will make it possible to overcome these.

As you will be aware, there is at present no definition in Scotland of offences which are "football related", and some careful thought would be necessary to devise a list which reflected the definition of such offences in England and Wales, but did not go unduly wide and catch offences which had little or nothing to do with an individual's attendance at a football match. That is not, however, something which need be decided at this juncture.

Similarly, I am sure that you will appreciate I have not had the opportunity to explore fully how reports of such convictions might be made available to the authorities in England and Wales, and who would be the most appropriate body to furnish such information - prosecution, courts or police. Here too I suggest that it is unnecessary to provide a definitive answer at this stage, and that further work at official level is needed, necessarily involving consultation with the court and other interests involved. I should, however, mention that, were it to prove necessary to impose a requirement upon say the courts to inform the authorities in England of a Scottish football related conviction, provision in the primary legislation would almost certainly be needed. There would

also be additional costs involved in introducing new procedures though I cannot say at this stage what these would amount to.

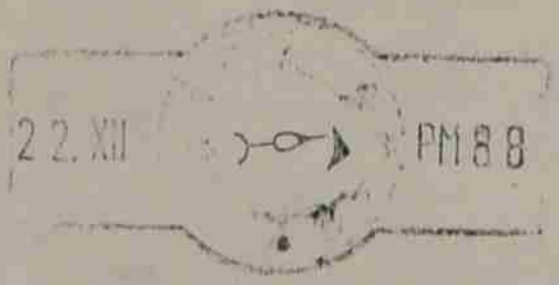
In short, I can confirm that, in principle, I am content that convictions by the Scottish courts might be used in this way, but further work will be needed to explore all the implications, and, indeed, to confirm that any necessary procedures can in practice be devised.

I am copying this letter to the recipients of yours.



MALCOLM RIFKIND

HONG AFFAIRS: Football Hooliganism
PT7





bcc B1.

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

21 December 1988

Jean Philip

FOOTBALL SPECTATORS BILL

Thank you for your letter of 20 December, and for your further letter of this morning, with which you enclosed the revised Question and Answer briefing. The Prime Minister has considered the draft letter in the light of the points we discussed and points made by Lord Belstead. She believes that it would flow better if the, admittedly important, list of examples on pages 1 and 2 of your Minister's draft were placed as an annex to the letter.

The Prime Minister has approved a revised draft which has been discussed with Mr Moynihan and which I now attach. She would be content for this revised draft and the revised Question and Answer briefing you sent me this morning to be made available to MPs tonight.

This material is useful briefing and it might well be helpful for copies of it to be made available to senior police officers. I understand that the Home Office have no objection to sending a copy to Mr Anderton, as Chairman of the ACPO Committee on Hooliganism, and he could be asked to circulate it to all Chief Constables. Perhaps you could send a copy of the final version to the Home Secretary's office so they can set this in hand.

I am copying this letter to Philip Mawer (Home Office), Stephen Williams (Welsh Office), Mike Maxwell (Northern Ireland Office), Roger Bright (Department of the Environment), David Crawley (Scottish Office), Nick Gibbons (Lord Privy Seal's Office), Alison Smith (Lord President's Office), Murdo Maclean (Chief Whip's Office) and to Trevor Woolley and Anthony Langdon (Cabinet Office).

Yours ever
Dominic

DOMINIC MORRIS

Philip Stamp Esq
Department of the Environment

DRAFT LETTER

FOOTBALL SPECTATORS BILL

Early next year the Government will introduce its Football Spectators Bill to deal with football hooliganism which is a serious blemish on our society.

Inside football grounds, hooliganism is destroying the game as family entertainment and physically endangers law-abiding spectators. Last season there were 6147 arrests at football league matches - an increase of 11 per cent on the previous season - and 6542 ejections from the ground (up 1 per cent).

The taxpayer has to foot the substantial bill for the extra police presence outside grounds every Saturday to limit the violence and aggression for which football provides the focus. Even with this police presence, hooliganism is an ever present threat to those who live or trade near football grounds - witness the rampage by 200 supporters in the Birmingham shopping centre last month following which a 13 year old girl had to be taken to hospital with concussion.

Nor is the ordinary rail traveller safe. British Transport Police have recorded more than 300 incidents so far this season, ranging from damage to trains and stations, up to serious assault and possession of CS gas and smoke grenades. Finally, there is the damage done to our international reputation by the actions of English football hooligans abroad, as the shameful behaviour of English supporters in West Germany last summer showed.

The Government and the more responsible league clubs have already done a lot to deter football violence. We have banned the sale and possession of alcohol in grounds or on 'football special' coaches and trains. The Home Secretary has issued advice on the need for swift justice following hooliganism incidents. There have been improvements to football grounds;

closed-circuit TV has been installed in many grounds and the more go-ahead clubs have taken measures to attract families back to the game. But it is no use kidding ourselves that these measures alone will suffice. The note I have attached to this letter summarises just some of the examples of continuing football violence in the first four months of this season: one death, 43 injuries and 174 arrests. This must stop.

Following a meeting between the Prime Minister and the football authorities on 6 July, a working party was set up under my chairmanship to examine the details of the national membership scheme. The Government, police and the football authorities were represented on the working party and agreed its recommendations. Copies are available in the Vote Office. The main recommendations of the working party were as follows:

- (1) all 92 football league clubs should be party to the scheme and their grounds covered by a licence;
- (2) anyone going to a match should need a membership card. They should not be able to get in without one;
- (3) the scheme should be a national one administered by a Football Membership Authority; information about all members should be held on a central computer, linked to terminals at the clubs;
- (4) a member would be entitled to only one card but would be able to go to any match;
- (5) cards would identify the holder, would include a photograph, and would be machine readable;
- (6) known troublemakers should be banned from membership;
- (7) anyone making trouble in the future should be banned from membership;

(8) the costs of the scheme would be met by football itself; a leading football membership card operator believes that there are opportunities for commercial development of the scheme which could lead to income for football, rather than a cost on clubs or supporters.

These are recommendations for Government and the football authorities. The next stage will be for us to publish our proposals for legislation shortly after Parliament returns from the Christmas recess to set the statutory framework for the scheme and for the football authorities to begin work on it. Our target date for implementation is spring 1990 but we will not introduce the scheme until we are satisfied that the technology is available to secure its successful implementation.

The Bill will also give the courts powers to stop convicted hooligans going to matches abroad by requiring them to report to an agency in this country at the time such matches are being played. As Douglas Hurd announced on 2 December, the courts will be able to impose a restriction order on someone convicted of a football-related offence wherever the order would help reduce the risk of violence and disorder at matches abroad.

I have attached a question and answer briefing which I hope will help answer some of the more detailed points which may be raised with you on this subject during the Christmas recess. I think it is worth picking up in this letter the four questions which are most commonly being put to me:

Q. First, will the scheme lead to bankruptcies among smaller league clubs?

A. No. There is no reason why it should. At least one of the potential suppliers of membership cards and the system for football grounds has already offered to install all the technology at no cost to the clubs. That in itself demonstrates the commercial potential which is

available to the more go-ahead clubs to generate revenue for the clubs, improve facilities and bring families back to the game.

Q. Second, will the scheme lead to congestion at the turnstiles?

A. We will not introduce the scheme until we are satisfied the technology will work. Some systems would mean no extra time necessary to check the cards at the turnstiles; they could be read automatically in just the way an item is at supermarket checkouts and it could be carried out in no more time than it presently takes to pay your money or part with your ticket.

Q. Third, would not a national ID card system be better?

A. A voluntary national ID card would not work in keeping hooligans out of football. The question of compulsory national ID cards raises a much wider debate. There is no compulsion on people to join the national football membership scheme: they can watch football on television at home. But joining the scheme means they will have the choice to go in much greater safety to watch matches at the grounds.

Q. Fourth, will the national membership scheme transfer violence from inside the grounds to the surrounding area?

A. No; Luton's AFC's membership scheme has not had that effect. Those who misbehave will no longer be able to attend football matches. The trouble-makers will have no incentive to travel. The link between football and hooliganism will have been broken and football will cease to be a focus for violence. The genuine supporter, his wife and family will be able to attend football matches in safety and match days will no longer be intolerable for local people and the police.

I hope you will find this letter helpful in answering any questions which may be put to you.

File

Spoke Carolyn - she agreed that police should
simply be informed (this after MPs)
No need to put this into a PM.

PRIME MINISTER

Jim

21 December 1988

FOOTBALL SPECTATORS' BILL - INFORMING THE POLICE

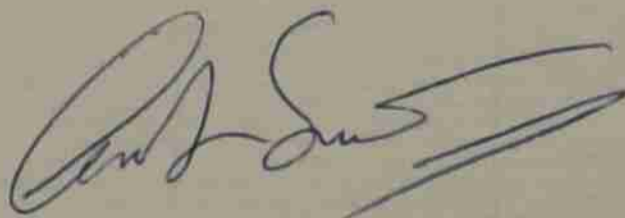
Colin Moynihan has sent you a draft letter to all MPs, enclosing question and answer briefing about the proposed football membership scheme. The wording is being finalised. The aim is to issue the letter before MPs disperse for Christmas.

I think it would be helpful to send a copy of this material to senior police officers. The Home Office have confirmed that they see no objection in principle to sending a copy to Jim Anderton, as Chairman of the ACPO Committee on Hooliganism. He could be asked to circulate it to all Chief Constables.

This could help to speed up the process of education. It would mean that MPs and the police were equally informed. Home Office officials are in any case planning a meeting with ACPO early in the New Year to encourage them to take a more positive stance on the membership scheme.

Recommendation

It would be very helpful if your Private Secretary could write to the Home Secretary's office putting forward this proposal.



CAROLYN SINCLAIR

W.R. *File*
PRIME MINISTER

FOOTBALL HOOLIGANISM

At Monday's meeting, you said you wanted to see in draft Colin Moynihan's letter and Question and Answer brief for MPs. If MPs are to have this over the Christmas Recess, they really need to have it in their pigeon holes by the time they finish voting at 2200 tonight. I think it is important that they do have it: it is over the Recess that many of them will be invited to the Directors' boxes at League matches and be "got at" by club chairmen.

Bernard, Andrew and I think that Colin Moynihan's draft (Flag A) is still a bit unfocused. Mr Moynihan feels strongly that it is important to have in the main part of the letter the list of incidents this season to bring home the continuing scale of the problem. Bernard and I think this, while valuable, destroys the thread of the argument; it is better summarised in the letter with the list put in an annex. We have accordingly tried our hand at a revised draft (Flag B). This also takes on board Lord Belstead's point that the covering letter needs to deal with the three or four most commonly asked questions about the scheme.

Content for Mr Moynihan's draft to issue?

OR

Prefer me to ask him to issue the revised draft?

DM

DOMINIC MORRIS
21 December 1988

DS2ANK



DEPARTMENT OF THE ENVIRONMENT
2 MARSHAM STREET LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

~~Dominic Morris
Private Secretary to
the Prime Minister
10 Downing Street~~

File

21 December 1988

Dear Dominic

I attach a revised and updated
version of the Q & A brief on football.

I would be grateful if you could
substitute this for the one attached
to my letter of 20 December

Yours

Philip Stamps

PROPOSALS FOR A NATIONAL MEMBERSHIP SCHEME
AND RESTRICTIONS ON CONVICTED
HOOLIGANS TRAVELLING ABROAD

SOME KEY QUESTIONS ANSWERED

The Government is committed to the introduction of a national membership scheme for spectators at designated football matches. A working party chaired by the Minister for Sport, has looked at the way in which the scheme might work. Decisions have not yet been taken about the details of the scheme but the Question and Answers brief sets out the Government's intentions for the parameters of the scheme.

The Football Spectators Bill will propose a legislative framework for the scheme backed by criminal sanctions. Subject to Parliamentary approval, the scheme will be drawn up by a Football Membership Authority to be appointed by the Secretary of State. The Football Association and the Football League have said they wish to establish a joint body which they would recommend to the Secretary of State for designation as the FMA. The Government welcomes this and hopes the football authorities and the clubs will take a constructive approach to the scheme and its implementation.

General

1. What is the purpose of introducing a national membership scheme?
 - To form part of a package of measures which the Government and the football authorities are taking to help stamp out the unacceptably high level of hooliganism associated with football.
 - To break the link between football and hooliganism by banning the troublemaker from all League grounds.
2. Why is the Government proposing to legislate in this area?
 - The scale of the problem demands tough action. We hoped that the football authorities would bring in a scheme on a voluntary basis. Unfortunately they have said that the clubs would not agree to this.

The Working Party

3. Who was on the working party?

- The working party was chaired by the Minister for Sport and included representatives of the Football Association, the Football League, Government Departments and the Association of Chief Police Officers.

4. What is the status of the working party's report?

- The report, which was agreed by all members of the working party, makes recommendations to the Government and the football authorities.

Attitude of the Football Authorities

5. What is the attitude of the football authorities to the proposal to introduce a scheme?

- The football authorities have made clear all along their opposition to the principle of the scheme.

- They co-operated on the working party and have, since the publication of its report, confirmed their willingness to continue to co-operate with the Government in producing a workable scheme.

- They wanted to see tougher action in some areas, e.g. they would have liked to see convictions for any form of violence leading to membership bans.

Police Attitude

6. What is the attitude of the police to the proposal to introduce a scheme?

- The Police were represented on the working party by the Association of Chief Police Officers. ACPO agreed the report and welcomed the principle of a scheme. The Police Federation, having first welcomed the principle, have since voiced their reservations.

- A meeting with the Federation has taken place and further meetings will be held to ensure that their concerns are taken into account in working out the details of the scheme.

Details of the Scheme

7. How will the details of the scheme be decided?

- It would be for the FMA to draw up the detailed scheme and submit it to the Secretary of State for approval.

8. Who will be appointed to run the Football Membership Authority?

- The Football Association and the Football League have said they wish to establish a joint body which they would recommend to the Secretary of State for designation as the FMA.

- It will be open to other organisations and individuals to seek appointment as the FMA.

Inside Grounds

9. Is not the problem now outside rather than inside grounds?

- Not true that hooliganism is no longer a problem inside grounds. There were 6,147 arrests and 6,542 ejections from grounds last season.

- 22% of people interviewed in a National Opinion Poll published in the Mail on Sunday on 27 November said they had been caught up in violence inside the grounds, and 28% outside.

10. Has there been any trouble inside the grounds this season?

- Yes, incidents have continued this season. And it is not just incidents, the police view remains that many matches provide the focus for aggressive and provocative behaviour with the threat of violence never far below the surface.

Outside Grounds

11. How will the scheme help solve the problem of hooliganism outside the grounds?

- The scheme would end football as a focus for hooliganism outside as well as inside the ground. It would remove the match as a central focus for the activities of hooligans. If they cannot get into a match they will not travel to one.

12. How about the problem outside grounds?

- A great deal has and is being done, tough measures are being taken.

- The Sporting Events (Control of Alcohol) Act 1985 established firm controls on the sale and possession of alcohol at grounds and on football special coaches and trains.

- The Public Order Act 1986 provided new offences of disorderly conduct and possession of fireworks or smoke bombs at matches.

- It provided the courts with the power to make exclusion orders prohibiting attendance at certain matches by convicted football hooligans. This has proved useful but exclusion orders are of only limited effectiveness.

- Police effectiveness has been strengthened, e.g. the improved exchange of information between forces; better liaison between the police and the football authorities.

- Advice has been issued on the enforcement of the law on the misuse of alcohol and on the need to ensure swift justice following incidents of hooliganism.

Casual supporters

13. How will the casual supporter be affected?

- Joining a scheme will be a simple process. It would mean completing a single form with a few personal details and providing two photographs. Supporters will appreciate this is a very minor inconvenience in the context of ridding the game of hooliganism.

- There might be a short term effect on gates but as the scheme becomes more effective in keeping out the troublemakers, more people will be attracted to attending games. Many previously deterred by the threat of hooliganism will come back into the game.

- The Government would like to see a means of allowing a casual supporter to obtain a membership card on the morning of the match, provided that this would not threaten the integrity of the scheme - this is something for consideration when the scheme is worked up in detail by the FMA for approval.

14. Will the supporter with no club affiliation have to nominate a club allegiance?

- Most people would wish to be associated with a particular club to benefit from the advantages which club membership will offer. However those with no club allegiance may be able to join the scheme without nominating a club.

Exemptions

15. Will there be exemptions from membership?

- The Working Party recommended that certain groups should be exempt - accompanied children in family enclosures, disabled people in designated areas. This is sensible and special arrangements should also be considered for club guests, hospitality boxes, school groups and foreign visitors.

- Where guests visit a match at the club's invitation, the clubs must be responsible to the licensing authority for their behaviour.

Segregation

16. What will the effect of the scheme be on segregation? Will friends be able to sit together?
- Segregation as now would remain a matter for the club and the local police. The membership scheme need have no effect on segregation arrangements.

Getting into the Ground

17. What additional time will be required at the turnstiles?
- Potential suppliers of the technology say that some systems would mean no extra time would be necessary to check the card at the turnstile. It could be done in no more than the time it presently takes to part with tickets or to pay for them.
18. What about checking photographs on membership cards?
- The working party recommended, on strong police advice, that a photograph was essential to deter fraud and assist detection if there is trouble. But the working party recognised that it would be impractical to expect turnstile operators to check photographs on entry.
19. What about last minute crowds?
- There are problems now at some big matches about last minute crowds. The scheme need not affect the problem if appropriate technology is chosen. If people were to enter the ground a little earlier for the big game, this would be no bad thing.
20. What effect will the scheme have on the Safety of Sports Ground Act?
- Important to avoid any overlap between the requirements of a certificate issued under the Safety of Sports Ground Act and a licence under the national membership scheme.

The Luton Scheme

21. How successful has Luton's membership scheme been?
- Very successful. Luton operate a 100% membership scheme confined to home supporters.

- Since the scheme was introduced three years ago, there has been only one arrest at a League match in Luton (and that for a drugs offence). There were 102 arrests in the season before the scheme came in.

22. Why not apply the Luton scheme nationwide?

- Different grounds pose different problems.

- What has worked well in Luton could not be successfully transferred to the whole country. Look at London for example with its mix of catchment areas for different clubs.

Which Clubs?

23. Which matches will be covered by the scheme?

- The Secretary of State will designate the matches to be covered by the scheme. The working party report recommended that all matches involving clubs in the Football League should be designated.

24. Will a scheme apply to matches in which non-League teams are playing?

- The working party recommended that supporters of non-League clubs should not be required to produce membership cards for these matches. We will be considering this further when our legislative proposals are published.

One card - any match

25. Will my card entitle me to go to any Football League match?

- Yes, a member would need and be allowed only one card but with it would be able to go to any ground. Any scheme would be a national one.

International matches in England and Wales

26. Will I need the card to go to international matches or cup finals?

- The working party recommended that in the interests of the integrity of any scheme, internationals and Cup Finals should be included. We will be discussing this issue further.

Timing

27. When is it proposed to introduce a scheme?

- Our target date for introduction is Spring 1990. The key issue in settling the timetable is the need to install the right sort of technology.

Cost

28. Who pays?

- Always been made clear that football should finance any scheme. There are considerable commercial opportunities in a membership list of millions. One company has already offered to set up and run a scheme at no cost to clubs.

- Even without commercial development, a leading company has said it could put a scheme in place at a cost to the member of about £3 per year. This is less than some clubs already charge their members.

- If the football authorities and the clubs take a positive approach to marketing, financing a scheme would not be a problem. In addition, the Football Trust might be prepared to consider any requests for assistance from the smaller clubs.

Abroad

29. How about hooligans travelling abroad?

- The Home Office has proposed that convicted hooligans should be made to report to an appropriate place in the UK when key matches are being played abroad.

30. Will this apply to hooligans who are convicted of football related offences abroad as well as to those convicted here?

- It is proposed that someone resident here who is convicted of such an offence abroad should be brought before a court in this country so that a restriction order may be imposed. It is proposed that bilateral arrangements would be made between the UK and other Governments for this purpose.

Foreign visitors

31. How will foreign visitors be able to attend matches?

- There are several possibilities:

- they could join the scheme;

- they might be guests of the club;
- or, they could be asked to produce proof of identity like a passport, to secure temporary membership.

Applying for membership

32. Where will I be able to get a membership card?

- This is for the FMA to consider but the Government hopes application forms would be freely available - from the FMA, the clubs and perhaps, as the working party recommended, other agencies.

33. What information will a supporter have to give to obtain a card?

- Joining would be a simple process. It is proposed that the supporter would need to provide a few personal details - name, address and two photographs, the club he or she wishes to be associated with and their national allegiance.

34. Will Scottish and Northern Irish supporters be asked to give their national allegiance?

- Yes, the working party proposed that anyone joining a scheme, from wherever they come, would be asked to fill in a standard application form.

35. How long will the card last?

- This is something the FMA would look at. The working party recommended that cards should be valid for two or three seasons.

36. What happens if a supporter loses his card?

- He should report the loss to the FMA. It is proposed that the card would then be invalidated at every ground. The working party recommended that clubs should be able to issue temporary membership cards, valid for one match only to members whose cards were lost, stolen or damaged.

37. How can you stop forgeries?

- No system can be impervious to forgery and fraud. The Government believes that an electronically readable card supported by a photograph will add a further layer of deterrence against hooligans, on top of the measures already taken.

38. What happens if a supporter tries to use a card more than once at a match - by handing it to a friend?

- Technology is available to ensure a card is only valid once per match and cannot therefore be passed back to someone else to use. We would wish to see that this is a feature of any scheme. The working party recommended that attempting to enter the ground without a valid membership card should be a criminal offence.

Convictions and Bans

39. Who will notify the FMA of those convicted?

- The working party proposed that the court should inform the FMA and the police of a relevant conviction.

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- We would wish to see an appeals tribunal set up.

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43. Will those convicted of other criminal offences be banned?

- We would wish to see any legislation apply to football related offences only.

Sanctions against club and FMA

44. What happens if a club does not install a scheme or operate it properly?

- The working party proposed that there should be a licensing authority. A licence could be withdrawn from a club and this would mean ~~many~~ spectators would not be allowed into a match.

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- The working party proposed that the Secretary of State should have the power to terminate its contract and appoint another body to take on the task.

Civil liberties

46. How will civil liberties be safeguarded?

- A scheme would not interfere in civil liberties, no-one has the right to enter a football ground. Clubs refuse entry to unwanted spectators now. Hooliganism does infringe the civil liberties of others - shopkeepers, shoppers, the general public and property owners in town centres and near grounds and not least the genuine football supporter.

47. Why not make everyone carry a national ID card?

- That is a subject for a different, wider debate. A national ID card would not keep hooligans out of football.

48. Surely the commercial development of a scheme will infringe civil liberties?

- In developing the commercial potential of a scheme, the FMA and the clubs would have to act in line with the principles of the Data Protection Act - members would have the right to see and challenge the accuracy of any computerised information held about them and appropriate security precautions would be taken to safeguard that information.



*Need it as
back in to the
SAs PAB*

DEPARTMENT OF THE ENVIRONMENT
2 MARSHAM STREET LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

Dear Prime Minister ²

COLIN MOYNIHAN

R23

21 December 1988

Early next year the Government will introduce its Football Spectators Bill to deal with football hooliganism which is a serious blemish on our society.

Inside football grounds, hooliganism is destroying the game as family entertainment and physically endangers law-abiding spectators. Last season there were 6147 arrests at football league matches - an increase of 11 per cent on the previous season - and 6542 ejections from the ground (up 1 per cent).

The taxpayer has to foot the substantial bill for the extra police presence outside grounds every Saturday to limit the violence and aggression for which football provides the focus. Even with this police presence, hooliganism is an ever present threat to those who live or trade near football grounds - witness the rampage by 200 supporters in the Birmingham shopping centre last month following which a 13 year old girl had to be taken to hospital with concussion.

Nor is the ordinary rail traveller safe. British Transport Police have recorded more than 300 incidents so far this season, ranging from damage to trains and stations, up to serious assault and possession of CS gas and smoke grenades. Finally, there is the damage done to our international reputation by the actions of English football hooligans abroad, as the shameful behaviour of English supporters in West Germany last summer showed.

The Government and the more responsible league clubs have already done a lot to deter football violence. We have banned the sale and possession of alcohol in grounds or on 'football special' coaches and trains. The Home Secretary has issued advice on the need for swift justice following hooliganism incidents. There have been improvements to football grounds; closed-circuit TV has been installed in many grounds and the more go-ahead clubs have taken measures to attract families back to the game. But it is no use kidding ourselves that these measures alone will suffice. The note I have attached to this letter summarises just some of the examples of continuing football violence in the first few months of this season: one death, 43 injuries and 174 arrests. This must stop.



Following a meeting between the Prime Minister and the football authorities on 6 July, a working party was set up under my chairmanship to examine the details of the national membership scheme. The Government, police and the football authorities were represented on the working party and agreed its recommendations. Copies are available in the Vote Office. The main recommendations of the working party were as follows:

- (1) all 92 football league clubs should be party to the scheme and their grounds covered by a licence;
- (2) anyone going to a match should need a membership card. They should not be able to get in without one;
- (3) the scheme should be a national one administered by a Football Membership Authority; information about all members should be held on a central computer, linked to terminals at the clubs;
- (4) a member would be entitled to only one card but would be able to go to any match;
- (5) cards would identify the holder, would include a photograph, and would be machine readable;
- (6) known troublemakers should be banned from membership;
- (7) anyone making trouble in the future should be banned from membership;
- (8) the costs of the scheme would be met by football itself; a leading football membership card operator believes that there are opportunities for commercial development of the scheme which could lead to income for football, rather than a cost on clubs or supporters.

These are recommendations for Government and the football authorities. The next stage will be for us to publish our proposals for legislation shortly after Parliament returns from the Christmas recess to set the statutory framework for the scheme and for the football authorities to begin work on it. Our target date for implementation is spring 1990 but we will not introduce the scheme until we are satisfied that the technology is available to secure its successful implementation.

The Bill will also give the courts powers to stop convicted hooligans going to matches abroad by requiring them to report to an agency in this country at the time such matches are being played. As Douglas Hurd announced on 2 December, the courts will be able to impose a restriction order on someone convicted of a football-related offence wherever the order would help reduce the risk of violence and disorder at matches abroad.

I have attached a question and answer briefing which I hope will help answer some of the more detailed points which may be raised with you on this subject during the Christmas recess. I think it is worth picking up in this letter the four questions which are most commonly being put to me:

Q. First, will the scheme lead to bankruptcies among smaller league clubs?

A. No. There is no reason why it should. At least one of the potential suppliers of membership cards and the system for football grounds has already offered to install all the technology at no cost to the clubs. That in itself demonstrates the commercial potential which is available to the more go-ahead clubs to generate revenue for the clubs, improve facilities and bring families back to the game.

Q. Second, will the scheme lead to congestion at the turnstiles?

A. We will not introduce the scheme until we are satisfied the technology will work. Some systems would mean no extra time necessary to check the cards at the turnstiles; they could be read automatically in just the way an item is at supermarket checkouts and it could be carried out in no more time than it presently takes to pay your money or part with your ticket.

Q. Third, would not a national ID card system be better?

A. A voluntary national ID card would not work in keeping hooligans out of football. The question of compulsory national ID cards raises a much wider debate. There is no compulsion on people to join the national football membership scheme. But joining the scheme means they will have the choice to go in much greater safety to watch matches at the grounds.

Q. Fourth, will the national membership scheme transfer violence from inside the grounds to the surrounding area?

A. No; Luton Town FC's membership scheme has not had that effect. Those who misbehave will no longer be able to attend football matches. The trouble-makers will have no incentive to travel. The link between football and hooliganism will have been broken and football will cease to be a focus for violence. The genuine supporter, his wife and family will be able to attend football matches in safety and match days will no longer be intolerable for local people and the police.

I hope you will find this letter helpful in answering any questions which may be put to you.

Yours ever,

Ch.

ANNEX

MAJOR INCIDENTS OF HOOLIGANISM SO FAR THIS SEASON

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West Ham United v Tottenham Hotspur: 17.12.88: 22 arrests, 70 ejections. Fighting broke out during the match between West Ham supporters disgruntled with their team's performance. The disorder held up play.

In addition to these incidents, serious problems have continued during this season, away from the grounds. 332 incidents have been recorded by the British Transport Police involving football related offences. They range from Railway Bye-law offences to serious assaults, criminal damage, possession of offensive weapons which includes CS gas and smoke grenades. Not all the offences took place upon trains as some of the more serious offences took place on station premises. A number of the offences involved attacks on and confrontations with rival fans, others involved damage to railway property.

PROPOSALS FOR A NATIONAL MEMBERSHIP SCHEME
AND RESTRICTIONS ON CONVICTED
HOOLIGANS TRAVELLING ABROAD

SOME KEY QUESTIONS ANSWERED

The Government is committed to the introduction of a national membership scheme for spectators at designated football matches. A working party chaired by the Minister for Sport, has looked at the way in which the scheme might work. Decisions have not yet been taken about the details of the scheme but the Question and Answers brief sets out the Government's intentions for the parameters of the scheme.

The Football Spectators Bill will propose a legislative framework for the scheme backed by criminal sanctions. Subject to Parliamentary approval, the scheme will be drawn up by a Football Membership Authority to be appointed by the Secretary of State. The Football Association and the Football League have said they wish to establish a joint body which they would recommend to the Secretary of State for designation as the FMA. The Government welcomes this and hopes the football authorities and the clubs will take a constructive approach to the scheme and its implementation.

General

1. What is the purpose of introducing a national membership scheme?
 - To form part of a package of measures which the Government and the football authorities are taking to help stamp out the unacceptably high level of hooliganism associated with football.
 - To break the link between football and hooliganism by banning the troublemaker from all League grounds.
2. Why is the Government proposing to legislate in this area?
 - The scale of the problem demands tough action. We hoped that the football authorities would bring in a scheme on a voluntary basis. Unfortunately they have said that the clubs would not agree to this.

The Working Party

3. Who was on the working party?

- The working party was chaired by the Minister for Sport and included representatives of the Football Association, the Football League, Government Departments and the Association of Chief Police Officers.

4. What is the status of the working party's report?

- The report, which was agreed by all members of the working party, makes recommendations to the Government and the football authorities.

Attitude of the Football Authorities

5. What is the attitude of the football authorities to the proposal to introduce a scheme?

- The football authorities have made clear all along their opposition to the principle of the scheme.

- They co-operated on the working party and have, since the publication of its report, confirmed their willingness to continue to co-operate with the Government in producing a workable scheme.

- They wanted to see tougher action in some areas, e.g. they would have liked to see convictions for any form of violence leading to membership bans.

Police Attitude

6. What is the attitude of the police to the proposal to introduce a scheme?

- The Police were represented on the working party by the Association of Chief Police Officers. ACPO agreed the report and welcomed the principle of a scheme. The Police Federation, having first welcomed the principle, have since voiced their reservations.

- A meeting with the Federation has taken place and further meetings will be held to ensure that their concerns are taken into account in working out the details of the scheme.

Details of the Scheme

7. How will the details of the scheme be decided?

- It would be for the FMA to draw up the detailed scheme and submit it to the Secretary of State for approval.

8. Who will be appointed to run the Football Membership Authority?

- The Football Association and the Football League have said they wish to establish a joint body which they would recommend to the Secretary of State for designation as the FMA.

- It will be open to other organisations and individuals to seek appointment as the FMA.

Inside Grounds

9. Is not the problem now outside rather than inside grounds?

- Not true that hooliganism is no longer a problem inside grounds. There were 6,147 arrests and 6,542 ejections from grounds last season.

- 22% of people interviewed in a National Opinion Poll published in the Mail on Sunday on 27 November said they had been caught up in violence inside the grounds, and 28% outside.

10. Has there been any trouble inside the grounds this season?

- Yes, incidents have continued this season. And it is not just incidents, the police view remains that many matches provide the focus for aggressive and provocative behaviour with the threat of violence never far below the surface.

11. What other measures have been taken inside grounds?

- The police presence, segregation arrangements, strengthening of the law on public order, including exclusion orders and tight controls on alcohol.

- Enforcement much assisted by CCTV. Better quality equipment has meant that ringleaders can be identified and rooted out.

Outside Grounds

12. How will the scheme help solve the problem of hooliganism outside the grounds?

- The scheme would end football as a focus for hooliganism outside as well as inside the ground. It would remove the match as a central focus for the activities of hooligans. If they cannot get into a match they will not travel to one.

13. How about the problem outside grounds?

- A great deal has and is being done, tough measures are being taken.

- The Sporting Events (Control of Alcohol) Act 1985 established firm controls on the sale and possession of alcohol at grounds and on football special coaches and trains.

- The Public Order Act 1986 provided new offences of disorderly conduct and possession of fireworks or smoke bombs at matches.

- It provided the courts with the power to make exclusion orders prohibiting attendance at certain matches by convicted football hooligans. This has proved useful but exclusion orders are of only limited effectiveness.

- Police effectiveness has been strengthened, e.g. the improved exchange of information between forces; better liaison between the police and the football authorities.

- Advice has been issued on the enforcement of the law on the misuse of alcohol and on the need to ensure swift justice following incidents of hooliganism.

Casual supporters

14. How will the casual supporter be affected?

- Joining a scheme will be a simple process. It would mean completing a single form with a few personal details and providing two photographs. Supporters will appreciate this is a very minor inconvenience in the context of ridding the game of hooliganism.

- The Government would like to see a means of allowing a casual supporter to obtain a membership card on the morning of the match, provided that this would not threaten the integrity of the scheme - this is something for consideration when the scheme is worked up in detail by the FMA for approval.

15. What effect will the scheme have on attendances?

- There might be a short term effect on attendances but as the scheme becomes more effective in keeping out the troublemakers, more people will be attracted to attending games. Many previously deterred by the threat of hooliganism will come back into the game, particularly women and families.

16. Will the supporter with no club affiliation have to nominate a club allegiance?

- Most people would wish to be associated with a particular club to benefit from the advantages which club membership will offer. However those with no club allegiance may be able to join the scheme without nominating a club.

Exemptions

17. Will there be exemptions from membership?

- The Working Party recommended that certain groups should be exempt - accompanied children in family enclosures, disabled people in designated areas. This is sensible and special arrangements should also be considered for club guests, hospitality boxes, school groups and foreign visitors.

- Where guests visit a match at the club's invitation, the clubs must be responsible to the licensing authority for their behaviour.

Segregation

18. What will the effect of the scheme be on segregation? Will friends be able to sit together?

- Segregation as now would remain a matter for the club and the local police. The membership scheme need have no effect on segregation arrangements.

Getting into the Ground

19. What additional time will be required at the turnstiles?

- Potential suppliers of the technology say that some systems would mean no extra time would be necessary to check the card at the turnstile. It could be done in no more than the time it presently takes to part with tickets or to pay for them.

20. What about checking photographs on membership cards?

- The working party recommended, on strong police advice, that a photograph was essential to deter fraud and assist detection if there is trouble. But the working party recognised that it would be impractical to expect turnstile operators to check photographs on entry.

21. What about last minute crowds?

- There are problems now at some big matches about last minute crowds. The scheme need not affect the problem if appropriate technology is chosen. If people were to enter the ground a little earlier for the big game, this would be no bad thing.

22. What effect will the scheme have on the Safety of Sports Ground Act?

- Important to avoid any overlap between the requirements of a certificate issued under the Safety of Sports Ground Act and a licence under the national membership scheme.

The Luton Scheme

23. How successful has Luton's membership scheme been?
- Very successful. Luton operate a 100% membership scheme confined to home supporters.
 - Since the scheme was introduced three years ago, there has been only one arrest at a League match in Luton (and that for a drugs offence). There were 102 arrests in the season before the scheme came in.
24. Why not apply the Luton scheme nationwide?
- Different grounds pose different problems.
 - What has worked well in Luton could not be successfully transferred to the whole country. Look at London for example with its mix of catchment areas for different clubs.
 - A scheme at an individual club cannot provide the security which a national scheme backed by legislation could offer.

Which Clubs?

25. Which matches will be covered by the scheme?
- The Secretary of State will designate the matches to be covered by the scheme. The working party report recommended that all matches involving clubs in the Football League should be designated.
26. Will a scheme apply to matches in which non-League teams are playing?
- The working party recommended that supporters of non-League clubs should not be required to produce membership cards for these matches. We will be considering this further when our legislative proposals are published.

One card - any match

27. Will my card entitle me to go to any Football League match?
- Yes, a member would need and be allowed only one card but with it would be able to go to any ground. Any scheme would be a national one.

International matches in England and Wales

28. Will I need the card to go to international matches or cup finals?

- The working party recommended that in the interests of the integrity of any scheme, internationals and Cup Finals should be included. We will be discussing this issue further.

Timing

29. When is it proposed to introduce a scheme?

- Our target date for introduction is Spring 1990. The key issue in settling the timetable is the need to install the right sort of technology.

Cost

30. Who pays?

- Always been made clear that football should finance any scheme. There are considerable commercial opportunities in a membership list of millions. One company has already offered to set up and run a scheme at no cost to clubs.

- Even without commercial development, a leading company has said it could put a scheme in place at a cost to the member of about £3 per year. This is less than some clubs already charge their members; for example, Tottenham Hotspur charges £5.

- If the football authorities and the clubs take a positive approach to marketing, financing a scheme would not be a problem. In addition, the Football Trust might be prepared to consider any requests for assistance from the smaller clubs.

Abroad

31. How about hooligans travelling abroad?

- The Home Office has proposed that convicted hooligans should be made to report to an appropriate place in the UK when key matches are being played abroad.

32. Will this apply to hooligans who are convicted of football related offences abroad as well as to those convicted here?

- It is proposed that someone resident here who is convicted of such an offence abroad should be brought before a court in this country so that a restriction order may be imposed. It is proposed that bilateral arrangements would be made with other countries for this purpose.

Foreign visitors

33. How will foreign visitors be able to attend matches?

- There are several possibilities:
 - they could join the scheme;
 - they might be guests of the club;
 - or, they could be asked to produce proof of identity like a passport, to secure temporary membership.

Applying for membership

34. Where will I be able to get a membership card?

- This is for the FMA to consider but the Government hopes application forms would be freely available - from the FMA, the clubs and perhaps, as the working party recommended, other agencies.

35. What information will a supporter have to give to obtain a card?

- Joining would be a simple process. It is proposed that the supporter would need to provide a few personal details - name, address and two photographs, the club he or she wishes to be associated with and their national allegiance.

36. Will Scottish and Northern Irish supporters be asked to give their national allegiance?

- Yes, the working party proposed that anyone joining a scheme, from wherever they come, would be asked to fill in a standard application form.

37. How long will the card last?

- This is something the FMA would look at. The working party recommended that cards should be valid for two or, more likely, three seasons.

38. What happens if a supporter loses his card?

- He should report the loss to the FMA. It is proposed that the card would then be invalidated at every ground. The working party recommended that clubs should be able to issue temporary membership cards, valid for one match only to members whose cards were lost, stolen or damaged.

39. How can you stop forgeries?

- No system can be impervious to forgery and fraud. The Government believes that an electronically readable card supported by a photograph will add a further layer of deterrence against hooligans, on top of the measures already taken.

40. What happens if a supporter tries to use a card more than once at a match - by handing it to a friend?

- Technology is available to ensure a card is only valid once per match and cannot therefore be passed back to someone else to use. We would wish to see that this is a feature of any scheme. The working party recommended that attempting to enter the ground without a valid membership card should be a criminal offence.

Convictions and Bans

41. Who will notify the FMA of those convicted?

- The working party proposed that the court should inform the FMA and the police of a relevant conviction.

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Department of the Environment
2 Marsham Street
London SW1P 3EB

ceps

Dominic Morris Esq
Prime Minister's Office
10 Downing Street
London SW1

20 December 1988

Dear Dominic,

FOOTBALL SPECTATORS BILL

The Prime Minister asked to see a draft of the letter which Mr Moynihan proposes to send to all MPs about this Bill. He hopes to issue this letter tomorrow. He has discussed the attached draft with Mr Ridley.

The Minister proposes to attach a Question and Answer brief to the letter. By way of illustration, I attach the latest draft. Intensive work is being carried out to improve this.

I am copying this to the private secretaries of those who were present at yesterday's meeting and to the private secretaries of the Secretary of States for Scotland, Wales and Northern Ireland and to Sir Robin Butler.

Yours sincerely,

Martin McIntyre

for PHILIP STAMP
Private Secretary



A

Department of the Environment
2 Marsham Street
London SW1P 3EB

FOOTBALL SPECTATORS BILL

Football hooliganism remains a serious blemish upon our society. The Government has decided to bring forward legislation to provide for the establishment of a national membership scheme for football spectators at designated matches in England and Wales. This decision follows the violence during the European Championships in West Germany last June and further violence during the 1987/88 domestic season. And violent incidents have continued this season. No detailed statistics are yet available but the more serious incidents since the start of the season clearly demonstrate that the problem persists inside and outside the grounds. In the interests of the future of the game and of the public at large, we cannot allow this to continue.

Some colleagues appear to believe that there is no longer a problem. The facts suggest otherwise. Last season, there were 6,147 arrests at Football League matches - an increase of 11% on the previous season. In addition, there were 6,542 ejections from grounds - an increase of 1%.

The violence has continued this season, as the following list of examples shows:

Southend v Bolton: 27.8.88: Pitch invasion. 20 arrests (2 for assault)

Portsmouth v Leeds: 3.9.88: 24 arrests inside ground following fighting. 9 arrests outside for criminal damage.

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Nor are the problems confined to these incidents. Every weekend in the football season hundreds of police officers have to be deployed in strength to maintain the peace and apprehend law breakers. The police view remains that many matches provide the focus for aggressive and provocative behaviour with the threat of violence never far below the surface.

(A) Following a meeting between the Prime Minister and the football authorities on 6 July, a working party was set up under my chairmanship to examine the details of the national membership scheme. The Government, police and the football authorities were represented on the working party and agreed its recommendations. Copies are available in the Vote Office. The main recommendations of the working party were as follows:

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These are recommendations for Government and the football authorities. The next stage will be for us to publish our proposals for legislation shortly after Parliament returns from the Christmas recess to set the statutory framework for the scheme and for the football authorities to begin work on the scheme. Our target date for implementation is spring 1990 but we will not introduce the scheme until we are satisfied that the technology is available to secure its successful implementation. (A)

On 2 December, Douglas Hurd announced that the Bill would include important provisions to empower the courts to prevent convicted football hooligans from attending matches abroad by requiring them to report to an agency in this country at the times of certain matches. He said that the courts would have the power to impose a restriction order on a person convicted of a football-related offence here, in any case in which the order would help to reduce the risk of disorder and violence at matches abroad. The Home Secretary is considering how a restriction order might similarly be imposed following conviction for a football related offence abroad. Anyone who saw the shameful behaviour of English supporters in West Germany this summer will welcome these proposals.

The Government has already taken tough action against hooliganism. The Sporting Events (Control of Alcohol) Act 1985 established firm controls on the sale and possession of alcohol at grounds and on football special coaches and trains and the Public Order Act 1986 gave new powers to the police and the courts. The Home Secretary has issued advice on the enforcement of the law on the misuse of alcohol and on the need to ensure swift justice following incidents of hooliganism.

The Government believes that, along with the measures that we and the football authorities have already taken to deter violence, these proposals will break the link between football and hooliganism. Those who misbehave will no longer be able to attend football matches. The troublemakers will have no incentive to travel. Football will then cease to be a focus for violence. Match days will no longer be intolerable for local residents and the police. The genuine supporter, his wife and family, will be able to attend football matches in safety. Football will benefit and so will society as a whole.

I hope you find this letter and the attached Question and Answer briefing helpful in dealing with any matters raised on this subject during the Christmas recess.

COLIN MOYNIHAN

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SLH



file

bc A. Langdon (co)

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

19 December 1988

Dear Roger

FOOTBALL SPECTATORS BILL

The Prime Minister held a meeting here this morning to discuss the final decisions that needed to be taken on the handling and contents of the Football Spectators Bill. Present were the Home Secretary, the Secretary of State for the Environment, the Lord President, the Lord Privy Seal, the Chief Whip and the Minister for Sport. Mr. Langdon (Cabinet Office) was also present.

Restriction Orders

The Minister for Sport said that the Bill provided for those convicted of football-related offences to be disqualified from the national membership scheme, and hence unable to attend domestic matches. The period of such disqualification was 5 years if there was a custodial sentence, and 2 years in other cases. These periods were not matched by the Bill's provision for Restriction Orders, which would require a convicted person to attend a reporting centre in England and Wales at specified times to prevent him attending matches abroad. As the Bill was currently drafted, Restriction Orders would be for a period of 2 years. This would mean, for example, that a person who had served an immediate sentence of imprisonment for a serious football-related offence would after the expiry of 2 years be prohibited from attending matches in England and Wales but would be free to go to a match abroad. He did not think that it would be possible to explain such an anomaly to the foreign authorities, and he believed that the periods of Restriction Orders should coincide with the periods of mandatory disqualification from the membership scheme, and should therefore be 5 years when there was a custodial sentence.

In discussion it was argued that Restriction Orders were different in kind from disqualification from the membership scheme. People subject to Restriction Orders would be required to report on a number of possible dates throughout the year and compliance with this positive obligation might be extremely inconvenient for them. Restriction Orders would be generally seen as an onerous requirement, and courts would be

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reluctant to impose them for as long as 5 years. In practice, the police were the only body that could administer Restriction Orders and it was not unlikely that they would oppose 5 year Restriction Orders once they realised how complicated the administration would be. For these reasons, it might be prudent for Restriction Orders to be limited to 2 years, though it was arguable that the Orders should commence running when a person was released from a sentence of imprisonment, rather than from the date of conviction.

The Prime Minister, summing up this part of the discussion, said that the meeting agreed that there was an extremely strong case for keeping the period of Restriction Orders in line with the periods of mandatory disqualification from the membership scheme. Any shorter period for Restriction Orders, or a different method of calculating them, would weaken that argument, and the meeting had therefore agreed that in cases involving custodial sentences Restriction Orders should run for 5 years. If it proved impossible to carry that proposal, then thought would need to be given to reducing the period to 4 or 3 years. The Home Secretary had also recorded that he would like to give further thought to the possibility of making the period variable by order.

Licensing

The Secretary of State for the Environment said that the Bill currently provided for clubs that breached the new licensing conditions to be subject to criminal sanctions. The licensing function itself might remain in the hands of the Secretary of State, or might be delegated by him. While it was hoped that the function could be delegated to the football authorities, it was by no means clear that they would accept this, and the Home Secretary had reservations whether criminal sanctions would be appropriate to enforce a licensing scheme that was directly managed by the Secretary of State.

In discussion, it was noted that the football authorities' acceptance of the licensing function would enable the Government to stand back from the matter, but that the football authorities could probably not be trusted to take a sufficiently tough-minded attitude to licensing. If enforcement was by way of criminal sanctions, and the Secretary of State was directly responsible for the scheme, then it would have to be the Secretary of State who referred alleged breaches of licensing conditions to the prosecuting authorities, and that might prove an invidious responsibility in practice. Although there were a number of licensing structures that were enforced by criminal sanctions, many of these appeared to involve subordinate legislation. Licensing by local justices, on the lines of liquor licensing, would almost certainly not be appropriate. If the football authorities would not take on the task, and it was inappropriate for the Secretary of State to discharge it himself, then it would be necessary to set up a special body for the purpose.

The Prime Minister, summing up this part of the discussion, said that the meeting agreed that it would be

necessary to establish a machinery for punishing clubs for breaches of licensing conditions that were not serious enough to justify revocation of a licence. While it appeared that there might be little practical alternative to the Secretary of State acting as licensing authority, and to enforcement being by way of criminal sanctions, further thought needed to be given to the implications of this. One device to distance the Secretary of State from enforcement decisions might be to build into the scheme a licensing adviser, such as a QC who commanded respect. The Environment Secretary should give further thought to these points in consultation with the Home Secretary and the Chief Whip, before the Bill was introduced.

Presentation and Parliamentary handling

The Chief Whip said that although there was certainly some concern about the Bill among Government supporters in the House of Commons, it would be too early to quantify this while the Bill was still unpublished. It was, however, already clear that the Bill was attracting some criticism from both ends of the political spectrum in the Party, albeit for very different reasons. It was also clear that there was a good deal of misconception about the Bill, and in particular there was confusion between this football membership scheme and a scheme of national identity cards. It would clearly be necessary for the Government to explain and promote the Bill in a carefully organised campaign involving both the Department of the Environment and the Home Office. Although some Opposition Members had expressed support for the Bill, it would be most unsafe to place any reliance whatsoever on them.

The Minister for Sport said that he proposed that an explanatory letter and a question and answer brief about the proposed scheme should be sent to all Members of Parliament that week. The Bill itself needed a more technical commentary and he proposed that this should be provided when the Bill was introduced early in the New Year. When the Bill came to its second reading, he proposed to publish a brochure, written in an accessible style, that would outline the Government's entire package of measures for dealing with football hooliganism, of which the membership scheme was only one. A number of Government supporters, who had been chosen partly in the light of their regional affiliations, would be given special briefing about the Government's proposals, and would seek to promote them vigorously, both before the Bill was introduced and thereafter.

The following main points were made in discussion.

- (i) There were genuine doubts whether the equipment needed for card-controlled entry would work smoothly in practice, and it was essential that the Government should make it clear that the scheme would not be brought into effect until the equipment had been thoroughly tested. The potential cost for smaller clubs was also a matter of genuine concern. If those two points could be satisfactorily answered, and any confusion about identity cards dispelled, the scheme's prospects of

general acceptance would be greatly increased.

- (ii) The cost of operating a membership scheme was still not clear, but there were various possibilities for cushioning the effect on the poorest clubs. AQUIX, the company that operated the scheme at Luton Town, had said that it would be prepared to install a card admission scheme throughout the Football League without charge, provided that it was given the entire contract. In addition, the Football Trust had privately indicated that while it would not be prepared to respond to a request from the Government, it might listen to applications from individual clubs for financial help with a membership scheme.
- (iii) It would be important to do everything possible to retain support for the Bill by influential Chief Constables. Lord Knights' help for the Bill would be extremely valuable in the House of Lords.
- (iv) There was an inherent weakness in the Government's present position in that it was still not clear whether the Football Association and the Football League would agree to run the Football Membership Authority. It was uncomfortable to be seeking enabling powers that it was hoped to entrust to the Bill's present opponents. Everything possible should be done to resolve outstanding questions on the Football Membership Authority before the Bill's second reading in the House of Lords.

The Prime Minister, summing up this part of the discussion, said that the Bill should be introduced in the House of Lords on 16 January, immediately after the Christmas Recess. Arrangements for preparing Parliamentary opinion should be on the lines described by the Minister for Sport, with a letter and question and answer brief on the Government's proposals being sent to all Members in the present week. This material, which should be sent to this office in draft, should emphasise how long the problem of football hooliganism had been going on, the football authorities' limited response to the problem, and the extent of football related disorder and violence in the last season. These facts had receded from the public consciousness and a firm reminder was needed. A vigorous campaign to sell the Government's proposals would be needed in the period before the Bill was introduced, and it was important that the group of supporters whom the Minister for Sport had mentioned should be active at a regional and local level. The Home Secretary and the Secretary of State for the Environment would also need to give the launch of the Bill their personal attention. An important point had been raised in discussion on the need to settle as many outstanding questions as possible on the composition and role of the Football Membership Authority before the Bill's second reading in the House of Lords. Even if the Football Association and the Football League agreed to involve themselves in the new Authority, it seemed very likely

CONFIDENTIAL

- 5 -

that they would need to be augmented by some weighty figures who would command confidence. The Secretary of State for the Environment should give urgent thought to this.

I am copying this letter to Philip Mawer (Home Office), Alison Smith (Lord President's Office), Nick Gibbons (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), Philip Stamp (Minister for Sport's Office) and Trevor Woolley (Cabinet Office).

*y
Mrs. Lee*

Dominic

DOMINIC MORRIS

Roger Bright, Esq.,
Department of the Environment

CONFIDENTIAL

PRIME MINISTER

FOOTBALL SPECTATORS BILL

The origin of the meeting is the concern which the Chief Whip expressed about the handling of the Bill where opposition seemed to be growing yet the degree of involvement by senior Ministers had remained low.

The issues seem to be:

- i. Is there a serious problem of lack of political support as with the Shops Bill?
- ii. Is there simply some disaffection which could be overcome by decisive parliamentary management?
- iii. What steps could be taken to sell the Bill better?
- iv. Are there any specific concessions, eg restriction to First and Second Division clubs which need to be made?

In addition, there are a couple of policy issues still outstanding. Although the Cabinet Office brief discusses the policy issues first, you may prefer to take the handling question first so that you can establish a greater degree of commitment before getting down to the specific policy issues.

AT

ANDREW TURNBULL
16 December 1988

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PRIME MINISTER

FOOTBALL SPECTATORS BILL

*PC arrange meeting of
cast below + Carolyn Smith
On timing, pl deal with hard points.
He wanted to have some discussions
first on the Bill. The discussions
needs to take place before the Bill*

The Chief Whip told me this morning that the Executive of the *gives to*
1922 increasingly saw difficulties with this Bill. Some *benefit-*
feared another Sunday Trading Bill upset. *Committee.*

20 Dec.

*N.L.W.
5.12*

The Chief said that Colin Moynihan is battling hard for the
Bill. But he is not getting much support from his Secretary
of State who is preoccupied with other legislation. The Home
Office Ministers are similarly preoccupied with their
legislation and are not taking much interest in the Bill. You
may be interested to see the article from today's Times which
suggests that, of all the unlikely people, Sir Rhodes Boyson
could well oppose the Bill.

The Chief believes that the Bill can be got through the House,
though it may need some modification, eg to apply the identity
card scheme only to First and Second Division clubs in the
first instance with an order-making power to bring in the
Third and Fourth Division clubs at a later stage. Such a
change would reduce much of the opposition which has come,
particularly from the poorer Third and Fourth Division clubs.

I suggest that you need a meeting with Ministers concerned to
thrash out the strategy and tactics for getting the Bill on to
the Statute Book. Agree to a meeting with the Secretary of
State for the Environment, the Home Secretary, the Lord
President, the Lord Privy Seal, the Chief Whip and
Mr Moynihan? The Bill is not to be introduced until the New
Year. *Yes not*

*Anna
12-15
Dec*

Dominic Morris has put in to the box separate papers on the
state of the preparation of the Bill.

N.L.W.

19 Dec ?

N. L. WICKS
2 December 1988

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Crossed from the right wing

By Nicholas Wood
Political Correspondent

Sir Rhodes Boyson, aged 63, the former minister, scourge of permissiveness, and still probably the nation's best-known ex-headmaster, makes an unlikely Conservative rebel, but that is the way he is moving over the Government's proposals for compulsory identity cards for football supporters.

As *The Times* disclosed yesterday, Sir Rhodes is making common cause with Tory backbenchers from the left of the party in opposing a measure that stems directly from the Prime Minister's abhorrence of football hooliganism.

It is the kind of measure that Sir Rhodes, a supporter of both corporal and capital punishment, would be expected to endorse. The fact that he does not will be giving ministers and Government whips cause for concern. Yesterday, Sir Rhodes gave a further insight into his reasons for rocking the boat.

First, unlike most Labour opponents of the scheme, he believes everyone should carry an identification card, principally to help the police in tackling what he regards as the breakdown in law and order. To that end, the bearer's fingerprints and thumbprints should be appended. He also believes such a card should give details of, say, blood group and organ donor status to help hospitals. "I know people say it's fascist, but they have them in Israel



Sir Rhodes Boyson: opposed

and a lot of European countries," he said. "Why shouldn't we?"

However, he says, if ID cards are restricted to football supporters as the main weapon in the battle against hooliganism, the very notion of cards for all will be brought into disrepute. "If we do it for football hooligans, we are making it a punishment, not an honour, which it should be," he said. "I'd be proud to carry a card saying this is Sir Rhodes Boyson and so would a lot of people. It will destroy the whole idea."

Second, he believes that the compulsory computer-readable card scheme represents a piecemeal and hasty reaction to the underlying problem of violent and serious crime throughout society. He said: "The card scheme is just a vague gesture when we should be sorting out the big problems by bringing back capital punishment."

Third, he sees no reason why he and millions of other law-abiding citizens should not be able to go to a football match whenever it takes their fancy. Fourth, he agrees with many Labour MPs who argue that entry checks will cause delays outside grounds and risk even worse disorder. Fifth, he believes that football clubs are merely the stage for hooliganism, not its cause.

Labour, for its part, has grave civil-liberties objections to the scheme, and Denis Howell, the Shadow Minister for Sport, shares Sir Rhodes's suspicions of the card-checking system. "It is unworkable and impractical because the technology is not there. The technology is susceptible both to sabotage and error," Howell told a meeting of the London branch of the Football Supporters' Association last night.

Howell added that it was unfair that the financial burden should be borne by "99.997 per cent of football supporters who are utterly law abiding".

It's a heady brew, made worse by the fact that some Tories are already saying that because the Bill, to be published shortly, has little ideological significance, it offers a rallying point for a rebellion.

Colin Moynihan, the Minister for Sport, and Mrs Thatcher will hoping it does not become a poisoned cup.

PRIME MINISTER

16 December 1988

MEETING ON FOOTBALL SPECTATORS' BILL

You are meeting colleagues on Monday to discuss the handling of this Bill.

Key points are:

- (i) outstanding policy issues;
- (ii) timing of publication;
- (iii) attitudes inside and outside the House.

(i) Outstanding Policy Issues

Two issues remain to be settled before the Bill is published:

- (a) the length of restriction orders on travel to football matches abroad;
- (b) whether it should be a criminal offence for clubs not to comply with the conditions of a licence to admit spectators.

Restriction Orders

The background is set out in my note of 12 December. You have said that you incline to the view that the reporting period imposed by a restriction order should match the ban on individuals attending matches in the UK.

Colin Moynihan and Douglas Hogg discussed the issue on 14 December. The Home Office show no signs of shifting. They are clearly influenced by a desire to make this provision more acceptable to the police.

Recommendation

Unless Douglas Hurd has convincing evidence that ACPO could be tipped into opposing the Bill by a longer reporting period than 2 years, this issue should be decided on its merits. Logic and consistency point to excluding hooligans for the same length of time from matches here and abroad.

Licence Conditions

Under the terms of the proposed Bill

- it will be a criminal offence for clubs to admit spectators to a designated ground without a licence;
- the licensing authority (almost certainly the Secretary of State) will be able to withdraw the licence from a club which subsequently fails to implement the membership scheme correctly and effectively;
- there will be no criminal sanction for lesser breaches by clubs, eg cases of negligence where the Secretary of State would be loathed to go as far as revoking a licence (effective death for a club).

Colin Moynihan has been arguing that it is necessary to provide a criminal sanction for these lesser breaches. Up till now, Home Office Ministers have been resisting this.

Comment

The point is arcane, and close to resolution. It turns on whether the Secretary of State is the licensing authority. If he is, the Home Office now accept that there is no alternative to providing criminal sanctions for failing to comply with the terms of a licence. But it would be unusual for the executive to prosecute clubs for failure to comply with the law. Douglas Hurd has written pointing out this difficulty. But he leaves it to Nicholas Ridley to decide whether he can live with it.

Recommendation

Ask Nicholas Ridley and Douglas Hurd to sort this out between them quickly.

(ii) Timing of Publication

The original intention was to introduce the Bill in the House of Lords just before Christmas. Nicholas Ridley will now argue for introduction after Christmas (still in the Lords) because:

- (a) publication of the Bill on the Wednesday/Thursday before Christmas could be portrayed as an attempt to sneak it through;
- (b) leader writer with nothing to write about over the Christmas period would have a field day.

Comment

There is strong force in the Ridley arguments. They point to introducing the Bill immediately after Christmas. This would enable the Government to brief back-benchers fully - publication on 21 or 22 December would hardly allow for this

before the Christmas Recess.

Douglas Hurd and the Business Managers are likely to support Nicholas Ridley. The latter may argue that any delay in the introduction of the Bill will increase the risk that it will not receive Royal Assent by July. But the risk is not substantially worsened by postponing publication until after Christmas. And the benefits of good preparation look conclusive.

Recommendation

Support introduction of the Bill immediately after Christmas, together with effective briefing of Government supporters in both Houses.

(iii) Attitudes inside and outside the House

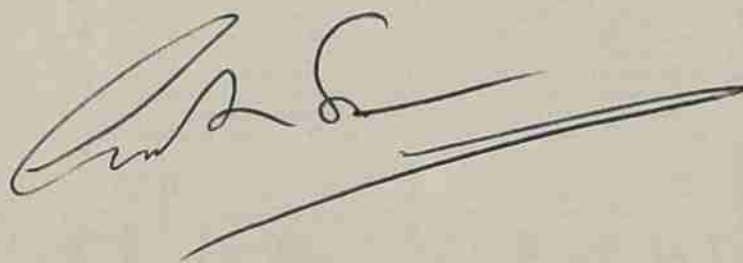
Colin Moynihan met back-benchers on 14 December and made some headway in allaying fears based on ignorance. Clearly few people know what is in the Working Group Report.

Contacts with the police reveal similar ignorance. Many of the questions senior police officers raise are answered in the Working Group Report. Among individuals in the police, opposition to the scheme is often closely correlated with interest in football. Occasional football supporters say that they will not go to the bother of getting a membership card.

This is unconvincing. Interest in the game must be minimal if people are really going to be deterred by the bother of obtaining a national membership card.

Conclusion

It is unlikely that ACPO will come out in favour of the national membership scheme in the near future. The aim must be to keep them silent and neutral until the police, like MPs, have a better understanding of what is proposed. It may be that we can then secure a public statement of police support.

A handwritten signature in black ink, appearing to read 'Carolyn Sinclair', with a long horizontal flourish extending to the right.

CAROLYN SINCLAIR

FOOTBALL SPECTATORS BILL

There is one point in Douglas Hurd's letter of 8 December to Nicholas Ridley which is new.

You have already agreed that the courts should be able to oblige people convicted of a football related offence in this country to report to an agency on days when major football matches are being played abroad. The aim is to prevent such hooligans travelling. It has now been agreed, at James Mackay's suggestion, that this reporting requirement should extend to UK citizens convicted of football hooliganism abroad.

Douglas Hurd did not specify the time limits for such reporting requirements in his original proposal. It would seem logical for them to be the same as the periods for which convicted hooligans are banned from attending football matches in the UK. Under the football membership scheme, this would be either two or five years, depending on the seriousness of the offence.

In fact Douglas Hurd is proposing only two years for the reporting requirement. The effect of his proposal is that anyone imprisoned for a football related offence for two or more years would be free to go to a football match abroad immediately on release, although it would be several years before he could attend League matches in the UK.

Douglas Hurd argues for the distinction on civil libertarian grounds. He suggests that obliging someone to get up in the

morning and report on certain days to a given place is more onerous than simply stopping him from going to a football match.

Comment

The Home Office are concerned that a reporting requirement of five years would be criticised as disproportionate. But they are equally worried about annoying the police. As my note of 14 October pointed out, there is no real alternative to asking the police to implement the reporting requirements. The police do not want the work involved in tracking down those who fail to show up on the appointed days. The limit on the period of reporting is in part a sop to them.

The Home Office's own estimate is that perhaps 800 people a year might be subject to reporting orders. Of these, perhaps 100 would fail to show up.

It does not seem unreasonable to ask the police in England and Wales to track down 100 or so people. Dealing with those who do report regularly should not cause much work.

Conclusion

The two year limit now proposed by the Home Office for the reporting requirement could be hard to justify. How could we explain rules which banned people from football matches in this country for several years after they left prison for a serious football related offence, but in some cases allowed them to go abroad the next day to attend an international match?

The police are not being very helpful over the national membership scheme. The Police Federation has come out against it. The ACPO Committee on hooliganism, which was

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represented on Colin Moynihan's Working Party, has been noticeably silent. The police have said nothing to help dispell the misconceptions which are being briskly banded around by those who have not bothered to read the Working Party report.

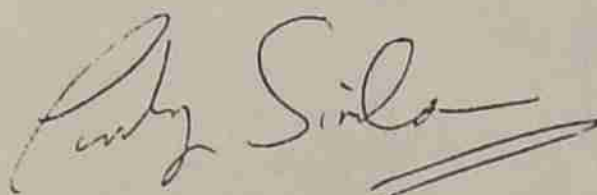
There seems no good reason to give the police a sop in this instance.

The stronger argument is the popularity or unpopularity of the reporting requirement. The football authorities have welcomed it. Unless they, or a number of MPs, show signs of sharing the Home Office's worry that a five year reporting requirement would be a disproportionate punishment, there are strong arguments for parallel restrictions on attending football matches here and abroad.

Recommendation

If you agree with the above, it would be helpful if your Private Secretary could write to the Home Office this week saying

- that you are not convinced that the reporting requirement should be limited to two years;
- that you are inclined to think that the reporting period should match the period of the ban on an individual attending matches in the UK;
- that you will want to take a final decision at your meeting on 19 December, in the light of all the factors affecting the passage of the Bill through the House.

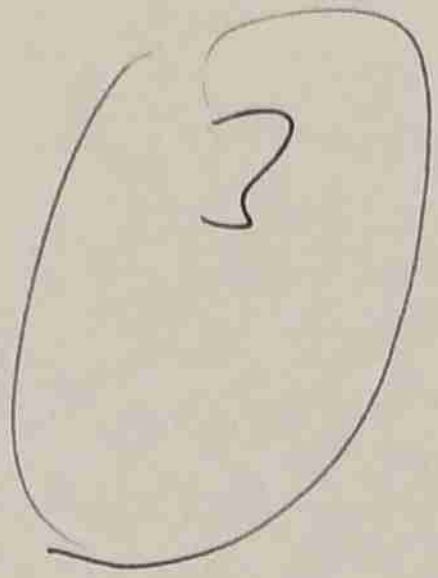


CAROLYN SINCLAIR

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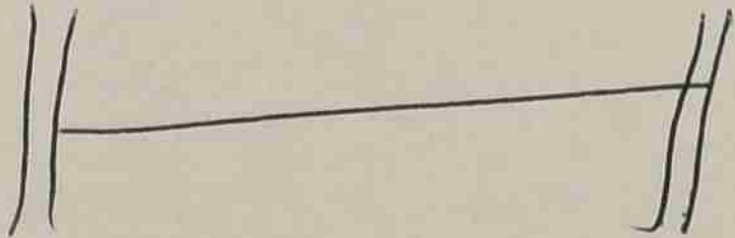
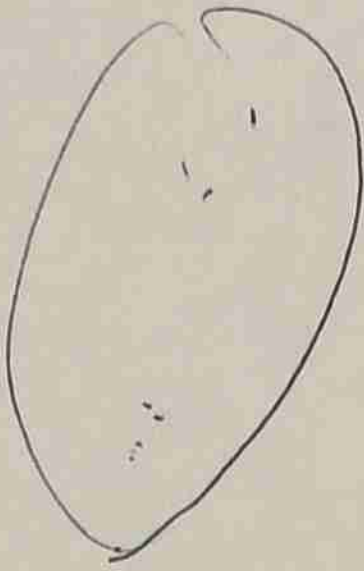
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PRIME MINISTER

FOOTBALL SPECTATORS BILL
MEETING OF MINISTERS, 11.30 am MONDAY 19 DECEMBER 1988

OBJECTIVES AND DECISIONS

This meeting is to enable you to review the final plans for the Bill's handling with the sponsoring Ministers and the Business Managers. You will wish to confirm that the whole Government machine is being mobilised to sell the Bill in a positive way.

2. The following is a checklist of the main points that you may wish to cover.

- i. Decisions on outstanding policy issues. (The main one is the maximum period of liability for convicted hooligans to report to designated places in the UK: the Home Secretary fears that increasing this to 5 years, as Mr Moynihan wishes, would alienate the Chief Constables. There is also a more recondite point on whether clubs that breach licensing conditions should be subject to criminal or administrative sanctions. More generally, you may wish to assure yourself that the membership scheme, to cover all Football League matches, has taken the shape you wish.)
- ii. The timing for the Bill's introduction (probably immediately after the Christmas recess, in the House of Lords).

- iii. The need for the Home Secretary and the Environment Secretary to be visibly active in support of the Bill.
- iv. What arrangements are needed to ensure that other senior Ministers are identified with the Bill? (You may wish to mention the matter at Cabinet when the Bill is introduced.)
- v. What supporting material should accompany the Bill's introduction? (Mr Moynihan has in mind a question- and-answer brief and letters to all Government backbenchers in the Commons. You may wish to suggest that Mr Ingham should see this material, and that something similar is provided in the Lords.)
- vi. What more needs to be done to influence opinion in the House of Lords where the Bill will start its course? Which Ministers will have charge of the Bill in the Lords? (Senior Ministers must find time to talk to backbench Peers; and the Lords Business Managers might recruit a group of backbenchers who could be specially briefed to speak in favour of the Bill).
- vii. What is being done to set up a similar cadre of supporters of the Bill in the Commons?
- viii. What are the points on which doubts about the scheme may focus, and on which Government briefing should therefore concentrate? (These are probably the risk of congestion at turnstiles just before kick-off; the arrangements for casual supporters to gain admission at short notice; and the financial implications for poorer clubs.)

- ix. The importance of ensuring that the Chief Constables do not disown the new membership scheme. (Primarily for the Home Secretary to work on key members of ACPO.)
- x. Can anything more be done to persuade the football authorities that the Bill is ultimately in their own interests, and offers football the prospect of wider appeal to a more affluent, up-market audience?

BACKGROUND

3. When you saw the football authorities on 6 July you made it clear that the Government would introduce this legislation if they did not put their own house in order. The details of the scheme were developed in a working party including representatives of the police and the football authorities, under Mr Moynihan's chairmanship, the report of which was published on 9 November. The intention to introduce the Bill was then confirmed in the Queen's Speech. The Bill is now due to go to Legislation Committee on 20 December: the L Committee memorandum and a print of the Bill are at Annex A. In addition we have also prepared for your use the condensed summary of the proposed arrangements at Annex B.

4. It was originally intended that the Bill should be introduced in the House of Commons, but shortly before the Queen's Speech it was necessary to move the planned introduction to the Lords, in exchange for the Fair Employment (Northern Ireland) Bill. The intention to introduce in the Lords was announced by the Lord Privy Seal at the beginning of the session.

5. Although the football authorities co-operated in Mr Moynihan's working party, they formally recorded their opposition to a compulsory membership scheme, and they have

vigorously lobbied Members of Parliament against the Bill from the beginning of the Session. The situation therefore has some similarities with the Shops Bill in the last Parliament, when it unexpectedly became clear that opposition to the Bill had been mounting among Government supporters in the Commons while the Bill had been taking its course through the Lords. When the doubts among certain Government backbenchers were reported to you recently, you therefore instructed the present meeting to be arranged to review the handling arrangements in detail. The Lord President has already held preparatory meetings with the Environment Secretary, the Home Secretary and the Business Managers. There was general agreement at these meetings that the Bill's opponents were likely to be vocal, whilst many of those who were favourably disposed to it would probably remain quiescent unless a special effort was made to stimulate them. A number of handling points were therefore provisionally agreed at the Lord President's meetings, and this brief takes account of them. However, you will doubtless wish to begin the meeting by asking for advice on the state of backbench opinion in the Lords and in the Commons, and you will wish to test all the following points against your own assessment of the scale of the problem.

MAIN ISSUES

i. Policy issues

6. The fundamental judgement you will wish to make in the light of the Business Managers' report is whether any concessions need to be offered on the general shape of the scheme in order to guarantee its passage through either House. If concessions had to be seriously contemplated, the most obvious one to offer would be to exempt the smaller Football League clubs from the scheme, and I understand the possibility of exempting the Third and Fourth Divisions may

This seems to be more a question of Parliamentary handling

have been mentioned to your office. Concessions of that order would, however, only be justified in a desperate situation, and it does not seem likely that the Business Managers will report difficulties with backbenchers on anything like that scale. Mr Moynihan would certainly argue vehemently that the integrity of the scheme depends on its application to all Football League matches and you may wish to support that view.

7. There are, however, two outstanding policy issues which have not been resolved between the Home Secretary and Mr Moynihan. The first is a very minor point on whether breaches by clubs of the licensing scheme should attract administrative or criminal sanctions. In his letter to Mr Moynihan of 16 December the Home Secretary argues that the Secretary of State may have to be the licensing authority and that criminal sanctions would therefore be inappropriate. This seems a very small point for you to become involved in, and you may wish simply to express the hope that it can still be sorted out between the Departments concerned. For what it is worth, however, it strikes us that the Home Office are making rather too much of this, and that criminal sanctions would not raise any novel point of principle.

8. The other outstanding issue is the maximum duration of reporting requirements, and this is more substantial. Your Private Secretary's letter of 14 December recorded your provisional view that the period of reporting requirements after a custodial sentence for a relevant offence should be 5 years, to match the period of the mandatory ban on an individual attending matches in the UK. Mr Moynihan will argue that unless the two periods are the same, it will be said that we are protecting our domestic matches and simply unloading our worst hooligans abroad. The Home Secretary is unlikely to dispute the logic of that, but he will argue that a 5-year reporting requirement, doubtless to be administered by the police in practice, would be fiercely

resented by the Chief Constables, and might well be the final thing that tilted ACPO towards outright opposition to the Bill. This is a pure matter of political judgement, but the attitude of the police is clearly a key factor - see paragraph 12 below - and you will doubtless wish to give careful thought to the Home Secretary's assessment. You may wish to put off taking a decision on this point until the end of the meeting, when it will be easier to see how it fits in with other presentational considerations.

ii. Points to stress in selling the Bill

9. The general line of criticism from the football world has been that the scheme is too elaborate and unworkable, and that it will impose an unacceptable financial burden on poorer clubs. The criticism from police quarters has crystallised around doubts about the ability of available technology to deal with congestion at the turnstiles just before kick-off, and with the special problem of casual supporters who wish to gain admission at short notice. You may wish to confirm that these are indeed the points on which most questions are being raised: the Home Secretary and the Chief Whip may wish to contribute to this as well as Mr Moynihan.

10. Mr Moynihan will argue that the risk of congestion at the turnstiles has been much exaggerated by those who do not want the scheme to work. He is confident that user-friendly equipment will ensure that there is no significant problem, and he agrees that the scheme should not be introduced until the Government is satisfied on that score. Similarly Mr Moynihan will say that there will be adequate provision for casual supporters to turn up on the day of a match and go through the registration procedure on the spot but that, in the nature of things, this may take time: people turning up in this way for an important match must therefore expect to have to wait, in the same way as someone going to Wimbledon without a ticket. You may wish to probe both

these points, which are clearly important to the general presentation of the scheme. In addition, you may wish to note that at the Lord President's meeting the Home Secretary argued very strongly that it would be a mistake for the Government to commit itself to a specific date of implementation and that, while it would be reasonable to reiterate the hope that the scheme can be brought into effect in Spring 1990, the passage of the Bill will be made much more difficult if the Government gives the impression that it is determined to implement the scheme by that date, come what may.

11. The most effective way of dealing with the financial problems for poorer clubs would be to be able to point to a total or partial sponsor of the scheme, and it would clearly be extremely helpful if something on these lines could be announced before the Bill starts its passage in the House of Commons. You may wish to probe the possibilities for this with the Environment Secretary and Mr Moynihan.

iii. The police view

12. The handling of this public order legislation will clearly be made more difficult by any lack of enthusiasm by the police. So far, the Police Federation, which represents the lower ranks of policemen on the street, have come out in opposition to the scheme on the grounds indicated above. That of itself may not be too damaging providing that ACPO do not also oppose the Bill. At present ACPO, whose members are divided on the matter, are studiously refraining from taking a public line one way or the other. This stance is particularly disappointing, since ACPO were represented on Mr Moynihan's working party, but the Home Secretary doubts if there is any realistic possibility of steering them towards a formal announcement of support for the Bill. In his view, the most that can be done is to continue to work through key members to ensure that ACPO at least does not come out in opposition to the Bill. You may wish to probe

all this with the Home Secretary, and to explore with him what might be done to contain the damage if, in the event, ACPO did oppose the Bill. In particular, who are the key Chief Constables on whose support he could still rely?

iv. Parliamentary Handling

13. If the attitude of Government supporters were thought to be extremely critical, so that the analogy of the Shops Bill appeared a close one, then a number of procedural devices might be adopted to maximise the chances of getting the Bill through Second Reading in the House of Commons (which is manifestly the vital hurdle). Such devices might include introducing the Bill at short notice in the House of Commons, so as to gain initiative and surprise, and even undertaking that the Bill would be referred to a Special Standing Committee that could take evidence from outside interests. The Business Managers have given thought to these possibilities but in their view the situation would not justify taking unusual steps of that kind. When you have heard the report from the Business Managers in both Houses, you will probably agree that the situation is not a crisis that calls for novel remedies, but one that simply needs careful planning and co-ordinated effort, involving both the Departments concerned and the Whips.

There is
no
analogy

14. The Bill is being brought to Legislation Committee the day after your meeting so that it can still be introduced before Christmas is that is what you wish. However, this would leave no time for briefing Government supporters before the Recess, when many of them will be exposed to lobbying, and there was a general feeling at the Lord President's meetings that it would be better to introduce the Bill immediately after the Christmas Recess. You may wish to agree with that.

15. On the target date for Royal Assent, Mr Moynihan may argue that the Bill should be enacted before the Summer

Recess, to help him reach an implementation date of Spring 1990. In addition to the Home Secretary's reservations about the wisdom of putting too much emphasis on that date (see paragraph 10 above) you will wish to bear in mind that there are already a number of other Bills that must be enacted before the Summer Recess, including Water, Electricity, Social Security, Prevention of Terrorism, and Elected Authorities (Northern Ireland). The Lord President would be able to comment on these pressures if you wish.

16. Up to this point Mr Moynihan has shouldered the main burden of the Bill, but it will clearly be necessary from now on for more senior Ministers to be identified with it. At the Lord President's meetings, the Home Secretary and the Environment Secretary agreed that they would both give their personal attention to the Bill and be seen to be active in support of it. It was also agreed that Mr Hogg should join Mr Moynihan on the Standing Committee for the Bill in the House of Commons. You may wish to confirm all these arrangements.

17. At the time of the Bill's introduction Mr Moynihan has it in mind to issue a question and answer brief, together with a letter to Government supporters in the House of Commons. You may wish to suggest that the letter would have most impact if it were signed by both the Secretaries of State, and you may also wish to ask that Mr Ingham should see all this material before it is issued. You may also wish to check that some similar arrangement is put in place for Government supporters in the House of Lords.

18. At the Lord President's meeting it was agreed that it would be necessary to assemble a group of backbenchers in each House who might be given special briefing on the Bill and who might make it their business to stimulate support for it. You may wish to confirm your support for this approach, and to check with the Lord Privy Seal and the Chief Whip on how it is taking shape.

v. Getting other senior Ministers involved

19. The Welsh Secretary is the only other senior Minister who has a direct stake in the Bill, since he will have responsibility for designating matches in Wales. But you may think that there is a special need for a number of senior Ministers to work references to the Bill into their speaking engagements, to stress the solidity of the Government's commitment and to discourage any hopes of concessions being offered. If you agree, the easiest way to deal with the matter might be for you to mention it at Cabinet when the Bill is introduced.

20. You might also wish to consider what would be the most appropriate occasion for you to emphasise your own support for this measure. An opportunity could doubtless present itself during routine Prime Minister's Questions, if you thought that would be sufficient.

vi. Other matters

21. Most of the points in this brief are concerned with ensuring that the Government's defences are in good order and that the latent support for the Bill in Parliament is fully mobilised. Although it seems clear that the football world as a whole will only accept the Bill grudgingly, the general presentation would be greatly eased if any influential football figures came forward to recognise that the Bill offers the opportunity of a far cleaner and more prosperous future than could be hoped for without it. You may wish to probe what might be done in that direction with Mr Moynihan.

HANDLING

22. As indicated above, the key to this meeting is the Business Managers' assessment of the state of back-bench feeling in both Houses. You may therefore wish to open the

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meeting by asking the LORD PRIVY SEAL, the LORD PRESIDENT, and the CHIEF WHIP to comment on this, and then ask the ENVIRONMENT SECRETARY and the HOME SECRETARY to add any points they wish. In the light of those comments, you may then wish to work through the main issues in the order in which they appear above.

A J L

A J LANGDON

16 December 1988

CONFIDENTIAL

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CT/4867/88



IAN GRIST MP

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From The Parliamentary Under-Secretary

15 December 1988

Dear Colin,

24 Thank you for sending me a copy of your letter of 20 November about the Football Spectators Bill. I have seen the responses from the Prime Minister, the Lord Chancellor, the Home Secretary and the letter from Michael Forsyth on 7 December.

The consensus appears to be:-

- a. To omit from the Bill the provision allowing the extension of the scheme to other sports;
- b. To not create a new offence for failure to produce a membership card inside the ground;
- c. To allow the Football Membership Authority discretion to impose attendance bans on top of those laid down by the Mandatory Rules;
- d. To announce that previous convictions for football related offences may be taken into account in deciding who shall be disqualified from membership and that the Association of Chief Police Officers are to keep records of relevant convictions.

I agree with these views.

As to the effect of the Bill in Wales, it must be drafted so as to allow the Secretary of State for Wales to designate which matches in Wales the Membership Scheme is to apply to, not necessarily on an identical basis with designation in

/England.

The Hon Colin Moynihan MP
Parliamentary Under Secretary of State
Department of the Environment
2 Marsham Street
LONDON



England. Similarly the Secretary of State for Wales will be responsible for licensing to admit spectators to Welsh grounds.

As regards the Football Membership authority, as the body will cover Welsh clubs, if this is to be acceptable here, there will need to be a provision to ensure suitable Welsh representations. Once the Football Membership Authority have developed a draft scheme I assume that this will be approved by the Secretary of State for Wales as well as the Environment Secretary.

I would appreciate if your officials would keep mine fully informed of developments.

As you know we have agreed to consult interested parties in Wales on which matches are to be designated. I propose to announce this by means of an inspired PQ to coincide with the publication of the Bill - a copy of the announcement is attached for your information.

I am copying this letter to the Prime Minister, Lord Chancellor, Lord President, Lord Privy Seal, Attorney General, Chief Secretary to the Treasury, Lord Ferrers, First Parliamentary Counsel, and to Sir Robin Butler.

Yours ever,
Jan



STATEMENT BY THE SECRETARY OF STATE FOR WALES

The Bill will apply to England and Wales. I will be responsible for licensing grounds and for designating which football matches in Wales will be subject to the National Membership Scheme. I propose to set up at an early date a Working Party to advise me in Wales as to whether any particular match should be designated.

HOME AFFAIRS:

Football + Woolyans
A7



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SLHBC2

a HV Langdon

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

14 December 1988

Dear Philip

FOOTBALL SPECTATORS BILL

The Prime Minister has seen a copy of the Home Secretary's letter of 8 December to the Secretary of State for the Environment.

On Restriction Orders the Prime Minister will want to take a final decision on the duration of the reporting requirement at the meeting with colleagues next week, and in the light of all the factors affecting the passage of the Bill through the House. The Prime Minister's initial view, however, is that she is not convinced that the reporting requirement should be limited to two years; and she inclines to the view that the reporting period should match the period of the ban on an individual attending matches in the UK.

I am copying this letter to the Private Secretaries to Members of H Committee, Michael Saunders (Law Officers' Department) and Trevor Woolley (Cabinet Office).

Jms ew

Dominic

DOMINIC MORRIS

Philip Mawer, Esq.,
Home Office

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Prime Minister

1/10 AM. 1.

Content for me to minute out as suggested on page 3? There has been no indication from the Whip's Office that the softening proposed by the Home Secretary would

PRIME MINISTER

12 DECEMBER 1988

address backbench ~~concern~~ - which is focused more on the cost of the membership scheme to clubs than on care for the liberties of convicted hooligans. JM -

FOOTBALL SPECTATORS BILL

(Flag A)

There is one point in Douglas Hurd's letter of 8 December to Nicholas Ridley which is new.

You have already agreed that the courts should be able to oblige people convicted of a football related offence in this country to report to an agency on days when major football matches are being played abroad. The aim is to prevent such hooligans travelling. It has now been agreed, at James Mackay's suggestion, that this reporting requirement should extend to UK citizens convicted of football hooliganism abroad.

Douglas Hurd did not specify the time limits for such reporting requirements in his original proposal. It would seem logical for them to be the same as the periods for which convicted hooligans are banned from attending football matches in the UK. Under the football membership scheme, this would be either two or five years, depending on the seriousness of the offence.

In fact Douglas Hurd is proposing only two years for the reporting requirement. The effect of his proposal is that anyone imprisoned for a football related offence for two or more years would be free to go to a football match abroad immediately on release, although it would be several years before he could attend League matches in the UK.

Douglas Hurd argues for the distinction on civil libertarian grounds. He suggests that obliging someone to get up in the

morning and report on certain days to a given place is more onerous than simply stopping him from going to a football match.

Comment

The Home Office are concerned that a reporting requirement of five years would be criticised as disproportionate. But they are equally worried about annoying the police. As my note of 14 October pointed out, there is no real alternative to asking the police to implement the reporting requirements. The police do not want the work involved in tracking down those who fail to show up on the appointed days. The limit on the period of reporting is in part a sop to them.

The Home Office's own estimate is that perhaps 800 people a year might be subject to reporting orders. Of these, perhaps 100 would fail to show up.

It does not seem unreasonable to ask the police in England and Wales to track down 100 or so people. Dealing with those who do report regularly should not cause much work.

Conclusion

The two year limit now proposed by the Home Office for the reporting requirement could be hard to justify. How could we explain rules which banned people from football matches in this country for several years after they left prison for a serious football related offence, but in some cases allowed them to go abroad the next day to attend an international match?

The police are not being very helpful over the national membership scheme. The Police Federation has come out against it. The ACPO Committee on hooliganism, which was

represented on Colin Moynihan's Working Party, has been noticeably silent. The police have said nothing to help dispell the misconceptions which are being briskly banded around by those who have not bothered to read the Working Party report.

There seems no good reason to give the police a sop in this instance.

The stronger argument is the popularity or unpopularity of the reporting requirement. The football authorities have welcomed it. Unless they, or a number of MPs, show signs of sharing the Home Office's worry that a five year reporting requirement would be a disproportionate punishment, there are strong arguments for parallel restrictions on attending football matches here and abroad.

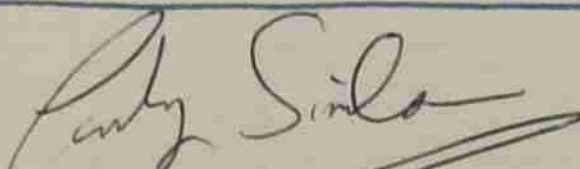
Recommendation

If you agree with the above, it would be helpful if your Private Secretary could write to the Home Office this week saying

✓ that you are not convinced that the reporting requirement should be limited to two years;

✓ - that you are inclined to think that the reporting period should match the period of the ban on an individual attending matches in the UK;

✓ - that you will want to take a final decision at your meeting on 19 December, in the light of all the factors affecting the passage of the Bill through the House.


CAROLYN SINCLAIR

CONFIDENTIAL

cc: [signature]



Department of the Environment
2 Marsham Street
London SW1P 3EB

MBAN - in this case

R/PSO/75575/88

Dear Home Secretary

12 December 1988

FOOTBALL SPECTATORS BILL

- will reinsert if required.

Thank you for your letter of 8 December to Nicholas Ridley. I am replying in Nicholas' absence to the points you made.

Restriction Orders

Your announcement that the courts are to be empowered to order offenders to report to an agency in England and Wales when certain matches are to be played abroad has been very well received - particularly by the football authorities and football supporters' groups and by some of our own supporters who are worried about the national membership scheme. I fear that we shall lose much of the credit we have gained if the mandatory length of a restriction order is two years, especially if, as I understand you intend, the period runs from the time that the order is imposed, whether or not the offender is sentenced to imprisonment at the same time.

This could mean that an offender who commits a crime serious enough to warrant a two year prison sentence would be free to travel to matches abroad as soon as he is released from prison. If the sentence imposed involved a shorter period of imprisonment, it would nonetheless attract a mandatory disqualification from the national membership scheme of five years (under clause 6 of the Bill). There could, therefore, be a period of 3 years in which the offender was unable to attend a match in this country but remained able to travel to matches abroad (and potentially to cause trouble).

I fear that these considerations could seriously weaken both the effectiveness of restriction orders in preventing trouble at matches abroad and the value of the provision in winning support for the Bill as a whole. On both counts, my recommendation would be that the restriction orders should run for the same periods as mandatory disqualification from the national membership scheme, 2 or 5 years as appropriate, from the date at which disqualification has effect. I would be grateful if we could discuss this before the Bill is submitted to L committee.

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Foreign convictions

I am very glad that you think that the power to impose restriction orders can be extended to cover offences abroad, as the Lord Chancellor suggested. I hope that Tom King and Malcolm Rifkind will agree that offences committed in Northern Ireland and Scotland can be included.

Sporting events other than football

I am grateful for the Prime Minister's and your agreement that we should drop the power to extend the Bill's provisions to other sporting events.

Compulsion to produce a membership card on request

I remain unhappy about your position on the specific offence for failure to produce a membership card on request. The effectiveness of the scheme depends upon the police or stewards being able to demand to see a membership card in the event of trouble inside a ground. I believe that they need the backing of a criminal sanction. Perhaps we could discuss.

FMA discretion

As the Bill is drafted, the FMA has discretion to disqualify people from membership in two areas:

1. on top of the period of mandatory disqualification of two or five years, following conviction for a relevant offence;
2. in cases of misbehaviour, where no offence has been committed.

If I read your letter correctly, your position is that in both these areas, the maximum period for which we should allow this discretion to be exercised, within the scheme, is two years. I am afraid that, while this period may be adequate in most cases, it continues to seem to me to be inadequate to deal with persistent hooligans. This issue does not affect the drafting of the Bill but it would be highly desirable if we could resolve it by the time of introduction. Perhaps we could discuss?

Disclosure about offences committed before the membership scheme comes into effect

I am grateful for your confirmation that chief constables have been asked to record arrests and ejections from football grounds and for your agreement to comment on this publicly when the Bill is published.

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Penalty for unauthorised entry to a football ground

I accept your guidance that a maximum penalty of a level 3 fine or one month's imprisonment is sufficient for this offence.

Criminal offence of contravening licence conditions

I am unhappy about the proposal that it should not be a criminal offence to contravene the conditions of a licence to admit spectators. It will be an offence, under clause 7 of the Bill, to admit spectators to a designated match without a licence. Unless it is also an offence to contravene the conditions of a licence, we run the risk that football clubs will ignore those conditions once they have obtained their licence. The only effective sanction open to the licensing authority (probably the Secretary of State) would then be to withdraw the licence altogether - a very drastic step. It seems better to me to follow the precedents of cinema licensing, theatre licensing, petrol licensing and, no doubt many other licensing functions (all of which have wide powers for the licensing authority to impose conditions) and treat ignoring both the requirement for a licence and the conditions of a licence in the same way, ie as criminal offences. We have, however, in deference to your views agreed to a lesser penalty for breach of conditions, though, in fact the precedents we have looked at impose the same penalty.

Again, perhaps we could discuss this?

/ I am copying this letter to the recipients of yours.

Philby Stang

15/ COLIN MOYNIHAN

(Approved by the Minister and signed
in his absence)

The Rt Hon Douglas Hurd CBE MP
Home Office



QUEEN ANNE'S GATE LONDON SW1H 9AT

8 December 1988

Dear Mr. ...

FOOTBALL SPECTATORS BILL

I write to give you my considered proposals for the restriction order provisions outlined in my letter of 10 October to the Lord President and to respond to Colin Moynihan's letter of 24 November to Robin Ferrers.

Restriction Orders

I remain committed to the principle of making available to the courts the power to order someone to report to an agency in England and Wales when certain matches take place abroad. But I see a sharp distinction between the severity of disqualification from football membership and the proposed restriction order. Disqualification is a direct way of excluding hooligans from football grounds. It is readily controlled from the centre (by the Football Membership Authority); it effectively catches a disqualified football hooligan who tries to enter any designated ground; but if during his disqualification he wishes to have nothing more to do with football and violence, the authorities need have nothing more to do with him.

There is no comparable way of stopping someone from attending matches abroad without also significantly restricting his liberty. A positive duty to report rather than the negative requirement not to go to matches is a sanction inevitably broader in its effect. It restricts the individual from going where he chooses on days when he must report, whether or not he would have tried to attend the match in question, and if he forgets to report and stays at home he may commit a criminal offence. These are serious considerations. Moreover, the Bill as a whole will already be controversial and it is wise to avoid increasing that further.

/We therefore

The Rt Hon Nicholas Ridley, MP
Secretary of State
Department of the Environment

We therefore need to strike a balance. I think the best way forward is a power which the courts would use if they considered it would help to prevent violence or disorder at football matches abroad and which, if imposed, should be for a mandatory period of two years.

Although the power to specify which matches trigger the reporting requirement would be open ended, I have some thoughts about how wide that should normally go. Our objective is to prevent hooligans travelling to matches abroad during the term of a restriction order, but we ought to avoid making them report when they would be most unlikely to travel. I consider that full international matches should normally be covered as should particularly major club games. Beyond that I would like to see the reporting agency given discretion (on advice from the police, if the agency were some other body) to waive reporting. If a local team were playing abroad, those subject to a restriction order in the home area of the club would be likely to be "called in" on the day; and similarly hooligans known to be eager to travel whatever the occasion might be required to report more frequently. Without this flexibility the scheme would be less effective and more costly to operate.

Foreign Convictions

The Lord Chancellor helpfully suggested in his letter of 21 October that the power should also cover convictions abroad, to which I agreed in principle. Although all the details are yet to be worked out (and would to some extent rely on order and rule making powers in the Bill) I am now satisfied that this should be achievable and propose to include these provisions in the Bill. There would be a list of countries whose convictions could be accepted, and evidence would have to be produced in a magistrates' court that the offence if committed in this country would have been a football-related one. It would be right in my view for the police to gather evidence initially and begin proceedings, and for these then to be taken forward by the Crown Prosecution Service.

I should be grateful for Tom King's and Malcolm Rifkind's views on where Northern Ireland and Scotland might come into this. Would they be content for restriction orders to be imposed in England and Wales in respect of convictions in Northern Ireland or Scotland? That would of course be without any obligation on the authorities in Northern Ireland or Scotland to notify convictions - it would be no more than a facility open to use if that was wanted.

/Sporting Events

Sporting Events Other than Football

I have no objection to dropping from the Bill the power to extend the membership scheme further, as proposed in Colin's letter of 24 November.

Compulsion to Produce a Membership Card on Request

His suggestion for a specific offence of failing to produce a membership card on request was discussed during the deliberations with the Working Party. Your officials have since raised it with mine. While I appreciate the political attraction of being seen to meet points raised by the football authorities, I am not persuaded of the need for the creation of a criminal offence along these lines. One of the first things the police are likely to do to troublemakers apprehended in grounds is to ask them for identification. If they refuse to produce their membership card, this is a reasonable basis for suspecting that they have committed the offence of being an unauthorised person at a designated match. The law will then take its course. I would not be happy with the idea of the police confiscating membership cards. The power to do so does not in any case flow automatically from a power to require production. If the police were to confiscate they would be widely seen not as impartial enforcers of the law but as agents of the clubs. In certain circumstances, confiscation on the spot could lead to the sort of disorder that this Bill is designed to prevent.

I think that the question of production and confiscation of cards could be dealt with effectively without a criminal offence and we would be happy to help you develop this idea. The membership scheme could specify that cards must be produced on entry and on demand and that breaches of conditions of the scheme would lead to withdrawal of card. Applicants would have to agree to these conditions before receiving their cards. Loss of card and with it the right to attend a football match is surely a sufficient deterrent for the football fan who might choose not to comply with the scheme. The less coercion we have to put into this scheme, the fewer will be the difficulties with Parliament, police and public.

FMA Discretion

We need to reflect on this a little. Is there in fact much benefit in elaborate discretion to add to a mandatory five year disqualification? Apart from signalling particular disapproval by banning one hooligan for an additional two or three years, I doubt that such a move achieves much in practice. Most offenders

/subject to a

subject to a five year disqualification will have received short terms of imprisonment - well under a year. But if we are talking about really serious offences: murder on the terraces for example, the period in prison would be far longer than the mandatory ban anyway. In most cases the statutory period would be entirely adequate. It is important not to give the FMA disproportionate powers. For example an unlimited ban on attending matches, for behaviour which does not even amount to a criminal offence would be difficult to justify. There is also the handing point that apparently open-ended discretion for the FMA might be yet more ammunition for the Bill's opponents who already see the whole scheme as draconian. Nevertheless, even if a disqualification had elapsed, the FMA could still refuse an application to (re-)join the scheme if, at the time, they considered a serious conviction several years ago still to be relevant, subject always to the Rehabilitation of Offenders Act.

I think, in short, there are good arguments for restricting the FMA's discretion to perhaps two years maximum, on top of any mandatory disqualification. It would help to present the Bill as measured and proportionate to the mischief it addresses.

Disclosure About Offences Committed Before the Membership Scheme Comes into Effect

I can confirm that Mr Anderton, Chief Constable of Greater Manchester Police and Chairman of the relevant ACPO Committee wrote to all chief constables on 1 October asking them to record all arrests and ejections from football grounds. Subject to the rules for the FMA becoming clear, and agreement with the Association of Chief Police Officers on the exact circumstances of disclosure, this information could be used by the FMA to consider imposing a discretionary ban on initial applicants for membership. Our officials could consider further with the police whether information needs separately to be held on convictions.

The public message now should be to confirm emphatically that the FMA will have discretion to take previous criminal or anti-social behaviour into account when the scheme is set up and applications are considered. I doubt whether it is necessary to go into the mechanics now, or to give a start date which might constrain us later once the rules are being worked out. It would therefore be better to avoid pinning the announcement on ACPO's exercise to put records aside. I agree that publication of the Bill would be the right time to comment.

/Penalty for

Penalty for Unauthorised Entry to a Football Ground

I gather that Colin Moynihan also asked Home Office Ministers to consider whether the maximum penalty of a level 3 fine (current maximum £400) and/or one month imprisonment was sufficient for the offences of unauthorised entry to a match (Clause 2 of the draft Bill).

I am satisfied that this is sufficient, for example by comparison with other criminal offences, and bearing in mind that repeat offences can be prosecuted separately. That in no sense underestimates the importance of having an effective criminal sanction against this potential abuse of the Membership Scheme.

Criminal Offence of Contravening Licence Conditions

My officials have discussed with yours the need for a criminal offence which would arise when a club acted contrary to its licence conditions (currently Clause 8(9) of the draft Bill). The criminal law does have a useful role to play in underpinning parts of the scheme which the Bill will create and I understand the attraction of simply making a breach of a licence condition a criminal offence also. But given that non-criminal remedies are available, I do not think we need criminal sanctions as well. Where there is a serious breach, a club's licence can be suspended or revoked under the Bill, though I recognise that this power is likely to be used only with great reluctance. Where the breach is less serious it would seem a better course to include in the Bill a power enabling the FMA to impose financial penalties on the club eg in the same way as the Football League fines clubs for breaches of League regulations. Agreed, that depends on the FMA being ready to invoke their powers against the clubs, but rather than arguing for amending the criminal law I suggest that it has implications for how the FMA should be constituted. This administrative approach would also have the benefit of not involving the courts further in the policing of the scheme. I hope you will agree that we need not use the criminal law to underpin this part of the Bill.

I am copying this letter to the Prime Minister, "H" colleagues, the Attorney General and Sir Robin Butler.

Home Affairs: Football
Hooligans P.J.



CONFIDENTIAL

CSPU



Our Ref : DL47/267/02

HOUSE OF LORDS,
LONDON SW1A 0PW

7 December 1988

Dear Colin,

FOOTBALL SPECTATORS BILL

Thank you for sending me a copy of your letter of 24 November which raised four matters about the proposals for the Football Spectators Bill.

I agree that the power to extend the national membership scheme to other sporting events should be omitted from the Bill for the reasons given.

I am not wholly convinced of the need for a further offence of failure to produce a membership card on request. But, on the assumption that such an offence would be triable only in the magistrates' courts I would not seek to raise objections to it. It would be helpful, however, to have an indication of the likely number of prosecutions for such an offence so that my Department can assess the likely impact on legal aid expenditure.

I have few observations on the proposal that the Football Membership Association should establish a tribunal to hear appeals from those whose membership is withdrawn at the authority's discretion. This seems to be a fair and proper proposal. It has not been suggested that my Department should become involved in the administration of, or appointments to, this tribunal but my Tribunals Policy Branch would be willing to give your Department advice on its construction if requested.

Finally, I am content to leave the question of transitional arrangements, provided they are workable, to the draftsman.

I am copying this letter to the recipients of yours.

Yours ever,

James.

Colin Moynihan Esq MP
Parliamentary Under Secretary of State
Department of Environment
2 Marsham Street
London SW1P 3EB

HOME ADDRESS: Football
Hooligan Pt 7





10 DOWNING STREET

Mrs Gairson,
I have asked

Mrs Gairson to
come and
to provide a
brief.

Nigel

N.C.U.

6.12

Arranged for 5.00 pm
on ~~Monday~~ 19th Dec.

The Born goes to the
Leg. Comm. on 20th Dec.

but Mrs Rodley is in

China all of next week

So this is the only date
and time everyone can
manage.

Tessa

6/12

CONFIDENTIAL



*the same
all*

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

5 December 1988

Dear Philip

FOOTBALL SPECTATORS BILL

The Prime Minister has seen a copy of Mr Moynihan's letter of 24 November to Lord Ferrers.

Mrs Thatcher agrees it would be sensible to omit the provision allowing an extension of the scheme to other sports. The Prime Minister is doubtful about the proposal to create a new offence of failure to produce a membership card on request. Subject to the views of colleagues, the Prime Minister is content with Mr Moynihan's proposals at points three and four in his letter.

I am sending a copy of this letter to Nick Sanderson (Home Office), Roger Bright (Department of the Environment), Paul Stockton (Lord Chancellor's Office), Ms Alison Smith (Lord President's Office), Nick Gibbons (Lord Privy Seal's Office), Michael Saunders (Law Officers' Department), Miss Carys Evans (Treasury), Stephen Williams (Welsh Office), B A Shillito (Parliamentary Counsel Office) and to Trevor Woolley (Cabinet Office).

Z

Andy

DP (DOMINIC MORRIS)

Philip Stamp, Esq.,
Department of the Environment.

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fm

PRIME MINISTER

FOOTBALL SPECTATORS BILL

You will have seen Nigel's note on the tactics and strategy of getting this Bill through Parliament.

You might also like to see Colin Moynihan's attached letter on some unresolved if detailed points in the Bill.

1. Should the Bill contain power for the Secretary of State to designate sports other than football to which the membership scheme should apply?

Mr. Ridley's original proposals did. The reason for the change now is that Colin Moynihan thinks the proposal will be contentious in the Lords, where the Bill is to be introduced (a number of Lords do not care about football but may care passionately about other sports such as racing). The Whips agree with Mr. Moynihan.

Agree to limit the power just to football?

Yes

2. Creating a new criminal offence of failure to produce a membership card on request.

Colin Moynihan's main reason for proposing this is as a sop to the football authorities. The Home Secretary is likely to argue that it is unnecessary to create a criminal offence: under the terms of the scheme if a spectator refused to produce a card on request, the police or stewards would be entitled to eject him from the ground. I doubt that as a sop to the football authorities it will do much to mitigate their hostility to the Bill. Against that, anything which encourages the physical confiscation of cards from trouble-makers (rather than relying on the electronics at the gate to identify cards which are no longer valid) is probably a good thing.

On that basis, content subject to the views of other colleagues, for the Bill to contain this offence?

Am doubtful

3. Discretion for the Football Membership Authority to withdraw membership from trouble-makers.

This discretion would be additional to the mandatory withdrawal of membership from those convicted of particular offences. It would be subject to the Secretary of State's approval. Some discretion is clearly desirable, though Mr. Moynihan may go trying to draw it rather wide. Content with his proposal subject to views from the Home Secretary and Law Officers?

Yes

4. Whether an early announcement should be made with previous convictions of football related offences may be taken into account in deciding disqualification from membership.

Mr. Moynihan suggests that the Home Secretary should announce, when the Bill is published, that he would be asking the police to keep records of relevant convictions from that time on. This seems unobjectionable. ✓

DM

DOMINIC MORRIS

2 December 1988

SLHBBT

MR MORRIS

2 DECEMBER 1988

FOOTBALL SPECTATORS BILL

We had a word about Mr Moynihan's letter of 24 November to Lord Ferrers.

Mr Moynihan proposes two changes to the proposed football legislation:

- i. dropping the power to extend the national membership scheme to other sporting events;
- ii. making it a criminal offence to fail to produce a membership card on request.

You may find the following background helpful.

1. Removing the power to extend the scheme to other sporting events

Mr Moynihan argues that on reflection he thinks that this power, which he originally proposed to include in the Bill, would be inappropriate. This is because the national membership scheme has been designed with football in mind. It would not be suitable in its present form for many other sports.

I gather the real reason is that Mr Moynihan is concerned that the power to extend anti-hooligan provisions to other sports will prove contentious in the Lords, where the Bill is to be introduced just before Christmas. Few Lords care about football, but many care passionately about other sports such as racing. I understand that the law which prevents the consumption of alcohol at football grounds is

also capable of extension to other sports. This in its day was contentious in Parliament. Both Chief Whips apparently support Mr Moynihan's desire to drop the wider power.

There are good arguments for retaining the power in case we have crowd trouble elsewhere. It would be no bad thing if other sports had a Sword of Damocles hanging over their heads. It could be useful to have a debate which allowed the Government to signal that sports which put their own house in order would be freed from the bureaucratic rigmarole of a membership scheme.

Against this it can be argued that we would not lightly take action under the Bill to enforce something like the membership scheme on other sports. Doing so via Regulations would be very controversial. I suspect ~~we~~ might end with primary legislation anyway.

On balance I prefer to keep the power, but not at the price of losing political support.

2. Making it a criminal offence to fail to produce a membership card on request

Colin Moynihan argues that we should create this additional offence in the legislation, largely because it is something the football authorities want.

Against this, the Home Secretary, will be advised to argue that the creation of this offence is unnecessary. If it were an offence under the terms of the scheme not to produce a membership card on request, police or stewards would be entitled to eject an individual from the grounds. At that point their membership card would be withdrawn for a spell.

At the end of the day, however, the Home Office would not hold out against this proposal if DoE attach considerable

political importance to be seen to be giving the football authorities one of the things they have asked for.

I doubt if it matters much either way.

Points 3 and 4 in Colin Moynihan's letter seem unobjectionable. I gather that the Home Secretary may question, on civil liberties grounds, the proposal in 3. which would make the FMA's discretionary regime over membership subject to the Secretary of State's approval, but would not limit that regime by legislation.

The Home Secretary's letter is expected to issue on Tuesday (he has taken it over from Lord Ferrers).



CAROLYN SINCLAIR



WSPM

CCP

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

Sir Nicholas Lyell QC MP
Solicitor General
Law Officers' Department
Royal Courts of Justice
LONDON
WC2A 2LL

28 November 1988

Dear Nick

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

Thank you for sending me a copy of your letter of 1 November to John Wakeham about my proposals for legislation on the national membership scheme. I am glad that you concur with them.

You are correct that, with one exception, my proposals will not mandatorily disqualify from scheme membership those convicted of offences prior to the introduction of the legislation. The exception is the case mentioned at the foot of the first page of your letter: an applicant for membership who is still subject to an exclusion order under section 30 of the Public Order Act 1986. The Bill will provide that such a person is disqualified from membership while subject to the exclusion order. I do not consider that such a provision may reasonably be criticised as retrospection. It will merely ensure that an existing prohibition is effective.

Copies of this letter have been sent to members of H Committee, the Prime Minister, the Foreign Secretary, the Lord Chancellor, the Attorney General, the Lord Advocate, First Parliamentary Counsel and to Sir Robin Butler.

Nicholas Ridley

NICHOLAS RIDLEY

CCP



DEPARTMENT OF THE ENVIRONMENT
2 MARSHAM STREET LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

24 NOV 1988

Dear Robin,

FOOTBALL SPECTATORS BILL

You will have seen that the Lord President has now given policy approval for both Nicholas Ridley's and Douglas Hurd's proposals for this Bill and that we are asked to have it ready for introduction in the Lords before Christmas. There are a number of issues on the DOE proposals that I should raise with you, two that affect the drafting of the Bill and two that concern what we say about it:

1. The power to extend the national membership scheme to other sporting events.

Nicholas' letter of 28 September proposed that the power which the Bill would give him to designate football matches for the purposes of the national membership scheme should also allow the designation of other sporting events, should that prove necessary (paragraph 1 of annex 2 to the letter).

A number of Parliamentary colleagues have approached me about the possibility that the Bill might allow this and have expressed their concern. They feel that it casts an undesirable and unnecessary shadow over other sports, which have very little history of crowd trouble and for which the national membership scheme would be inappropriate. On reflection, I think that they have a point. We have designed the national membership scheme with football in mind and it would not be suitable in its present form except for a very small number of other sports. If there were to be serious trouble at other sporting events, colleagues would expect us to come back to Parliament with proposals specifically designed for the sport concerned and I think that they would be right to do so.

For these reasons, subject to your agreement, I propose that we should omit the provision allowing the extension of the scheme to other sports.

2. The creation of a further criminal offence, on the grounds of failure to produce a membership card on request.

Nicholas' letter proposed that it should be an offence for a football spectator to gain entry, or to attempt to gain entry, to a ground for (or to be present in a ground during) a designated football match without being in possession of a valid membership card (except as allowed by the scheme). The football authorities would like us to add a further offence, for anyone "to fail to produce his or her card on demand to a police officer or authorised officer if inside the ground or to a police officer if outside the ground, or upon arrest for a football-related offence."

Some members of my working party came down against the football authorities' proposal on the grounds that this additional offence was unnecessary and that it could be a requirement of the scheme itself that members should produce cards on demand. I am conscious of the need to keep the number of new criminal offences created by this Bill to a minimum but, in this case, I am inclined to accept the football authorities' wishes, though I would limit the offence to refusal to produce a card inside the ground.

The arguments in favour of adding this offence seem to me to be fourfold:

- a. it would further deter spectators from attending matches without a valid card, or with someone else's card;
- b. it would enable the police to insist on troublemakers producing their cards for identification;
- c. it would allow the police and/or stewards to confiscate cards from troublemakers;
- d. It would make the point that where relevant we have been willing to strengthen the provisions of the bill on the advice of the football authorities.

Subject to your agreement, I propose therefore to ask Parliamentary Counsel to add this offence to the Bill.

3. The discretion of the Football Membership Authority to withdraw membership from troublemakers.

The working party recommended a two-pronged approach to withdrawing membership from those who misbehave at football matches:

- a. mandatory rules, laid down in legislation, for withdrawing membership from those convicted of a relevant offence, for two or five years depending on the sentence;

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- b. discretion for the Football Membership Authority to withdraw membership according to their own criteria, both in addition to the mandatory bans and in cases of misbehaviour not involving conviction for an offence.

The Bill as drafted provides for (a) and allows for (b) but requires the FMA to specify the way in which it will exercise its discretion in the scheme which it submits to the Secretary of State for the Environment, for his approval. As soon as the Bill is published, we are bound to be asked about the way in which we envisage that the FMA's discretion will be exercised and I should be grateful for your agreement to the line I propose to take.

The Bill will require the Football Membership Authority to set up a tribunal to hear appeals from people whose membership is withdrawn at the authority's discretion. I shall also expect the scheme to provide for those concerned to be notified that their membership is to be withdrawn and to make representations. The scheme will need to spell out the criteria by which decisions on withdrawal of membership are to be taken. I propose to make clear that the Secretary of State will look carefully at these aspects in approving the scheme.

Subject to these constraints, I think that it will be important to allow the Football Membership Authority considerable discretion to impose bans on top of those laid down by the mandatory rules, in cases of serious offences, including life bans for the worst offenders; and a similar degree of discretion in cases not involving conviction, eg where persistent drunkenness or abusive language or other misbehaviour is involved. The lines along which the FMA proposes to exercise this discretion will be subject to the Secretary of State's approval but I do not think it desirable to lay down detailed limits in advance.

4. A Government announcement that information about convictions for football-related offences after a given date will be made available to the Football Membership Authority.

It is essential to the credibility of the scheme that recently convicted football hooligans should be denied membership when the scheme takes effect. The working party's report dealt with this as follows, (as drafted by Home Office officials): "It may be possible, to invite the Association of Chief Police Officers to ask forces to keep records of convictions, for example for offences occurring on club premises, and to notify these to the FMA before the initial applications are processed. The information would cover the name, date of birth, address, offence and sentence. Similarly, the police could be asked to draw the attention of clubs to persons whom they were ejecting from, or arresting at, a ground, so that these details too would be available to the FMA from the clubs at the outset of the scheme.

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The working party recommends that the Government should determine with the police and the football authorities suitable arrangements for ensuring that troublemakers are not admitted to the scheme. An early announcement by the Government should make it clear that previous convictions for football-related offences may be taken into account in deciding who shall be disqualified from membership."

Assuming that you agree that this is desirable, I wonder if you would think it appropriate to make an announcement, when the Bill is published, that you were asking ACPO to keep records of relevant convictions from that day onwards?

I would be grateful to know if you are content with these proposals, by 7 December if possible please.

I am copying this letter to the Prime Minister, Nicholas Ridley, the Lord Chancellor, the Lord President, the Lord Privy Seal, the Attorney General, the Chief Secretary to the Treasury, Ian Grist, First Parliamentary Counsel and to Sir Robin Butler.

Yours ever,

Colin

COLIN MOYNIHAN



ccf

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

WSDM

21 November 1988

Dear Douglas

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

Thank you for your letter of 10 October in which, in addition to commenting on the proposals for a national football membership scheme which Nicholas Ridley put forward in his letter to me of 28 September, you sought H Committee's agreement to your proposals for legislating in the Football Spectators Bill to prevent convicted football hooligans from travelling to matches played abroad.

The Prime Minister indicated that she was content with your proposal and that she agreed that the necessary provisions should be included in the Football Spectators Bill and James Mackay, Peter Walker, Nick Lyell and Tim Eggar also indicated that they were content. Tim Eggar suggested that your proposals might be extended to restrict the travel abroad of other types of offender or, if that were not feasible, that we should encourage other members of the Council of Europe to take concerted action to exclude convicted hooligans from their countries. You indicated in your response that your proposals were not capable of extension to hooligans generally but that you did indeed propose to seek closer international co-operation against hooligans.

James Mackay reserved his position on whether he would need to seek additional resources to cover any additional costs to his department. He suggested that your proposal might be extended to provide for the imposition of reporting restrictions on persons living here who had been convicted of football-related offences abroad and you have indicated that you are sympathetic to this idea and that you will be considering how it could best be made to operate.

No other colleague commented and you may take it that H Committee are content with your proposals and that the necessary provisions should be included in the Football Spectators Bill.

To help in the overall management of the programme, I have agreed with Nick Ridley that the Bill should be introduced in the House of Lords where John Belstead and Bertie Denham will be looking to receive it before Christmas. In order to meet this timetable, it will obviously be important for instructions on your proposals to be sent to Parliamentary Counsel as quickly as possible.

I am copying this letter to the Prime Minister, colleagues on H Committee, Geoffrey Howe, Patrick Mayhew, Kenny Cameron, Nick Lyell, Sir Robin Butler and First Parliamentary Counsel.

JOHN WAKEHAM

The Rt Hon Douglas Hurd CBE MP
Home Secretary



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

21 November 1988

See Nick

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

Thank you for your letter of 28 September seeking H Committee's policy agreement to your proposals for establishing a national membership scheme for football spectators. You also proposed that the aim should now be to introduce the scheme during the course of the 1989/90 season rather than at the start of the season.

The Prime Minister, James Mackay, Douglas Hurd, Peter Walker, John Major, Nick Lyell and Michael Forsyth indicated that they were broadly content with your proposals for legislation and that they agreed that the Government should announce that it expected the scheme to be implemented during the course of the 1989/90 season. Nick Lyell said that he understood that a hooligan convicted prior to the scheme taking effect would not automatically be disqualified and I understand that this is your intention. Peter Walker suggested that the scheme should be monitored to ensure that it was not being evaded and you have indicated that you intend to make provision for suitable monitoring arrangements.

John Major indicated that he would expect any costs arising from the introduction of your proposed offences to be absorbed from within existing resources and proposed that the costs of the inspectorate should be met by the football authorities out of the income derived from the membership scheme. You have suggested that a decision on whether all or part of the costs of the inspectorate should be met from such income should be deferred until you are better able to judge the costs of the inspectorate. John also raised the possibility that any costs falling to the courts, the CPS and the police should be met by the football authorities.

It has been agreed that the Bill should not extend to Scotland, but that the Scottish football authorities should be warned that the Government would have no hesitation in introducing a membership scheme for Scotland should events require it. The Bill will, however, apply to Wales and you have suggested that Peter Walker might wish to reflect further on whether the scheme should be applied to matches between the Welsh national team and other home countries as well as to the matches he has already indicated that he intends to designate.

Douglas Hurd, in agreeing to your proposals, took the opportunity to seek H Committee's agreement to proposals for legislation to prohibit a person convicted of a football-related offence from travelling overseas to prescribed football matches and I am replying separately to him on behalf of the Committee on this.

No other colleague has commented and you may take it therefore that, subject to the points noted above, you have H Committee's agreement to your proposals for legislation and to a revised target for implementation of the middle of the next football season.

Finally, we had a word when we met on 7 November about the possibility of the Bill being introduced in the House of Lords and you kindly indicated that you saw no difficulty about this if it would help in the overall management of the programme. I am now able to confirm that we do indeed wish to introduce the Bill in that House and I know that John Belstead and Bertie Denham will be looking to receive it before Christmas.

I am copying this letter to the Prime Minister, colleagues on H, Geoffrey Howe, Patrick Mayhew, Kenny Cameron, Nick Lyell, Sir Robin Butler and First Parliamentary Counsel.

Handwritten signature of John Wakeham, consisting of a cursive 'John' followed by a flourish.

JOHN WAKEHAM

The Rt Hon Nicholas Ridley AMICE MP
Secretary of State for the Environment



QUEEN ANNE'S GATE LONDON SW1H 9AT

8 November 1988

CCBG

20/11/88

Dear Tim,

Alas

Thank you for your letter of 21 October to Douglas Hogg about our proposals for legislation designed to prevent convicted football hooligans from attending matches abroad.

We envisage that convicted hooligans will be required by the courts to report to an agency in this country at times when international football matches are due to take place. It is difficult to see how such arrangements could be adapted to prevent these or other offenders from taking holidays in Spain.

I quite understand your concern about the damage which our holiday hooligans cause to Britain's reputation abroad. I suspect, however, that in the long term effective action to prevent their overseas travel could only be achieved by restricting passport facilities. I explained in my letter to the Lord President my reasons for rejecting this approach for football hooligans, and the arguments are equally valid in relation to other offenders.

I am grateful for your support for seeking closer international co-operation against hooligans. I am sure that this is the right approach, and we intend to pursue it along the lines of Annex B to my letter of 10 October. Although football provides the immediate focus for this initiative, it would be quite logical for it to lead to more concerted action against other offenders.

I am copying this letter to the Prime Minister, other members of H Committee, the Foreign Secretary, the Attorney General, the Lord Advocate, First Parliamentary Counsel and Sir Robin Butler.

[Handwritten signature]
Douglas Hogg

Tim Eggar, Esq., MP.
Parliamentary Under-Secretary of State
Foreign & Commonwealth Office

~~CCP~~

~~MSM~~



QUEEN ANNE'S GATE
LONDON SW1H 9AT

8 November 1988

Dear Nicholas,

file with DM

Thank you for copying to me your letter of 31 October to the Lord President.

I have no objection to the revised timetable which you propose for the Football Bill. I note your intention to make a more detailed announcement of your proposals at the end of this month or the beginning of next, and I agree that an announcement about my proposal should be made at about the same time. My officials will keep in touch with yours about the timing.

A copy of this goes to the recipients of your letter.

Yours,
Dy 1 ->

The Rt Hon Nicholas Ridley, MP.
Secretary of State for the Environment



QUEEN ANNE'S GATE LONDON SW1H 9AT

7 November 1988

Dear James, at flat

Thank you for your letter of 21 October, in which you expressed support for my proposals for legislation to prevent football hooligans from travelling to matches abroad.

I agree that it would be anomalous if the courts could not also act against persons convicted of football-related offences abroad. The main issues to be resolved are how we can ensure that the courts have their attention drawn promptly to the fact of a relevant conviction abroad and how best to satisfy the evidential requirements. I shall want to look carefully at the implications of this before deciding the form which legislative provisions would need to take.

On your point about the offence of failing to report, I envisage that this will be a separate, summary offence. Recall for breach of a probation order is rather different, in that it gives the court the opportunity, following the apparent failure of probation as an alternative to punishment, to consider imposing a penalty.

I am copying this to the recipients of my letter of 10 October.

*over,
Douglas*

The Rt Hon Lord Mackay of Clashfern
Lord Chancellor

HOME AFFAIRS: Football
Hooligans Pt 7

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022AK



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

7 November 1988

Dear David

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

Thank you for your letters of 20 and 25 October about the possible extension of the national membership scheme to Scotland. The Prime Minister has considered the arguments which Mr. Rifkind has advanced and in the light of these is content that the legislation should not contain the order-making power in relation to Scotland.

I am copying this letter to the Private Secretaries to the members of 'H' Committee, the Foreign and Commonwealth Secretary, Lord Chancellor, Attorney General, Lord Advocate, First Parliamentary Counsel and Sir Robin Butler.

Yours ever

Dominic

Dominic Morris

David Crawley, Esq.,
Scottish Office.

RESTRICTED

DSS

RESTRICTED



file *DS9*

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

7 November 1988

Dear Philip

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

The Prime Minister was grateful for Mr. Moynihan's minute of 13 October covering the report of his working party on the national membership scheme. She is content that this should be published later this week. You told me that you were in close touch with the Press Office here to ensure that the timing co-ordinated with other Government publications this week. The Prime Minister is also happy with the proposed target date of Spring 1990 for full implementation of the scheme (conditional on both football authorities' and DOE's own consultants' views, and on the passage of the legislation).

I am copying this letter to Roger Bright (Department of the Environment), Stephen Wall (Foreign and Commonwealth Office), Philip Mawer (Home Office), Alison Smith (Lord President's Office), David Crawley (Scottish Office), Michael Saunders (Solicitor General's Office) and Trevor Woolley (Cabinet Office).

Yours sincerely

Dominic

Dominic Morris

Philip Stamp, Esq.,
Office of the Minister for Sport,
Department of the Environment.

DS

RESTRICTED



Department of the Environment
2 Marsham Street
London SW1P 3EB

~~D. Morris Esq.
Private Secretary to The Prime Minister
10, Downing Street
London
SW1A 2AA~~

4 November 1988

Dear Dominic,

NATIONAL MEMBERSHIP SCHEME : SUBMISSION OF REPORT

I attach the two page summary of political issues which I don't think was put in with Mr Mayrivan's minute to the Prime

Minister. Apologies for the omission.
Yours,

Philip Stamp

Private Secretary to Mr Mayrivan.

PRIME MINISTER

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

Colin Moynihan's minute to you covering the report of his working group on the national membership scheme is at Flag A. There are no surprises and I would not recommend that you read the whole report. You might just like to skim through the summary of the scheme on pages 4 to 7. This records specific areas of disagreement between the Government and the football representatives.

Carolyn Sinclair's note at Flag B identifies the remaining issues.

Agree her conclusion that the report should be published at the end of next week setting a target date for full implementation of the scheme for Spring 1990?

It will be for Mr. Moynihan and DOE to handle the public presentation of the report, but I will tell them to keep Bernard closely in touch with their proposed arrangements.

There remains the question of whether the legislation should contain an order-making power to extend the scheme to Scotland. Mr. Rifkind is aware of your preference but is still arguing strongly that it should not. The letter from his office recording his arguments is at Flag C. There are two separate aspects. First, games within the Scottish league. As Carolyn Sinclair says, there is little hard evidence (despite our pressing) on the level of hooliganism in Scotland, though the fact that it is not a substantial political issue north of the border suggests that it is much less of a problem than in England. Second, there are England/Scotland games where the working party report (page 19) identifies potential difficulties but not anything that would seriously undermine the effectiveness of an England/Wales scheme.

This must be considered with other Asst. Ministers through Bernard not

Yes no

Against that background, content that the legislation should not contain the order-making power,

OR

Content that the legislation should Not contain the order-making power.

do you wish us to continue to press Mr. Rifkind as the Policy Unit suggest?

JM

DOMINIC MORRIS

4 November 1988

SL2AQE

PRIME MINISTER

4 NOVEMBER 1988

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

Colin Moynihan has sent you the report of his Working Party on the National Membership Scheme.

You have already endorsed the broad principles of the scheme which will be enshrined in legislation. The issues for decision now are essentially ones of timing:

- i. When should the report be published?
- ii. When should the legislation be introduced?
- iii. When should the scheme come into effect?

In addition, there remains the problem of the Scots.

The Report

The report is the report of the Working Party, and does not bind the Government. In many places it reflects the hostility of the football authorities to the idea of a national membership scheme.

I was a member of the Working Party and can confirm that this was the price necessary to get a single report. The important achievement is that the report signs up the football authorities to the elements of an effective national membership scheme. There is no way of preventing the football world from continuing to argue that such a scheme is not needed.

(i) Timing of publication

Colin Moynihan proposes to publish the report at the end of next week.

Recommendation

It would be good if the report could be published as soon as possible.

(ii) When should legislation be introduced?

Nicholas Ridley originally proposed to introduce the legislation for a national membership scheme at the beginning of the new session. He is now backtracking and suggesting January. To keep up the momentum, he proposes to flesh out the announcement in the Queen's Speech with a more detailed announcement at the end of November. This would include Douglas Hurd's proposals to stop football hooligans from attending matches abroad - these are not part of the Working Party's report.

The main reason for the proposed delay is to enable Colin Moynihan to handle both the football legislation and the Water Bill. This reason is hardly compelling. But since the Home Office have not yet drafted their parts of the legislation introduction before Christmas is probably now ruled out on practical grounds.

Recommendation

Introduction of the football legislation in January is acceptable, but the timetable must on no account slip beyond that month.

(iii) When should the scheme come into effect?

You are already aware that most consultants take the view that it would not be feasible to have a national membership scheme in place by August 1989. Only one consultant has taken a different view, and their ability to deliver is in serious doubt.

The football authorities are now awaiting more detailed advice on timing from consultants which they have engaged. As they are paying the consultants, the latter can be expected to argue for a long timescale. The Government need not accept this at face value. But we do need to know more about the type of technology which the football authorities will choose before we can offer a firm view on what is, and what is not, feasible.

Colin Moynihan proposes that we should announce a target of spring 1990, subject to the legislation being passed, and the further views of consultants. This seems sensible in the circumstances. The important point is to get the scheme in place before the World Cup Final to be held in Italy in the summer of 1990. We could then arrange for the Italians only to sell tickets to British fans holding valid national membership cards.

Recommendation

The Government should announce that the target date for introduction of the national membership scheme is spring 1990.

The Scottish angle

Nicholas Ridley has proposed that the legislation should include a power to extend the national membership scheme to Scotland by order if this proved necessary. Malcolm Rifkind

has argued against this, on the grounds that an order-making power would be almost as contentious as extending the scheme to Scotland from the beginning. You expressed the view that you would prefer the Bill to include such an order-making power. Malcom Rifkind has come back with further arguments against this.

It is difficult to accept his case that there is no need to worry about Scotland because we have so few facts about behaviour at football matches there. Scottish officials have, whether deliberately or through inefficiency, failed to provide information on the number of arrests at, and ejections from, football grounds in Scotland. This information is needed before a final judgement on the political factors can be taken.

Recommendation

We need to get some facts about football hooliganism in Scotland before a final decision can be taken on the political arguments advanced by Malcolm Rifkind. His officials should be asked to supply figures for arrests at, and ejections from, Scottish football grounds.

Other Issues

The Working Party did not discuss finance for a national membership scheme since this was outside its remit. The football authorities are arguing hard that they do not know where the money is to come from, that the scheme could bankrupt the smaller clubs, and even lead to the disappearance of the Third and Fourth Divisions. While the scheme could offer commercial opportunities, the attitude and incompetence of the football clubs make it unlikely that these will be exploited effectively. Colin Moynihan is probably over optimistic in saying that the scheme could be self-financing.

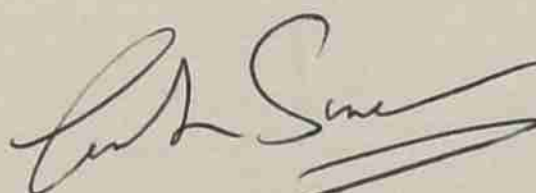
This, however, is not the Government's problem.

There will be additional public expenditure costs falling on the police, the courts and the Crown Prosecution Service. These are unavoidable, and the consequences for departments will need to be settled in the usual way.

Conclusion

Do you agree:

- i That the report should be published at the end of next week?
- ii That legislation for a national membership scheme should be introduced no later than January?
- iii That the target date for implementation of the national membership scheme should be spring 1990?
- iv That the Scots should be asked to provide figures for the number of arrests at, and ejections from, football grounds in Scotland?



CAROLYN SINCLAIR



cc. P. J.

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

W. J. P.

My ref:
Your ref:

The Rt Hon Peter Walker MBE MP
Welsh Office
Gwydyr House
Whitehall
LONDON
SW1

2 November 1988

Dear Peter

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

ALG WITH H. DM

Thank you for your letter of ~~18~~ October about my proposals for legislation on a national membership scheme.

I accept, as has the Minister for Sport's working party set up to examine the details of the scheme, that there must be arrangements for monitoring the scheme to ensure that it operates effectively. This will be reflected in the legislation.

On designating those football matches to which the scheme should apply, it is my intention, on introduction of the scheme, to designate Football League matches, Cup competitions confined to League clubs, FA Cup matches between League clubs, the FA Charity Shield match, friendly matches between League clubs and international matches in England (involving both club and national teams). The extent of the application of the scheme to Wales is for you but I am sure you are right to designate those matches described in your letter. The designation of Football League matches is essential to the integrity of the scheme. As to Welsh national team matches, I would suggest that there is a case for you to designate any match involving another of the Home Countries. You may wish to take another look at this.

I am copying this letter to members of 'H', the Prime Minister, the Foreign Secretary, the Lord Chancellor, the Attorney General, the Lord Advocate, First Parliamentary Counsel and to Sir Robin Butler.

Nicholas Ridley

NICHOLAS RIDLEY



CONFIDENTIAL

ROYAL COURTS OF JUSTICE
LONDON WC2A 2LL

cc PY

01-936 6269

The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
Whitehall
London
SW1A 2AT

NSM

1 November 1988

Dear John,

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

I have seen copies of Nicholas Ridley's letter to you of 28 ✓ *has*
September, and of Douglas Hurd's letter of 10 ✓ October.

I concur in the proposals which they both make.

As I understand them, Nicholas Ridley's proposals are not intended to have retrospective effect in the sense that a conviction prior to the proposed legislation coming into force will disqualify a hooligan from membership of the scheme under the mandatory provisions relating to conviction for football-related offences. It will be only on the enactment of the legislation that football related offences will for the first time be defined. But this will not prevent the Football Membership Authority from refusing membership to those with existing relevant convictions by application of the discretionary criteria. In some cases one would expect them to do so, for example where an applicant is still subject to an exclusion order made under the Public Order Act. Such orders will be drawn to the attention of the FMA by the local police force to whom they are notified by the court making the order.

CONFIDENTIAL



CONFIDENTIAL

Nor do I consider that there could be any legitimate complaint that mandatory denial of membership of the scheme at the outset was unfair where the reason was a conviction for a football related offence after the enactment of that legislation but before the inauguration of the membership scheme.

I have sent copies of this letter to Nicholas Ridley and to Douglas Hurd themselves, and to those others to whom copies of their letters were sent.

Yours ever

Nick.

CONFIDENTIAL

Prime Minister

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

I enclose the report of the working party on the national membership scheme which you asked me to chair at your meeting with the President of the Football League and the Chairman of the Football Association on 6 July. file
with
SM

The report has been agreed between the Government representatives, the Association of Chief Police Officers and the football authorities. The report reflects the continued unwillingness of the football authorities to accept the principle of a national membership scheme and, at a number of points, their disagreement with or lack of commitment to detailed aspects of the scheme. However, I firmly believe that the specific inclusion of their dissenting opinions on a number of issues will prove a small price to pay for their final agreement to sign up to the report - something which they have been very reluctant to do.

The report covers the ground involved in creating a national membership scheme. Its existence as an agreed report, for all its qualifications, will be invaluable as the Bill to give effect to the scheme goes through Parliament. The working party has strengthened my conviction that the scheme can and will work.

If you are content, I have it in mind to publish the report next week. I will brief the press on the day; and no doubt the Football League and the FA will do the same. We will need then to outline the timetable for the implementation of the scheme. Our original target was August 1989, the beginning of the 1989/90 season; the working party report raises the possibility of moving the target to the middle of that season; the football authorities would prefer the beginning of the following season, August 1990.

X Nicholas Ridley said in his letter of 28 September to John Wakeham seeking policy approval for the legislation that we would recommend that you set a target date during the 1989/90 season. The final date for implementation needs to be governed by the availability of appropriate technology and its installation throughout football grounds to ensure as foolproof a scheme as possible. We can expect the consultants, whom the football authorities have employed to advise them on the timetable for implementation, to suggest a later rather than an earlier date. I recommend that we should now set the spring of 1990 as our target, conditional on both the football authorities' and our own consultants' views and on the passage of the legislation. I should be grateful for your agreement to announce this as our target, when the report is published.

I also enclose a brief note summarising the main political issues raised by the report and the attitude of the football authorities to the scheme.

I am copying these papers to Nicholas Ridley and to the Foreign Secretary, the Home Secretary, the Lord President, the Secretary of State for Scotland, the Solicitor General and Sir Robin Butler.

Colin Moynihan

COLIN MOYNIHAN

31 October 1988

CC/BS

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

REPORT OF THE MINISTER FOR SPORT'S

WORKING PARTY

CONTENTS

Background to the working party

Chapter 1 Summary of conclusions

Chapter 2 Membership of the scheme

Chapter 3 Designated football matches

Chapter 4 Responsibility for the scheme: the Football
Membership Authority and the clubs

Chapter 5 Notification of offences

Chapter 6 Technology and timing

Annex List of "football-related offences"

BACKGROUND TO THE WORKING PARTY

1. The working party was set up following the meeting between the Prime Minister and the President of the Football League and the Chairman of the Football Association on 6 July 1988. At that meeting, the Prime Minister told the football authorities that the Government believed that a national membership scheme to control admission to football matches was necessary to counter the continuing incidence of hooliganism associated with football. The Prime Minister pressed the football authorities to establish a scheme on a voluntary basis. The football authorities did not believe that such a scheme could be introduced on a voluntary basis.

2. The Government recognises that there has been considerable progress on the anti-hooligan measures agreed between the Government and the football authorities. The Government cannot, however, accept that the level of disorder within grounds is tolerable. The Government and the police remain concerned that at many grounds, football matches continue to provide a focus for aggressive behaviour and gestures. These in turn may produce a hostile environment and create the risk of disorder. The consequences are high levels of policing and increasingly elaborate physical structures for crowd control and segregation.

3. The Government believes that a national membership scheme, together with CCTV and other measures, can succeed in removing the hooligan element from football matches and in breaking the attachment of hooliganism to football. The Government sees the national membership scheme as an essential element in a package of measures which the Government is developing, alongside those already taken by the football authorities, to deal with hooliganism associated with football.

4. Considerable police resources are devoted to football, backed by restrictions on alcohol under the Sporting Events (Control of Alcohol) Act 1985 and powers for the police and the Courts under the Public Order Act 1986. The police will continue their efforts to deal with criminal behaviour. The Government is considering ways of preventing convicted football hooligans from attending matches abroad. It has already issued advice to police and the courts on the enforcement of the law on the misuse of alcohol and on the need to ensure swift justice following incidents of hooliganism.

5. The President of The Football League and the Chairman of The Football Association, told the Prime Minister that they disputed strongly the necessity for the scheme. They argued that over the past season there had been very few incidents of crowd disorder within football grounds; the main incidents of disorder occurred away from grounds and were outside the control of the football authorities. They said that individual clubs did, however, take firm action against supporters who were arrested for football-related offences. The football authorities were unconvinced that the introduction of a national membership scheme

would solve the problem of disorder which occurs away from grounds and which is coupled with the increasing incidence of serious disorder by young people in areas that are totally unconnected with football.

6. The football authorities suggested at the meeting that the introduction of a national identity card would provide a better means of deterring hooliganism in the country as a whole than a membership scheme confined to football. The view of the Government representatives on the working party was however, that the question of a national identity card was outside the working party's terms of reference.

7. The football authorities said that they had co-operated fully with the Government on the measures to curb hooliganism contained in the agreement following meetings with Government Ministers in 1985 and 1986. The football authorities have taken wide-ranging initiatives over the past two seasons to deal with the disorder within football grounds. The main initiatives were the use of closed circuit television (CCTV) at grounds, the introduction of family areas and of voluntary membership schemes in home support areas and the formation of local plans for dealing with crowd control at matches in liaison with the local police. They consider that these have been successful. The continued segregation of supporters both inside and outside the ground, liaison with the police on kick-off times and other measures have helped to reduce considerably the potential for disorder. The football authorities consider that, on those few occasions where crowd disorder has occurred, the Football Association has, after the necessary inquiries, dealt severely with clubs who have been adjudged not to have taken all reasonable precautions.

8. The football authorities are seriously concerned that a scheme involving the checking of membership cards would create new problems in handling the admission of spectators. They are also concerned about the possible long term effects on the football industry of the introduction of the scheme. Football, as a leisure industry, relies heavily on the revenue generated by the paying spectator and they fear that many casual supporters and elderly supporters and family groups will be deterred by the scheme from attending matches.

The working party

9. The Prime Minister said that the Government would bring forward proposals for legislation to give statutory backing to the national membership scheme. Having made their position clear, the President of the Football League and the Chairman of the Football Association recognised the Government's commitment to the introduction of a national membership scheme and undertook to co-operate with the Government in considering the details of the scheme. It was agreed that a working party chaired by the Minister for Sport would examine the details of the scheme.

10. The objectives of the working party were:

- i) to review the main principles of the scheme; and
- ii) to identify appropriate technology to implement the scheme for the start of the 1989-90 football season.

It met for the first time on Tuesday 26 July and on five further occasions. Its meetings were attended by representatives of the following bodies:

Football Association
Football League
Association of Chief Police Officers
Central Computer and Telecommunications Agency
Home Office
No 10 Policy Unit
Department of the Environment.

11. The football authorities representatives have taken an active part in the discussions of the working party and they have agreed the contents of the report subject to the points of disagreement noted. Given that the Government is committed to the early introduction of legislation for a national membership scheme, the working party has been working to a very tight timetable. This has imposed considerable pressures on all members of the working party and, taken together with the strict confidentiality of the working party's discussions, has prevented the football authorities from consulting the clubs and others, as they would have wished. They reserve the right to comment further in the light of their consultations. Subject to this, the report represents the recommendations of the working party, to the football authorities and the Government, on what the main elements of an effective scheme might be; the Government, the police and the football authorities are not committed to accept these recommendations.

12. The Prime Minister made clear at the meeting on 6 July that funding for the scheme would be a matter for the football authorities. The working party has, in consequence, not discussed funding in detail, but the football authorities are concerned about the financial implications of the imposition of the scheme.

CHAPTER 1: SUMMARY OF CONCLUSIONS

1. This chapter provides a summary of the working party's recommendations for the main elements of the national membership scheme, as discussed in the report.

1. GENERAL

- a) Admission of spectators to a designated football match will only be permitted if:
 - the spectator produces a valid membership card for checking at the point of entry to the ground; and
 - the ground on which the match is to be played is covered by a licence.
- b) The scheme will be a national one administered by a Football Membership Authority; information about all members will be held on a central computer.
- c) A member will be entitled to only one card which will indicate the club which he, or she, supports and qualify him, or her, to attend any designated match.
- d) The scheme will apply in England and Wales but consideration should be given to its extension to Scotland and Northern Ireland.

2. MEMBERSHIP OF THE SCHEME

(Chapter 2)

- a) An application should involve:
 - a standard application form
 - proof of identity
 - proof of address
 - a photograph.

(paras 3-6)

The football authorities disagree with the need for a photograph.

- b) Membership cards should include:
 - the member's name
 - a photograph
 - a membership number
 - date of expiry
 - the name of the club nominated
 - the member's national football allegiancethey should be readable electronically and valid for two or three seasons only. (paras 7-13)

The football authorities consider that membership should be valid for ten years.

- c) Exemptions from membership:
- no general exemptions for paying British spectators;
 - limited temporary membership for accompanied foreign nationals;
 - clubs to make special arrangements for guests, hospitality boxes and groups such as parties of school children, accompanied children in family enclosures and disabled people in designated areas with special access;
 - non-spectators should not be subject to the scheme. (paras 14-21)
- d) Criteria for withdrawing or withholding membership from hooligans should include:
- mandatory criteria imposed by legislation linked to conviction for football-related offences, involving bans of two or five years;
 - discretionary criteria operated by the Football Membership Authority who will decide whether to impose bans and for how long. (paras 22-28)
- The football authorities consider that mandatory criteria should apply to convictions for all offences of violence against the person.
- e) Two new criminal offences should be created:
- for false application for membership;
 - for gaining or attempting to gain entry to ground without a valid membership card. (paras 29-30)
- f) The football authorities consider there is a need for the two further criminal offences indicated in the body of the report. There should be a requirement for a member of the scheme to produce his/her membership card for inspection. (paras 31-32)

3. DESIGNATED FOOTBALL MATCHES

(Chapter 3)

- a) The scheme should apply to all matches between League clubs' first teams. (para 2)
- b) The scheme should not apply to matches between non-League teams. (para 3)
- c) Matches between League clubs and non-League clubs should be designated but the scheme should allow initially for admission of non-members; (paras 4-6)
- d) Special procedures for matches involving foreign teams. (para 7)
- e) Admission for members only to matches between English/Welsh and Scottish/Northern Irish teams. (paras 8-11)

4. RESPONSIBILITY FOR THE SCHEME: the Football Membership Authority and the clubs (Chapter 4)

- a) The FMA will be designated by the Secretary of State; it will draw up a scheme in accordance with criteria imposed by legislation; the scheme will be subject to approval by Secretary of State. (paras 1-2)
- b) FMA's responsibilities to include:
- supervise application process
 - approve/reject applications
 - maintain central register of all members
 - draw up rules on withdrawal of membership
 - make decisions and possibly hear appeals on withdrawal
 - licensing grounds (if this responsibility is delegated by the Secretary of State). (paras 3-6) and (paras 12-13)
- c) Clubs' responsibilities to include:
- dealing with applications, maintaining records, supply of information to central register
 - installation and maintenance of approved machinery for checking membership cards
 - adequate arrangements to control admission of spectators and to deal with holders of rejected cards
 - provision of sufficient trained staff to operate all aspects of scheme
 - other requirements to ensure effective operation of the scheme. (paras 7-11)
- d) The scheme should be monitored by a small part-time inspectorate employed by and responsible to the FMA or another agency (or the Secretary of State). (para 14)
- e) sanctions on clubs which fail to carry out their responsibilities should include: (paras 17-27)
- i) withdrawal of the licence to admit spectators to the ground for persistent or serious failure or in an emergency following a serious disturbance;
 - ii) fines for minor breaches;
 - iii) criminal liability for admitting spectators to a designated match at a non licensed ground.
- f) The FMA and the clubs will need to register with the Data Protection Registrar. (paras 28-31)

5. NOTIFICATION OF OFFENCES (Chapter 5)

In operating discretionary criteria to disqualify from membership those whose behaviour is unacceptable, clubs will need to receive information from the police about those who are being ejected

from the ground, and about those who are being arrested for an alleged criminal offence committed on the club's premises (para 3).

For the mandatory criteria imposed by the legislation to work properly, the FMA must receive information about convictions for football related offences. The working party recommends:

1. the question of whether an offence is football related should be determined by the courts;
2. the Government should initiate discussions with the courts, the Crown Prosecution Service and the police to determine the most efficient means of notifying convictions to the FMA (paras 5-12).

The Government should determine with the police and the football authorities suitable arrangements for ensuring that troublemakers are not admitted to the scheme at the outset. An early Government announcement should make it clear that past behaviour will be taken into account in deciding who shall be disqualified from membership (paras 13-16).

6. TECHNOLOGY AND TIMING

(Chapter 6)

- a) The Government representatives and the police are satisfied that the technology is available to implement the scheme. The main elements should be:
 - i) a computerised central register
 - ii) a computer at each club
 - iii) card readers at turnstiles, to be portable if possible.

(paras 1-11)
- b) Membership cards are to be readable electronically. The options, on which the working party has not drawn conclusions, are:
 - i) barcode cards
 - ii) magnetic stripe cards
 - iii) Smartcards.

(paras 12-17)
- c) The new technology may also provide opportunities for the clubs to improve their own administrative procedures and for marketing.

(paras 18-19)

The football authorities are not committed to these views and the working party agreed that, until the consultants report and the views of the commercial advisers had been received, these must remain matters of judgement.

CHAPTER 2: MEMBERSHIP OF THE SCHEME

1. The central feature of the national membership scheme will be that spectators will not be admitted to designated football matches unless they can produce a valid membership card, properly issued to them. Cards will be checked at the point of entry to the ground. No member will be able to hold more than one card, but a valid membership card will entitle the holder to attend any designated match.

2. The working party discussed whether people should become members of the national scheme directly or via membership of a Football League club. Direct membership of the national scheme would provide economies of scale and mitigate the burden of the scheme on clubs; vetting of applications and decisions about withdrawal of membership could be handled centrally. On the other hand, the more closely individual clubs are involved in running the scheme, the more responsibility they may be expected to take for its success. On balance the working party accepted the strong recommendation of the representatives of the football authorities that members should join the national scheme directly, but indicate which club they support (or the club with which they wish to be associated). Individual clubs may wish to develop a direct role in exploiting the commercial opportunities of the scheme.

Applications for membership

3. Applications for membership should be made on a standard application form drawn up by the body responsible for running the scheme (hereafter called the Football Membership Authority, FMA). Application forms would be issued, and received on completion, by Football League clubs and other agencies who would pass them on for vetting to the FMA (see chapter 4). The form would seek the following information:

name
address
date of birth
date of application
sex
club which applicant nominates
national football allegiance.

4. The working party recognised that a balance had to be struck between requiring essential information and asking so many questions that people were reluctant to complete their application forms. The view of the Government representatives and the police was that the applicant should also be asked to confirm that he was not presently a member of the scheme, and to provide details of any previous withdrawal of membership and of any previous conviction or prosecution pending for an offence

committed at or on the way to or from a football match. This would help to deter undesirable applicants and to facilitate the vetting process. The football authorities disagreed and felt that these additional questions would be a disincentive for people to join the scheme.

5. The applicant would be required to show proof of identity and proof of address. Young people unable to produce proof of identity or address could have their applications signed by an adult who could produce such proof. The view of the Government representatives and the police, with which the football authorities disagree, is that applicants should also provide two photographs, one for the card, one for the FMA's records. Clubs might wish to make arrangements for taking the photographs of applicants; it would, in any case, be necessary for them, or the other agencies to which application was made, to check that the photographs of personal applicants were of the person concerned.

6. The working party took the view that, provided that a sufficient number of outlets were available for the application process, postal applications would be unnecessary and should not be allowed except in the case of applicants from Scotland and Northern Ireland (if not part of the scheme) and foreign countries (for whom photographs would need to be countersigned by a responsible person). Membership cards should be sent to the applicant at the address given as an additional test of the address. The football authorities consider that the availability of temporary membership cards to cover delays in processing applications is essential.

Membership cards

7. The technology for membership cards is discussed in chapter 6; some options would make it possible for the cards to carry more information than others. The minimum information required to be carried on the card for the scheme to be effective would be the name of the member, photograph (see paragraph 9), the date to which the card is valid, the name (or logo), of the club the member nominates and national football allegiance; the card must also be readable electronically and be numbered. The police considered that it would be a useful additional safeguard if the card were capable of bearing the member's signature.

8. The working party recognised that no system of membership cards was impervious to forgery and fraud. We were advised that, without causing unacceptable delays at entry turnstiles, it was not currently possible to verify electronically fingerprints or other unique personal characteristics. The conclusion of the working party was that a combination of both a photograph and electronic readability offered the best means of restricting admission to holders of valid cards. If the card did not meet both of these requirements, the opportunities for abuse would be unacceptably wide.

9. The football representatives did not accept the necessity for the card to carry a photograph of the applicant. They were very doubtful of its value other than to provide initial

identification on detention by the police. The photograph would add to the complexity of applying for a card. It was however the view of the Government representatives and the police, that a photograph was essential to the integrity of the whole scheme both to deter fraud and impersonation and to aid identification if the holder were involved in disorder. The football authorities were firmly of the view in any event that photographs should not be required for children under 16. The view of the Government representatives and the police was that photographs should be required at least for children of 14 and over.

10. The working party discussed what the most appropriate life span of the membership card might be. If cards were valid for one season only, the number of lost, stolen and damaged cards in circulation could be kept to a minimum. But a requirement to renew cards every year might prove a major deterrent to potential members (and reduce attendances); it would also add to the burdens of the FMA and the clubs. At the same time a system of life membership would entail problems about changes of address and physical appearance and would, unless the cards were replaced regularly, build up an unacceptable level of invalid cards in circulation. An accumulating database of invalid cards would be likely to rule out the possibility of using portable card readers (see Chapter 6).

11. The football authorities felt that membership should be valid for the same length of time as a British Passport, ie ten years. The cards could be reissued without reapplication at intervals say of two or three years thus renewing the database. The view of the Government representatives was that membership without reapplication should be valid for a period of two or three years.

12. When the member arrives at the ground, he will hand his card to the turnstile operator who will run it through the electronic reader which will check its validity. There would be unacceptable delays if the turnstile operators were asked to check photographs as well. The football representatives were particularly concerned about the delays that might result when cards are rejected by the electronic readers. It is essential that there is a means of identifying invalid and damaged cards separately at the turnstile. In the case of an invalid card, it would be for the police to investigate whether a criminal offence had been committed. The football authorities reserved their right to comment further on this point after seeking advice from their consultants. The working party recognised that the arrangements for dealing with rejected cards would need very careful attention.

13. Members should be asked to inform the FMA of changes of address and of other relevant information, and if their card is lost or stolen. Information about lost or stolen cards is important to the security of the scheme but there is no obvious way to compel members whose cards are lost or stolen to inform the FMA. In the view of the Government representatives and the police the risk that people may fail to report lost or stolen cards makes it particularly important that cards should include

photographs. It was accepted that clubs should be able to issue temporary membership cards, valid for one match only, to members whose cards were lost, stolen, or damaged.

Exemptions from membership

14. The working party believes that consideration of possible exemptions from membership should start from the premise that exemptions should be allowed only if there is a very good reason for them and if arrangements can be made to ensure that they do not create an unacceptable loophole in the scheme. For some groups, exemption is not the obvious answer which it might appear. A general exemption might be proposed, for example, for children under a certain age, disabled people, and Old Age Pensioners, on the grounds that they were unlikely to cause trouble. But these are potentially large groups and exemptions would themselves impose an additional layer of checking, for example to ensure that those concerned were the age they said they were. The Government representatives and the police consider it is preferable to require membership of all spectators (subject to the following paragraphs) and to leave it to the FMA and clubs to issue some (or indeed all) membership cards free, or at a reduced rate, if they wish.

Accompanied children in designated family areas

15. The working party considered, in the interest of encouraging families to attend matches, that children under 16, accompanied by an adult member of the scheme, could be exempt from the scheme provided that:-

- (i) they view the match from a designated family enclosure; and
- (ii) there is direct access to that family enclosure, not allowing transfer to other areas of the ground.

Disabled people in designated areas

16. The working party considered that a similar exemption could apply to those disabled people for whom clubs provide a designated area and special access.

Foreign Visitors

17. Exemption may also be justified for foreign visitors attending a single domestic match, at the discretion of the club. Clubs could maintain a small stock of temporary membership cards, valid for one match only, which could be issued to foreign visitors, against proof of their identity (passport or national identity card). The clubs should be responsible for their behaviour. The clubs should also maintain records of those to whom the temporary cards are issued, to ensure that this

arrangement is not abused by foreign nationals who attend matches regularly (and who could apply in the normal way for a standard membership card).

18. The working party recommends that similar privileges should not be extended to Scottish or Northern Irish visitors. Foreign visitors may reasonably be asked to show their passport or national identity card as proof of identity (since they will have needed them to enter the country). This is not the case for UK nationals and it is more reasonable to ask an occasional visitor from Scotland or Northern Ireland to obtain a membership card of his or her own than to ask a foreign national, who may be unfamiliar with our language and institutions, to do so. Wide availability of temporary cards to UK nationals would lay the scheme open to abuse. The arrangements for matches involving foreign teams are discussed in chapter 3.

Other guests

19. The working party considered that there was a good case for allowing the exemption of certain spectators who do not pay at the turnstiles such as guests of the clubs' directors, sponsors and their guests and those using hospitality boxes. On the one hand, they are present at grounds to watch matches and it may be argued that they should be expected to become members of the scheme in the same way as other spectators. On the other hand, the risk of hooliganism among these groups is negligible and hospitality boxes and sponsorship are an important source of revenue to many clubs. Furthermore, special additional procedures would be required to check membership cards of people who do not usually go through the turnstiles. On balance, the working party's view is that admission of guests should not depend on membership of the scheme.

20. For other categories of club or sponsor's guests not physically segregated from the rest of the spectators it should be possible for the clubs to make appropriate arrangements in advance for temporary match day membership, as for foreign visitors. In this and all cases where satisfactory arrangements can be agreed the club, and the sponsor in the case of sponsor's guests, should take responsibility for the behaviour of those who benefit from them. Temporary membership cards should be produced in such a way as to ensure that they could be used only once.

21. Another group for which exemption could be claimed is that of organised school parties or parties of children from another club. The working party would not wish the scheme to preclude such groups from attending football matches. The working party is confident that the clubs will be able to devise arrangements to accommodate them. The possibilities would include temporary membership and a special entrance and enclosure within the ground. The requirements of the national membership scheme will not apply to those attending football grounds in a professional capacity: the police; ambulance men; caterers; journalists etc.

Criteria for withdrawing or withholding membership

22. The main objective of the national membership scheme is to deny entry to those who may be expected to cause trouble, in order further to improve standards of behaviour at football matches. The scheme must therefore provide criteria for withdrawing or withholding membership both from those who have been convicted of relevant criminal offences and from those whose behaviour is, in other ways, unacceptable. The working party considers that:

(1) the withdrawal or withholding of membership from those convicted of relevant criminal offences should be subject to mandatory rules, imposed by legislation;

(2) the FMA should have discretion to exclude people (whether convicted of criminal offences or not) from the scheme for behaviour which it finds unacceptable, (this discretion should be recognised in the legislation which establishes the scheme and should be exercised in accordance with rules drawn up by the FMA and approved by the Secretary of State);

(3) nothing in (1) or (2) should remove from the individual football club its present right to refuse entry to its premises.

Mandatory criteria

23. The purpose of establishing mandatory criteria for banning those convicted of criminal offences, is to ensure that potential offenders are aware of the consequences for their continued membership of the scheme. The working party recommends a two-tier tariff for convicted offenders:

- i) if the offender receives a custodial sentence - withdrawal of membership for five years;
- ii) if any other sentence, including a community service order or a fine, is imposed - withdrawal of membership for two years.

These criteria would be established in legislation and the withdrawal of membership would take effect on the FMA receiving notification of a conviction from the police or the courts. The standard two tier tariff suggested above would be broadly consistent with the Rehabilitation of Offenders Act 1974. It would be open to the FMA to impose additional bans on these offenders at their own discretion (see paragraph 26 below).

24. The working party considers that these mandatory rules should operate only in respect of a category of offences similar to that listed as football-related in the Public Order Act 1986 for the purposes of exclusion orders (see Annex), (provided that the

court declares that the offence itself is a football-related one - see chapter 5), and of the new offences recommended below. It may be argued, and the football authorities were strongly of this view, that conviction for any crime of violence should lead to withdrawal of membership. It would however be difficult to draw a clear and reasonable line; violence in the family, for example, may be no guide to a person's behaviour at a football match. A conviction for violence at other sporting events would be obviously relevant and again the football authorities considered that this should be taken into account.

25. It was with reluctance that the Government representatives and the police took the view that the practical difficulties of defining such offences and of arranging for notification precluded extending the mandatory criteria to them. The wider the range of offences considered relevant, the more difficult it would be to arrange the disclosure of information to the FMA (see chapter 5 below), and to justify such disclosure. The football authorities maintained their strong view that for the scheme to operate effectively the mandatory criteria must extend to convictions for any violent crimes.

Non-mandatory criteria

26. It is essential that the FMA should have discretion to impose bans of its own, both in the form of additional bans in respect of criminal offences on top of those required by the legislation and in respect of other forms of unacceptable behaviour. The FMA might withdraw membership, other than as a result of conviction for a criminal offence, in the event of behaviour leading to arrest or ejection from the ground (whether or not the person concerned was subsequently charged); and other forms of offensive behaviour which can produce an unacceptably hostile environment inside grounds.

27. The working party envisages that the non-mandatory criteria for withdrawal of membership to be operated by the FMA should be the subject of rules, concerning both the abuses for which bans will be imposed and their length, approved by the Secretary of State. The working party recommends that the minimum period for which membership should be withdrawn, at the FMA's discretion, should be twelve months. Within this category of "discretionary" rules, some cases (eg ejection from a ground) may give rise to pre-determined automatic bans, effective from the date the FMA is notified of the incident. In other cases the clubs would make a report to the FMA, who would then decide the appropriate ban, in the light of the circumstances. The FMA may wish to consider whether people should have the right to appeal against withdrawal of membership (see chapter 4 below). Just as there should be mandatory and discretionary rules for withdrawing membership so there will have to be parallel rules for withholding membership from applicants.

28. The football authorities felt strongly that the police should forward to them information on arrests for a football related offence wherever it took place. However, the view of the

Government representatives and the police was that the FMA's discretion to withdraw membership in cases of arrest would have to be restricted to incidents inside or just outside football grounds. It might be difficult for the FMA to impose a discretionary ban on a member of the scheme who was arrested away from the ground, in travelling to or from a match for example, because the FMA would have no direct evidence on which to base its decision. The FMA might find it difficult to justify imposing the ban in advance of conviction, when an alleged offence had not occurred on a football club's premises.

New criminal offences

29. The working party recommends that the legislation implementing the scheme should establish two new criminal offences in respect of membership of the scheme, along the following lines:

- a) it should be an offence knowingly or recklessly to provide false information in applying for a membership card;
- b) it should be an offence for anyone to attempt to obtain entry or to gain entry to a ground (or to be present in a ground) for a designated football match without being in possession of his or her valid membership card, except in accordance with the scheme.

30. The case for the second of these offences is perhaps less obvious than the first. It would be possible to rely on clubs simply turning people away if they did not have a valid card or if they tried to use someone else's card. But the working party believes that it is essential to minimize the danger that large numbers of people may attempt to gain entry without valid cards. The establishment of a new criminal offence should deter people from trying to cheat the system. The police may require specific powers, for example powers to arrest in these cases, for effective enforcement.

31. The football authorities believed that two further new criminal offences were also needed:-

- it should be an offence for anyone to fail to produce his or her card on demand to a police officer or authorised officer if inside the ground or to a police officer if outside the ground, or upon arrest for a football-related offence;
- it should be an offence for anyone to fail to surrender his or her card when ordered to do so, by a police officer, in or around the ground.

32. The working party concluded that there should be a legal requirement for a member to produce a membership card for inspection when asked to do so by a club official or a police officer. This should be restricted to persons on, or seeking entry to, club premises for the purpose of attending a designated match. The Government representatives and the police were not convinced that this needed the support of a criminal sanction. Failure to produce a card on request, for example, could give rise to suspicion that the offence in paragraph 29 (b) above had been committed. The terms of the scheme could additionally declare that the card remained the property of the FMA (or the clubs), and that failure to produce it on request would render the person, if a member, liable to withdrawal of membership. The Government representatives and the police were similarly unconvinced that it would be right to recommend a criminal offence for failure to surrender a card. The football authorities maintained their strong view that these two offences were needed.

CHAPTER 3: DESIGNATED FOOTBALL MATCHES

1. The Secretary of State will designate those football matches to which admission will be subject to the requirements of the national membership scheme. The working party recommends that designation should initially be confined to matches involving League teams. The Secretary of State will have the power to add further categories of matches (and other sporting events) to his initial list should it prove necessary to do so.

2. Designation should apply to any match between Football League clubs' first teams, wherever it is played, in England and Wales, to include:

- i) Football League matches;
- ii) Cup competitions confined to League clubs;
- iii) FA Cup or Welsh FA Cup matches between League clubs;
- iv) the FA Charity Shield match;
- v) "friendly matches".

For these matches, admission should be restricted to holders of membership cards (subject to chapter 2 above). The working party took the view that there was no present case for designating matches between reserve teams or youth teams representing League clubs.

3. The working party proposes that the Secretary of State should not designate, initially, matches in the GM Vauxhall Conference, nor other matches between non-League, amateur or junior teams. There are two categories of match where the question of designation is less easy to resolve:

- a) matches between a League club and a non-League club, in the FA Cup or the Welsh FA Cup, or a friendly match; and
- b) matches between an English or Welsh League club, or national team, and a team from another country.

4. a) Matches between League and non-League teams. For such matches played at League grounds, there are two options:

- i) restrict admission to holders of membership cards. This would almost certainly mean that supporters of the non-League team would be admitted only if they had joined the national membership scheme as

supporters of a League club (as many of them may). It might be possible to establish a special category of membership, within the national membership scheme, for supporters of non-League clubs but the working party did not feel that the number of matches involved would justify doing so.

- ii) Allow non-members access to the ground for such matches. Supporters of the League team would be encouraged to use turnstiles at which their cards would be checked according to national membership scheme procedures but supporters of the non-League team would not have to produce membership cards at the turnstiles allocated to them (though they would have to buy tickets, in advance, from their own clubs).

5. The working party felt that option (i) represented a disproportionate burden on non-League clubs and their supporters, given the small number of matches for which the procedure would be relevant and the lack of trouble in the past at such matches. Option (i) might also pose problems of its own - for example, if supporters of the non-league team had joined the scheme as supporters of the League club who were the opponents on the day. The working party recommends, therefore, that option (ii) should be followed, at least initially. The matches concerned would nonetheless be designated, so that members will be required to produce membership cards on request and risk losing them if they misbehave (the scheme would allow for an appropriate variation). If there were to be trouble at such matches, they could rapidly be brought fully within the scheme.

6. For matches between non-League and League teams played at non-League grounds, only the second option would in practice be available, if the electronic readers used to check membership cards at League grounds were not portable (see chapter 6), since visual checks of all cards would cause too many delays. We would in any event recommend the second option.

7. b) Matches between English/Welsh teams and teams from another country. For matches involving non-UK opponents, whether at club or international level, all home supporters would be admitted only on production of their membership cards. There would have to be special arrangements for foreign supporters. It is not reasonable to require nationals supporting their team for one match in this country to become members of the national membership scheme; nor can they be excluded altogether. On the other hand, some control is essential. The working party proposes, therefore, that supporters of foreign teams should be admitted only through specified turnstiles, on production of a passport or national identity card. The club will need to take reasonable precautions to ensure ticket and passport or identity card are in order. The working party recognised that, having

taken such precautions, a club could not be held responsible if say a supporter were to gain entry by producing a forged passport.

8. For matches between English/Welsh teams and teams from Scotland or Northern Ireland, the working party proposes that admission should be confined to holders of national membership scheme membership cards. Many Scottish and Northern Irish supporters will be members because they support Football League clubs anyway. For those who are not, and who wish to attend matches involving their teams in England or Wales, there will be no alternative but to join the scheme, as a supporter of an English or Welsh club. The working party considers that such a requirement is essential in order to avoid disruption at matches between English or Welsh teams and other British teams.

9. The working party does not feel, however, that this approach is an entirely satisfactory one. In particular, we are concerned that some Scottish or Northern Irish football supporters might claim, in joining the scheme, to be supporters of an English club against whom their own local team plays. It would be impossible to segregate supporters effectively in such circumstances; and the threat of withdrawal of membership would not be sufficient to deter potential Scottish or Northern Irish troublemakers because it would have no implications for their future attendance at matches in their own country.

10. In the light of this difficulty, and also because there is some danger that hooligans banned from the national membership scheme in England and Wales will begin to attend matches in Scotland or Northern Ireland (there is already considerable evidence of fans from England attending major Scottish games) the working party recommends that further consideration should be given to extending the scheme to those countries.

11. Chapter 2 proposes that applicants should be asked to state their national football allegiance in applying for membership and that membership cards should indicate that allegiance. Cards can therefore help achieve segregation at international matches staged in England and Wales between the four home countries.

CHAPTER 4: RESPONSIBILITY FOR THE SCHEME: THE FOOTBALL MEMBERSHIP AUTHORITY AND THE CLUBS

1. The Secretary of State will designate a Football Membership Authority to draw up the national membership scheme, in accordance with criteria laid down by Parliament. The FMA will be responsible for submitting the scheme to the Secretary of State for approval and for ensuring that it is in place on time. The scheme will be a national one governed by national rules but the FMA will delegate much of the day-to-day responsibility for operating the scheme to the clubs. This chapter discusses the respective responsibilities of the FMA and the clubs and the arrangements for monitoring their performance.

2. The Football Association and the Football League have decided that they will wish to share responsibility and establish a joint body which they would recommend to the Secretary of State for designation as the Football Membership Authority. The working party noted that the football authorities had, at this early stage, appointed consultants to advise on all matters related to the scheme.

Responsibilities of the FMA

3. The FMA will produce the standard form for applications for membership (as described in chapter 2). It will determine the arrangements by which applications are to be made - whether the clubs are to be the only places to which applications may be made, or whether post offices or even banks might be invited to distribute and receive forms. Wherever applications are made, they will be passed to the FMA for decision. It will vet applications for membership against its records to ensure that no-one has membership of more than one club and that the applicant is not under a ban. It will need to inform the police about false applications. It may receive information about misbehaviour by members from sources other than the League clubs - for example from the police and the courts (see chapter 5), from non-League clubs, from Wembley, and from international sources. It will decide whether applicants are to be accepted and whether membership is to be withdrawn in cases which do not involve a criminal conviction (see chapter 2).

Central register of members

4. The FMA will maintain a central register of all members of the scheme, of those "blacklisted" from membership and of cards which have become invalid for other reasons. The clubs will be required to supply updated recommendations for withdrawal of membership, and (since some people might prefer to tell the club rather than the FMA) information on cancelled membership and lost and stolen cards to the central register. The FMA will inform clubs of new members who have nominated them and also supply up-to-date details of invalid, lost or stolen cards. Thus, each

club should have, for every match, details of members who are its supporters and an up-to-date list of all cards that have been invalidated before their expiry. The FMA will need to take a view on the frequency of the exchange of information between itself and the clubs.

Withdrawal of membership and appeals

5. The FMA will make decisions about withdrawal of membership on the criteria discussed in chapter 2. It will need to draw up rules, in consultation with the clubs, on the circumstances in which a ban is to be automatic (eg in the case of ejection from the ground) and for how long, and on the other cases in which it will consider recommendations for banning from clubs. These rules will also need to deal with the possibility of extending the mandatory bans applied in the case of convictions, where the FMA and the clubs consider that an offence is serious enough to warrant an extended ban. These rules on withdrawal of membership will be an integral part of the scheme when it is submitted for approval to the Secretary of State.

6. In all cases where membership is withdrawn by the FMA for periods other than mandatory periods the FMA may wish to consider whether it should operate a procedure for appeals.

Responsibilities of the clubs

7. Football clubs would have day-to-day responsibilities for many aspects of the scheme. They would, in most cases, hold the licence to admit spectators to their grounds but licences will relate to grounds rather than clubs, since a ground has a physical existence which a club does not. The licence for the ground would, however, depend on the club meeting its responsibilities under the legislation and under the scheme.

8. Clubs' responsibilities under the scheme may include the following:

a) Membership applications and records

- i) ensuring that application forms are complete and that photographs are of the right person; passing applications quickly to the FMA for vetting; issuing cards promptly (NB any other agency which deals with applications will also have to meet these requirements);
- ii) supplying regularly up-to-date information about lost and stolen cards and cancelled membership to the FMA;

iii) amending club records of members who are their supporters and ensuring that their list of invalid cards is up-to-date on receipt of information from the FMA;

b) Dealing with offenders

i) prompt reporting of misbehaviour which may lead to withdrawal of membership by the FMA;

ii) prompt action in response to FMA decisions on withdrawal of membership;

c) Match arrangements

i) making adequate arrangements to prevent entry to designated matches by spectators not in possession of a valid membership card properly issued to them;

ii) installation of the equipment required by the scheme and ensuring proper maintenance of it;

iii) making adequate arrangements for dealing with holders of rejected cards;

iv) taking such precautions as are reasonable, (as they do now), to cope with the arrival of last-minute crowds;

d) Staff

i) provision and training of sufficient staff to meet all aspects of the club's responsibilities.

9. The working party considered the case for requiring clubs to take other anti-hooliganism measures, in addition to those listed above, as a condition of the ground licence. The availability of CCTV, effective arrangements for segregating rival supporters and adequate stewarding have all been essential to the success of a package of anti-hooligan measures. On the other hand, it will also be essential to avoid an overlap between the requirements of a certificate issued under the Safety of Sports Grounds Act 1975 and a licence related to the national membership scheme; if the two were to overlap, clubs could find themselves facing conflicting demands, though of course local authorities would have to act within the boundaries of the national membership scheme legislation.

10. The case for including a requirement on the availability of CCTV in the licence conditions may be a particularly strong one, since it does not fall within the Safety at Sports Grounds Act and is an essential tool in crowd control and the identification of troublemakers. Subject to that point, the working party took the view that, at least initially, the responsibilities of the clubs in respect of the scheme should be confined to those

spelled out in paragraph 8 above. The Secretary of State should have the power to add further conditions to a licence, on detailed arrangements for segregation, for example, if it becomes clear that it would be helpful to do so.

11. The working party noted that a number of clubs had expressed concern about the implications that the scheme would have for their arrangements for handling crowds, for example, in dealing with people who support neither home nor away clubs or in opening the gates before the end of a match to allow people to leave (and as a consequence allowing others to enter). Given the variety of arrangements adopted at different football grounds, issues of this kind would need to be resolved by individual clubs in consultation with the local police and the FMA. There is, however, no reason why the existence of membership cards should pre-determine a club's approach to supporters or change its existing segregation arrangements; cards could, moreover, help clubs in implementing their present segregation arrangements. The membership scheme will not prevent clubs from allowing people to leave matches before the end but, in doing so, they will have to take reasonable precautions, consistent with the need for safety, to preclude the admission of people without membership cards.

Monitoring the scheme

12. The working party believes that the scheme should operate, as far as possible, on the basis of co-operation between the clubs and the FMA. There will, however, have to be arrangements for monitoring the clubs' performance and for a system of sanctions to be applied in the event of failure to meet their responsibilities. As to who should perform this role, it may be argued that if the FMA is to be responsible for the scheme as a whole, it should act as licensing authority, and have full responsibility for monitoring the clubs' performance and for taking action against those who do not carry out their duties under the scheme. On the other hand, there may be advantage for the Secretary of State to be the licensing authority, to act as an independent arbiter of the clubs' performance and to take corrective action in certain circumstances. The football authorities were strongly of the view that the latter was the appropriate course.

13. One way in which the FMA and the Secretary of State might share responsibility would be for the Secretary of State to delegate the licensing function to the FMA, within a framework which he would approve. He would retain a reserve power to direct the authority to take action if he considered it essential, in the event of a serious disorder or if he had reason to believe that a ground should lose its licence. The Secretary of State might also require the FMA to make annual reports to him about its actions as licensing authority but, for the most part, he would not seek to intervene. The working party did not reach agreement on this issue and the phrase "licensing authority" is used throughout this chapter.

14. The licensing authority would set up a small part-time inspectorate to monitor the introduction and operation of the scheme and to advise on whether a ground should receive a licence in the first place and when appropriate on whether it should subsequently be withdrawn. The inspectorate would need powers to inspect and warn clubs about any failings in their operation of the scheme. The working party would expect the inspectorate to be drawn largely from ex-police officers or others with relevant experience.

15. The FMA will itself be under a statutory duty to operate the scheme satisfactorily. In case it fails to do so, the Secretary of State will need a power to terminate the scheme, so that he may designate another body to take on the job. The working party proposes that the Secretary of State should give at least six months notice of termination and that this notice should expire only on 1 May in any year (to give time for a new authority to prepare for the following season).

16. Given the power of the Secretary of State to terminate the scheme, the working party does not consider it necessary to create any specific new sanctions to which the FMA should be liable in respect of its duties in relation to the scheme; but it will in any case be liable to action for breach of statutory duty or to mandamus, if it fails to impose sanctions on clubs as required by the scheme, or to carry out its other duties effectively.

Sanctions on clubs

17. The licensing authority will need to be satisfied that a club is both capable and ready to carry out its responsibilities under the scheme before a licence is issued for the ground. In the case of a non-League club ground that is to be licensed, such as Wembley, the licensing authority will need to be satisfied that all the ground arrangements are satisfactory. The licensing authority should have discretion to attach conditions to the grant of a licence and, once issued, the power to suspend, vary, or revoke a licence if it appears that a club's failure to carry out its responsibilities under the scheme is of sufficient significance to put the effectiveness of the scheme at risk, either at the club itself or nationally.

18. The suspension of a licence may be necessary in the event of persistent or serious default. Thus, a persistent failure to deal with offenders promptly or to maintain the scheme's machinery would be grounds for suspension; so, too, would a serious case of under staffing at a match. The licensing authority would need to warn a club before suspending a ground licence and give it time to put right the fault or to make representations as to why the licence should not be suspended. The licensing authority would also need a power to suspend the licence without notice in an emergency, subject to a right for the club to apply for the suspension to be lifted as soon as possible thereafter.

19. The licensing authority might use its power to vary licences either for individual grounds or for all, for example to add requirements about segregation. It might also be necessary to vary a licence in the case of a ground used by two clubs. If a licence is initially granted in respect of both clubs and one of them fails to manage its membership arrangements properly, the licensing authority might vary the licence so as to suspend the use of the ground by the offending club, but to allow the other to continue.

20. The power to revoke a licence completely, rather than suspend it until a club's failings are put right, may be needed if a ground is closed or a club goes into liquidation. A club which is relegated from the League may wish to have its licence revoked. Following revocation, a licence would only be restored to a ground if the licensing authority was satisfied that the requirements of the scheme were to be met.

21. The effect of suspending a club's licence would be to deny it the right to admit spectators to its matches and it would, therefore, be a financial penalty. Suspension of a licence would not, however, prevent clubs from playing home matches, (and fulfilling their obligations to the League etc), though they would have to do so behind closed doors. The football authorities felt that major sanctions of this sort must be for the Secretary of State.

Financial penalties

22. The working party envisages that the FMA should draw up a structure of financial penalties which it would impose upon clubs for minor breaches of the scheme. Thus, a club which was regularly a day or two late in supplying information to the FMA or was negligent in the content of the information it supplied would not commit an offence serious enough to warrant the suspension of its ground licence but would be liable to a fine imposed by the responsible body. The structure of penalties would be approved by the Secretary of State as part of the scheme.

Criminal offence

23. The working party recommends that it should be a criminal offence for a club to flout the provisions of the scheme by admitting spectators to a designated match on a non-licensed ground. There would have to be appropriate penalties for such an offence. Under parallel provisions of the Safety at Sports Grounds Act 1975, for example, club officials who are held to be liable can be fined and/or sentenced to up to two years imprisonment.

Misbehaviour by a club's supporters

24. The working party does not believe that the question of withdrawing a ground licence should automatically arise as a direct result of the behaviour of a club's supporters, at either home or away matches. The club's responsibilities are for maintaining membership records, dealing with offenders, making adequate match arrangements and employing adequate staff. If those responsibilities are all fulfilled satisfactorily, and supporters misbehave, it is not appropriate to penalise the club but rather to identify and punish the supporters concerned. The Government representatives and the police believe that the effect of the national membership scheme will be to make identification easier and punishment more effective.

25. The working party has also considered whether it might be appropriate for the FMA (or the Secretary of State) to have the power to suspend the membership of all or some of the members of the scheme who were one club's supporters, for example if there were serious disorder amongst those supporters. A sanction of this kind would, however, be indiscriminate in its effects, and would inevitably penalise far more innocent than guilty people. The working party does not therefore consider that such a sanction is appropriate.

Exemptions for clubs

26. The working party does not propose a specific power for the FMA or the Secretary of State to exempt any club from the requirements of the scheme. If the scheme is to achieve and maintain credibility, it must apply equally to all. All clubs will have to satisfy the licensing authority that they are capable of operating the scheme satisfactorily before they are granted a licence. If they are not ready by the date of implementation, they will not be able to admit spectators after that date.

27. The scheme should, however, allow for break-downs of machinery and other short-term emergencies beyond the club's control. In such cases, it should be open to the local police in consultation with the club to decide that, in the interests of public safety, a match should go ahead without the normal arrangements for checking membership cards at the point of entry to the ground. It would remain an offence for a spectator to attempt to obtain admission to the match without a valid membership card. The clubs would report all such emergencies to the licensing authority and any club which appeared particularly liable to failures of machinery (and could not demonstrate that it had provided for a reasonable level of maintenance) or other short-term emergencies would run the risk of having its ground licence suspended.

Data Protection Act 1984

28. The FMA and the clubs will need to register with the Data Protection Registrar (DPR), and comply with the eight Data Protection Principles set out in the 1984 Act. When registering, the FMA and clubs will be required to provide full details of the data that they will be holding, the purpose of it and, importantly, the persons to whom it will or might be disclosed. It will also be essential for the scheme membership application form to be drawn up so as to ensure that an applicant is clear as to why the information being sought is required and how it will be used or disclosed.

29. Members will have the right to see and challenge the accuracy of any computerised information held about them. The clubs and the FMA will also have to ensure appropriate security measures to guard against the loss, destruction or unauthorised access to, or disclosure of, any such information.

30. The scheme, as envisaged, does reflect the Data Protection Principles. For example, the requirements on members to inform clubs of changes in personal details, and to renew their card regularly, will help avoid the register containing inaccurate information or holding information for longer than is necessary. The information required for scheme membership (Chapter 2), and that to be transmitted in the case of a relevant criminal conviction (Chapter 5) has also been reduced to the minimum considered necessary for the effective operation of the scheme.

31. The principles of data protection may be unfamiliar to the FMA and to many of the clubs. The football authorities' consultants will therefore need to seek the advice soon of the Data Protection Registrar on how compliance with the protection principles can best be achieved. The Registrar has a duty, where appropriate, to encourage the development of codes of practice for data users and the working party recommends that a duty be placed on the FMA to draw up such a code.

CHAPTER 5: NOTIFICATION OF OFFENCES

1. Chapter 2 explains the criteria which the working party recommends for withholding or withdrawing membership of the scheme. Conviction for a football-related offence would result in automatic disqualification, for 5 years or 2 years depending on the sentence imposed by the court. In addition, Chapter 2 identifies circumstances in which the FMA should have discretion to add to these bans and to withdraw membership, within guidelines drawn up by the authority and approved by the Secretary of State, from those whose behaviour is in other ways unacceptable.

2. The working party agreed that it was essential to the effective administration of the scheme that the FMA should receive information promptly about those from whom membership should, or may, be withdrawn. This chapter considers how this might be achieved, in relation to information which will be known to the courts and the police.

Discretionary withdrawal of membership

3. In Chapter 2, the working party recommends that the FMA should consider withdrawing membership from those who have been ejected from the ground, usually by the police, for breach of a club's ground regulations; and from those who have been arrested on a club's premises for an alleged criminal offence. In such circumstances the police should draw the attention of a club official, who will be designated for the purpose, to the circumstances of the ejection or the arrest, so that the club may note the membership and other details of the member at the time, and thereafter report those details to the FMA. A brief standard report may be devised for the purpose.

4. The football authorities considered that this should be a statutory procedure, but the Government representatives and the police considered this unnecessary and inappropriate. The above outline will need to be considered in more detail by the police nationally and the football authorities. It may be useful, however, to make it clear within the terms of the scheme that ejection from or arrest on club premises will render a member liable to disqualification from the scheme.

Mandatory withdrawal of membership

5. The FMA must receive information about convictions for football-related offences. The working party considered two issues:

- (i) Who should determine whether an offence is "football-related"?

- (ii) Who should notify the fact of conviction to the FMA?

6. The football authorities considered it should be incumbent upon the police to notify all convictions for football-related offences to the FMA. (Indeed they would strongly prefer to be notified of convictions for all offences of violence against the person, but the Government representatives and the police considered this to be too wide - see Chapter 2, paragraphs 24 & 25).

7. There are two difficulties with the proposal to give the police this duty. First, police records are regarded as confidential, and have been disclosed only on grounds of national security, for the protection of the vulnerable, and to assist in the administration of justice. Disclosing them to assist the football authorities with a membership scheme would be a significant step, and one which could have wide implications. It is, however, important to point out that, once the scheme is established, all that would be disclosed is the fact of a recent football-related conviction which might well have been reported in the local press anyway.

8. The second difficulty is that it would be left to the police to determine what is a football-related offence as defined in the legislation. Interpretation of this statutory definition is most unlikely to give rise to problems in respect of offences committed in or near the grounds. The working party considers it is most important, however, that the definition should include offences committed on the way to or from matches, such as those arising from incidents at railway stations, motorway service areas, or at towns and villages en route. These incidents may occur some considerable distance from a ground, and at a considerable time before or after a match.

9. The decision as to whether an offence is football-related may therefore give rise to difficult questions of mixed fact and law which the interests of justice may suggest should properly be decided by a court. The Government representatives and the police recommend that the mandatory withdrawal of membership should apply to those who have been convicted of offences which have been declared by a court to be football-related within a statutory definition.

10. The working party envisages that the prosecution would be responsible, in all appropriate cases, for seeking such a declaration at the time of conviction.

11. If this recommendation is accepted, it affects the question of who should be responsible for notifying details of the conviction to the FMA. To involve the police would seem to add an unnecessary link in the chain, the more so as the police no longer attend court as a matter of routine since the institution of the Crown Prosecution Service. The most efficient solution appears to be for the courts to notify the FMA of the facts of conviction. Although this would represent a new burden for the courts, they would be freed from the tasks arising from the

existing football exclusion order provisions. The scheme would render these redundant. Thus, the courts would no longer have to consider in relation to a football-related offence whether an exclusion order should be made under section 30 of the Public Order Act 1986; for what period (section 32); and whether to allow an application to terminate such an order (section 33). For the police and the Crown Prosecution Service, the implications would not seem to be significantly different from those arising from the existing exclusion order provisions.

12. The working party recommends that the question of whether an offence is football-related should be determined by the courts. We further recommend that the Government should initiate discussions with the courts, the Crown Prosecution Service and the police in order to find the most efficient means of ensuring that the convictions are notified to the FMA.

Withholding membership

13. The previous paragraphs relate to disqualification from membership when the scheme is established. It is most important, however, to ensure that troublemakers are excluded from the scheme from the outset. In processing the many applications for initial membership of the scheme, therefore, the FMA will need to ensure that they have as much of the necessary information as possible about previous misconduct.

14. The FMA would have fairly ready access to some of the information. The courts, for example, send copies of all exclusion orders to the Football Association. The football authorities confirmed that they and the clubs have also collected a considerable amount of information, for example from other clubs or through the media, upon which they already acted against hooligans.

15. The working party considered what steps may be taken to supplement this information. Police records do not distinguish football-related offences, and it would not be possible to identify all of them. There are also issues of principle involved (see paragraphs 7 and 8 above). It may be possible, however, to invite the Association of Chief Police Officers to ask forces to keep records of convictions, for example for offences occurring on club premises, and to notify these to the FMA before the initial applications are processed. The information would cover the name, date of birth, address, offence and sentence. Similarly, the police could be asked to draw the attention of clubs to persons whom they were ejecting from, or arresting at, a ground, so that these details too would be available to the FMA from the clubs at the outset of the scheme.

16. The working party recommends that the Government should determine with the police and the football authorities suitable arrangements for ensuring that troublemakers are not admitted to the scheme. An early announcement by the Government should make

it clear that previous convictions for football-related offences may be taken into account in deciding who shall be disqualified from membership.

CHAPTER 6: TECHNOLOGY AND TIMING

1. The Government representatives on the working party are satisfied that available information technology is fully capable of providing for the implementation of the national membership scheme. The working party was advised that the principles of applying technology to read membership cards electronically are well understood and relatively simple. The football authorities were however not completely satisfied that the technology was available for a workable scheme. They are not committed to accepting paragraphs 3-17 below, and will wish to be guided by their recently appointed consultants.

2. Both the Department of the Environment and the Football League have received large numbers of unsolicited letters offering technological and commercial solutions for the scheme. The working party did not see it as its task to make a choice from these offers but, in order to consider the different ways in which the scheme might be approached, we invited four companies with different market specialities to make a formal presentation on the scheme: a card manufacturer; a security access control company; a computer systems company; and a Smartcard systems supplier. This chapter draws out a number of common features of the technology available and discusses a number of technical options as drawn up by the Central Computer and Telecommunications Agency.

Central register

3. Details of all members of the national membership scheme will be held on a central register. The register will be the responsibility of the Football Membership Authority though it may employ someone else to run it. The register will be used for two main functions:

1. to maintain a full listing of all members of the scheme; to receive applications for membership and to apply computerised security checks on them, to protect against accepting known hooligans; multiple applications to different clubs; repeated use of one address; and other possible abuses (there are sophisticated search techniques available but their cost is unlikely to be justified by the benefits they might bring);
2. to build up and maintain a "national referral file" on all known hooligans, lost and stolen cards, cancelled membership and other invalid cards, a regularly up-dated copy of which would be fed into each club's own computer.

Computer requirements

4. Every club will need a computer of its own to hold the list of members who are its supporters and to receive the national referral file but it would only need to be a micro computer. To save repeat programming costs this microcomputer should be a standard type across clubs. Many clubs will already have such a computer for accounting, management and membership purposes.

5. There would be no need for expensive permanent telecommunications links between each club and the FMA or an agency running the central register, on its behalf (called, in this chapter, "the central bureau"). The exchange of information between the central bureau and each club could be managed through small computer disks sent by registered or secure post. These disks would only need to be sent once or twice a week (subject to the FMA's views). In the unlikely event that the latest version of the referral file failed to arrive in time for a given match then the previous version already held in the club's computer could be used. Alternatively each club could, at marginal extra expense, have standby dial-up facilities to the central bureau or could, at more expense, subscribe to a telecommunication service. This would make it possible to exchange information much more rapidly, to cater for matches held throughout the week.

6. The processing requirement of the central bureau is expected to be modest but will require an appropriate computer to support the potential size of database. The cost of such a computer would be difficult to justify for only occasional use and the obvious solution is to employ a commercial bureau or the card manufacturer. The bureau must have adequate security to safeguard the referral file from tampering or disclosure.

Machinery at turnstiles

7. A member seeking admission to a match would hand his card, with money or ticket, to the turnstile operator (this avoids the risk of vandalism if spectators were permitted to insert the cards in the readers themselves). Each turnstile house would be equipped with a card reader and the card would be read to check that it was valid (see chapter 2). There is a consensus among potential suppliers that very little time would be needed for the card to be read - one of the companies which gave a presentation to the working party speculated that this might perhaps be as little as $\frac{1}{2}$ second for each card in addition to the time now taken to enter the ground. Nor would there need to be any better lighting in turnstiles (a point of concern raised by the clubs) than is already needed to receive money.

8. Cards will be checked against the referral file (of invalid cards) held in the local computer (the card reader would of course distinguish between invalid cards and damaged cards which it could not read). This means that either each card reader must be cabled to the local computer; or, if intelligent card readers with sufficient memory were used, a copy of the referral file could be loaded from the local computer into each card reader

before each match, making turnstiles self sufficient. Options which enable card readers to be portable are attractive because they do not require permanent cabling to the local computer. Cabling is expensive and time consuming. The cable would also be vulnerable, particularly when the ground is unoccupied, to deliberate vandalism. Burying the cable or use of specially secure conduit would increase cost and installation time.

9. Another advantage of portable self sufficient card readers is that they could be taken to non-league grounds. Card readers with their own intelligence and memory - hence portable - are in every day use but no company has claimed to have one currently in production which is sufficiently powerful to meet football's needs. A number of companies feel confident they could develop a sufficiently powerful, battery driven reader quickly (not all turnstile houses have mains electricity).

10. One disadvantage of not connecting card readers physically to the local computer is that during match entry no record can be built up and made available to all turnstiles on which cards have been used that day. Cards might then be "passed back" for reuse unless the cards themselves can be marked physically or can receive information electronically. This is a major consideration for the technology of the scheme, given the need to avoid a card-holder passing his card back to someone who might have been banned. Only Smartcards and "water mark magnetic stripe" cards can be updated electronically by the card reader while being checked and so avoid the problems of "passing back" without requiring cabling.

Programming

11. The programming of the local computer to hold lists of members who are a club's supporters and the national referral file, is well within the scope of basic programming techniques and should not cause any problems. Programming the on-line interrogation of the referral file during match entry may require some special programming to handle the accumulative load at the larger grounds. This will require investigation but should not be a major problem.

Membership cards

12. The working party is not recommending any particular type of membership card. Each type has its advantages and detailed discussions with suppliers have not yet been held. Without firm commercial bids the costs and timescales are speculative (and the costs of cards quoted below also depend on their production in large quantities). However the following comparisons may be made.

13. Barcodes, consisting of black stripes, are relatively easy to forge. Someone determined to beat the system would only need to alter the visible black stripes on his card for it to look the same as any valid card. Barcode readers are more expensive than magnetic stripe readers and reputedly less reliable in exposed

weather conditions. Barcode cards however do have the advantage of being robust and can be read even if the card is badly bent. Only a few suppliers have suggested barcode cards. These cards with name, photograph, club and other information (such as advertising) would cost about 50p each.

14. Most suppliers have suggested magnetic stripe cards. The encoded information is written electronically on a strip of magnetic material. A disadvantage of these cards is that they are not secure; the recorded information can be lost accidentally or destroyed with a magnet. On the other hand, the technology is a familiar one, in use on credit cards, and magnetic stripe cards are the only cards which have an ISO standard. This might be important if the scheme was to be used in Europe or exported to a wider market at a later date. The cost with photograph etc is about £1 each.

15. Smartcards contain a single chip computer which (in most cases) is accessed through gold pins on the surface of the card. The chip is mounted either top left or centre left of the card. There is no ISO standard. Provided the same physical position is used throughout the national membership scheme, however, the chip position is not important. Smartcards are very secure. The memory is erased if the card is tampered with. Smartcards use dip rather than swipe readers. Dip readers are operationally reliable since they are not dependent on the correct speed of swipe but the cards do need careful placing in the reader to line up the gold pins. Smartcards may take very slightly longer to use at the turnstiles. An alternative Smartcard is available which does not require contact pins.

16. The major advantage of Smartcards is that they can receive and store information about the matches which the holder has attended. This prevents multiple use of the same card and overcomes the major problem of using portable intelligent card readers. Smartcards can also hold more information about the holder, which may have wider commercial advantages, and they could be extended to cover other sports and activities. The disadvantages are: the use of Smartcards in the UK is still in its infancy (but growing); no card reader yet in production is powerful enough for a fully secure portable system (though the manufacturers say that one could be produced quickly); there is no experience in using Smartcards in a hostile environment; and the time through the turnstiles will have to be checked carefully. The price with photograph is about £5.

17. A type of magnetic stripe, called water mark magnetic stripe, is becoming more widely accepted. This card is physically the same as a normal magnetic stripe card except that the stripe has an area where the magnetically held information is permanently bonded and cannot be erased. The stripe can also receive other information while the card is in the card reader. The cost is not known but is expected to be about half the cost of a Smartcard whilst having most of the advantages.

Marketing opportunities

18. The Government representatives believe that the introduction of the national membership scheme offers a number of opportunities including:-

a) improving club procedures

- provision of automatic entrance statistics by chosen criteria eg by age, home address
- reduction of fraud at the turnstiles (and, in the case of Smartcards allow clubs to check that season tickets are used only by the member to whom they were issued);
- availability of local computer for accounting, payroll, word processing, management support;

b) commercial exploitation

- availability (subject to the rules of the Data Protection Act 1984) of mailing lists for sale to pools companies, mail order houses, sports shops etc
- advertising on the membership card
- arranging discount schemes with local traders or other schemes to enhance the attractions of going to a football match
- opportunities for local lotteries and other direct mailing schemes.

The football authorities do not share this belief and see little commercial advantage or improvement to clubs' administration stemming from the scheme.

19. The basic concepts and technology for a national membership scheme are available. Different technical options, have different timing and financial implications. The FMA will have to choose between options, taking account of the timetable considerations discussed in the next chapter. Opinions were divided on the marketing potential of the scheme. The working party accepted that this could only be established once the views of the consultants and the football authorities' commercial advisers had been received. It should be noted that, in relation to the Data Protection Act, members should be given the opportunity to opt out of commercial uses of their information. Further guidance on this issue will be included in the proposed code of practice (Chapter 4 paragraph 31).

Timing of the scheme's introduction

20. The implementation of the national membership scheme will be affected by the technical options discussed in the previous chapter. The tighter the timetable which the Government imposes, the more immediate will be the demands on the football authorities to commit financial and manpower resources to the preparation of the scheme if they wish to avoid the closure of football grounds to the public. The working party accepted that a detailed timetable for implementation cannot be imposed in advance of the consultants report and decisions on the detail of the scheme. The project management arrangements which the football authorities choose to employ will have their own implications for timing. Three alternative approaches are discussed as indicated below:

i. "Do it Yourself"

The FMA could, with some consultancy help, buy in the hardware and software itself and integrate and manage the whole project, subcontracting out cabling and other works as necessary.

ii. Contract out the technical work

The FMA to retain financial control but to contract out all of the systems work to a prime contractor. This prime contractor, probably from a "systems house" would act on behalf of a consortium which covered collectively all necessary skills and products.

iii. Handover to a service management company

The FMA to make a contract with a service management company. The FMA would only need to specify its requirements eg the start date of the entire scheme; the degree of security required; the criteria for issuing membership cards, maximum delay at turnstiles etc. It would then be the contractual responsibility of the service management company to meet these requirements.

21. The working party considers that implementation by August 1989 for all 92 League clubs would be very difficult to achieve but the Government's view was that it was just possible given the right commitment. The working party does not consider that a phased implementation of the scheme, say a Division at a time, is worth pursuing, because of the danger of displacing hooligans from clubs in the scheme to those outside during the phasing process. Whatever target for full implementation is set, it would be in the interests of all parties for the consultants report to be received, and the football authorities and the clubs to begin

their preparations for the scheme, as soon as possible. The working party considered the possibility of introducing the scheme in mid season.

ANNEX: FOOTBALL-RELATED OFFENCES UNDER THE PUBLIC ORDER ACT 1986

- i. Any offence committed during the relevant period of a prescribed football match (ie from 2 hours before the start of the match until 1 hour after the end of it) while the accused was at, or entering or leaving, or trying to enter or leave the football ground.
- ii. An offence involving the use or threat of violence towards another person, and committed while one or each of them was on a journey to or from any association football match.
- iii. An offence involving the use or threat of violence towards property, and committed while the accused was on a journey to or from any association football match.
- iv. An offence of disorderly conduct or incitement to racial hatred committed while the accused was on a journey to or from any association football match.
- v. Offences committed under the Sporting Events (Control of Alcohol etc) Act 1985 on journeys to or from designated football matches.



The Rt Hon John Wakeham MP
 Lord President of the Council
 Privy Council Office
 Whitehall
 LONDON
 SW1A 2AT

ccfo
 2 MARSHAM STREET
 LONDON SW1P 3EB

01-212 3434

My ref:

Your ref:

ccfo
 31 October 1988

Dear John
at flap

In my letter of 28 September to you on our legislative proposals for a national membership scheme to control admission to football matches, I said that I hoped that it would be possible to introduce the Bill at the beginning of the new session. I have now taken a detailed look at timing and would like to propose that we aim to introduce the Bill in January, complete Commons stages by the week beginning 22 May and achieve Royal Assent by the week beginning 24 July.

My letter to H recognised that our original target of implementing the national membership scheme by August 1989 would be difficult to meet, because of the slow start the football authorities had made in preparing the scheme and because of the quantity of technical work that remained to be done before implementation. I said that we would recommend to the Prime Minister a revised target date during the 1989/90 season. Colin Moynihan will do so when he puts the report of his working party forward next week. The timetable for the Bill which I now propose is consistent with that objective.

The timetable also avoids a clash between the Committees of the Football Bill and the Water Bill. This would be helpful because Colin Moynihan is to serve on both Committees. If, as I proposed in my letter of 26 October to you, we are to aim for the Water Bill to complete all Commons stages by the Easter Recess, it will be necessary for the Bill to be out of Committee by the week beginning 6 March. If the Football Bill were to go into Committee then we would have some eight weeks available to complete Committee stage, time enough to remain comfortably on course for Royal Assent by the Summer Recess.

I would be grateful for your agreement that we may proceed on this basis. Our intention to introduce a Bill on football will be announced in the Queen's speech. Thereafter, in order to keep up the momentum with the football authorities towards the implementation of the scheme, I have it in mind to make a more detailed announcement of our proposals at the end of November or

the beginning of December. If the Home Secretary agrees, we could at the same time announce his proposal for preventing convicted hooligans from attending football matches abroad.

A copy of this goes to members of H Committee, the Prime Minister, the Foreign Secretary, the Lord Chancellor, the Attorney General, the Lord Advocate, First Parliamentary Counsel and Sir Robin Butler.

[Handwritten signature]

[Handwritten signature]

NICHOLAS RIDLEY

CCPS



The Rt Hon John Major MP
 Chief Secretary
 HM Treasury
 Parliament Street
 LONDON
 SW1P 3AG

B/F
 Wednesday
 2/11

2 MARSHAM STREET
 LONDON SW1P 3EB
 01-276 3000

My ref:

Your ref:

27 October 1988

John Major

FOOTBALL: NATIONAL MEMBERSHIP SCHEME *file into DM*

Thank you for your letter of 11 October about my proposals for legislation on the national membership scheme. You will have seen Douglas Hurd's letter of 10 October proposing an additional measure for the same Bill and the letter from the Prime Minister's Private Secretary giving her approval of our proposals.

Your letter raised the issue of the costs of the inspectorate which the licensing authority will employ in order to monitor the operation of the scheme. It remains a possibility that the Football Membership Authority, set up by the football authorities, will take on the role of licensing authority and the responsibilities for the inspectorate. In that case, there would be no question of public expenditure meeting the licensing authority's costs.

I am afraid that it is becoming increasingly likely, however, that the football authorities will refuse to take on the role of licensing authority and that I will have to do it myself. The inspectorate would, therefore, be Department of the Environment employees, or contracted to us. I agree with you that we should seek to recover the costs of the inspectorate from football and I propose to do so through charging for licences, rather than by a levy as you suggested. Parliamentary Counsel has been asked to provide accordingly in the Bill.

When we are in a position to judge the costs of the inspectorate with some accuracy, we will need to make a judgement on whether we should recover the whole, or some part, of those costs by charging for licences. Apart from the Public Expenditure consequences, there will also be an effect on running costs next year and in subsequent years. I hope that there will be no difficulty in adjusting running costs limits to take account of this. I suggest that officials should discuss further when we have a clearer idea of the costs involved.

I am copying this letter to the Prime Minister, members of H and the Lord Chancellor.

Nicholas Ridley

NICHOLAS RIDLEY



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

CONFIDENTIAL

Dominic Morris Esq
10 Downing Street
LONDON
SW1A 2AL

25 October 1988

Dear Dominic,

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

at flap
We spoke about my letter of 20 October about the question of legislation to introduce a national membership scheme in Scotland and my Secretary of State has given the matter further consideration.

Mr Rifkind remains of the view that it would be unnecessary and very damaging to include in the forthcoming legislation an order making power to extend the national membership scheme devised for England and Wales to Scotland. While not in any sense wishing to be complacent, he starts from the position that there is no recent history of crowd violence and nor has organised rioting associated with football manifested itself in Scotland. The main problems in Scotland have been alcohol-related. Since the introduction of the anti-alcohol measures in the Criminal Justice (Scotland) Act 1980 there has been a vast improvement in conduct. Closed circuit television, improved stewarding (much of it nowadays by private security firms), ground improvements, crowd segregation, more seated accommodation, family enclosures, closer relations with the police and British transport police, and more control over members of supporters clubs have all helped to improve spectators safety and comfort leading to increased attendances at cup and league matches over each of the past seven seasons.

In the light of this situation, we are quite clear that there will be very strong opposition indeed from football interests to legislating for the introduction of a scheme in Scotland when that scheme has patently been designed to meet problems in England and Wales. Mr Moynihan's working party had no Scottish member; it did not consult Scottish interests and its members had no or very limited experience of Scottish football. In recommending extension of the scheme to Scotland, their central concern is to deter Scottish troublemakers in England. As I noted in my letter of 20 October, this would be achieved by requiring Scots to obtain membership cards from an English club. In any event, apart from the home internationals at Wembley, there is little cross-border football traffic and the threat posed by English hooligans in Scotland is not a real one: disqualified members in the south would find it cheaper and just as easy to go to Paris.

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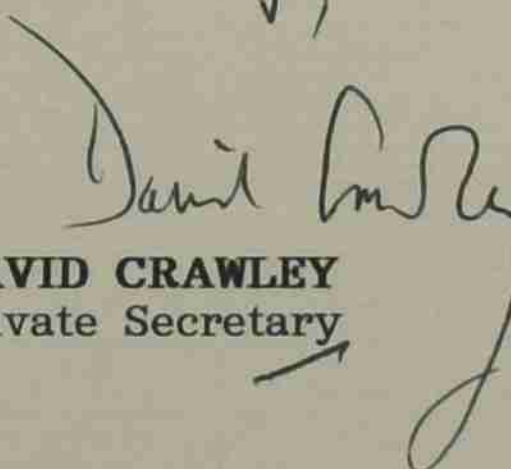
If the proposed offences were to apply in Scotland, there would be additional burdens laid on the courts, over and above the implications for England and Wales. This is because we do not have the present English system of court exclusion orders which the new scheme will replace. There would also be implications for legal aid.

The cost implications for Scottish football would be substantial. The scheme envisaged by the working party will entail sophisticated turnstile equipment linked to a national computer and the employment of more stewards or police officers to conduct random checks on cards. The additional costs will bear heavily on Scottish clubs who mainly trade at a loss at present. While clearly further financial pressures on Scottish clubs would have to be accepted if there were a serious problem of Scottish football hooliganism, we would certainly not be able to persuade Scottish football interests and the many who support them that such sacrifices are justifiable in the light of the present situation in Scotland.

Mr Rifkind accepts of course that there is a difference between providing for an order making power and actually implementing the scheme in Scotland. However, the terms of the Prime Minister's letter of 19 July to Mr Brian Wilson MP, to which I referred in my last letter, were very clear in this respect. Mr Rifkind is doubtful whether an order making power could be justified against the background of having said to Mr Wilson that we are not at present considering the introduction of a scheme in Scotland. In any event, it is unusual to propose legislative powers without some intention of using them and the implication would be that the scheme to be introduced would be that designed for England and Wales. An order making power would therefore almost certainly generate no less opposition than a decision to implement the scheme in Scotland. It would also considerably complicate the legislation on the details of the scheme because of the need to make it technically capable of application to Scotland, in case that became necessary.

In these circumstances, Mr Rifkind does not feel that it would be right to incorporate such an order making power into the forthcoming legislation. If the situation in Scottish football were for any reason to deteriorate in the future, however, he would make it a priority to secure the implementation of a national membership scheme in Scotland tailored to meet Scottish circumstances.

I am copying this letter to the recipients of the previous correspondence.

Yours sincerely,

DAVID CRAWLEY
Private Secretary

Home Affairs: Football History



POLITICAL ISSUES

1. The scheme will help break the link between football and hooliganism. It will lead to improved standards of behaviour and atmosphere inside football grounds. Denying entry to the known troublemaker should also remove football as a focus for his activities and in the longer term reduce incidents outside and away from grounds associated with the game.

2. The scheme will place Britain in the forefront of the international fight against football hooligans, enabling us to take a high profile internationally particularly in the EC and the Council of Europe. Adoption of the scheme by other countries would reduce the problems of travelling hooligans.

3. Although the football authorities disagree, the scheme could offer many commercial opportunities and could be self financing if the right approach is adopted. The scheme will also provide new business for card manufacturers and computer companies.

4. Despite much discussion in the working party, the football authorities' opposition to the scheme remains strong. This is a view shared by many football supporters. The working party's report records a number of areas of disagreement between the Government and the football representatives on both the principle and the details of the scheme.

It is unlikely that the football authorities or the clubs will commit much expenditure on the necessary equipment or administrative arrangements necessary for the scheme until the Bill has reached an advanced stage. It is possible that the report from the football authorities' consultants will support doubts about the feasibility of the scheme and about the availability of the appropriate technology.

6. It is possible that the football authorities will be unwilling to take on the role of the Football Membership Authority. They may also be incapable of discharging its duties effectively. It might therefore be necessary for the Government to appoint or create another organisation to fulfill this role.

7. The new offences created under the scheme will increase costs to the police, the courts and to the Crown Prosecution Service. The Government will need to lead discussions with these bodies on the arrangements that can be made for the provision of information on football related arrests/convictions. The scheme, particularly at the outset, will likely require additional policing at football grounds - but this should gradually reduce as the scheme begins to control the number of incidents occurring within the grounds.

8. The scheme will be opposed on the grounds that it is the forerunner to a national identity card system and represents an infringement of personal freedom. The powers contained in the Bill to extend the scheme to Scotland and to other sporting events will also provoke debate.

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Foreign and Commonwealth Office

London SW1A 2AH

From the Parliamentary Under Secretary of State

21 October 1988

John Douglas

I was glad to learn from the Home Secretary's letter of 10 October to John Wakeham that legislation designed to prevent convicted football hooligans from travelling abroad is under active consideration. You will recall my letter to you of 22 June expressing my concern at the burden that these hooligans, usually fuelled by too much alcohol, imposed on our Consulates. Your reply of 12 July to me explained the various controls which govern the availability of alcohol in the UK.

Reporting restrictions on hooligans would go some way to reduce the acts of misbehaviour by Britons abroad and would undoubtedly be welcomed by European governments. But acts of hooliganism are not restricted to football supporters and I wonder whether some means might be found to restrict the travel abroad of other types of offender, for example, those who consistently cause trouble during the peak season in Spain. I recognise that to broaden the scope of the legislation being contemplated could provoke criticism from the civil liberties lobby.

If this is not possible, perhaps the answer might lie in encouraging like-minded member governments of the Council of Europe to take concerted action to exclude entry to those who commit certain hooligan-type offences in their countries for a certain period of time. A consistent approach by Council of Europe states in dealing with such offences, to which the Home Secretary referred in Annex B of his letter, could have a cumulative effect for good on the present level of misbehaviour abroad. I should be glad to have your comments on this in due course.

I am sending copies of this letter to the recipients of the Home Secretary's.

Tim Eggar

Tim Eggar

The Hon Douglas Hogg MP
Parliamentary Under Secretary of State
The Home Office
50 Queen Anne's Gate
LONDON SW1H 9AT

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HOUSE OF LORDS,
LONDON SW1A 0PW

W/S/R

21 OCT 1988

File with DM

Dear Douglas,

Thank you for sending me a copy of your letter of 10th October to John Wakeham about Nicholas Ridley's proposals for establishing a national football membership scheme and on your proposals for legislation aimed at preventing convicted hooligans from travelling to matches abroad.

I agree with your comments on the proposed national membership scheme and would in particular endorse your suggestion that an early announcement of the retrospective effect of the proposals for those with previous criminal convictions would go a long way to forestalling objections.

If I may say so, I think you are right to opt for the second of the two main options set out in the joint DoE/Home Office paper for preventing convicted hooligans from travelling to matches abroad. Giving the courts the power to order a person convicted of a football-related offence not to attend prescribed classes of football match overseas for a specified period seems to me to be the best way of tackling the problem. I wonder, however, whether it might be possible to extend your proposal slightly to empower the courts to impose reporting restrictions on persons living in this country who have been convicted of a football-related offence abroad.

The creation of this new offence and an offence of failing to report when required to do so by a court Order will, as you point out, have resource implications both for the courts and for legal aid and other costs. It seems to me that further work needs to

The Right Honourable
Douglas Hurd CBE MP
Home Secretary
Queen Anne's Gate
London SW1H 9AT

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be done in assessing the likely costs of your proposal and I would therefore wish, as I have done in respect of the proposals generally, to reserve my position as to whether or not I will need to seek additional resources to meet the costs of this initiative. One factor which will clearly affect the level of increased costs for my Department's budget is the question whether the offence of failing to report will be treated as a separate summary only offence or whether it will be treated in the same way as a breach of a Probation Order. It would be helpful if you could clarify your intentions in respect of this new offence.

I very much support the other measures you are proposing to take to tackle the problem of football hooliganism. I stand ready to help if I can be of assistance in getting across the Government's determination to tackle this serious problem.

I am sending a copy of this letter to the recipients of yours.

Yours sincerely,

James.

Home Affairs: Football
Moolenaarise
Rij



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Oddi wrth Ysgrifennydd Gwladol Cymru THE RT HON PETER WALKER MBE MP

From The Secretary of State for Wales

CT/4660/88

21 October 1988

*MR
15/10/88
FB will DM*

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

Thank you for letting me have a copy of your letter of 10 October to John Wakeham about a national football membership scheme, and in particular your proposals to prevent convicted hooligans from travelling to matches abroad.

I agree that it is right to act against convicted hooligans and I am content with your suggestion to include suitable provisions in DOE's proposed Bill on the national membership scheme.

Copies of this letter go to the Prime Minister, H Committee Colleagues, the Foreign Secretary, the Lord Chancellor, the Attorney General, the Lord Advocate, First Parliamentary Counsel and to Sir Robin Butler.

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
London
SW1H 9AT



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

CPU

R/f
Tuesday 25/x.

CONFIDENTIAL

Dominic Morris Esq
10 Downing Street
LONDON
SW1A 2AL

20 October 1988

Dear Dominic,

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

I have shown my Secretary of State your letter of 17 October to Roger Bright about the proposed legislation to introduce a national scheme.

Mr Rifkind remains convinced that the balance of advantage lies against including a power to extend the scheme to Scotland by order. An important factor in this is that assurances have been given that the introduction of a scheme for Scotland is not being planned. In particular, the Prime Minister's letter of 19 July to Mr Brian Wilson MP (copy attached for you only) indicated that the Government was to bring forward proposals for legislation to give statutory backing to a scheme but said explicitly that we were not at present considering the introduction of such a scheme in Scotland. Given the difficulties that such a scheme would place upon the generally less well financed clubs in Scotland and the fact that we do not have any convincing arguments to suggest that such a scheme is needed in Scotland, it would be very difficult to defend a change of course now. Since the national membership scheme is not designed for Scottish circumstances it would be argued moreover that it could not simply be extended by order and it is likely that the passage of the legislation would be made rather more difficult by Scottish members who would be bound to try to amend the national scheme.

Mr Rifkind accepts that it should be made clear to Scottish football interests that the Government will not hesitate to impose a statutory scheme if it has to. But he urges strongly that a power should not be included in the Bill at this stage. He has looked carefully at the practicalities of having a scheme in England but not in Scotland and is satisfied that no insuperable problems should arise. Scottish fans who want to watch English matches will simply have to apply to an English club for a card. Scottish football interests understand and fully accept this.

I am sending copies of this letter to the recipients of yours.

Yours sincerely
David Crawley
DAVID CRAWLEY
Private Secretary

Enc

HMP294F7



10 DOWNING STREET
LONDON SW1A 2AA

19 July 1988

THE PRIME MINISTER

Dear Mr. Wilson,

Thank you for your letter of 20 June about membership schemes at football clubs.

As you will by now have heard, following my meeting with the football authorities on 6 July, the Government is to bring forward proposals for legislation to give statutory backing to a national membership scheme. We are not at present considering the introduction of such a scheme in Scotland.

Yours sincerely

Raymond Walker

Brian Wilson, Esq., M.P.

HOME AFFAIRS: Football
Hooliganism A7!



ccftu

mbm



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GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
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WELSH OFFICE
GWYDYR HOUSE
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01-270 (Direct Line)
From The Secretary of State for Wales

THE RT HON PETER WALKER MBE MP

CT/4631/88

18 October 1988

Dear Secretary of State

Fth with DM

FOOTBALL : NATIONAL MEMBERSHIP SCHEME

Thank you for sending me a copy of your letter of 28 September to John Wakeham about a national membership scheme for spectators at football matches.

It is disappointing that the football authorities are not minded to put their own houses in order and that we have to consider the introduction of a compulsory membership scheme. I am particularly concerned that whatever regime is introduced should be effective. Whilst I appreciate that applications for membership will require proof of identity I suspect that the committed hooligan may find a way around the controls and we will continue to be plagued by their misbehaviour. Great care will be needed in working up a membership scheme to ensure its effectiveness - this will be particularly difficult with only the lukewarm support and commitment of the football authorities. I would suggest that we need to institute some form of monitoring to ensure that the scheme once introduced actually delivers the results we envisaged.

/As regards

The Rt Hon Nicholas Ridley MP
Secretary of State for the Environment
2 Marsham Street
London SE1P 3EB



As regards legislation I am content for us to take powers to designate matches etc. For matches in Wales I will be responsible. I would propose to consult the interested parties before arriving at a final decision. My initial feeling is that I would want to designate League, FA Cup, FA Charity Shield, Welsh FA Cup matches, friendly matches between league clubs, and Welsh matches against foreign teams, but that there is no need to impose a membership regime for Welsh national team matches, which have not been the focus of hooliganism.

I am copying this letter to members of 'H', the Prime Minister, the Foreign Secretary, the Lord Chancellor, the Attorney General, the Lord Advocate, First Parliamentary Counsel and to Sir Robin Butler.

yours sincerely
A. Clements

approved by the Secretary
of State and signed in his absence

Home Affairs

Football Hedges

Pt 7



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FILE

EAM



bc PU

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

17 October 1988

Dear Roger

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

The Prime Minister has seen a copy of your Secretary of State's letter of 28 September to the Lord President outlining his proposals for legislation to introduce a National Scheme. She is content with these proposals and that the legislation should incorporate the Home Secretary's proposal set out in his letter of 10 October, to empower courts to prevent convicted hooligans from travelling to matches abroad.

The Prime Minister has also seen Mr Forsyth's letter of 10 October on the question of whether the scheme should be capable of being extended to Scotland by Order. She would prefer, as your Secretary of State proposes, that there should be such a power. Supporters would in any case need a card to come to a match in England.

A copy of this letter goes to the Private Secretaries to members of 'H' Committee, the Foreign Secretary, the Lord Chancellor, the Attorney General, the Lord Advocate, First Parliamentary Counsel and to Trevor Woolley.

*Yours sincerely
Dominic*

DOMINIC MORRIS

Roger Bright, Esq.,
Department of the Environment

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KK

①
PRIME MINISTER

FOOTBALL HOOLIGANISM: NATIONAL MEMBERSHIP SCHEME

You glanced at Mr. Ridley's proposals for legislation (Flag A) a couple of weeks ago. Other colleagues have now commented:

Flag B: Mr. Hurd's comments supporting Mr. Ridley's proposals and seeking an addition to the proposed Bill to empower Courts to impose orders preventing hooligans travelling to international football matches;

Flag C: Lord Chancellor also supporting the legislative proposals though noting that they may give rise to additional costs to his Department;

Flag D: Michael Forsyth's letter which attempts to sidle Scottish football out of the national membership scheme idea altogether.

I understand from the Lord President's office that legislative space can be found in the coming Session for a Bill of the length proposed by Mr. Ridley.

At Flag E is a note from Carolyn Sinclair in the Policy Unit covering three remaining points:

(i) your question about the possibility of a fourth offence, that of attempting to join the national membership scheme if previously convicted of a football-related offence. Carolyn has spent some time talking to the operators of the police national computer and recommends on practical grounds against pursuing this possibility. The police objections are predictable and probably not insurmountable. Against that, however, you will want to weigh the need to maintain police support for the national membership scheme: the police will

instinctively worry about the enforcement burden of new offences now, rather than focussing on the future benefits to them of a substantial reduction in the policing presence necessary in and around football grounds if the membership scheme and the associated offences achieve the results hoped for;

(ii) Mr. Hurd's proposals for Courts to be able to impose "stay away day" Orders. These have already come into the public domain in the last week and seem eminently sensible;

(iii) Whether, as Michael Forsyth proposes, the Scots should be let off the hook entirely. His argument that even an Order-making power, to extend the membership scheme to Scotland if necessary, would be a cause of major political contention looks to be special pleading; and his assumption that time for primary legislation could be found if necessary is simply unrealistic.

Agree:

- that we should not pursue further the possibility of creating a fourth offence of attempting to join the scheme when having a previous football-related conviction?
- that Mr. Hurd's "stay away day" proposals should be added to the main Bill for the national membership scheme?
- that I should minute in support of Mr. Ridley's proposal for an Order making power to extend the scheme to Scotland if its extension should prove necessary?

Yes

Yes

I should prefer this. They would need a card to come in with in England.

(D.C.B. MORRIS)

14 October 1988

DCAANW

E

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

with DM

Douglas Hurd's letter of 10 October to John Wakeham endorses the legislative framework for the football national membership scheme put forward recently by Nicholas Ridley.

The Home Secretary proposes the inclusion of an additional power aimed at preventing football hooligans from travelling abroad to international matches.

Michael Forsyth has written saying that the legislation should not allow for the national membership scheme to be extended to Scotland by Order.

This note offers advice on these and other points in the legislation.

Excluding Those Previously Convicted For Certain Offences

You have asked whether we could make it a criminal offence for people to apply to join the scheme if they had been convicted for defined offences in the previous five years.

This could be done. But giving such a law teeth would mean a substantial diversion of police resources:

- the main way of checking whether applicants had been guilty of defined offences in the previous five years would be through access to the Police National Computer;
- running up to one million names through the computer would be expensive, and for a time would severely

restrict the extent to which the computer could be used for its main task of helping to trace criminals;

- the Police National Computer is already overstretched and facing backlogs of work.

The police see no advantage in creating this additional offence, and would regard its enforcement as a poor use of their resources in combatting football hooliganism. They argue that

- honest people will put "yes" against the box on the application form asking if they have ever been convicted of a football related offence;
- dishonest ones will apply in a false name, although that will in itself be a criminal offence under Nicholas Ridley's proposals;
- the creation of an additional criminal offence is not likely to deter dishonest hooligans determined to get into football matches, and the use of a false name will make it easy to cheat on a computer check;
- the computer can only check convictions for reportable offences (which usually involve a prison sentence) - 75 per cent of all offences connected with football are non-reportable;
- this means that wife-beaters would be kept out of football matches, but not regular football hooligans who had not been in prison.

Conclusion

Nicholas Ridley's proposals will make it a criminal offence for people to apply in a false name, or to give a false

address, or to conceal the fact that they have been convicted at some point in the past for a football related offence. Adding a further criminal offence to prevent applications by certain convicted people is unlikely to have much effect on reducing hooliganism at football matches, and would involve a diversion of police effort.

It will be possible to keep out all those who commit football-related offences in the run up to the introduction of the scheme. The police are already keeping records. Given that the scheme is unlikely to come into effect until partway through the 1989-90 season, people will need to behave themselves for anything up to eighteen months if they are to be able to continue attending football matches. This is a good incentive to improved behaviour now, and should be announced as quickly as possible.

Recommendation

There seems little to be gained from making it a criminal offence for certain convicted people to apply to join the scheme.

Preventing convicted hooligans from travelling to matches abroad

Douglas Hurd proposes that the legislation should include a power aimed at preventing football hooligans from travelling abroad.

The courts would be given the power to order a person convicted of a football-related offence to refrain from attending certain football matches abroad for a specified period. The order would be enforced by requiring the person to report in the UK on the date, and at the time, of the relevant matches.

Douglas Hurd proposes this as an alternative to withdrawing passports. Although his letter speaks vaguely of a 'reporting agency', in practical terms this will almost certainly be the nearest police station. The police have a widespread national network, they are always open, and they would strike many people as the natural enforcers of the court's ruling. It is unlikely that private security firms would be interested in setting themselves up as reporting agencies at the level of fee which the Government might be prepared to pay.

The police are likely to grumble at having to take on this additional task. The suggestion of a Home Office financed police national football intelligence unit (on the lines of the Drugs Intelligence Unit) is designed to win them round. The unit would co-ordinate police efforts against football hooliganism generally, and is a sensible proposal in itself.

Conclusion

The power proposed by Douglas Hurd would not be as effective as denying people passports. But since that has been repeatedly ruled out on a number of grounds, it represents a reasonable second best. It is likely to have some deterrent effect on people creating trouble abroad.

Recommendation

I recommend that you agree to Douglas Hurd's proposal.

Extension of the national membership scheme to Scotland

The Scots argued in July that circumstances in Scotland did not warrant their inclusion in the national membership scheme. Nicholas Ridley's proposals for legislation

envisage that the scheme would be capable of extension to Scotland (and Northern Ireland) on the basis of an Order made by the relevant Secretary of State.

The Scots do not want even to go as far as this. Michael Forsyth argues that a power to extend membership to Scotland would be very controversial. The Opposition would be bound to make a major issue of the matter. He argues that if it appeared necessary to extend the national membership scheme to Scotland, this could be done quite readily either by Government amendment to the Bill, or by amending legislation at some future date.

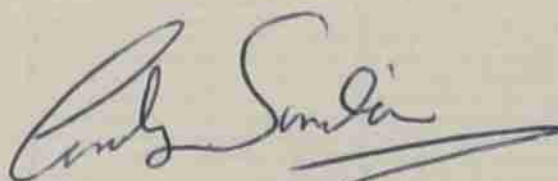
Conclusion

There are strong practical and logical arguments for extending the scheme to Scotland from the beginning. The recent report, which you saw, of trouble at a Dundee-Celtic match suggests that Scottish football is not trouble-free.

If you do not think it would be politically practical to reopen the decision to exclude Scotland from the scheme, it is important to support Nicholas Ridley's wish to be able to extend the scheme by order.

Recommendation

We should either include the Scots in the scheme or make it easy to extend it to them quickly, as Nicholas Ridley proposes.



CAROLYN SINCLAIR

HOME AFFAIRS: Football Hooliganism

pr 7

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cc PU



MRM

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

The Rt Hon Douglas Hurd MP
Home Office
Queen Anne's Gate
LONDON
SW1

14 October 1988

Dear Douglas

In your letter of 3 August about a possible national identity card scheme you asked for comments from colleagues by the end of the recess. I am following up my interim letter of 23 August.

There are two areas in which there is a potential interest for my Department. You will be aware that Colin Moynihan's Working Party, which is examining the details of the proposed national membership scheme to control admission to football matches, has yet to report. However, we can be clear about the nature of the scheme and the broad requirements of the card on which it will be based.

It is proposed that anyone wishing to attend a designated football match will require a valid membership card. That card will have to be capable of being checked at clubs' turnstiles. It will include the member's name, a photograph, a membership number, the date of expiry, the name of the club with which the member wishes to be associated and the member's national football allegiance.

These are minimum requirements to ensure that identity can be established and that suitable arrangements can be made for crowd segregation. These requirements go well beyond what I have seen advocated by those who support the introduction of a national identity card. We know that we will meet serious opposition to our proposed scheme from the football industry and from the opposition parties in Parliament on civil liberties grounds. However, as I said in my letter of 28 September to H Committee, this is not a compelling argument because no-one has to attend a football match. That argument would not, of course, apply to the introduction of a national identity card scheme. Any such scheme would require as sophisticated a card as the one we will have to have for football, if it were to achieve our aim of controlling hooliganism at football matches.

I have also considered the use of a national identity card in the context of the community charge. From the time when the community charge was first mooted, we have insisted that it was not the precursor to a system of national identity cards and that

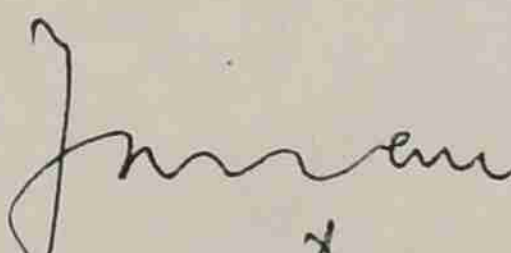
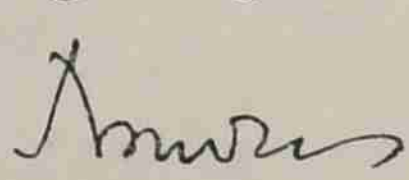


acceptable levels of registration can be achieved using separate community charge registers in each area, derived from local sources of information. A system of national identity cards would not of itself seem likely to improve the coverage of community charge registers, nor would it reduce the cost of maintaining them. Furthermore, any announcement that we intend to introduce a system of national identity cards - or even a suggestion that the Government is seriously considering such a system - is bound to be linked in the public mind with the introduction of the community charge.

A national identity card system would be of value for community charge registration purposes only if it included the up to date address of each individual, which in turn would require a notification of changes of address to which everybody was responsible for administering the new system. The requirement for up to date addresses does not seem to arise in the contexts in which identity cards are being discussed. It also threatens, in the way that the requirements of the national football membership scheme do, to turn the identity card into a comprehensive national data system. That would be quite unacceptable to the civil liberties lobby. Given that we believe that the system we have devised for community charge purposes is perfectly adequate, I see no need to go for a national identity card system. Indeed, as I have said, any such proposal would certainly increase opposition to the community charge.

For the reasons given above, I see no benefits from my Departmental point of view from a national identity card scheme. I am also opposed to the idea on more general grounds. I agree with John Major that it would be extremely costly to introduce and to try to enforce. I simply cannot see that any such schemes would deliver benefits which could justify such cost and the attendant controversy.

I am copying this letter to the Prime Minister, the Foreign Secretary, other Members of H Committee, the Attorney-General, the Lord Advocate and Sir Robin Butler.


NICHOLAS RIDLEY 

TJP

MR MORRIS

I received a telephone call this morning from a contact in Scotland about what he claims to be "a witch hunt by the Scottish Solicitor General, Peter Fraser," against football and professional footballers in Scotland.

He asked me to bring the latest incident to the attention of the Prime Minister. I will leave it to you what you do about it but you are aware of it should any correspondence come your way.

He was anxious for the PM to be aware of what was happening because of the "damage it could have on the Conservative Party in Scotland," and also the serious "implications it might have on British justice and British law and order."

My contact explained that at Aberdeen FC on Saturday after the match Terry Butcher kicked a dressing room door. The Solicitor General, I am told, immediately asked Grampian police to investigate and to report to the Procurator Fiscal. Butcher was interviewed by the police and is now waiting to see if he is to be charged.

The Assistant Procurator Fiscal announced last night that the Grampian Police had delivered their report to the home of the Procurator Fiscal earlier that evening and that the Procurator Fiscal was having a meeting today at the Crown Offices in Edinburgh.

T.J.P.

Terry J Perks
12 October 1988

cc [unclear]
D



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

D

The Rt Hon Nicholas Ridley AMICE MP
Secretary of State for the Environment
Department of the Environment
2 Marsham Street
LONDON
SW1P 3EB

10 October 1988

Dear Secretary of State

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

Thank you for your letter of 28 September. I am replying in Malcolm Rifkind's absence. *AUG WITH DM*

From the sidelines I share your view that legislation will be needed if a national membership scheme is to be introduced in England and Wales. Travelling support from Scotland will clearly be affected but not to an extent that would affect your conclusions. Even for the Wembley fixture Scots wishing to attend the match will be able to do so if they make the proper arrangements. Looking at the potential traffic in the other direction, I do not believe that the introduction of a membership scheme in England and Wales would shift the attention of hooligan elements to Scotland in a way which we would not be able to handle.

This being so, a power to extend membership to Scotland would be found very controversial here, so much so that the Opposition would be bound to make a major issue of the matter. We could ride this out on the grounds that the clearest possible signal of the Government's determination to combat hooliganism had to be given; and indeed I have already warned the Scottish football authorities that a deterioration of the position in Scotland would oblige me to review the position on membership.

On the other hand distinctive and appropriate methods to combat hooliganism have been developed in Scotland. Our game is not a wealthy one and its resources need to be concentrated on consolidating these measures, rather than on introducing something which is designed to deal with the rather different problems which have emerged in England. A particular worry in Scottish football circles is that the kind of scheme at present envisaged would be well beyond the reach of all but a handful of the most wealthy Scottish clubs.

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I believe that the balance of advantage will fall against including an Order-making power to extend the Bill to Scotland. Instead I would propose to warn the Scottish football authorities that a power would immediately be taken if it appeared to be needed. This could be done quite readily, either by Government amendment to the Bill itself or by amending legislation at some future date if there was a major change in the situation in Scotland.

If you agree that we might proceed in this way Malcolm Rifkind would of course still have an interest in your Bill. His main concern would be that its provisions should be simple, setting out a flexible framework for a scheme and not inhibiting either modifications to suit Scottish circumstances or the creation of complementary but separate arrangements for Scotland if necessary. This is, of course, in accord with the approach which you have outlined. On this basis it would seem possible to proceed without the need for a discussion at H Committee.

I am sending copies of this letter to the recipients of yours.

Yours sincerely

Heather Parker

MICHAEL B FORSYTH

*Approved by the Minister
and signed in her
absence*

C
cc PU



HOUSE OF LORDS,
LONDON SW1A 0PW

10 October 1988

Dear Nick,

FOOTBALL : NATIONAL MEMBERSHIP SCHEME

file with DM

Thank you for letting me have a copy of your letter of 28th September to John Wakeham on your proposals for a national membership scheme for Football League clubs.

I agree generally with the thrust of your proposals and am content with the revised timetable you propose for full implementation during the 1989/90 football season. It will, I think, be difficult even to meet that target given that the football authorities have not yet appointed consultants to advise them on how to implement a national membership scheme.

I note that you are proposing the creation of three new criminal offences and that you recognise that these will give rise to additional costs for the courts. I should mention as well that the creation of new offences also has implications for legal aid expenditure and I would therefore wish to reserve my position to whether or not I would seek a PES transfer to cover the additional costs imposed on my Department's budget.

/Cont'd

The Right Honourable
Nicholas Ridley MP
Secretary of State for the Environment
2 Marsham Street
London SW1P 3EB

I would be grateful if you would clarify your intentions as to the nature of the offences you intend to create. I assume that the two offences relating to the actions of individuals, ie. false applications for membership and gaining or attempting to gain entry to a ground without a valid membership card, will be summary only offences triable in the magistrates' courts. I am not, however, clear whether you intend that the offence of admitting a spectator to a sportsground during a designated football match when the ground has no licence is to be a summary or an either-way offence. If it is to be the latter then this will clearly add to the costs to be incurred by my Department as a result of this initiative.

I am copying this letter to the recipients of yours.

Yours ever,

James.

CONFIDENTIAL

B
Ce PUB



QUEEN ANNE'S GATE LONDON SW1H 9AT

10 October 1988

Dear John,

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

file with dm

In his letter of 28 September, Nicholas Ridley put forward proposals for legislation to establish a national football membership scheme. In responding to that, I am taking the opportunity to report to colleagues on the other matters which I undertook to consider following the meeting with the football authorities on 6 July. In particular, this letter seeks the agreement of colleagues to legislation (which could form part of the proposed DOE Bill) to prevent convicted football hooligans from travelling to matches overseas.

The National Membership Scheme

I accept that legislation is almost certain to be necessary, and I support the proposals at annex 2 to Nicholas Ridley's letter. Although he is right that the civil liberties points can be convincingly answered, we shall nevertheless need to devote some care to ensuring that the scheme strikes the right balance, for example in framing the necessary criminal offences and penalties, in the arrangements for ensuring that the Football Membership Authority get the information they need and in the range of sanctions which are made available to the FMA.

A related issue is the retrospective effect in denying membership at the outset to those with previous criminal convictions. It is entirely necessary to the credibility and effectiveness of the scheme to ensure that football hooligans are excluded. There are undoubtedly those who will argue, however, that it is unfair to penalise those who were inevitably unaware at the time of their previous misconduct that they would be liable to this new sanction. It would go a long way to forestall this argument if an early announcement made it clear that convicted football hooligans will not be admitted to the scheme.

I have noted the extent to which the criminal justice agencies are likely to be involved in the proposed arrangements. I know that Nicholas agrees that we must limit this involvement

/to the minimum

The Rt Hon John Wakeham, MP

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to the minimum level necessary to ensure the integrity of the scheme. Football itself, in the shape of the Football Membership Authority, must be induced to bear the main burden of responsibility for rooting out the hostility and aggression from football grounds.

On timing for implementation, the target we set must be sufficiently challenging to keep pressure on the football authorities to deliver, yet not so unrealistic that they could use it to excuse flaws in the system. I agree that August 1989 is probably too tight, but that we should make it clear that we shall expect implementation during the 1989/90 season.

Preventing convicted hooligans from travelling to matches abroad

You will recall that it was the disgraceful behaviour of England supporters in Germany which prompted our initial meeting with the Prime Minister in June. It was agreed that I should consider ways of preventing hooligans from attending matches abroad in the future. The joint DOE/Home Office paper circulated on 24 June identified two main options for achieving this:

- (a) to empower a court to prohibit an offender travelling abroad for a period and to disqualify him from holding or obtaining a passport;
- (b) to empower a court to impose on a person convicted of a football-related offence, as part of the sentence, an order requiring attendance at a place in this country at times that club or national teams are to play abroad.

I have concluded that it would not be right to act through restrictions on passports. Such action would not in any case be enforceable unless alternatives to the full passport, such as the British Visitor's Passport, were discontinued. More importantly, both the sanction and the cost of enforcing it would be wholly disproportionate to the problem of international football hooliganism.

The imposition of reporting restrictions (option (b)), however, is a practical proposition. The courts could be given the power to order a person convicted of a football-related offence not to attend prescribed classes of football match overseas for a specific period. The order would be made where the court was satisfied that it would prevent violence or disorder at such matches. The order could also require the person to report to a designated agency in this country at times and places, to be notified, when prescribed matches were due to take place. This sanction would not cause any disruption to

/bona-fide

bona-fide travellers. It would be proportionate to the nuisance at which it was aimed, and would not prevent all travel abroad.

.... I am satisfied that legislation will be necessary to impose reporting restrictions on all convicted football hooligans. An outline of the main provisions, a more detailed account of how the scheme would work, and the likely costs are at Annex A. Colleagues should be aware that this will not of itself prevent acts of hooliganism by British football supporters overseas in the future. Our obligations under international law preclude us from acting in this way other than through the courts, and many of those whom we saw disgracing themselves on the streets of Frankfurt are as yet unconvicted. The reporting requirements therefore need to be matched by vigorous action to secure more consistent international cooperation. The action I have set in hand on this front is included in Annex B. I have concluded that it would be right to act against convicted hooligans. If colleagues agree, it seems right to include suitable provisions in DOE's proposed Bill on the national membership scheme. That scheme will supersede the exclusion order powers in Part IV of the Public Order Act 1986, and the Bill will therefore need to redefine "football-related offence" for purposes of the scheme. There is a natural link here, since that same group of offences will trigger the courts' powers to impose reporting restrictions.

Other measures

A summary of the other action which has been taken on football hooliganism is set out in Annex B.

I am copying this letter to members of H Committee, the Prime Minister, the Foreign Secretary, the Lord Chancellor, the Attorney General, the Lord Advocate, First Parliamentary Counsel and to Sir Robin Butler.

Yours,

D. G. S.

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Annex A

REPORTING REQUIREMENTS

1. This note examines the possibility of using reporting arrangements to prevent football hooligans attending matches abroad. To comply with international law, reporting requirements would have to be imposed by a court, preferably as the result of a conviction for a football-related offence. They would need to be enforceable, otherwise they are likely to be disregarded.
2. A reporting requirement for all convicted football hooligans is not possible under existing courts powers, although some offenders placed on probation might be required to report at times which could coincide with international football matches. The courts are being reminded of their existing powers, but these would deal with only a few of those who should be covered by a reporting requirement.
3. An effective reporting requirement would need new specific powers, to enable a court to require people convicted of football-related offences to report to a specified place, persons, or agency at times when international football matches were taking place. The types of international matches to be covered could be specified either in the legislation or by order.
4. In legislating, it would seem sensible to build on Part IV of the Public Order Act 1986, which empowers the courts to exclude those convicted of football-related offences from prescribed football matches. In particular, section 31 of the Act defines football-related offences and this or an amended version could be the definition for the purpose of imposing a reporting requirement.
5. The reporting requirement order should be imposed only if the court were satisfied that it would prevent violence or disorder at, or in connection with, international football matches. This would be analogous to section 30(2) of the Public Order Act. It should be imposed in addition to a sentence following a conviction, a

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probation order or a discharge on the lines of section 30(3) of the Public Order Act.

6. The reporting order made by the court would specify the person, place or agency to whom the offender should report, but the legislation might leave the Secretary of State to prescribe who would be the reporting agency for the area for this purpose. This could be one of the criminal justice services, or a private sector security company.

7. Reporting agencies would need to be informed of those upon whom a reporting requirement had been imposed. They would have to maintain records of those subject to orders, their duration and any appeals against the order. They would have to arrange transfers for those who moved their address. They would have to be informed, possibly by the football authorities, of the dates and times of international fixtures covered by the order and operate a call-up system. They would have to notify the police of any failures to report when required to do so.

8. The legislation would have to create a new offence of failing to report when required to do so by a court order, and set the maximum penalty for such a failure. The risks of people failing to comply with orders are likely to be high. If orders are disregarded, this would bring the law into disrepute. Following up failures to comply would require the reporting agency to notify the police, the police to trace the offender and to bring him before the courts.

9. We estimate the cost of administering the reporting requirement at about £100-£200 per order. Appeals would add to the cost, particularly if it were an appeal against a decision in the Crown Court. Following up breaches of orders might cost between £500-£1,000 per order, in police time, court time, legal aid and the costs of administering the sentence. Using the number of exclusion orders made under the Public Order Act as a guide (800) and assuming 100 breaches a year, the total cost might be about £0.25m.a year.

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Annex B

FOOTBALL HOOLIGANISM - OTHER MEASURES

This note records the action taken following discussion of the joint Home Office/DOE paper of 24 June, and our subsequent meeting with the football authorities on 6 July.

2. It was agreed that I should consider:
 - (a) ways of preventing convicted hooligans from travelling to matches abroad;
 - (b) improving international cooperation in the policing of matches, the exchange of police intelligence, and the treatment of offenders;
 - (c) the availability and control of alcohol in the vicinity of football grounds;
 - (d) police intelligence arrangements;
 - (e) the use of the exclusion order powers in the Public Order Act 1986.

Restrictions on travel

3. In view of the proposal to introduce legislation on this matter, I have dealt with it in my covering letter and in Annex A.

International cooperation

4. It was a UK initiative during our Presidency of the EC in 1986 which established a TREVI network of permanent correspondents to act as the channel of communication in planning the policing of international football matches. This has worked well, although it has so far been restricted largely to the exchange of information about travelling supporters, and intelligence about troublemakers.

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5. We have put detailed proposals to our EC colleagues for a significant extension to our cooperation. The areas covered involve arrangements for travel through intermediate countries, the role of police 'spotters', control of ticket distribution, dealing with supporters without accommodation or tickets, identifying and dealing with troublemakers, policing methods, and the feedback of intelligence after matches. A special conference will be held early next year to take these matters forward.

6. There is also scope for greater international consistency in dealing with offenders. We are following up these wider criminal justice issues through the appropriate Council of Europe Committees.

Alcohol

7. The sale and consumption of alcohol inside football grounds, and on the way to and from matches, is controlled under the Sporting Events (Control of Alcohol etc) Act 1985. In public places, whether in the vicinity of grounds or elsewhere, there are adequate powers to control the availability of alcohol. In my minute of 27 September to Cabinet colleagues, I reported the action which I and other Ministers have taken to break the link between alcohol misuse and disorder. It also outlined the initiatives to ensure swift justice for those involved in hooliganism, and to improve the police response to disorder. These measures apply equally to disorder involving football supporters. I have also approved the extension to five other centres, in addition to Coventry, of experimental bye-laws which ban the consumption of alcohol in specified public places.

Police intelligence

8. A police national football intelligence unit will be established in London. It will involve Home Office funding, and officials will seek the agreement of the Treasury before putting final proposals to me for approval. Forces are improving both their local arrangements for collecting and using intelligence, and

CONFIDENTIAL

their methods of targeting and gathering evidence against the hooligan ringleaders. The national unit will play a key role improving both the effectiveness and the efficiency of police operations against the troublemakers.

Exclusion orders

9. At the meeting with the football authorities on 6 July, the Chairman of the Football Association suggested that the periods for which exclusion orders were made might be more appropriate if the prosecuting authority took a more active role in advising magistrates. It would not be right for the crown prosecutor to seek to influence the exercise of judicial discretion in this way. The Crown Prosecution Service does, however, examine in advance of court hearings the issue of whether an alleged offence is "football-related", and in appropriate cases reminds the court of its exclusion order making powers. The Crown Prosecution Service has recently reminded prosecutors of these provisions. There is certainly no evidence of reluctance on the part of magistrates to make orders.

10. All the orders made in magistrates courts have been analysed in relation to their duration and the type of offence. Not unexpectedly, there was considerable variation in the duration of the orders. There was also a significant number of orders the greater part of whose validity covered the football 'close season'. The results of the analysis were circulated to magistrates in chart form, with the object of securing a more consistent approach in future.

PART III

“recording” has the meaning given by section 21(2), and “play” and “show”, and related expressions, in relation to a recording, shall be construed in accordance with that provision;

“written material” includes any sign or other visible representation.

PART IV

EXCLUSION ORDERS

Exclusion orders.

30.—(1) A court by or before which a person is convicted of an offence to which section 31 applies may make an order (an exclusion order) prohibiting him from entering any premises for the purpose of attending any prescribed football match there.

(2) No exclusion order may be made unless the court is satisfied that making such an order in relation to the accused would help to prevent violence or disorder at or in connection with prescribed football matches.

(3) An exclusion order may only be made—

- (a) in addition to a sentence imposed in respect of the offence of which the accused is convicted, or
- (b) in addition to a probation order or an order discharging him absolutely or conditionally.

(4) An exclusion order may be made as mentioned in subsection (3)(b) notwithstanding anything in sections 2, 7 and 13 of the Powers of Criminal Courts Act 1973 (which relate to orders there mentioned and their effect).

1973 c. 62.

Offences connected with football.

31.—(1) This section applies to any offence which fulfils one or more of the following three conditions.

(2) The first condition is that the offence was committed during any period relevant to a prescribed football match (as determined under subsections (6) to (8)), while the accused was at, or was entering or leaving or trying to enter or leave, the football ground concerned.

(3) The second condition is that the offence—

- (a) involved the use or threat of violence by the accused towards another person and was committed while one or each of them was on a journey to or from an association football match,
- (b) involved the use or threat of violence towards property and was committed while the accused was on such a journey, or
- (c) was committed under section 5 or Part III while the accused was on such a journey.

(4) The third condition is that the offence was committed under section 1(1) of the Licensing Act 1964 (Control of Alcohol) in relation to a premises from certain sports concerned was an offence.

(5) For the purposes of this section, a period includes breaks (in the case of a prescribed football match or (if earlier) a period of time specified in the advertisement for the match).

(6) The period of time relevant to a prescribed football match or (if earlier) a period of time specified in the advertisement for the match is the period beginning at the time the match is to start, and ending at the time it is to finish, and any time relevant to it.

(7) Where the time on a particular day specified in the advertisement for the match is the time at which the match is to start, the time at which the match is to finish is the time at which the match is to finish on that day.

(8) Where the time on a particular day specified in the advertisement for the match is the time at which the match is to finish, the time at which the match is to start is the time at which the match is to start on that day.

32.—(1) An exclusion order may be made as is specified in subsection (1) of section 30.

(2) The period of time relevant to a prescribed football match in the case of a person who has been convicted of an offence under section 30 is a period of more than three months, or, if there is more than one such offence, a period of more than three months in respect of each such offence.

(3) A person who is convicted of an offence under section 30 is guilty of an offence if he is found to be in breach of the exclusion order in respect of that offence.

(4) A constable may enter premises in which a person is found to be in breach of an exclusion order if he has reasonable grounds for believing that he is in breach of the order.

33.—(1) A person who is convicted of an offence under section 30 is guilty of an offence if he is found to be in breach of the exclusion order in respect of that offence.

(2) On such an offence, the court may, if it is satisfied that the nature of the offence is such that it is necessary to do so, make an order in respect of the offence, either in addition to or in substitution for any other order made in respect of the offence, that the person concerned shall be liable to a fine of not more than the amount specified in the terms of the order.

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(4) The third condition is that the offence was committed under section 1(3) or (4) or 1A(3) or (4) of the Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol on journeys to or from certain sporting events) and the designated sporting event concerned was an association football match. PART IV
1985 c. 57.

(5) For the purposes of subsection (3) a person's journey includes breaks (including overnight breaks).

(6) The period beginning 2 hours before the start of the match or (if earlier) 2 hours before the time at which it is advertised to start, and ending 1 hour after the end of it, is a period relevant to it.

(7) Where the match is advertised to start at a particular time on a particular day and is postponed to a later day, the period in the advertised day beginning 2 hours before and ending 1 hour after that time is also a period relevant to it.

(8) Where the match is advertised to start at a particular time on a particular day and does not take place, the period in that day beginning 2 hours before and ending 1 hour after that time is a period relevant to it.

32.—(1) An exclusion order shall have effect for such period as is specified in the order. Effect of
order.

(2) The period shall be not less than three months or, in the case of a person already subject to an exclusion order, not less than three months plus the unexpired period of the earlier order or, if there is more than one earlier order, of the most recent order.

(3) A person who enters premises in breach of an exclusion order is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 1 month or a fine not exceeding level 3 on the standard scale or both.

(4) A constable who reasonably suspects that a person has entered premises in breach of an exclusion order may arrest him without warrant.

33.—(1) A person in relation to whom an exclusion order has had effect for at least one year may apply to the court by which it was made to terminate it. Application
to terminate
order.

(2) On such an application the court may, having regard to the person's character, his conduct since the order was made, the nature of the offence which led to it and any other circumstances of the case, either by order terminate the order (as from a date specified in the terminating order) or refuse the application.

PRIME MINISTER

FOOTBALL OFFICIAL MEMBERSHIP SCHEME

You might like to look at the attached letter from Nicholas Ridley to H committee (Flag A) reporting on progress to date with developing the national membership scheme and outlining his proposals for legislation. The final meeting of Colin Moynihan's Working Party with the Football League is on 4 October. The remaining bone of contention between the Government and the football authorities seems to be the timing of implementation of the scheme.

At Flag B I attach a note from Caroline Sinclair of the Policy Unit, pages 1 and 2 of which summarise Mr. Ridley's legislative proposals.

There are three points:

1. Are Mr. Ridley's legislative proposals (Annex 2 to his letter) sensible?

Miss Sinclair thinks so, though they do not include your thoughts of a fourth offence of applying for a membership card within X years of conviction for defined offences.

2. Is legislation needed this Session?

The Press statement issued after the July meeting (Flag C) said that "the Government will bring forward proposals for legislation to give statutory backing to a national membership scheme". That phrase was deliberately ambiguous to cover a range of possibilities from a White Paper to the introduction of a Bill. The next Session will be crowded. Whether it is worth going for a Bill depends on when the scheme can be implemented. Both the League and the computer companies think this is unlikely before 1990 (though partial implementation should be possible before then). But without the pressure on them which a Bill going through could impose, will the League simply try to do as little as possible

for yet another season?

3. Should Colin Moynihan be given scope to indicate to the League that the Government would be prepared to see some limited slippage from August 1989 as the full implementation date (as page 3 of Miss Sinclair's minute suggests) in order to get an agreed report, and in return for further action by the League (e.g., training of stewards) to prevent hooliganism?

Subject to the Business Managers' views, are you content for legislation on the lines Mr. Ridley proposes to be brought forward at the beginning of the new Session and for Mr. Moynihan to be more flexible on implementation?



DM

30 September, 1988.

A

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PRIME MINISTER

29 SEPTEMBER 1988

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

Nicholas Ridley's letter of 28 September to John Wakeham seeks H Committee's agreement to the legislation which will underpin a national membership scheme for football.

The Bill is expected to be less than 10 clauses long. It will:

- a. enable the Secretary of State for the Environment to designate by Order those football matches to which the national membership scheme will apply;
- b. make it an offence to admit a spectator to a designated football match unless the ground has a licence issued by the Secretary of State;
- c. stipulate that access to designated grounds depends on the spectator producing a valid membership card;
- d. spell out the essential criteria of the national membership scheme.

The essential criteria of the scheme are:

- a. satisfactory procedures for vetting applications;
- b. a central register of all members;
- c. arrangements for withdrawing membership - a mix of mandatory rules in the case of those committed of football-related offences, and recognition of the current right of football clubs to barr people for

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unacceptable behaviour, whether or not a legal offence is committed;

- d. adequate arrangements via the club to ensure that only those holding valid membership cards are admitted to designated matches;
- e. a system of monitoring the clubs' performance in applying the scheme;
- f. sanctions against clubs which fail to comply.

The legislation will apply only in England and Wales. But it will provide for the scheme to be extended to Scotland and Northern Ireland by means of an Order of the relevant Secretary of State. Moreover, the power to designate football grounds will be drafted in such a way as to allow it to be extended to other sporting events should this prove necessary.

All these proposals look sensible, particularly the power to extend the scheme to Scotland by Order.

Timing

Nicholas Ridley proposes that the Bill should be introduced at the beginning of the new session, to be sure of getting Royal Assent before the start of the 1989-90 football season.

Getting the legislation in place is one thing; getting an effective scheme in place is another.

Discussion in Colin Moynihan's Working Group has revealed the practical difficulties of getting a centralised scheme in place by August 1989, the start of the 1989-90 season. Applying a uniform scheme to 92 club grounds, each with

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different physical characteristics raises formidable practical issues. All but one of the computer companies interested in the contract have talked in terms of up to two years to get an effective scheme fully in place. Only one company thought it could have a scheme in place by next August. There are doubts about its ability to do so.

Colin Moynihan has so far argued firmly for August 1989. Timing is becoming the main bone of contention between the government representatives and the football authorities. The latter simply do not believe that August 1989 is realistic. It is hard to discount their greater knowledge of the characteristics of football grounds and football clubs and the advice which we and they are getting from computer consultants.

The final meeting of the Working Group is planned for 4 October. If the Government does not show some flexibility over the date for the scheme, there is a real risk that the football authorities will not sign up to the Joint Working Party Report, insisting instead on producing their own minority report saying that the government's approach is unworkable. This would make everyone look silly.

There is a way through. The Government could agree that the date of implementation during 1989-90 would depend on the consultants' advice on practicalities. As a quid pro quo, it could ask the Football League to commit its members to take other action as soon as possible to prevent hooliganism at matches.

Some clubs have already begun selecting young and fit stewards for training by the police. The costs are being met from the increased revenue from television. This is a promising development which could be adopted widely.

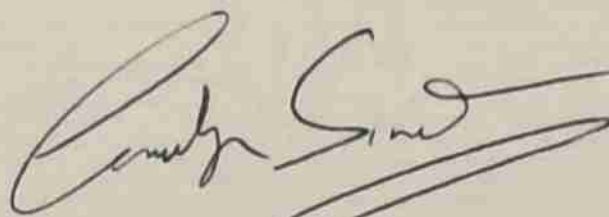
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- It puts "policing" matches in the hands of the clubs, where arguably it belongs.
- It relieves the police from having to deploy such large numbers at matches.
- It may be helpful anyway to have a lower police presence at matches.
- It will give clubs much better direct information on who the trouble-makers are - this is very important in the run up to the membership scheme, since it will help to exclude such people from the start.

Recommendation

Do you agree that on 4 October:

- Colin Moynihan should indicate some flexibility on the exact date of implementation of the scheme in 1989-90;
- that he should ask the League to commit their members to improve the selection and training of stewards as soon as possible?



CAROLYN SINCLAIR

csp



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1A 2AT

28 September 1988

Dear John

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

We were both present when the Prime Minister met the President of the Football League, Philip Carter, and the Chairman of the Football Association, Bert Millichip, on 6 July to discuss the need for further measures to combat football hooliganism. The Prime Minister asked Mr Carter if the Football League could introduce a national membership scheme for spectators at football matches, on a voluntary basis. He said that Football League clubs would not agree to a voluntary scheme and the Prime Minister said that, in that case, the Government would bring forward legislative proposals to provide for the introduction of the scheme. This letter seeks colleagues' agreement to my proposals for legislation.

There is a small possibility that the football authorities may yet decide, after all, to offer to introduce a voluntary national membership scheme. If they could come up with a voluntary scheme which would be effective in excluding hooligans from football matches, I would wish to accept it, rather than involve the Government in football to the extent that a compulsory scheme will require. The Minister for Sport has encouraged the football authorities to consider the possibility of a voluntary scheme and will continue to promote the idea. I regret, however, that it is unlikely that the offer of a voluntary scheme will be forthcoming; football clubs have rarely been able to agree to anything that is not obviously in their short-term interests. Legislation is almost certain to be necessary.

THE NATIONAL MEMBERSHIP SCHEME

It was agreed at the Prime Minister's meeting that a working party would be set up involving the football authorities, the Government and the police, chaired by the Minister for Sport, to work out the details of the national membership scheme. The working party's report is not yet in final form and discussions with the football authorities continue. The present draft of the summary of conclusions is at annex 1. The report will acknowledge that neither the football authorities nor the Government are committed to all the detailed recommendations. The intention is to finalise the drafting and make the report publicly available early next month.



My proposals for legislation are at annex 2. They follow the working party's present draft recommendations. The central principles of the scheme are as follows:

- a. admission of spectators to a designated football match will only be permitted if:
 - the spectator produces a valid membership card for checking at the point of entry to the ground; and
 - the ground on which the match is to be played is covered by a licence;
- b. the scheme will be a national one administered by a Football Membership Authority; information about all members will be held on a central computer;
- c. a member will be entitled to only one card which will qualify him, or her, to attend any designated match; the card will also indicate the club which he, or she supports;
- d. the scheme will apply in England and Wales.

I understand that Peter Walker may have views on the extent of the application of the scheme in Wales. I look forward to receiving his comments.

ASSESSMENT OF THE SCHEME

If the Government is to take responsibility for imposing a national membership scheme, we have to make sure that it will be effective in curbing hooliganism inside football grounds. I believe that a scheme of the kind proposed by the working party, combined with the increasingly sophisticated use of closed-circuit television, will have that effect. There may continue to be isolated incidents but it will be disappointing if the scheme does not lead to a significant reduction in the number of incidents within grounds. At the same time, I would expect the heavy demands which football matches make on police time to begin to diminish.

POLITICAL OPPOSITION

We may expect opposition from football clubs and from the Labour Party, on general civil liberties grounds and on the argument that a scheme as elaborate as we propose is out of all proportion to the size of the problem inside football grounds. They will argue that there are now very few incidents of any significance inside grounds and that the problem is largely outside.

The civil liberties point is not a compelling one; no-one has to attend a football match. Nor can we accept that the level of disorder within grounds is tolerable. There were a number of serious incidents last season and on each of the first four weekends of the new season there have been reports of fights,

coins thrown and other unacceptable incidents. Although the police have done a splendid job over the last three seasons in preventing major outbreaks of disorder, they are the first to point out that among many groups of supporters, violence is never far below the surface. At too many grounds the match is a focus for aggressive and provocative behaviour and gestures which can produce an extremely hostile and intimidating environment. Both the risk of disorder and policing levels are high, and the physical structures for crowd control and segregation need to be increasingly elaborate. This cannot be allowed to continue indefinitely. The membership scheme will signal the clearest statement that the behaviour which creates the hostile environment will no longer be tolerated and that those who indulge in it will be banned from club premises for very long periods.

There is some danger that, if we succeed in curbing hooliganism inside grounds, the effect will be to increase the problem outside. But that does not seem to me to be a good reason in itself to resist taking effective action to deal with the problem inside grounds. There is also a possibility that those who come to football matches looking for trouble, often in gangs, may be deterred altogether from doing so if they are deprived of the focus of their misbehaviour. The Home Secretary will be commenting separately on other anti hooligan measures the Government is considering.

INTRODUCTION OF LEGISLATION

If colleagues agree with my proposals, instructions will be sent to Parliamentary Counsel at once. I hope that it may be possible to introduce the Bill at beginning of the new session. I regret the short notice which this provides for Counsel but, as you know, the decision to legislate was only taken on 6 July. It is essential that we introduce as soon as possible, both in order to take advantage of public expectation following the meeting on 6 July and so that we can press for early implementation of the scheme itself (see below). It is likely that the Bill will be less than 10 clauses long.

FINANCE AND MANPOWER IMPLICATIONS

We have made clear that there is no question of public expenditure to pay for the national membership scheme. The costs of setting it up and running it will be for football to find, though as the working party report notes, there are substantial commercial opportunities in the scheme. If it is necessary to employ or contract the services of an inspectorate to monitor the scheme (see annex 2, para 3), assuming a three man team, or its part-time equivalent, there would be a cost to public funds of some £250,000 a year. The first year could call for a comprehensive inspection to be completed in a short period, this could result in a higher cost, say £500,000. There will also be additional costs in passing on information to the Football Membership Authority about offences relevant to the mandatory withdrawal of membership. The new offences will give rise to

costs for the courts, the CPS and the police. It is difficult to estimate both the number of offences which are likely to be committed or the cost of disposing of them. Assuming, say, 500 offences are processed annually and a total cost per case of £200 to £300, the annual cost would be of the order of £100,000 to £150,000. In the long term, the costs of policing football grounds may be reduced.

EC IMPLICATIONS

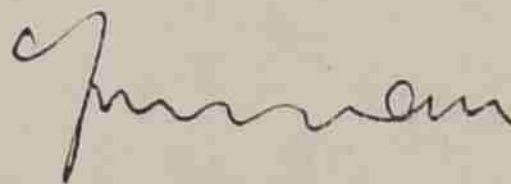
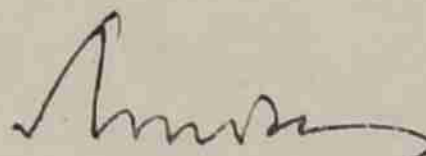
The membership scheme will include procedures for dealing with foreign visitors to football matches in England; none of these will be particularly onerous. More positively, the scheme will enable us to take a high profile in the EC and in other international forums, in the international fight against football hooliganism (an increasing problem in other European countries). We will urge other countries to follow our example, both in dealing with their own domestic problems and in coping with the special problems of travelling football hooligans (including English hooligans).

TIMING OF THE SCHEME

Our publicly-declared target for the implementation of the national membership scheme is the beginning of the 1989/90 football season, ie August 1989. It is clear from the working party report that this would be a difficult target to meet, even if the football authorities were fully committed to trying to meet it. In fact, they have not yet appointed consultants to advise them on choosing the technology. Subject to the comments of members of H Committee, I will recommend to the Prime Minister that we respond to the publication of the working party report by announcing a revised target for full implementation during the 1989/90 season dependent on the outcome of further consideration of consultants' reports.

I would be grateful for your agreement to the proposals in annex 2 and for any comments on the revised timing for implementation of the scheme which I propose. I recognise the difficulty of organising a meeting at this time of the year and I hope that it will be possible to agree my proposals by correspondence. It would be most helpful to have your response by Friday 7 October.

I am copying this letter to members of H Committee, the Prime Minister, the Foreign Secretary, the Lord Chancellor, the Attorney General, the Lord Advocate, First Parliamentary Counsel and to Sir Robin Butler.

NICHOLAS RIDLEY

Annex 1

NATIONAL MEMBERSHIP SCHEME: SUMMARY OF CONCLUSIONS

1. GENERAL

- a) Admission of spectators to a designated football match will only be permitted if:
 - the spectator produces a valid membership card for checking at the point of entry to the ground; and
 - the ground on which the match is to be played is covered by a licence.
- b) The scheme will be a national one administered by a Football Membership Authority; information about all members will be held on a central computer.
- c) A member will be entitled to only one card which will indicate the club which the member supports and qualify him to attend any designated match.
- d) The scheme will apply in England and Wales.

2. MEMBERSHIP OF THE SCHEME

- a) An application should involve:
 - a standard application form
 - proof of identity
 - proof of address
 - a photograph.

b) Membership cards should include:

- the member's name
- a photograph
- a membership number
- date of expiry
- the name of the club supported or nominated
- the member's national football allegiance
- they should be readable electronically
- valid for two or three seasons only.

c) Exemptions from membership:

- none for paying British spectators;
- limited temporary membership for accompanied foreign nationals;
- clubs to make special arrangements for guests, hospitality boxes and groups such as parties of school children;
- non-spectators should not be subject to the scheme.

d) Criteria for withdrawing or withholding membership from hooligans should include:

- mandatory criteria imposed by legislation linked to conviction for football-related offences, involving bans of two or five years;
- discretionary criteria operated by the Football Membership Authority who will decide whether to impose bans and for how long, on information supplied by the clubs.

e) Two new criminal offences should be created:

- for false application for membership;
- for gaining or attempting to gain entry to ground without a valid membership card.

3. DESIGNATED FOOTBALL MATCHES

- a) The scheme should apply to all matches between League clubs' first teams.
- b) The scheme should not apply to matches between non-League teams.
- c) Matches between League clubs and non-League clubs should be designated but the scheme should allow for admission by non-members, initially.
- d) Special procedures for matches involving foreign teams.
- e) Admission for members only to matches between English/Welsh and Scottish/Northern Irish teams; segregation by national football allegiance.

4. RESPONSIBILITY FOR THE SCHEME: the Football Membership Authority and the clubs

- a) The FMA will be designated by the Secretary of State (a joint body created by the FA and the League); it will draw up a scheme in accordance with criteria imposed by legislation; the scheme will be subject to approval by Secretary of State.
- b) FMA's responsibilities to include:
 - supervise application process
 - approve/reject applications
 - maintain central register of all members
 - draw up rules on withdrawal of membership
 - make decisions and hear appeals on withdrawal.
- c) Clubs' responsibilities to include:
 - dealing with applications, maintaining records, supply of information to central register
 - swift and fair action on offenders
 - installation and maintenance of approved machinery for checking membership cards

- adequate arrangements to control admission of spectators and to deal with holders of invalid cards
 - provision of sufficient trained staff to operate all aspects of scheme
 - other requirements to ensure effective operation of the scheme.
- d) The scheme should be monitored by a small part-time inspectorate employed by and responsible to the FMA (or the Secretary of State).
- e) sanctions on clubs which fail to carry out their responsibilities should include:
- i) withdrawal of the licence to admit spectators to the ground for persistent or serious failure or in an emergency following a serious disturbance;
 - ii) fines for minor breaches;
 - iii) criminal liability for admitting spectators to a designated match at a non licensed ground.
- f) The FMA and the clubs will need to register with the Data Protection Registrar.

5. NOTIFICATION OF OFFENCES

In operating discretionary criteria to disqualify from membership those whose behaviour is unacceptable, clubs will need to establish local arrangements in consultation with the police for recording details for example of individuals who have been ejected from the ground.

For the mandatory criteria imposed by legislation to work properly the FMA must receive information about convictions for football related offences. There are two options:

1. the police to distinguish such offences and provide the information - maintaining appropriate records in the period preceding the introduction of the scheme and providing monthly returns after introduction;
2. the courts to determine such offences and then the courts or the police to provide the information.

The working party prefers option 2, with as much relevant information built up before the introduction of the scheme as possible.

6. TECHNOLOGY FOR THE SCHEME

a) The working party is satisfied that the technology is available to implement the scheme. The main elements should be:

- i) a computerised central register
- ii) a computer at each club
- iii) card readers at turnstiles, to be portable if possible.

b) Membership cards are to be readable electronically. The options, on which the working party has not drawn conclusions, are:

- i) barcode cards
- ii) magnetic stripe cards
- iii) smartcards.

c) The new technology will also provide opportunities for the clubs to improve their own administrative procedures and for marketing.

ANNEX 2: PROPOSALS FOR LEGISLATION

Designated football matches

1. I propose that powers should be taken for the relevant Secretary of State to designate those football matches to which the national membership scheme will apply, by Order (statutory instrument subject to negative resolution). I have it in mind that initially all football matches involving Football League clubs' first teams in England and Wales and the English and Welsh national teams might be designated. But the power should allow the designation of other categories of football matches and other sporting events, should that prove necessary.

2. There is a special difficulty about matches between English and Scottish teams and the working party recommends that we consider extending the scheme to Scotland (and Northern Ireland). I know that Malcolm Rifkind and probably Tom King would resist any such proposal. There is, however, a danger that English football hooligans who are banned from matches in England may turn their attention to Scotland and I propose that the legislation should permit the possibility of Scotland, and Northern Ireland, being brought within its scope by Order of the relevant Secretaries of State. In the meantime, if matches between English or Welsh teams and Scottish or Northern Irish teams, taking place in England or Wales, are designated, spectators from Scotland or Northern Ireland will have to join the national membership scheme if they wish to attend.

Licensing of sports grounds

3. I propose that it should be an offence to admit a spectator to a sports ground during a designated football match unless the ground has a licence. The licence would either be granted by the relevant Secretary of State or he would have the power to delegate the licensing responsibilities to the Football Membership Authority (which I will designate and which is likely to be a joint League-FA body) subject to approval of a scheme by which they would exercise those responsibilities and subject to a reserve power of direction. The FMA would then take on the job of inspecting grounds, to ensure that the requirements of the national membership scheme were met, and of withholding or withdrawing licences. The football authorities may, however, resist taking on the role of licensing authority; if they do, a small part-time inspectorate to monitor the scheme will be required.

The national membership scheme

4. The Football Membership Authority should be required to submit a national membership scheme to me for approval, subject to certain criteria. I propose to spell out, on the face of the Bill, the criteria which seem to me to be essential but to reserve the right to add others if necessary. The essential criteria will include: satisfactory procedures for vetting applications for membership (including a central register of all members) and for withdrawing membership from those who cause trouble; the development of adequate arrangements for ensuring that admission is restricted to those permitted by the scheme

(membership cards, adequate machinery etc); and a system for monitoring, and applying sanctions to, clubs' performance. I would lay the approved scheme before Parliament. It would then be for the FMA to run the scheme, delegating certain duties to the clubs.

5. In respect of those who misbehave at football matches (or on their way to or from matches) I propose that the legislation should:

(1) lay down mandatory rules for withdrawing membership from those convicted of a relevant offence, for two or five years, depending on the seriousness of the offence;

(2) recognise the discretion of the Football Membership Authority to withdraw membership from people (whether convicted of criminal offences or not) for unacceptable behaviour. In approving the national membership scheme, I would approve the rules under which this discretion would operate.

A relevant offence for the purposes of the mandatory rules would be one which a court declared to be football-related (taking into account a definition similar to that in the Public Order Act 1986). Individual football clubs would retain their existing rights to refuse entry to their own grounds.

Criminal offences

6. In addition to the offence mentioned in paragraph 3, for which a club or its officers would be liable, I propose two other new offences of which spectators may be guilty:

a) knowingly or recklessly to provide false information in applying for a membership card;

b) to gain entry, or to attempt to gain entry, to a ground for (or to be present in a ground during) a designated football match without being in possession of a valid membership card, except in accordance with the scheme.

CC Cardy - Sida

+ P.C. RAC

Hy

Prime Minister 2

Response to your cable queries.

PRIME MINISTER 8/9

7 SEPTEMBER 1988

RAC 7/9

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

You asked what would happen when Scotland played at Wembley.

You also commented that it would be possible to make it an offence for people who had been convicted of a football related offence within the last five years to apply for a membership card.

Scottish dimension

Under the current proposals Scottish fans who wanted to watch England play Scotland at Wembley would need to join the national membership scheme via an English club. This points up the difficulty of proceeding with a national membership scheme in England and Wales, but not in Scotland.

English clubs would be unlikely to welcome a wave of Scottish applications, especially if they decided not to charge for membership. They would fear becoming a target for occasional forays by Scottish gangs of hooligans. But they could hardly refuse to accept Scottish applications, particularly if this was the only way in which Scottish fans could watch Scotland play England at Wembley.

The other fear is that English hooligans would be displaced to Scotland if a membership card was not required there. Distance is not necessarily a deterrent: over 30 coach loads of English fans went to a recent Celtic/Rangers match in Glasgow.

It is becoming more and more clear in Colin Moynihan's Working Group that a national membership scheme limited to England and Wales has a number of drawbacks. Is there a case for pressing Scottish Ministers to agree that the scheme should be extended to Scotland from the outset?

Applications from those convicted of football-related offences

Applicants for a membership card will be asked to tick a box saying whether they have ever been convicted of a football-related offence. While the intention is to collect information on such offences committed between October 1988 and the start of the scheme, it is impossible to check back over five years:-

- (a) because police records do not distinguish between football related and other forms of hooliganism - we would need to ask the police to start keeping a separate record from now;
- (b) because people would not always know whether the offence they had committed was football-related or not.

These points seem to rule out making it a criminal offence to apply in these circumstances.

Unless we made it an offence for anyone to apply to had been convicted of defined crimes of violence within the last five years

Carolyn Sinclair
CAROLYN SINCLAIR

no

Prime Minister RA

You will wish to see the latest state of play. Are there any points you want the Policy Unit to feed in before the report comes to you formally? RA 16

PRIME MINISTER

2 September 1988

2/9

- ① I doubt whether the Football Assn is competent to run a scheme and wonder whether 'technical management' would be enough to venture for an operating company. ~~Would the Football League be a possible responsible body~~ - But I suppose we have no choice about the 'Responsible Body'?

FOOTBALL: NATIONAL MEMBERSHIP SCHEME

- ② See comment about offences.
- ③ What happens when Scotland comes to

The report of Colin Moynihan's Working Party on a national membership scheme for football is beginning to take shape. The aim is to complete the report and submit it to you in the second half of this month. There will be pressure to publish it very quickly thereafter.

Play England at Wembley?

ms.

The report consists of recommendations to the Government and the football authorities. Neither will be committed to accepting it in every detail.

Attitude of the Football Authorities

The Football League and the Football Association would not have chosen to have a hundred percent membership scheme. But their representatives on the Working party have adopted a fairly constructive approach. The police representative - Mr Phillips of the Greater Manchester force - told me that he found them surprisingly positive. They are keen to take a tough line on membership, excluding supporters for their own reasons even where no criminal offence has occurred. (cf. West Ham's recent decision to exclude from their ground 16 supporters associated with their most notorious gang, the Inter City Firm).

The Proposed Scheme

The proposals emerging from the Working Party's discussions would involve the League clubs, a central football authority described as the 'responsible body' and the Government in the person of the Secretary of State for the Environment and his inspectors. It seems likely that the Football

Association will become the responsible body. It would draw up the detailed membership scheme in accordance with criteria imposed by legislation. The scheme would be approved by the Secretary of State.

You may want to glance at the attached outline of the scheme as it currently stands. Key points are:

- timing (which affects cost);
- excluding hooligans from the initial membership list;
- more law;
- matches against Scotland/Northern Ireland/foreign teams;
- increased bureaucracy.

Timing

This is the main issue for the Government. There is no doubt that the technology exists to implement a national membership scheme. But there are three ways of managing the project, each of which involves different timescales:

(i) The responsible body could attempt to run the scheme itself. This might take up to three years from now to implement for all 92 League clubs.

Too long.

(ii) The responsible body could retain financial and commercial control of the scheme, but would contract out the technical operation to a prime contractor. Partial implementation could begin in August 1989 with full implementation by August 1990.

(iii) The responsible body could hand over the full running of the scheme, including commercial exploitation, to a service management company. This might allow implementation by August 1989, or implementation for Divisions 1 and 2 by August 1989, with full implementation by Easter 1990.

The choice between the options is for the football authorities. But by stipulating the timetable, the Government will determine the number of options which are in practice available.

(i) seems the most unattractive. It is likely to prove the most expensive, since it would involve the responsible body buying in the hardware and software itself. It would involve the football authorities in running a project for which they are ill-equipped. And it would take three years.

(ii) would be easier to finance (it would be likely to involve staged payments over time). It would put less onus on the responsible body, and it could mean a universal scheme in place by August 1990. The commercial opportunities opened up by the membership scheme could be exploited by and for football, and would arise more quickly than under (i).

(iii) would be the quickest and cheapest option, as well as placing fewest demands on the responsible body. But football would not benefit from commercial exploitation of the membership lists etc - the service management company would keep such profits for themselves, together with part or all of the membership fees.

The choice is between (ii) and (iii). The clubs are more likely to work with a will if they see money in the national membership scheme for them: this points to (ii).

(ii) would require the clubs and the responsible body to agree on a way of paying quite substantial sums up front.

The football authorities would be free to choose between (ii) and (iii) if the Government stipulated that the scheme must be fully in place by August 1990. A tighter timetable would drive them to option (iii).

Excluding Hooligans from the Outset

To prevent the initial membership list including people who had recently committed football related offences, it will be necessary for either the courts or the police to pass details of those who have been convicted of such offences to the responsible body. Only the police could do this without legislation.

Police records currently do not distinguish between football-related and other forms of hooliganism. The police would have to be asked to make a separate record of football-related offences from, say, 1 October 1988.

Critics may argue that it is wrong for the police to be asked to pass on information in this way (though it is within the discretion of Chief Officers). Most people, however, are likely to think it entirely reasonable that steps should be taken to exclude from the national membership scheme people who have been recently convicted for football-related offences.

The reaction of the police themselves may be more of a problem. ACPO will need to give a view.

More Law

The present proposals would create three new criminal offences:

- It would be possible to add a fourth offence -
it would be an offence to apply or otherwise
procure a membership card if you had been convicted
of a football related offence (as defined in schedule) in the last
five years.
- (i) It would be an offence for a Football League club to attempt to circumvent the legislation.
 - (ii) It would be an offence to make a false application for membership.
 - (iii) It would be an offence to attempt to gain entry to a designated ground without a valid membership card.

(i) is essential to get the national membership scheme in place. (ii) is essential to make it work properly, and should be widely understood and accepted.

(iii) could be questioned. It is not essential, though it could deter people from trying to storm their way in. Colin Moynihan and Home Office officials believe it is necessary for this reason. You will want to balance this consideration against accusations that the Government is being unduly heavy-handed. *The situation requires us to make these proposals stick.*

Matches Against Scotland/Northern Ireland/foreign teams

Scottish and Northern Ireland supporters would only be able to attend designated matches in England or Wales if they belonged to the England/Wales national membership scheme. Although this would require them to support an individual club, their national allegiance would be known, and this would allow segregation at England/Scotland matches etc.

Foreign nationals could obtain temporary membership cards, provided they were sponsored by a member or by the English club itself, and applied in advance of the match together with proof of identity.

Increased Bureaucracy

The Working Party will recommend that a small team of inspectors should be appointed by the Secretary of State for the Environment to ensure that all 92 League clubs comply with the national membership scheme. Numbers and cost are not known. It is expected that the inspectors would be mainly recruited from the ranks of ex-policemen.

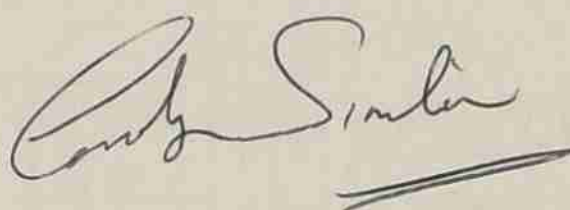
It would be better if we could rely on the football authorities to police the game themselves. But the reality is that their organisation is weak and skeletal. Without an official inspectorate, there is a real risk that individual clubs will drag their feet over introducing the national membership scheme. And since the Secretary of State will be able to ban spectators from matches where a club has failed to comply with the scheme, he does need to know that the scheme is operating satisfactorily at all 92 grounds.

Conclusions

The Government would have a role both in setting up and monitoring the scheme currently envisaged. This is partly necessary because of the way football is organised (the Football League has been described as a loose trade federation). If all 92 clubs had the will to introduce a national membership scheme, it would not be necessary for the Government to become involved at all.

Given that they do not have this will, it is difficult to think of other ways of making a national membership scheme effective. Effective it must be, if the Government is not to lose face. At the same time, it is important to avoid over-kill, and the danger of claiming too much for the scheme by itself. It should curb hooliganism within football grounds, but its effect on hooliganism outside is more doubtful.

There are further meetings of the Working Party on 5 and 13 September. It would be helpful to know if there are any points you would like me to feed in.

A handwritten signature in cursive script, reading "Carolyn Sinclair". The signature is written in dark ink and is positioned above a double horizontal line that serves as a separator.

CAROLYN SINCLAIR

Chapter 9: Summary of the scheme

This chapter provides a summary of the working party's recommendations for the main elements of the national membership scheme, as discussed in the report.

1. GENERAL

- a) admission of spectators to a designated football match is to depend on two key conditions:
 - for the spectator, the production of a valid membership card, which will be checked at point of entry to ground; and
 - for the ground on which the match is to be played, possession of a licence issued by the Secretary of State;
- b) one member one card. Members will join the national scheme through the clubs. Information about all members will be held on a central register;
- c) the membership card will qualify the holder to seek entry to any designated match;
- d) the scheme will apply in England and Wales.

2. MEMBERSHIP OF THE SCHEME

(Chapter 2)

- a) an application to a League club should involve:
 - a standard application form
 - proof of identity
 - proof of address
 - a photograph;

(paras 3-4)

b) membership cards should include:

- the member's name
- a photograph
- a membership number
- the name of the issuing club
- the member's national allegiance
- they should be readable electronically
- valid for one season only; (paras 5-8)

c) exemptions from membership:

- none for paying British spectators
- limited temporary membership for accompanied foreign nationals
- non-spectators should be excluded from the scheme
- guests of the club and hospitality boxes may be excluded. (paras 9-13)

d) criteria for withdrawing or withholding membership from hooligans should include:

- mandatory criteria imposed by legislation linked to conviction for football-related offences, involving bans of one or two years
- discretionary criteria operated by the clubs according to standard nationally-agreed rules on unacceptable behaviour and length of bans. (paras 14-20)

e) two new criminal offences should be created:

- for false application for membership
- for attempting to gain entry to ground without a valid membership card. (paras 21-22)

3. DESIGNATED FOOTBALL MATCHES

(Chapter 3)

- a) the scheme should apply in full to all matches between League clubs' first teams (para 2)
- b) the scheme should not apply to matches between non-League teams (para 3)
- c) matches between League clubs and non-League clubs should be designated but the scheme should allow for admission by non-members, initially (paras 4-6)

- d) special procedures for matches involving foreign teams
(para 7)
- e) admission for members only to matches between English/Welsh and Scottish/Northern Irish teams; segregation by national allegiance. (paras 8-9)

4. RESPONSIBILITY FOR AND OPERATION OF THE NATIONAL SCHEME
(Chapter 4)

- a) The responsible body should be designated by THE Secretary of State (FA in co-operation with the League); it should draw up a scheme in accordance with criteria imposed by legislation; the scheme should be subject to approval by Secretary of State (paras 1-3)
- b) the responsible body should maintain a central register of all members; to receive information about new and cancelled membership from clubs; to issue "blacklists" to clubs (paras 4-5)
- c) the scheme should provide for the responsible body to impose sanctions on defaulting clubs and to hear appeals against discretionary withdrawal of membership. It should itself be subject to sanctions (paras 6-9)
- d) the scheme should be monitored by a new part-time inspectorate appointed and employed by Secretary of State for the Environment (para 10)
- e) the responsible body and the clubs should register with the Data Protection Registrar. (paras 11-13)

5. RESPONSIBILITIES OF THE CLUBS (Chapter 5)

- a) the responsible body should delegate day-to-day responsibility for the scheme to the clubs. Their responsibilities should include: (paras 1-4)
 - i) processing of applications, maintaining records, supply of information to central register;

- ii) swift and fair action on offenders;
 - iii) installation and maintenance of approved machinery for checking membership cards;
 - iv) adequate arrangements to control admission of spectators and to deal with holders of invalid cards
 - v) provision of sufficient trained staff to operate all aspects of scheme;
 - vi) other requirements to ensure effective operation of the scheme.
- b) sanctions on clubs which fail to carry out their responsibilities should include: (paras 5-14)
- i) withdrawal of the licence to admit spectators to the ground for persistent or serious failure or in an emergency following a serious disturbance (by the Secretary of State on the recommendation of his inspector);
 - ii) fines for minor breaches (imposed by the responsible body);
 - iii) unlimited fines for attempts to circumvent legislation (on conviction).

6. IMPLICATIONS FOR THE POLICE AND COURTS

(Chapter 6)

In operating discretionary criteria to disqualify from membership those whose behaviour is unacceptable, clubs will need to establish local arrangements in consultation with the police for recording details of the individuals concerned. (para 2)

For the mandatory criteria imposed by legislation to work properly the responsible body must receive information about convictions for football related offences. There are two options:

1. the police to distinguish such offences and provide the information - maintaining appropriate records in the period preceding the introduction of the scheme and providing monthly returns after introduction (paras 4-7)
2. the courts to determine such offences and then the courts or the police to provide the information. (paras 8-10)

There would be difficulties on (1) about identifying football related offences and on disclosure of information (2) would bring certainty to the definition of offence but the build up of relevant information before the introduction of the scheme would be very limited.

The Government should pursue (1) with ACPO. (para 11)

7. TECHNOLOGY FOR THE SCHEME (Chapter 7)

a) the working party is satisfied that the technology is available to implement the scheme. The main elements should be: (paras 1-11)

- i) a computerised central register
- ii) a computer at each club
- iii) card readers at turnstiles, to be portable if possible.

b) membership cards are to be readable electronically. The options, on which the working party has not drawn conclusions, are: (paras 12-18)

- i) barcode cards
- ii) magnetic stripe cards
- iii) smartcards.

c) the new technology will also provide opportunities for the clubs to improve their own administrative procedures and for marketing. (para 19)

8. IMPLEMENTATION

(Chapter 8)

The timetable for implementation of the scheme depends crucially on the commitment and organisation of the football authorities and the clubs. There are three alternative approaches to managing the project:

- a) for the responsible body to attempt to run the scheme itself; this might take up to three years from now to implement for all 92 League clubs;
- b) for the responsible body to retain financial and commercial control of the scheme but to contract out the technical operation to a prime contractor; partial implementation could begin in August 1989, full implementation by August 1990;
- c) for the full running of the scheme, including commercial exploitation, to be handed over to a service management company; this might allow implementation by August 1989 or implementation for Divisions 1 and 2 by August 1989, in full by Easter 1990.

The Government and the football authorities should discuss further the target date for implementation.

CONFIDENTIAL

nbpm

clp



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

The Rt Hon Douglas Hurd MP
Home Office
Queen Anne's Gate
LONDON
SW1

23 August 1988

Dear Douglas

Thank you for copying to me your letter of 3 August to John Wakeham about a national identity card. *with dm?*

My Department's interest in this area centres on the national membership scheme for football supporters we are looking to introduce for the 1989/90 football season. The proposal is that admission to any English or Welsh professional football match will be dependent on possession of a valid membership card containing some personal details of the holder. A working party under Colin Moynihan's chairmanship is looking at the details and is due to report in September. I should like to consider its findings before responding more fully to your letter.

A copy of this letter goes to all those who received a copy of yours (ie the Prime Minister, other members of H, the Foreign Secretary, the Attorney General, the Lord Advocate and Sir Robin Butler).

James
Nicholas

NICHOLAS RIDLEY



CONFIDENTIAL

cc fo

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

rbpm

The Rt. Hon. Douglas Hurd, CBE, MP
Secretary of State for the Home Department
Queen Anne's Gate
LONDON
SW1H 9AT

10 August 1988

Dear Douglas:

IDENTITY CARDS

will request if required

I have seen a copy of your letter of 3 August to John Wakeham on the question whether the Government should introduce a system of national identity cards.

My view is that identity cards would have to have fingerprints if they were to be any good, and it would have to be compulsory to carry them. Yet they would still be forged on a vast scale, and it simply is not worth the very substantial candle.

I am sending copies of this letter to the recipients of yours.

*Lansdown,
A. Wick*


CONFIDENTIAL


PRIME MINISTER

2

You might be interested to glance at GEC's football ID card
proposals which Lord Weinstock has sent in. We have acknowledged.

The first meeting of Colin Moynihan's group takes place next
week. There may be some controversy over the police representation:
James Anderton, head of ACPO's hooliganism committee, is
likely to be their representative so some sparks could fly.
But the Home Office rightly think that we should not intervene
in the police's own choice of representative at the committee.


DM



DOMINIC MORRIS

22 July 1988

R20/7

THE GENERAL ELECTRIC COMPANY, pl.c.

1 STANHOPE GATE · LONDON W1A 1EH

01-493 8484

19th July, 1988

Dear Charles,

Here is a copy of the letter about our
Smart Card in connection with controlling bad
behaviour at football grounds.

Best regards,

Yours,

Arnald

Lord Weinstock

Charles Powell Esq.,
10, Downing Street,
LONDON, SW1.

Enc.

REGISTERED IN ENGLAND NO. 67307 · REGISTERED OFFICE: 1 STANHOPE GATE, LONDON



GEC
AVERY

15 JUL 1988

Registered Office: GEC-Avery Limited, Smethwick, Warley, West Midlands, England B66 2LP
Telephone: 021 558 1112 Telex: 336490 Telegrams: Avery Warley Fax No: 021 565 4320 (Group 3)

Our Ref: KHH/CMG/0701.7

14 July 1988

The Honourable C Moynihan
Parliamentary Under Secretary of State
The Department of the Environment
2 Marsham Street
LONDON SW1P 3EB

Dear Mr Moynihan

FOOTBALL ID CARD SYSTEM

I suspect that you may be receiving much correspondence on this subject, but may I suggest that it is worthwhile for you to consider a unique British technology developed by the General Electric Company plc for a market estimated to be worth £1.5 billion by the mid 1990's.

GEC has invested many millions of pounds in developing Smart Cards - a microcomputer and memory in a credit card sized package. As such, we are 1 of only 5 companies in the world (the others being French, Dutch, German and Japanese) to evolve such technology. Our French and Japanese competitors have received substantial help from their Governments in setting up trials and systems in their own countries to establish the technology. For example, there are some 10 million Smart Cards in use in France for financial and telephone applications due to Government legislation and assistance to the French company involved.

The need to establish a national football ID card scheme in the UK represents a unique opportunity to help establish a British technology in this enormous world market, and bring many further benefits to the Clubs and Police in helping to solve the crowd control problem. I attach a summary paper outlining these, but I highlight a few of these benefits below :

1. **Speed** Because the GEC Contactless Smart Card operates by just placing it onto a reader, it is very fast in use. This is vital in practice to minimise delays through the turnstiles.
2. **Reliability** Unlike other card or key entry systems, there is no hole or slot to receive the card or key. Therefore there is no opportunity for a disconsolate supporter to vandalise the reader by putting chewing gum or superglue into the reader to stop the system functioning. Both card and reader are totally sealed.

Continued

Mr C Moynihan
Department of the Environment

14 July 1988

3. **Security** Unlike existing systems in use at clubs at the moment, which are quite easy to forge or replicate, the Smart Card is virtually impossible to forge. Indeed, if an unauthorised person attempts to learn the card's "secrets", it will automatically invalidate itself!
4. **Police Checks** The card can store in it's memory a record of grounds attended and any history of the owner being involved in crowd trouble. Thus the police could interrogate an individual's card very quickly to learn this useful information.
5. **Crowd Segregation** Because the card is intelligent, on issue (or subsequently if altered by the Police), the card will permit access to only certain grounds or parts of the ground.
6. **Multiple Uses** One card can be used, securely, for many purposes. For example, as well as being an ID card, it could be a supporter's Club Membership card, Season ticket, car park access ticket etc. These possibilities will save money for the clubs and also present new revenue opportunities. The same card could, for example, be used to pay for telephone calls, or pay TV, or even to obtain social security payments.
7. **Easy to securely issue** Because the card is intelligent, it is not "activated" until properly issued. This means that unissued cards could be safely stored at local issuing stations - eg Post Offices. This in turn makes it much easier for "casual" attendees to obtain a card before going to a football match.

There are many, many more possibilities which we would like to have the opportunity to discuss with you. For example, because the card is so secure, it could be used as a "passport" which must be "stamped" (into the card's memory) before leaving the country. A simple portable set of readers could then be set up in an overseas ground which excludes "unstamped" or "unauthorised" card holders. Alternatively, the Smart Card could become a "ticket" (ie the card is validated and credited with payment) for overseas matches, issued at Clubs or Post Offices in this country.

This unique British technology offers so many possibilities to this matter that we feel it would be of enormous help to those considering the problem to

Continued ...

14 July 1988

Mr C Moynihan
Department of the Environment

know what is possible. We are in discussions with the Football League on this matter and are planning to make a demonstration of this system available in the near future. My purpose in writing, therefore, is to ask whether you could find time to let us show you what is possible. I look forward to your reply.

Yours sincerely



K H HODGKINSON
Managing Director

Copy : Dr Thynne - DTI

Copies (n o o) : A T Kirkman
Mrs S Morrison, GEC - Stanhope Gate
J A McCrindle
C J Stanford

GEC CARD TECHNOLOGY : Football ID Cards

GEC Avery is a subsidiary of the General Electric Company plc (GEC). Via it's GEC Card Technology Division, it has developed a unique range of Contactless Smart Cards - a complete microcomputer and memory packaged into a credit card sized package. Unlike all other Smart Cards, GEC's Smart Card works by using a unique Contactless interface. So the card works simply by placing it in any orientation onto the surface of the reader. Thus the use of the card is extremely quick and very reliable. There are no slots in the reader to be vandalised, and both card and reader are weatherproof. The cards memory can store data concerning the individual and a complete record of the card's use.

The worldwide market for Smart Cards is expected to be £1.2 billion pounds by the mid 1990's. GEC is pioneering this new technology in the UK. The first Financial Trial of Smart Cards in the UK is being launched by the Midland Bank in October this year using GEC Smart Cards. It is expected that GEC Smart Cards will be in widespread use in the UK during 1989.

Because the Smart Card is intelligent, it can perform very many different tasks very securely. It makes possible the use of a Football ID card for many additional applications - thus presenting many new commercial opportunities and security features. The card contains an application programme - just like any other computer - so the functions that the card can perform are whatever one chooses to programme.

The following gives just a few ideas of what is possible, and the benefits that the card offers, as a Football ID card. The list can be expanded or reduced to meet the requirements of the clubs, the Police, the FA and FL. This flexibility is unique to Smart Cards.

GEC Smart Card Benefits and Applications as Football ID Card

- * Very quick to use - simply place on a reader in any orientation
- * Virtually impossible to forge.
- * Highly secure - card will invalidate itself if unauthorised person tries to learn card's secrets (eg name and address of owner).
- * "Weatherproof". Both card and reader totally sealed.
- * Very reliable - no parts to wear out, or slots to be vandalised.
- * Can be used for Season ticket holders - with decremental credits for match entry stored in card's memory (saves paperwork).
- * Card itself can carry a log of all grounds attended by owner and on what day. Police could interrogate card to find out if individual attended any particular match.
- * Card can have stored in it's memory access for only certain grounds or sections of ground, eg no access to Luton Town football club unless issued by Luton Town, or valid only for home games or provides entry to only a certain part of ground etc.
- * Card can have photograph of individual on card for identification purposes. (Helps to stop stolen cards being used, or cards being 'lent').

- * If individual is ejected from ground, or caught by police causing trouble outside ground, police could issue "warning" and enter information into card's memory. A "points" system could be used in card's computer so that for example 3 warnings results in an "away" ban on card, or precludes attendance to next Cup match, or total ban for 12 months etc.
- * Long life (up to 7 years) because card is so robust and secure. No need to re-issue cards each year (other cards wear out and will have life of only 1-2 years, so further costs will be incurred).
- * Could also be used to pay for, and access, other club services - eg Supporters Club, Sports facilities, car parking etc.
- * Could be used to provide "bonuses" for attendance, provided good behaviour eg for every "X" matches attended, a prize draw, or seat at Cup or important matches (because attendance and warnings stored in cards memory).
- * Possibility for sponsorship income by advertising on card.
- * Possibility for Smart Card to be used for other purposes and have costs shared, eg for payment of telephone calls.
- * Possibility to use card to pay for goods at gift shops in ground.

Basic Method of Operation

- * Cards issued on proof of identification at National Card Issuing Centre, or at Clubs or at (for example) Post Offices. Availability at Post Offices would help to encourage casual attendees by making it easy to obtain card.
- * Entry to ground by just placing card on reader at turnstile. Valid card allows entry only into the permitted areas of the ground. (Very quick entry. No time lost due to putting card in slot etc).
- * Any "offenders" would have card invalidated by police. Invalidations could be permanent, or selective (eg no away matches, or miss next 2 matches, etc).
- * Police could "interrogate" card to find out if individual has had trouble in past (data stored on card's memory), what matches attended etc (inside or outside ground).
- * The system would be fully compatible with a Central Issuing computer and Central Records. Stolen card lists and lists of "prohibited" individuals would be stored on microcomputers at issuing points. Revisions to these lists could be transmitted by telephone link or computer memory discs to and from the Central Computer.

Meeting Record

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File PM2AAH

SUBJECT
cc master



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

6 July 1988

Dear Roger

FOOTBALL HOOLIGANISM

The Prime Minister saw Messrs. Millichip, Croker and Walker of the Football Association and Mr. Carter and Mr. Kelly of the Football League this afternoon. She was accompanied by your Secretary of State, the Foreign Secretary, the Home Secretary, the Lord President, the Solicitor General, Mr. Moynihan and Mr. Forsyth. Carolyn Sinclair of the Policy Unit was also present.

Before the meeting with the football authorities began, Ministers considered the timing of the introduction of legislation for a national membership scheme, should legislation be necessary. It was agreed that, whilst a decision on timing could not be taken in that forum, the Government needed to talk in terms of bringing forward proposals for legislation, notwithstanding the crowded programme, to ensure the necessary impetus on the part of the football authorities to develop a scheme.

The meeting with the authorities themselves was amicable throughout. The Prime Minister said that the Government and the authority shared the same objective which was to curb the violence for which football provided a focus. Although there had been some progress in curbing incidents inside grounds in England, the worst of the problems, and the position outside the grounds, had reached a point which the public would not tolerate.

Partial membership schemes might have increased the safety of those within the enclosed area but the police were clear that, overall, this had not been a success.

Mr. Carter said that he was anxious to help in as far as he could. He spoke, however, as expected, minimising the problems within the grounds and looking essentially to Government solutions outside the grounds. Mr. Millichip confirmed the FA's deep embarrassment and regret for the incidents in West Germany which had prompted him to withdraw the application to UEFA for readmission of the English clubs. The FA had also decided before the meeting to announce that

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the English team was withdrawing from the friendly match with Italy planned for November. The matches planned with Greece and Denmark in 1989 were being kept under review. There was no need at this stage to withdraw from the World Cup; the first match which could provide a flashpoint - with Sweden - was not scheduled until September 1989. He had already urged the President of the Swedish federation to make it an all ticket match. He emphasised, however, that participation in international matches was necessary, both to provide the funds for the amateur game in England, and to provide experience for English players.

The Prime Minister welcomed the decision to cancel the Italy friendly. She rehearsed the measures which the Government had taken in recent years in increasing police resources, restricting the consumption of alcohol and the new exclusion orders. The Government was looking at whether the existing powers of magistrates under section 188 of the Licensing Act 1964 were adequate or were being adequately used.

The Home Secretary said that with some 700 exclusion orders, the 1986 Public Order Act's powers were certainly being used but magistrates were still finding their way towards using them to best effect. Mr. Millichip suggested that prosecuting solicitors should be encouraged to take a more active part in recommending to magistrates the exclusion orders for periods which would have a real effect on individual hooligans. The Home Secretary agreed to consider this suggestion further. Mr. Millichip added that the experts in Mexico, where there was a law on prohibited public drinking, showed that it was a real deterrent and that the Coventry proposal held considerable promise. The Home Secretary confirmed that the Government were looking favourably at experiments on a local basis along the lines of the Coventry proposal.

The discussion turned to the possibility of controlling passports. Ministers made clear that it was not a realistic practice at this stage. That possibility would arise after the common form passport became widespread in the early 1990s; but a combination of exclusion and attendance orders for convicted hooligans to prevent them travelling to international matches, might provide a short-term and more effective solution.

Mr. Walker said that it was a relatively small group of troublemakers abroad, perhaps 500. But that number was large enough for most not to be known directly to the authorities and large enough to cause a public order threat outside grounds, to an extent that local police chiefs would be reluctant to enforce a ban on entry to the grounds if that looked to them to be a greater evil. This group tended to travel without tickets. They had eventually gained access to the ground at Stuttgart on surrendering their passports. This had provided a missed opportunity to get a full list of the potential troublemakers because the local police had refused to hand over such a list to the football authorities.

Discussion then turned to a national membership scheme. The Prime Minister asked the Football League whether they could introduce such a scheme on a voluntary basis. Mr. Carter confirmed that he could not bring the clubs along on such a basis. He had already discussed this with them on several occasions and had found that a large number were very negative. He would be ready to get them in to meet with the Minister for Sport but believed that legislation would be needed to enforce such a scheme. The Prime Minister said that, in those circumstances, the Government was prepared to bring forward proposals for legislation which would give enabling powers to designate certain grounds. It would be necessary to negotiate on a bilateral basis reciprocal arrangements with other European countries to help control hooliganism at overseas matches. The football authorities were sceptical about the possibility of persuading other European countries to move forward on this basis, but accepted that the problems had to be resolved one step at a time and that everything possible needed to be done at this stage. The Prime Minister commented that without clear signs of progress, public pressure would inevitably grow for spectator-free matches.

It was agreed that there should be a working party involving the Football League, Government and police, chaired by the Minister for Sport to work out the details of a national membership scheme. The aim would be to resolve the main principles of the scheme and identify suitable technology for its operation within two months; and secure implementation through the clubs over the following year, ready for the start of the 1989-98 season.

Mr. Carter also suggested that there should be a licensing system for carriers of football supporters. Ministers commented that this seemed likely to raise considerable practical difficulties. The Prime Minister invited him, however, to put his proposition in writing.

Mr. Croker said that the FA were anxious not to cancel the Rous Cup at this stage. The England/Argentina fixture was not, in his view, likely to cause trouble since the number of Argentinian supporters would be extremely small. The FA was also willing to move the England/Scotland match from a Saturday to a Wednesday night.

Concluding the meeting, Ministers and football authorities agreed a joint statement for the Press, a copy of which is attached to this letter. The action now rests with Mr. Moynihan, as Chairman of the Working Group to take forward the national membership scheme. The Prime Minister would also be grateful if the Home Secretary would consider further the suggestions about the role of prosecuting solicitors and would pursue, in conjunction with the Foreign Secretary, ways ensuring that opportunities to secure from overseas police forces that the names of the groups of English troublemakers were followed up and not missed as they had been at Stuttgart.

I am copying this letter to Tony Galsworthy (Foreign and Commonwealth Office), Nick Sanderson (Home Office), Nick Denton (Lord President's Office), Mrs. C. McDivitt (Solicitor General's Office), David Binnie (Office of the Parliamentary Under-Secretary of State, Scottish Office), Paul Heron (Office of the Minister for Sport) and to Trevor Woolley (Cabinet Office).

Yours sincerely

Dominic Morris

DOMINIC MORRIS

Roger Bright, Esq.,
Department of the Environment.

FOOTBALL HOOLIGANISM -
JOINT STATEMENT BY HM GOVERNMENT AND
REPRESENTATIVES OF THE FOOTBALL ASSOCIATION
AND FOOTBALL LEAGUE

The Government and the football authorities discussed the need to take action to curb violence and hooliganism associated with football. We particularly deplored the behaviour of so-called supporters of the England team in West Germany during the European championships. Hooliganism was not a problem confined to football but football provided a focus for it both at home and abroad.

The Prime Minister therefore said to the football representatives that she would like to see action by both the Government and the football authorities.

Government measures

Considerable police resources have already been devoted to football, backed by restrictions on alcohol under the Sporting Events (Control of Alcohol) Act 1985 and new powers for the police and courts under the Public Order Act 1986. The police will intensify their efforts to deal with criminal behaviour. The Government is considering how better to enforce restrictions on the sale of alcohol in the vicinity of football grounds and ways of prohibiting convicted football hooligans from attending matches here or abroad.

The Government is also considering applications from local authorities for bye-laws to restrict or prevent the consumption of alcohol in public places.

Action by the football authorities

We noted that there had been considerable progress on the measures agreed between the Government and the football authorities in February 1987. Nevertheless the police view was that partial club membership schemes had not made a significant contribution to controlling hooliganism.

The Government pressed the football authorities to establish a national membership scheme to control access to all Football League matches. The football authorities do not believe that such a scheme could be introduced on a voluntary basis. The Government will therefore bring forward proposals for legislation to give statutory backing to a national membership scheme. A working party under the chairmanship of the Minister for Sport, consisting of representatives of the football authorities, the Government and the police, will be set up urgently to look at the details.

The Prime Minister welcomed the decision of the FA to withdraw from the friendly international match arranged in Italy in November and to reconsider other such matches arranged for next year. It was agreed that the question of England's participation in the World Cup should be kept under review.

6 July 1988

3
C

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6 July 1988

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AND FOOTBALL LEAGUE

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*The Govt is also considering applications
from local authorities for bye-laws to
restrict or prevent the consumption of alcoholic drinks in public places.*

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~~She invited them to consider the advisability of continuing with the Rous Cup matches in 1989.~~ ^{It was} We agreed that the question of England's participation in the World Cup should be kept under review.

under the auspices of the Ministerial Committee of the Football Authorities, Police and Government

to help urgently to consider the details.

6 July 1988

EL3CXB



FA

cc PU

Department of the Environment
2 Marsham Street
London SW1P 3EB

P D Carter Esq
President
The Football League
Lytham St Annes
Lancs FY8 1JG

Prime Minister²

REC 14/9

mt

8 September 1988

Dear Mr Carter,

NATIONAL MEMBERSHIP SCHEME

Your representatives on my working party will have kept you in touch with our work on the scheme. I would like to say how very grateful I am for the major contribution which the FA and the Football League representatives have made to the working party, as indeed you said they would at the meeting on 6 July with the Prime Minister.

The working party has had to deal with a complicated subject against a very tight timetable. This has not been easy and I am grateful for the understanding and cooperation that we have received from your team, during the many hours of discussion we have had in the last six weeks. They have been particularly thorough, quite rightly, in listing the practical difficulties facing the clubs in introducing and implementing a national scheme.

At the working party meeting on Monday, we discussed at length the first draft of the working party's report. The Secretariat is now working on a second draft and will circulate it to members of the working party next week, for further comments. If there are points on which it turns out to be impossible to reach agreement, we will have to record the conflicting views but I very much hope that it will be possible for the working party to agree its final report as we all envisaged when we agreed to set up the working party on 6 July. I hope that we can finalise the report by the end of the month. The report will, of course, provide recommendations from the working party. It will not commit either the Government or the football authorities.

There has been a good deal of discussion in the working party about timing and the Government's target of implementation by the start of next season. This is a particularly difficult issue that we will have to discuss further but I do urge you and the Football Association to begin your preparations and to press ahead with the appointment of consultants to advise you on implementation as soon as possible. I am sure that it is not in either your interests or the Government's for the scheme itself to be delayed for want of an early start in getting advice. The CCTA would be delighted to provide any help it can on this count.

I am writing in similar terms to Bert Millichip and sending a copy of my letter to the Prime Minister.

Yours sincerely,

Alastair McIntyre

for COLIN MOYNIHAN

(Signed on behalf of the
Minister)

CONFIDENTIAL

228/9
C/S/JP



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

Dominic Morris Esq
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

6 July 1988

Dear Dominic

FOOTBALL HOOLIGANISM - DRAFT STATEMENT

As promised I am now enclosing a draft of the statement that Mr Moynihan might make after this afternoon's meeting with the football authorities.

Our officials have discussed the draft with Bernard Ingham. They have agreed that it would be preferable to issue a joint statement on behalf of the Government and the football authorities and the draft has been prepared on that basis.

Copies of this letter and the draft statement go to the private secretaries to the Foreign Secretary, the Home Secretary, the Lord President, the Chief Secretary, the Solicitor General, Parliamentary Under Secretary of State Scottish Office (Mr Forsyth), Minister for Sport and to Trevor Wooley at Cabinet Office.

Yours

A D RING
Private Secretary

FOOTBALL HOOLIGANISM - DRAFT STATEMENT

The Government and the football authorities discussed the need for further action to ~~crack down on~~ ^{agreed to curb} violence and hooliganism associated with football. We particularly deplored the behaviour of so-called supporters of the England team in West Germany during the European championships. *to take*

∴ said proposed football authorities
 The Prime Minister told the football authorities that she would like to see a ~~two-pronged~~ ^{fold} attack on hooliganism, with further action by both ~~the~~ Government and the football authorities. Hooliganism was not a problem confined to football but football provided a focus for it both at home and abroad.

Government Measures

Considerable police resources have already been devoted to football, backed by alcohol restrictions under the Sporting Events (Control of Alcohol) Act 1985 and new powers for the police and courts under the Public Order Act 1986. The police will intensify their efforts to ~~stamp out~~ ^{deal with} criminal behaviour. The Government is looking at the ~~possibility of further restrictions on the sale of alcohol in the vicinity of football grounds and at ways of prohibiting convicted football hooligans from attending matches here or abroad.~~ ^{means of more effective}

Action by the Football Authorities

We noted that there had been some progress on the ~~package of measures agreed between the Government and the football authorities in February 1987.~~ ^{November} but that the police view was that partial club membership schemes had not made a significant contribution to controlling hooliganism. *first coming has letter to govern and send*

The Govt pressed

We discussed the possibility of the football authorities ^{to establish} establishing a national membership scheme to control access to all Football League matches. ^{run by} The football authorities do not believe that such a scheme could be ^{introduced} delivered on a voluntary basis. The Government may therefore ^{will} legislate ^{consider} to give statutory backing to a national membership scheme.

The Prime Minister welcomed the decision of the FA to withdraw from the friendly international match arranged in Italy in November and to reconsider the matches ^{arranged} for Greece and Denmark next year. She invited them to consider ^{the} advisability of continuing with the Rous Cup in 1989. We agreed that the question of England's participation in the World Cup should be kept under review.

as well as England's participation in other footballs ^{ensured} & 1989

The Govt will ^{bring forward proposals for} legis for



Foreign and Commonwealth Office

London SW1A 2AH

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6 July 1988

2
1/2
~~Dear Charles~~

Football Hooliganism

The Foreign Secretary had expected to attend the Prime Minister's meeting to prepare for the later discussion with representatives of the Football Association and League. This has now been brought forward to 2.15pm when he will be in the House for questions.

The following summarises a number of the points the Foreign Secretary would have wished to make at the meeting:

- football hooliganism abroad is a specific problem, but also part of a wider pattern of misbehaviour by Britons overseas (almost entirely drink-related);
- we have done a good deal to educate the public in general about the need to act appropriately but ultimately we have no sanction over the activities of the minority who deliberately make trouble overseas;
- following a visit to Spain, Mr Eggar has put two ideas for action to colleagues: restriction of alcohol sales at UK airports (especially important in view of likely flight delays) and sending a small number of British police advisers to work with Spanish counterparts at key resorts at peak periods: these merit quick follow-up;
- our consular staff face sharply rising demands as they try to pick up the pieces after incidents (8 million Britons are expected to visit Spain this year, more than the total number travelling overseas twenty years ago);

/- colleagues

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CC DM.
VPC



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- colleagues are aware of the sensitivities and difficulties of confiscating passports of offenders, but if ways can be found to achieve this, our staff overseas would be very ready to play their part (eg on the lines of current arrangements to remove the passports of those repatriated at public expense);
- arrangements are in place with most European countries for the repatriation of prisoners, but in practice this is a technical and protracted exercise (hence 270 Britons in prison in Spain, but only three repatriated since agreement came into force in 1985).

The Foreign Secretary had also wished to join colleagues in underlining the damage misbehaviour, football-related or otherwise, is causing our standing abroad, at a time when generally our stock is high and there is considerable respect for British achievements.

I am sending a copy of this letter to the Private Secretaries to the Home Secretary, the Lord President, the Secretary of State for the Environment, the Chief Secretary, the Attorney General, the Secretary of State for Scotland, the Minister for Sport, the Secretary of State for Transport and Sir Robin Butler.

Yours ever

R N Peirce

(R N Peirce)
Private Secretary

C D Powell Esq
10 Downing Street

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PRIME MINISTER

FOOTBALL HOOLIGANISM

The key papers for your meetings tomorrow are:

- Flag A: A note by the Lord President's Office on the legislative programme.
- Flag B: A note by Bernard Ingham on media handling.
- Flag C: Text of a draft joint Government/Football Authority statement prepared for DOE Ministers and issue after the meeting.
- Flag D: An annotated agenda for your meeting with the football authorities.
- Flag E: Bull points on each of these items which you might like to look at tonight as an aide memoire.
- Flag F: A note on the attitude of the football authorities following the pre-meeting talks which you asked DOE to hold with them.

The essence of the football authorities approach is

- they do not think they can deliver the two-thirds majority required for a voluntary national membership scheme but seem willing to go back to the clubs and tell them to prepare against the threat of legislation;
- the FA has already cancelled the friendly match in Italy in November and may be willing to cancel others; but

- are very unhappy about the idea of cancelling next year's Scotland-England match (the Rous Cup).

You have two meetings tomorrow. The first at 1415 is briefing with Ministers. I suggest you use this to discuss tactics (briefly) but focus on the text of the statement. A key consideration in the latter is the Lord President's assessment of the legislative programme (flag A). His assessment gives you two broad options:

- first, to commit to legislation next year in which case something else will have to go in the legislative programme; or
- second, to find a formula which keeps the pressure on the footballing authorities/clubs but with legislation in the 1989/90 session aiming for the compulsory membership scheme to be in place by the start of the 1990 football season.

You probably do not need to decide this tomorrow, if you agree that the draft statement (flag C) fudges the timing of legislation sufficiently.

At 1630 you have a meeting with the footballing authorities - Mr. Millichip (Chairman) and Mr. Walker (Security Adviser) to the FA and Mr. Carter (President) and Mr. Kelly (Secretary) of the Football League. The other Ministers will also be present. Your main aims are:

- to get them to go back to the clubs to work up a national membership scheme against the background of a determination to legislate as and when time permits;
- to secure their agreement to the statement;
- to press the FA to settle with the Scottish FA cancellation of next year's England/Scotland match.

The Solicitor General needs to be away by 1730 because of other commitments but you will in any case ~~not~~ want to give the football authorities much more than an hour.

S. Morris
Duty Clerk

PP DOMINIC MORRIS

5 July 1988

EL3CWT

CCB/4P
B

PRIME MINISTER

FOOTBALL MEETING - MEDIA HANDLING

Tomorrow's meeting will be a big media occasion and it is important especially in view of the timing, that we come out quickly with an action statement. We ought to aim for the early evening news bulletins - 6pm - if possible.

I understand from the Department of the Environment that the FA/FL are likely to help the Government in appearing positive. This is because they:

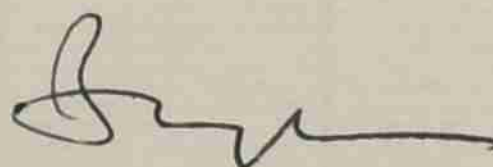
- i) will be unable to support a voluntary national membership scheme (but will co-operate in preparing a scheme if the Government requires one by legislation);
- ii) will not wish to say anything to journalists as they leave; they are apparently untypically reticent to talk to the media.

The Department of the Environment are preparing a joint statement - which is what the FA/FL want and which will frankly set out their position on national membership cards.

I suggest that Mr Moynihan should read the statement to the assembled media outside No 10 and then answer questions; and should also do radio and TV interviews. Mr Moynihan's office is prepared to take this on. We shall have a microphone available outside the door.

I will be at the meeting and will give a Lobby briefing afterwards.

Content?



BERNARD INGHAM

5 July 1988

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copy



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

*a Bx
Dm*

My ref:

Your ref:

Dominic Morris Esq
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

Student loans

5 July 1988

*LP
Page to Mr. Knight
RSQ.*

Dear Dominic

FOOTBALL HOOLIGANISM

I enclose the following briefing for the meeting the Prime Minister is to Chair tomorrow with the football authorities:

- A - an annotated agenda;
- B - bull points for each agenda item;
- C - a note by the Home Office on the police arrest and ejection statistics for the 1987/88 season;
- D - a background note on the attitude of the football authorities, prepared following our officials' meeting with them yesterday evening. The most important points here are:

Mr Carter will tell the Prime Minister that the League could not deliver a private membership scheme on a voluntary basis;

the FA has cancelled the friendly match in Italy in November and may be willing to cancel others;

the FA is very unhappy about the idea of cancelling next year's Scotland/England match.

In view of the press interest in the meeting we agreed that it would be advisable to have a prepared statement ready for, say, Mr Moynihan to give to the press immediately after the meeting breaks up. I will circulate a draft shortly.

Copies of this letter and the briefing go to the private secretaries to the Foreign Secretary, the Home Secretary, the Lord President, the Chief Secretary, the Solicitor General, Parliamentary Under Secretary of State Scottish Office (Mr Forsyth), the Minister for Sport and to Trevor Woolley at Cabinet Office.

*Yours
[Signature]*

A D RING
Private Secretary



PRIME MINISTER'S MEETING WITH THE FOOTBALL ASSOCIATION AND THE FOOTBALL LEAGUE: 6 JULY

Mr. Thatcher - *Ted Crocker* ^D
- *Mr. Walker*
Mr. Carter - *Mr. Kelly* ^A

AGENDA

1. Introduction

- review of problem of football hooliganism
- need to tackle problems together

2. Government measures

- considerable police resources devoted to football
- backed by alcohol restrictions under the Sporting Events (Control of Alcohol Etc) Act 1985 and new powers for police and courts under the Public Order Act 1986
- police determined to intensify efforts to stamp out criminal behaviour
- Government looking at restriction on sale of alcohol in the vicinity of sports grounds
- Government looking at ways of prohibiting convicted football hooligans from attending matches here or abroad

3. Membership schemes

- partial membership schemes have not worked well
- Government wants to see the introduction of a national membership scheme
- welcome views of the FA and the Football League on possibility of a voluntary scheme

4. England International Matches

- FA to look at withdrawing from participation in friendly internationals abroad and the 1989 Rous Cup (England, Scotland and Argentina). Review of arrangements for the 1990 World Cup competition

5. Other possible anti-hooligan measures

- possible further steps
- to be included in the Bill if legislation for the designation of sports grounds for anti-hooligan measures is necessary. To include a national membership scheme for the 92 Football League grounds

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AGENDA ITEM 1 - INTRODUCTION

- meeting as a result of events in West Germany and incidents during the domestic season
- grateful for responsible attitude of FA in handling ticket allocations and segregation arrangements. However should not have encouraged fans to travel as they did; HMG urged no-one to go to the European Championships
- precautionary measures for the European Championships taken by FA, police and Departments were successful in that there were no incidents inside the stadia
- recognition that hooliganism is an international problem - particularly serious offenders including Dutch and German fans - and that there was some over-reaction from UK press but clear many England supporters disgraced themselves in Germany in incidents of violence, drunkenness and loutishness, damaging both our football and international reputation
- glad that FA withdrew application for readmission of English clubs to UEFA competitions
- may not be football's 'fault', but football provides a focus for hooliganism, both at home and abroad
- still have not got domestic game right. Position improved in terms of overt violence inside grounds but much still to do to remove provocative and aggressive behaviour which all too often produces hostile environment at football matches and ugly clashes between rival fans
- the February 1987 voluntary agreement - see flag - has resulted in progress on local plans, community involvement, and greater (but not comprehensive) use of CCTV, progress on partial club membership schemes has been slow

AGENDA ITEM 2 - GOVERNMENT MEASURES

(a) Police action

- police have made effective contribution in maintaining order inside grounds and more generally
- they have been supported by new powers in Public Order Act 1986 enabling courts to impose exclusion orders on convicted hooligans and creating the new offence of disorderly behaviour
- police determined to intensify their efforts to stamp out criminal behaviour (despite the set backs in the recent trials in London) by putting more resources into the use of intelligence and evidence gathering in identifying and prosecuting offenders

(b) Alcohol restrictions - Home Office action

- measures to control alcohol introduced in 1985 have played a significant part in improving the situation inside grounds
- the measures did restrict peoples' freedom to enjoy themselves but the Government needs to balance the rights of individuals against considerations of tranquility and public order
- the Government will apply that principle in considering the need for firmer action to control alcohol misuse more generally

(c) Preventing convicted hooligans from travelling abroad - Home Office action

- Government looking at ways to prevent convicted hooligans from travelling to matches abroad. Withdrawal of passports raises issues of principle concerning freedom of travel,

but it may be possible in other ways to build on the existing powers of the courts, eg to make attendance orders

- also relevant that as far as we know only a small proportion of those involved in incidents in Germany had criminal convictions

AGENDA ITEM 3 - MEMBERSHIP SCHEMES

All League clubs

(a) Partial Membership Scheme

- 50% of ground capacity membership schemes included in the February 1987 Government agreement with the football authorities on voluntary measures to combat hooliganism
- progress far too slow, only 16 clubs met the 50% target
- only a few clubs have shown any commitment to making membership schemes work
- police view is that most schemes have not made a significant contribution to efforts to control hooliganism

(b) National Membership Scheme

- need such a scheme to control access to grounds, entry restricted to members only. Cards can be withdrawn from wrong doers
- crowd misbehaviour still at unacceptably high levels - refer to incidents during season, arrest and ejection statistics
- Luton 100% home membership scheme has been successful; a national membership scheme for the country as a whole could provide for home and away support
- police more than happy to cooperate in devising an effective scheme
- essential features of a card scheme, are that the person to whom the card is issued must be reliably identified and information must be held on a central computer. Cards should carry a photograph
- national membership scheme to be in place beginning of 1989-90 season

- football authorities to say whether they can deliver a scheme and, if so, to submit proposals for agreement with the Minister for Sport within eight weeks
- the alternative to a voluntary scheme is legislation. Hope football authorities would cooperate
- under any Bill the Secretary of State would be given power to designate those sports grounds where entry to matches would be restricted to members of the national membership scheme
- no question of public expenditure: suggest Football Trust; Pools companies and private sector companies
- in view of slow response by the football authorities to the February '87 package Minister for Sport recommends that however willing football authorities may appear, a legislative framework (a short Enabling Bill) for anti-hooligan measures (including a national membership scheme) is essential

AGENDA ITEM 4 - ENGLAND INTERNATIONAL MATCHES

- in the longer term national membership scheme could have major part to play in controlling access to matches abroad
- how best tackle problem in the meantime
- invite FA to play its part by cancelling away friendlies in West Europe and the 1989 Rous Cup
- invite FA not to take tickets for away World Cup qualifying matches
- invite FA to review participation in the 1990 World Cup Competition in the light of how successful the agreed measures have been

AGENDA ITEM 5 - OTHER POSSIBLE ANTI-HOOLIGAN MEASURES

- greater use of morning kick offs for potentially troublesome matches
- invite Football League to remind clubs of their duty to ensure that drunken spectators are not admitted to matches
 - use of breathalysers inside turnstiles
- changes to the layout of grounds - essential out of season reviews of every ground to detail improvements eg stands, segregation and turnstiling
- designated seat areas in traditionally troublesome terraces at specified grounds
- if legislation on membership schemes is necessary it might be the vehicle for other anti-hooligan measures

ATTITUDE OF FOOTBALL AUTHORITIES

DOE officials met Messrs Carter and Kelly of the Football League and Millichip and Walker of the Football Association, on 4 July, to let them know of the points the Prime Minister would raise with them on 6 July. Their comments, which they may be expected to repeat on 6 July were as follows:

Domestic season/membership schemes

- measures taken so far cannot be said to have failed to control hooliganism inside football grounds. The Government has identified 8 matches out of 2,500 in the 87/88 season at which trouble occurred. Arrest statistics indicate that 0.03% of those attending matches were arrested;
- partial membership schemes have played some part in containing hooliganism, as part of a package of measures;
- the Football League could not deliver a national membership scheme on a voluntary basis. Many clubs would simply not accept the need to participate. No chance of the 2/3 majority of clubs required for a League regulation;
- the bigger problem is now outside grounds, though difficult to quantify. A national membership scheme would not address this issue directly;
- if there is legislation, the football authorities would wish to co-operate in delivering the best scheme possible.

Other domestic measures

- further controls on alcohol, including drinking in public near football grounds, would be very helpful;
- morning matches already happen when police think it necessary. Dangers of spreading practice too widely are: trouble from away supporters arriving the night before; and trouble after the match.

International matches

- FA deeply ashamed of events in West Germany but they were exaggerated grossly by British press;
- FA has decided to cancel the friendly match in Italy in November 1988. This will be announced at end of PM's meeting. Suspended preparations for friendly matches against Greece and Denmark, February and June 1989; will reconsider them;

- begun preparations for qualifying matches in World Cup (Sweden, Albania, Poland). FA will not take tickets for away games;

- if England qualify for World Cup Finals in Italy in 1990, FA will review situation then. If no legislation on restricting hooligans' travel in place, will consider withdrawal.

Rous Cup

- FA very unhappy about possibility of cancelling the match against Scotland. May offer to discuss possibility with Scottish FA.

Summary

Football authorities keen to appear co-operative; do not want public argument. Unable to deliver national membership scheme but would co-operate with legislation. May also co-operate on international matches, except the match against Scotland, which rouses strong emotions.

DOE

5 July 1988

CCB
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PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

5 July 1988

Dear Nigel,

FOOTBALL HOOLIGANISM : LEGISLATION

The formal position is that the question of legislation to impose a football spectator registration scheme will be reconsidered in the light of the Prime Minister's meeting with the football authorities tomorrow. I thought it would be useful if I now put on record with you the main points affecting the timing of such legislation, from the Business Managers' point of view.

As Mr Moynihan said at the Prime Minister's meeting, DOE envisage that this would be a short enabling Bill, with the detailed application left to regulations. But the Ministers taking the Bill through Parliament would need to have a fairly clear scheme in their minds, and the Bill would certainly be controversial. We understand from DOE that if a scheme were to apply to next football season, starting in August 1989, then consultation with the football authorities would need to start almost at once and Royal Assent would be needed to the legislation by next Easter.

The obvious business management problem is that a Bill on this timetable would add to the pressures that we already have at the beginning of the Session. Not only shall we be starting late, with a number of very heavy Bills to get through Second Reading by Christmas, but there is already a list of other difficult Bills that need to be taken through on a fast track. These are Security Service (to be taken through on the Floor of the House ahead of Official Secrets); Prevention of Terrorism (essential by March, and now likely to include some controversial late additions); and RSG closedown (needed by the end of the financial year).

Clearly this represents a formidable task, and if the football hooliganism legislation is required on the same timescale as the other "fast track" Bills, then the Lord President believes that the relative priorities even among these urgent measures would need to be determined. Also, he would want to ask for his colleagues' co-operation in identifying material that might be jettisoned from Bills in the programme to help accommodate the new measure. The Lord President is very doubtful whether there are any main Bills left that could realistically be considered for complete removal, but the fact is that the pressures have got markedly worse since Cabinet agreed in March on the need for reductions to compensate any addition. The Lord President would particularly like Mr Ridley to consider if there is any second-order material that could go from the Housing and Local Government Bill, which is promising to be very difficult.

The Prime Minister has already agreed with the Lord President that the existing programme is dangerously close to being overloaded. Thus the Lord President believes it to be essential, if the politics of the situation demand a football hooliganism Bill next session, that no time is lost in drawing up a sensible strategy by which this might be achieved, and he would welcome the opportunity to discuss this with the Prime Minister in the light of tomorrow's meeting with the football authorities.

I am copying this letter to Nick Gibbons, Murdo Maclean and Trevor Woolley.

Lord Privy Seal's
P.S.

Yours, Chief Whip
Alison P.S.

FERB's P.S.

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S July 1988

Dear Dominic,

Thank you for your letter of 27 June asking for advice on Mr Stuart Hall's letter of 22 June about football hooliganism. The paper enclosed with Mr Hall's letter touches on several points, namely the banning of alcohol and CCTV, which are the responsibilities of the Home Office. This reply incorporates their advice on those points.

The paper was written in July 1985 and in some respects is now out of date. The ban on alcohol en route to and at football grounds under the Sporting Events (Control of Alcohol Etc) Act 1985 has now been in force for several years and is generally considered to have been effective. CCTV is widely recognised as the single most effective and important anti-hooligan measure. All but 15 clubs in the Football League now have it installed or have the use of police operated portable systems. The rest should have it available by the start of the 1988-89 season. The police are currently looking at ways of increasing its effectiveness.


Following Heysel, the introduction of identity cards or membership for all those wishing to attend a football match was considered with the football authorities. In the event the Government and the football authorities agreed in February 1987 that all clubs in the Football League should introduce by the start of 1987/88 season membership schemes covering at least 50% of the capacity of their grounds. The delivery on membership by the clubs was poor - only 16 having achieved the 50% target - and partial membership is now recognised as an ineffective deterrent to hooliganism. We are now, as you know, looking again at the possibility of 100% membership schemes. Mr Hall's objections to this centre mainly on the question of supporters who do not reside in the area of their club and thus would not be able to watch their favourite team. However, this would only be a problem if a membership scheme were to ban all away supporters. This and the practical difficulties of implementation mentioned by Mr Hall will have to be considered in the detailed discussions which will no doubt follow on from the Prime Minister's meeting with the football authorities on 6 July.

Mr Hall's views on the roots and causes of football hooliganism lead into what is in effect the main point of his paper, which is that football clubs should become more involved with their supporters and local communities. The February 1987 agreement dealt specifically with this topic and good progress is being made on community initiatives. The main focus for this activity is "Football in the Community Schemes" which were introduced in September 1986 and are now in place in 28 Football League clubs in the North West, including Liverpool (mentioned specifically by Mr Hall), and in Yorkshire. Schemes are planned to start at a further 12 clubs in September. The schemes are funded under the Training Commission's (formerly MSC) Community Programme and are managed jointly by the Football League and the Professional Footballers Association through the Footballers Further Education and Vocational Training Society (FFE). As you will see from the enclosed extract from the FFE's brochure, and the Press Statement issued at the launch of the project, its objectives are very much in line with those suggested by Mr Hall.

We understand that the schemes in place have worked very well, a view that is borne out by the fact that the number of clubs involved has increased from 6 when the project was launched in September 1986 to the current level of 28.

Artificial pitches are more difficult. Some clubs, particularly the financially less well off in the lower divisions, would like to install such playing surfaces because their capability to stand up to more intensive and comprehensive commercial uses can provide a valuable source of extra income. They would also allow greater community involvement. However, many clubs, particularly in the higher divisions, and followers of football, are against artificial surfaces because they argue that they produce unnatural playing conditions. There are now only 3 clubs - Luton, Oldham and Preston North End, which have artificial pitches. Queens Park Rangers, the first club to install an artificial pitch, will revert to grass next season.

There is currently a 3 year Football League moratorium on the installation of further artificial surfaces (clubs which already had such surfaces were allowed to retain them). This expires at the end of the 1989-90 season, following which a Football League working party will report to the clubs on developments in the technology and use of artificial surfaces. It is probable that if an artificial pitch which played as well as grass could be manufactured then more clubs might be willing to have them installed.


A D RING
Private Secretary

PART 6 ends:-

Dm to D.O.E 29/6/88

PART 7 begins:-

DOE to Dm 5.7.88