PART 8

Confidential Filing
In Attached Fooder: challenge Group proposal to
Borclays Bank Plc.

The Behaviour of British Football

Fans Abroad.

Soccer Hooliganism, and Hooliganism

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Pat 8: Feb 89

THE HILLSBOLD' DISASTER

Date Referred to Referred to Date Referred to Date Referred to Date 2-2-89 23-2-5 SPM 24-2-89 18 4.8° 21.4.80 25/4/29 9.5.89 18.5.89 23-5-87 -25/5/87. 13.7.89 30.7.83 5/9/89. 12.9.89 2-9-89 -2.10.89 19.1.90 22.1.90 24.1.90 26.1.90 29.1.90 30-1.00

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

Home Office THE HILLSBOROUGH STADIUM DISASTER 15 APRIL 1989 Inquiry by the Rt. Hon. Lord Justice Taylor Final Report Published in January 1990

Signed <u>J. Gray</u> Date <u>27/8/2016</u>

PREM Records Team

PART 8 ends:-

AT to DOE 31/1/90

PART 9 begins:-

FGS to Home SEC 1.2.90



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10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

31 January 1990

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FOOTBALL MEMBERSHIP SCHEME

The Prime Minister has received the attached letter and proposal from the Challenge Group. The letter seems to have been written before the Home Secretary's Statement on the Taylor Report. I would be grateful for a draft Private Secretary reply. This should set out what Mr. Long should do next, ie. whether he should seek further discussions with DOE or the Football Authorities.

Following the Taylor Report, the Government has undertaken to continue contingency work on the NMS to see if the shortcomings identified could be overcome. This particular proposal does not appear to me to fall within the category of an official membership scheme as it is entirely voluntary and the potential hooligan would be under no obligation to use it. As it does not fall within the legislation I would have thought there was no basis on which the police national computer could be involved. Generically it seems to be a comprehensive ticketing system which may indeed be very good for marketing football but as such it acts only indirectly on the hooliganism problem. I would have thought that it was for the football authorities rather than the Government to develop it.

ANDREW TURNBULL

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





10 DOWNING STREET

LONDON SWIA 2AA

From the Principal Private Secretary

31 January 1990

I am writing on behalf of the Prime Minister to thank you for your letter of 25 January.

This is receiving attention and a reply will be sent to you as soon as possible.

ANDREW TURNBULL

Chris Long, Esq.



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

My ref:

Your ref

30 January 1990

Dominic Morris Esq Private Secretary No. 10 Downing Street London Spore Bernaus. Apres and be unposed out main thing is to get it of pronts.

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Dear Donnic

The Prime Minister asked for a letter to be drafted to go to the Times today repudiating the accusation in the paper that the Government was being "inexcusably apathetic" about football hooliganism.

I attach a draft which has now been cleared with Mr Moynihan but not yet with the Secretary of State. I should be grateful for your urgent agreement that the letter can be despatched.

Yours Sincerely Tereson Volles.

Teresa Vokes Private Secretary





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

My ref

Charles Wilson Esq Editor - The Times 1 Pennington Street London E1 9XN

Today I read with interest your balanced editorial "English Soccer Squalor", in which you correctly say that the "Government's concern is with public safety and public order". I was, therefore, surprised to read in the same edition Mr Stuart Jones' assertion that the Government had been "inexcusably apathetic".

The safety and protection of spectators and of those whose lives are affected by football matches has been at the forefront of the Government's concerns for many years. We have worked with the football authorities to implement measures to that end.

In 1987 we agreed a package of measures with the football authorities which included the preparation of local plans in consultation with the local police and the local authority about how best to handle football matches, the use of all ticket arrangements, the use of closed circuit television surveillance of grounds, the promotion of family enclosures and voluntary membership schemes. We are now working with the football authorities, the police and the Italian authorities on preparation for the World Cup Finals this summer.

In addition the Government has legislated on a number of occasions in the interests of safety and public order

- to control the sale and consumption of alcohol
- to clarify and strengthen existing legislation on public order
- to introduce a new offence of hooliganism
- to introduce exclusion orders



- to implement major safety recommendations in the Popplewell Report
- to enable the courts to prevent convicted hooligans from travelling to matches abroad.

We have also established a National Football Intelligence Unit to co-ordinate police initiatives against football hooligans at home and abroad. This is a record of action not apathy but the Government cannot cure all of football's problems for it. The essential message of Lord Justice Taylor's Report is that football must at last face up to its own responsibilities. I endorse that message

COLIN MOYNIHAN

Hillsborough Stadium Disaster (Taylor Report)

3.32 pm

Mr. Speaker: Statement, Mr. Secretary Waddington.

Mr. Graham Allen (Nottingham, North): On a point of order, Mr. Speaker.

Mr. Speaker: What can it be? We have not yet heard the statement.

Mr. Allen: As usual, the statement was not made available until now. That makes the contribution of any hon. Member not as informed as it might otherwise be. With your authority, will you reconsider this practice on future occasions?

Mr. Speaker: Whether copies of statements are made available to Back Benchers—I have a personal view about that—is a matter for the Government, not for me.

The Secretary of State for the Home Department (Mr. David Waddington): With permission, Mr. Speaker, I should like to make a statement about the final report of Lord Justice Taylor's inquiry into the tragedy at the Hillsborough stadium on 15 April 1989. Some months have passed since that terrible event but not long enough, I know, to dull the pain suffered by the bereaved, and I wish to place on record my sympathy for them and for those who sustained injury.

Mr. Eric S. Heffer (Liverpool, Walton): On a point of order, Mr. Speaker.

Mr. Speaker: What can it be? The Home Secretary has only just started to make his statement.

Mr. Heffer: Some of us who are deeply concerned about the matter have not got the report. If we are to ask intelligent questions, the report ought to be in our hands. All I have is the interim report, not the final report. The interim report was issued in August of last year. We have not got the final report. If we are to discuss the matter properly, may we have the final report before we discuss it?

Mr. Speaker: That is a matter which I am afraid I cannot answer. Whether a report is made available at the time a statement is made is a matter for the Home Secretary and for the Government. It is not a matter for me, but I understand that a report—I believe it is an interim report—is available in the Vote Office now. [Interruption.] Order. I correct myself. I have not been able to go there. It seems that the full report is available.

Mr. Waddington: That is correct, Mr. Speaker.

I am most grateful to Lord Justice Taylor for the report, which sets out clearly why we have had so many major tragedies at football grounds over the years and why we have had disorder and hooliganism.

As the House familiarises itself with the report, it will become clear that it is addressed as much to the football industry as it is to the Government. Lord Justice Taylor explains how, in his interim report, he concentrated on overcrowding because that was the cause of the Hillsborough disaster, but now he goes on to talk of a game, the image of which has been much tarnished, and of a blight over the game due to old grounds, poor facilities, hooliganism, excessive drinking and poor leadership.

Lord Justice Taylor does not spare those who run the industry. He says, indeed, that the provision they make for their customers is often not merely basic but squalid; and that squalid conditions can have an impact on safety and that, in his view, they also lead to lower standards of behaviour.

Lord Justice Taylor says that the Football Association and Football League have not seen it as any part of their duty to offer guidance to clubs on safety matters, and he questions whether the directors of many clubs are genuinely interested in the welfare of their supporters or their good behaviour. Players, too, are criticised, with Lord Justice Taylor pointing out that incitement from the pitch or bad behaviour by players, which is not confined to soccer, has a major influence on the crowd.

I acknowledge that some clubs have made an effort to improve standards, but Lord Justice Taylor's clear conclusion was that the majority had not and that the game has a future only if the directors and the players can change their priorities and give a leadership which is plainly lacking at present.

He agrees with the Government that there must be a move towards all-seater stadia and points out that section 11 of the Football Spectators Act 1989 specifically provides the machinery for that. The change will improve safety and behaviour, and we intend to bring it about.

Lord Justice Taylor makes clear that the bulk of the finances for ground improvements will have to be raised by the clubs themselves. He says there are ways of raising the money if the clubs' management is enterprising and resourceful, and he points to the opportunities presented by sponsorship. He also points to the revenue that flows to the football authorities from television rights and says that the football authorities should ensure that this valuable source of revenue is directed towards improving stadia. He canvasses the possibility of a levy on transfer fees which he says have reached a level which many regard as grotesque.

There is a whole series of detailed recommendations set out in chapters 3, 4 and 5 on matters relating to spectator safety such as gates and gangways. Indeed, of the 76 recommendations, 43 in substance appear in the interim report. The Government accept these proposals, some of which can be implemented immediately; some will need further work. For convenience, I have placed in the Vote Office a schedule setting out the Government's response to each.

Hon. Members will recall that section 13 of the Football Spectators Act provides for the Football Licensing Authority to supervise the safety responsibilities of local authorities in respect of designated football grounds. We intend to implement that provision. Lord Justice Taylor welcomes the establishment of the Football Licensing Authority but would like us to go further and extend its remit to cover other than football grounds. This would require primary legislation, and we will have to consider whether it is justified.

Part III of the report contains a number of proposals relating to crowd control and hooliganism. It acknowledges the crucial role of the police in crowd control. Lord Justice Taylor rightly reminds us that, without the work of the police, many sporting events would be chaotic and could not be permitted to take place. Something like 5,000 police officers are engaged on football duties each Saturday during the season, largely at the expense of the taxpayer and the ratepayer. He pays tribute to them for their service, and I want to add my

been more active than ours in seeking to persuade the Ethiopian Government to establish a peace and get food to the starving people who need it so badly.

Sir Bernard Braine: All hon. Members on both sides of the House will endorse my right hon. Friend's statement that it is not much use talking about agricultural development in an area where bitter civil war still rages. Is she aware that recent reports show an increasing flow of Ethiopian refugees into the southern Sudan, and that the situation is critical? What efforts are being made to ensure that relief food reaches Port Sudan and Khartoum in time to save lives?

Mrs. Chalker: I assure my right hon. Friend that we are doing all that we can to get food to the various areas that need it. Furthermore, now that we have successfully persuaded the Ethiopian Government that they should allow the food through the joint relief programme to those in need, I hope that the rebels will also agree to do so. I am pleased to tell my right hon. Friend that I shall be announcing a further £2.8 million of food aid for Ethiopia, and a further £1 million of emergency relief.

Mr. Simon Hughes: I welcome the news that the Minister is going to Bangladesh next week. While she is there, will she take the opportunity to consider two issues? First, will she look at the apparent imbalance in the geographical distribution of aid? Some districts seem to receive less support than others. Secondly, will she consider the back-up mechanisms that might be available to Bangladesh through aid from Britain, allowing training and educational opportunities to Bangladeshi school-leavers so that they can help the agriculture industry and develop new technologies in the future? It is not just a matter of agriculture; it is also a matter of education.

Mrs. Chalker: The hon. Gentleman is right. Let me point out, however, that our aid to Bangladesh last year, at £56.8 million, was the highest ever. We have been giving awards for training in the United Kingdom, and about 300 new awards are currently being provided each year. We are also trying to help with natural resources, energy, communications, health and education, particularly education and health projects for women. It is a very full programme that I shall be discussing next week.

Nepal

73. Dr. Michael Clark: To ask the Secretary of State for Foreign and Commonwealth Affairs what non-financial assistance has been given to Nepal during the last 12 months.

Mrs. Chalker: We provided over £7 million in non-financial assistance to Nepal in 1988-89, the last full financial year for which figures are available. This covered training awards in Britain, and technical co-operation which included assistance with forestry, agriculture, education, water and sanitation and roads.

Dr. Clark: Is my right hon. Friend aware that, owing to the trade and transit dispute between Nepal and India, there is a considerable shortage of fuel for cooking and heating? Is she aware that, without petroleum products, there is a great danger of an acceleration in the

deforestation which is already a cause of concern? What can we do to help to ensure that Nepal receives more petroleum products in the short term?

Mrs. Chalker: We discussed with the Nepalese Government an airlift of fuel, but together we concluded that their stocks of fuel were adequate for the time being. We are watching the position. As for Nepal's environmental needs, we share its concern over the deforestation of the hills. That is why we are providing £2.9 million to accelerate research that will lead to the introduction of new species of trees to assist the area. A further £3.9 million is to be made available for the improvement and management of community forest areas.

Bangladesh

76. Mr. Kirkhope: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the Minister for Overseas Development's forthcoming visit to Bangladesh.

79. Mr. Paice: To ask the Secretary of State for Foreign and Commonwealth Affairs, further to the reply given on 8 January, Official Report, column 552, what subjects will be discussed during the Minister for Overseas Development's forthcoming visit to Bangladesh.

Mrs. Chalker: I shall pay my first visit to Bangladesh from 6 to 9 February and will have general discussions on our aid programme with a number of Bangladesh Government Ministers. I expect to discuss the follow-up to the successful flood control conference which Her Majesty's Government hosted in London last month. I look forward to visiting some of our current aid projects.

Mr. Kirkhope: Will my right hon. Friend say a little more about the progress that has been made with flood control projects in Bangladesh, and in particular what role the United Kingdom is playing in those projects?

Mrs. Chalker: The British Government were one of the first to respond to the worst floods in living memory in Bangladesh in August 1988. We provided £8 million in emergency relief and a further £17 million for rehabilitation. We have now embarked on establishing a longer-term flood control strategy. That began at last month's international conference in London. I am glad to say that all the projects have had donor pledges. There will be a full programme of flood prevention measures.

Mr. Paice: Will my right hon. Friend talk to the Bangladeshis about the role of the non-governmental organisations? Will she also consider providing help to Bangladesh for reforestation to create the soil stability that is needed to prevent flood damage and improve food production?

Mrs. Chalker: To my knowledge, we are supporting CARE, Save the Children Fund, Action Aid, Oxfam and especially a local Bangladeshi non-governmental organisation. I shall consider further possible roles for non-governmental organisations through our joint funding scheme. We are already considering the possibility of providing help for reforestation. We have carried out a study in the sundarbans area on the coast. That is essential if we are to prevent cyclones from causing damage inland.

thanks to the police for the way that they carry out the difficult, thankless and often unthanked tasks that are thrust upon them.

The report recognises the advances made in the last couple of years in the effectiveness of the policing of football, particularly inside grounds, and to the major impact of closed circuit television on the hooligan problem. It also mentions other measures taken by the Government, such as the restriction on the sale of alcohol and the power given to the courts to make orders excluding convicted hooligans from grounds.

Lord Justice Taylor also recognises the great potential value of the police national football intelligence unit in dealing with football-related crime and with hooligans travelling to matches abroad.

As I have said, Lord Justice Taylor takes the view that better facilities and better treatment of fans will bring better behaviour. Beyond that, the report recommends the creation of three new specific offences to apply at designated sports grounds—throwing a missile; chanting obscene or racialist abuse; and going on to the pitch without reasonable excuse. It also asks for consideration to be given to extending the courts' powers to impose attendance centre orders and for the use of electronic tagging in the case of offenders convicted of football-related offences. The specific new offences suggested seem, to some extent, to duplicate offences which are already available in the Public Order Act 1986, but I shall look carefully and quickly at all these suggestions.

I now come to the proposed football membership scheme. Lord Justice Taylor examined the invitation to tender for a scheme which was issued by the consultants employed by the football authorities. He came to the conclusion that he could not support a scheme of that kind because he could not believe that the technology would work well enough to avoid the danger of congestion and disorder. He was also concerned about the call on police resources. Instead, he proposes the measures to which I have referred.

In the light of this advice, the Government have decided not to proceed with the establishment of a football membership authority, but part I of the Act will remain on the statute book. Work will continue to see how the shortcomings identified by Lord Justice Taylor could be overcome in case we have to return to the matter again, should the problem of hooliganism not be defeated by the alternative strategy proposed in the report.

Let no one imagine that this means that there will be any let-up in the fight against hooliganism. Those who, unlike the Government, have for so long shrugged off their responsibilities will now have to face up to them.

The Government intend to proceed as quickly as possible to the establishment of a football licensing authority and, subject to consultation, section 11 of the Football Spectators Act will be used to direct the Football Licensing Authority to require all-seater stadiums—with standing being reduced by stages and entirely eliminated in first and second division grounds by August 1994 and in all Football League grounds by 1999.

The necessary steps will be taken to ensure improved arrangements for crowd control and better training for police and stewards. There will be urgent consideration of the case for new offences and for new powers to deal with those excluded from grounds by the courts. The clubs will be compelled to get rid of the terraces. But Lord Justice Taylor indicates how much more they can do to create a

better atmosphere by improving the now often squalid conditions to which they subject their supporters—squalid conditions that can encourage squalid behaviour.

Those clubs that have not faced up to their responsibility now have a final opportunity to do so; and if they do not now act, the public will not forgive them.

Mr. Roy Hattersley (Birmingham, Sparkbrook): First, let me take this opportunity to express once again our sympathy for all those whose relatives and friends were killed or injured in the tragedy into which Lord Justice Taylor inquired. Secondly, I offer the Opposition's thanks to Lord Justice Taylor for his thoughtful and thorough report. If sensibly applied, it can provide the basis for much-needed improvements throughout our football grounds.

Will the Home Secretary confirm that the report is explicit in describing the proposed football identity card scheme first as likely to increase—not reduce—hooliganism inside and outside grounds; secondly, as probably not technically feasible; and, thirdly, as more likely to increase the risk of death and injury than to reduce it?

Is the Home Secretary aware that, whatever language he may use today to save the Prime Minister's face and preserve her reputation for inflexibility—

Hon. Members: No.

Mr. Speaker: Order.

Mr. Hattersley: Whatever language the Home Secretary may use today, the identity card scheme is dead as a result of the report. Once again, the Government have wasted time and money creating the illusion of activity. Most of what the Taylor report recommends could have been implemented by agreement two years ago had the Government chosen to make progress instead of trying to make headlines.

I assure the Home Secretary that no regular football supporter doubts the need to improve the conditions in most of our grounds—to improve safety and to improve facilities. We therefore offer our support for a number of the specific proposals recommended by Lord Justice Taylor, particularly those that would ensure that law-abiding supporters who make the vast majority of football spectators, are treated like civilised human beings.

Is the Home Secretary aware that we support the more vigorous use of exclusion orders to prohibit known hooligans from attending football matches? We urge the right hon, and learned Gentleman to extend attendance orders to all those excluded from football grounds to ensure that they are kept under supervision on match days.

Equally, we support the proposal that it should be a specific offence to throw a missile and that racist chanting should be made illegal. We welcome the action proposed against ticket touts and we shall examine whatever proposal the Government bring forward to prohibit spectators from running on to pitches. But will the Home Secretary agree that, as the report makes absolutely clear, it is important to distinguish between pitch invasions intended to breach the peace and actions motivated by simple enthusiasm—what Lord Justice Taylor describes as "joie de vivre"?

We certainly support the idea of seats replacing terraces, but is the Home Secretary aware that the proposal to prohibit standing at football grounds by law has yet to be justified either on grounds of safety or on [Mr. Hattersley]

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grounds of convenience? Many law-abiding supporters prefer to stand and it is perfectly possible for standing accommodation to be provided in a way that endangers neither safety nor law and order. Should not the Government be discussing with the football authorities the provision of a seat for every supporter who wants one and the creation of safe standing areas for those who do not?

I want to ask the Home Secretary a specific question on which we pressed him to no avail during the months of the Committee stage of the Football Spectators Bill. If he persists in making football grounds all-seater stadiums by law, is it his intention to make it illegal for a spectator to stand in a seated area? [Interruption.] The incredulity of the Home Secretary and his supporters confirms that they have been to only one football match in the past 40 years —[Interruption.]

Mr. Speaker: Order. These are very serious matters.

Mr. Hattersley: Will the Home Secretary confirm that paragraphs 112 and 114 of the report do not endorse the Prime Minister's view that the £70 million spent recently on transfer fees is available for ground improvements? If the Prime Minister is so opposed to the present level of transfer fees, why does the Chancellor make them tax deductible when there are no capital allowances for improvements to buildings and physical facilities at football grounds?

I urge the Home Secretary to take a realistic view about the financing of football. In this country the arts are assisted inadequately and our national game is not helped at all. Will the Home Secretary now convene a meeting between the pools promoters, the football authorities and the Government at which the whole issue of football finance can be discussed. Eight years ago the Government increased the pools betting duty by 2.5 per cent. Were that decision to be reversed, the pools promoters would pass the entire saving on to football. Will the Government at least consider the possibility of helping the game in that way?

Finally, and perhaps most importantly, will the Home Secretary understand that attempts to solve the problems of football by conflict and confrontation have now clearly failed? We need some co-operation. I hope that the Government will provide it.

Mr. Waddington: The right hon. Member for Birmingham, Sparkbrook (Mr. Hattersley) correctly stated Lord Justice Taylor's criticism of the scheme which he considered, as outlined in the invitation to tender drawn up by the consultants employed by the football authorities. The right hon. Gentleman says that the Government wasted time and trouble on the Bill. At least the Government showed themselves prepared to address the problems. Opposition Members have never even recognised the problems. The right hon. Member for Birmingham, Small Heath (Mr. Howell) had the stupidity to say on Second Reading of the Football Spectators Bill:

"I do not believe there is any such thing as football hooliganism."—[Official Report, 27 June 1989; Vol. 155, c. 916.]

That is the kind of arrant nonsense that we have heard from Opposition Members. While we were at least trying to do something about football hooliganism, the Opposition were not prepared to do anything.

The right hon. Member for Sparkbrook calls for better conditions in grounds and then immediately says that he does not agree with all-seater stadiums which is the obvious way of bringing about better conditions in grounds. He also referred to specific offences. I have already said that I will consider urgently whether they should be introduced. However, I should point out that, again unlike Opposition Members, the Government have already been prepared to address themselves to those problems and we created new offences in the Public Order Act 1986.

Having said at the outset how much he welcomed Lord Justice Taylor's report, the right hon. Member for Sparkbrook then said that he rejected its fundamental conclusions because the whole strategy that Lord Justice Taylor says should be implemented instead of the introduction of the football membership scheme is the introduction of all-seater stadiums. Once again the Opposition are not prepared to face up to their responsibilities. They are prepared to do precisely nothing. They will not have the membership scheme, nor will they accept the Taylor report. We await anxiously to hear what they propose to do about the problem and whether they still agree with their right hon. Friend the Member for Small Heath that there is no problem and there is no football hooliganism.

The right hon. Member for Sparkbrook then trivialised the entire debate by his stupid remark about people standing in a stand where there are seats. On such an occasion as this he should not demean himself by making such thoroughly irresponsible and stupid remarks.

As to the money available for ground improvements, I remind the right hon. Gentleman that a number of important matters are raised in Lord Justice Taylor's report. He refers to the fact that there is such a thing as the Football Trust, which is funded by the pools companies from the spot-the-ball competition—£9 million per annum goes into the game from that. Since 1958, £120 million has been given to British football in that way. The Taylor report goes on to point out the income that goes into the game from the Football Promoters Association as a result of its use of the fixture list—£14 million a year goes to the Football League from that source.

Lord Justice Taylor suggested that there could be a levy on transfer fees. He also pointed out the considerable sums of money that go to the football authorities and the game as a result of television rights—last year £7 million went to the Football Association and £11 million went to the Football League as a result of those rights.

After the damning report by Lord Justice Taylor, in which he asks the football authorities to address themselves to their responsibilities, it would be irresponsible if right hon, and hon. Opposition Members were to allow a message to go out to the football authorities to the effect that, once again, they can shirk their responsibilities because the Opposition, if the British people were ever to return them to power, would take all the responsibility off their shoulders and force the bill on to the taxpayer.

Mr. Steve Norris (Epping Forest): Is my right hon, and learned Friend aware that my hon. Friends and I join him in paying tribute to the 5,000 police officers who turn out every Saturday, in all types of weather, inside and outside grounds, to deal with the problem of football crowds? In view of the recommendation to use a great many more better trained stewards, employed directly by the clubs,

From: THE PRIVATE SECRETARY Home Office QUEEN ANNE'S GATE LONDON SWIH 9AT 29 January 1990 HOME SECRETARY'S STATEMENT TAYLOR REPORT: The Home Secretary was very grateful for the comments of the Prime Minister as set out in your letter this morning and those of the Chief Secretary, recorded in Carys Evans' letter. I attach a redraft which the Home Secretary has now prepared in consultation with the Minister for Sport and which, as you will see, picks up nearly all of your comments. The peroration is somewhat longer than before since the Home Secretary took the view, on reconsideration, that the original draft ended too abruptly. Copies of this go to those who received copies of my letter of 25 January. C J WALTERS Andrew Turnbull, Esq Private Secretary 10 Downing Street LONDON SW1

HOME SECRETARY'S STATEMENT ON LORD JUSTICE TAYLOR'S FINAL REPORT OF HIS INQUIRY INTO THE HILLSBOROUGH STADIUM DISASTER 29 JANUARY 1990

WITH PERMISSION, MR SPEAKER, I SHOULD LIKE TO MAKE A STATEMENT ABOUT THE FINAL REPORT OF LORD JUSTICE TAYLOR'S INQUIRY INTO THE TRAGEDY AT THE HILLSBOROUGH STADIUM ON 15 APRIL 1989, WHICH IS PUBLISHED TODAY. SOME MONTHS HAVE PASSED SINCE THAT TERRIBLE EVENT BUT NOT LONG ENOUGH I KNOW TO DULL THE PAIN SUFFERED BY THE BEREAVED, AND I WISH TO PLACE ON RECORD MY SYMPATHY FOR THEM AND FOR THOSE WHO SUSTAINED INJURY.

/I AM MOST....

MOST GRATEFUL TO LORD JUSTICE I AM TAYLOR FOR THE REPORT, WHICH SETS OUT CLEARLY WHY WE HAVE HAD SO MANY MAJOR TRAGEDIES AT FOOTBALL GROUNDS OVER THE YEARS AND WHY WE HAVE HAD DISORDER AND HOOLIGANISM. AS THE HOUSE FAMILIARISES ITSELF WITH THE REPORT, IT WILL BECOME CLEAR THAT IT IS ADDRESSED AS MUCH TO THE FOOTBALL INDUSTRY AS IT IS TO THE GOVERNMENT. LORD JUSTICE TAYLOR EXPLAINS HOW HIS INTERIM REPORT HE CONCENTRATED ON OVERCROWDING BECAUSE THAT WAS THE CAUSE OF THE HILLSBOROUGH DISASTER, BUT NOW HE GOES ON TO TALK OF A GAME,

THE IMAGE OF WHICH HAS BEEN MUCH

TARNISHED, AND OF A BLIGHT OVER THE

GAME DUE TO OLD GROUNDS, POOR

FACILITIES, HOOLIGANISM, EXCESSIVE

DRINKING AND POOR LEADERSHIP.

LORD JUSTICE TAYLOR DOES NOT SPARE THOSE WHO RUN THE INDUSTRY. He SAYS INDEED THAT THE PROVISION THEY MAKE FOR THEIR CUSTOMERS IS OFTEN NOT MERELY BASIC BUT SQUALID, AND HE SAYS THAT SQUALID CONDITIONS CAN HAVE AN IMPACT ON SAFETY AND THAT IN HIS VIEW THEY ALSO LEAD TO LOWER STANDARDS OF BEHAVIOUR.

LORD JUSTICE TAYLOR SAYS THAT THE FOOTBALL ASSOCIATION AND FOOTBALL LEAGUE HAVE NOT SEEN IT AS ANY PART OF THEIR DUTY TO OFFER GUIDANCE TO CLUBS ON SAFETY MATTERS, AND HE QUESTIONS WHETHER THE DIRECTORS OF MANY CLUBS ARE GENUINELY INTERESTED IN THE WELFARE OF THEIR OWN SUPPORTERS OR THEIR GOOD BEHAVIOUR. PLAYERS TOO ARE CRITICISED, WITH LORD JUSTICE TAYLOR POINTING OUT THAT INCITEMENT FROM THE PITCH OR BAD BEHAVIOUR BY PLAYERS, WHICH IS NOT CONFINED TO SOCCER, HAS A MAJOR INFLUENCE ON THE CROWD. I ACKNOWLEDGE THAT SOME CLUBS HAVE MADE

AN EFFORT TO IMPROVE STANDARDS, BUT LORD JUSTICE TAYLOR'S CLEAR CONCLUSION WAS THAT THE MAJORITY HAD NOT AND THAT THE GAME ONLY HAS A FUTURE IF THE DIRECTORS AND THE PLAYERS CAN CHANGE THEIR OWN PRIORITIES AND GIVE A LEADERSHIP WHICH IS PLAINLY LACKING AT PRESENT.

HE AGREES WITH THE GOVERNMENT THAT
THERE MUST BE A MOVE TOWARDS ALLSEATER STADIA AND POINTS OUT THAT
SECTION 11 OF THE FOOTBALL SPECTATORS
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MACHINERY FOR THIS. THE CHANGE WILL

IMPROVE SAFETY AND WILL IMPROVE BEHAVIOUR, AND WE INTEND TO BRING IT ABOUT. LORD JUSTICE TAYLOR MAKES CLEAR THAT THE BULK OF THE FINANCES FOR GROUND IMPROVEMENTS WILL HAVE TO BE RAISED BY THE CLUBS THEMSELVES. HE SAYS THERE ARE WAYS OF RAISING THE MONEY IF THE CLUBS' MANAGEMENT IS ENTERPRISING AND RESOURCEFUL AND HE POINTS TO THE OPPORTUNITIES PRESENTED BY SPONSORSHIP. HE ALSO POINTS TO THE REVENUE THAT FLOWS TO THE FOOTBALL AUTHORITIES FOR TELEVISION RIGHTS AND SAYS THAT THE FOOTBALL AUTHORITIES

SHOULD ENSURE THAT THIS VALUABLE SOURCE OF REVENUE IS DIRECTED TOWARDS IMPROVING STADIA. HE CANVASSES THE POSSIBILITY OF A LEVY ON TRANSFER FEES WHICH HE SAYS HAVE REACHED A LEVEL WHICH MANY REGARD AS GROTESQUE.

THERE ARE A WHOLE SERIES OF DETAILED RECOMMENDATIONS SET OUT IN CHAPTERS 3, 4 AND 5 ON MATTERS RELATING TO SPECTATOR SAFETY SUCH AS GATES AND GANGWAYS. INDEED, OF THE 76 RECOMMENDATIONS, 43 IN SUBSTANCE APPEARED IN THE INTERIM REPORT. THE GOVERNMENT ACCEPTS THESE PROPOSALS, /SOME OF WHICH

SOME OF WHICH CAN BE IMPLEMENTED IMMEDIATELY. SOME WILL NEED FURTHER WORK. FOR CONVENIENCE I HAVE PLACED IN THE VOTE OFFICE A SCHEDULE SETTING OUT THE GOVERNMENT'S RESPONSE TO EACH.

HON MEMBERS WILL RECALL THAT SECTION 13 OF THE FOOTBALL SPECTATORS ACT PROVIDES FOR THE FOOTBALL LICENSING AUTHORITY TO SUPERVISE THE SAFETY RESPONSIBILITIES OF LOCAL AUTHORITIES IN RESPECT OF DESIGNATED FOOTBALL GROUNDS. WE INTEND TO IMPLEMENT THAT PROVISION. LORD JUSTICE TAYLOR

/WELCOMES THE

WELCOMES THE ESTABLISHMENT OF THE FOOTBALL LICENSING AUTHORITY BUT WOULD LIKE US TO GO FURTHER AND EXTEND ITS REMIT TO COVER OTHER THAN FOOTBALL GROUNDS. THIS WOULD REQUIRE PRIMARY LEGISLATION AND WE WILL HAVE TO CONSIDER WHETHER IT IS JUSTIFIED.

PART III THE REPORT CONTAINS A NUMBER OF PROPOSALS RELATING TO CROWD CONTROL AND HOOLIGANISM. IT ACKNOWLEDGES THE CRUCIAL ROLE OF THE POLICE IN CROWD CONTROL. LORD JUSTICE TAYLOR RIGHTLY REMINDS US THAT, WITHOUT THE WORK OF THE POLICE, MANY SPORTING EVENTS WOULD

BE CHAOTIC AND COULD NOT BE PERMITTED TO TAKE PLACE. SOMETHING LIKE 5000 POLICE OFFICERS ARE ENGAGED ON FOOTBALL DUTIES EACH SATURDAY DURING THE SEASON, LARGELY AT THE EXPENSE OF THE TAXPAYER AND RATEPAYER. HE PAYS TRIBUTE TO THEM FOR THEIR SERVICE. I WANT TO ADD MY THANKS TO THE POLICE FOR THE WAY THEY CARRY OUT THE DIFFICULT, THANKLESS AND OFTEN UNTHANKED TASKS WHICH ARE THRUST UPON THEM.

THE REPORT RECOGNISES THE ADVANCES
MADE IN THE LAST COUPLE OF YEARS IN

THE EFFECTIVENESS OF THE POLICING OF FOOTBALL, PARTICULARLY INSIDE GROUNDS, AND TO THE MAJOR IMPACT OF CLOSED CIRCUIT TELEVISION ON THE HOOLIGAN PROBLEM. IT ALSO MENTIONS OTHER MEASURES TAKEN BY THE GOVERNMENT SUCH AS THE RESTRICTION ON THE SALE OF ALCOHOL AND THE POWER GIVEN TO THE COURTS TO MAKE ORDERS EXCLUDING CONVICTED HOOLIGANS FROM GROUNDS.

LORD JUSTICE TAYLOR ALSO RECOGNISES
THE GREAT POTENTIAL VALUE OF THE
POLICE NATIONAL FOOTBALL INTELLIGENCE
UNIT IN DEALING WITH FOOTBALL-RELATED

CRIME AND WITH HOOLIGANS TRAVELLING TO MATCHES ABROAD.

AS I HAVE SAID, LORD JUSTICE TAYLOR TAKES THE VIEW THAT BETTER FACILITIES AND BETTER TREATMENT OF FANS WILL BRING BETTER BEHAVIOUR. BEYOND THAT, THE REPORT RECOMMENDS THE CREATION OF THREE NEW SPECIFIC THREE NEW SPECIFIC OFFENCES TO APPLY AT DESIGNATED SPORTS THROWING A MISSILE; GROUNDS: CHANTING OBSCENE OR RACIALIST ABUSE; AND GOING ONTO THE PITCH WITHOUT REASONABLE EXCUSE: AND IT ALSO ASKS FOR CONSIDERATION TO BE GIVEN TO

[/]EXTENDING THE COURTS'

ATTENDANCE CENTRE ORDERS AND FOR THE USE OF ELECTRONIC TAGGING IN THE CASE OF OFFENDERS CONVICTED OF FOOTBALL-RELATED OFFENCES. THE SPECIFIC NEW OFFENCES SUGGESTED DO TO SOME EXTENT SEEM TO DUPLICATE OFFENCES WHICH ARE ALREADY AVAILABLE IN THE PUBLIC ORDER ACT. BUT I SHALL LOOK CAREFULLY AND QUICKLY AT ALL THESE SUGGESTIONS.

I NOW COME TO THE PROPOSED FOOTBALL
MEMBERSHIP SCHEME. LORD JUSTICE
TAYLOR EXAMINED THE INVITATION TO
TENDER FOR A SCHEME WHICH WAS ISSUED

BY THE CONSULTANTS EMPLOYED BY THE FOOTBALL AUTHORITIES. HE CAME TO THE CONCLUSION THAT HE COULD NOT SUPPORT A SCHEME OF THAT KIND BECAUSE HE DID NOT BELIEVE THE TECHNOLOGY WOULD WORK WELL ENOUGH TO AVOID THE DANGER OF CONGESTION AND DISORDER. HE WAS ALSO CONCERNED ABOUT THE CALL ON POLICE RESOURCES. INSTEAD HE PROPOSES THE MEASURES TO WHICH I HAVE REFERRED.

IN THE LIGHT OF THIS ADVICE, THE GOVERNMENT HAVE DECIDED NOT TO PROCEED WITH THE ESTABLISHMENT OF A FOOTBALL MEMBERSHIP AUTHORITY, BUT PART I OF

THE ACT WILL REMAIN ON THE STATUTE BOOK. WORK WILL CONTINUE TO SEE HOW THE SHORTCOMINGS IDENTIFIED BY LORD JUSTICE TAYLOR COULD BE OVERCOME IN CASE WE HAVE TO RETURN TO THE MATTER AGAIN, SHOULD THE PROBLEM OF HOOLIGANISM NOT BE DEFEATED BY THE ALTERNATIVE STRATEGY ALTERNATIVE STRATEGY PROPOSED IN THE REPORT.

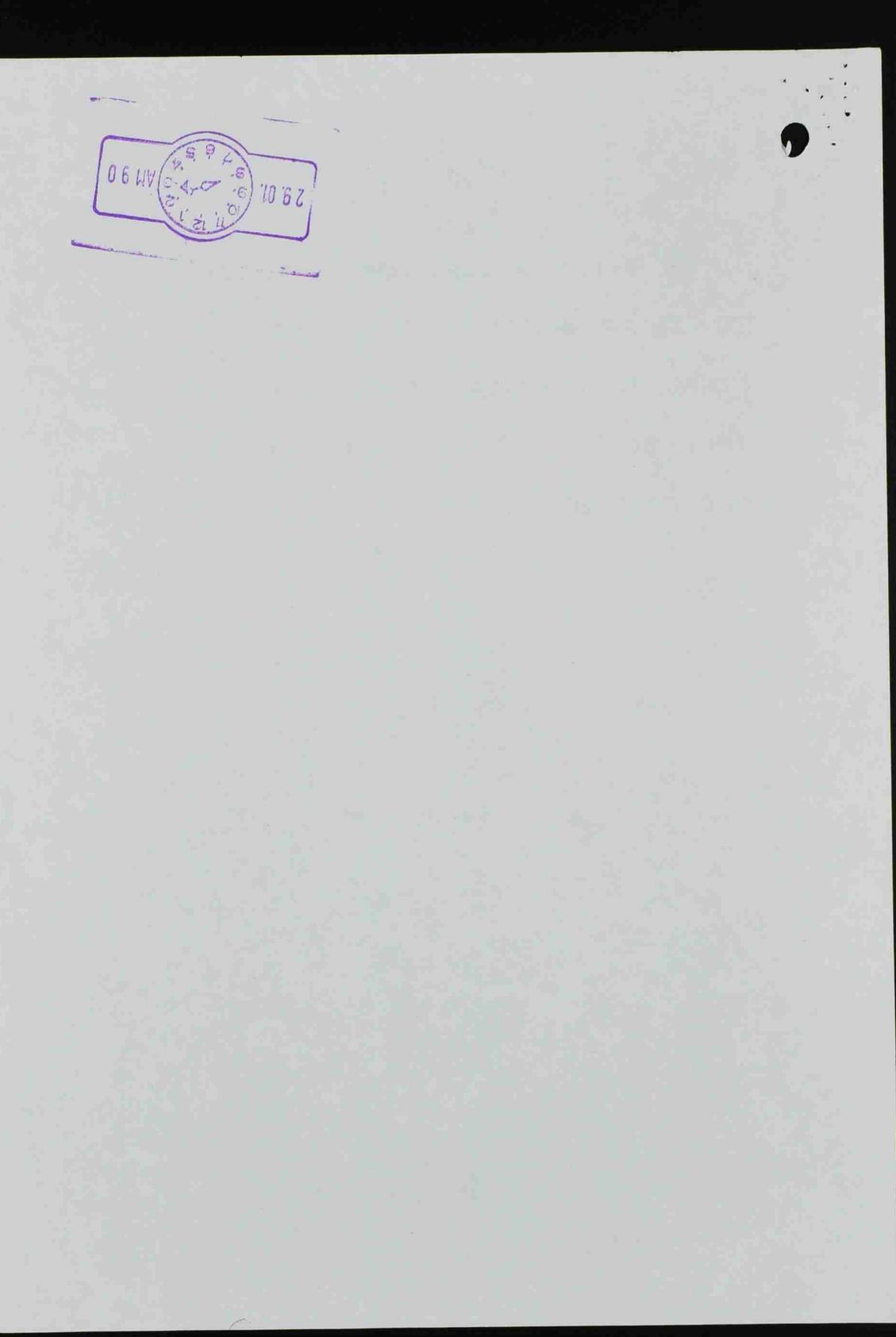
LET NO-ONE IMAGINE THAT THIS MEANS
THERE WILL BE ANY LET UP IN THE FIGHT
AGAINST HOOLIGANISM. THOSE WHO,
UNLIKE GOVERNMENT, HAVE FOR SO LONG
SHRUGGED OFF THEIR RESPONSIBILITIES

WILL NOW HAVE TO FACE UP TO THEM. THE GOVERNMENT INTENDS TO PROCEED AS QUICKLY AS POSSIBLE TO THE ESTABLISHMENT OF A FOOTBALL LICENSING AUTHORITY AND, SUBJECT TO CONSULTATION, SECTION 11 OF THE FOOTBALL SPECTATORS ACT WILL BE USED TO DIRECT THE TO DIRECT THE LICENSING AUTHORITY TO REQUIRE ALL SEATER STADIA WITH STANDING BEING REDUCED BY STAGES AND ENTIRELY ELIMINATED IN FIRST AND SECOND DIVISION GROUNDS BY AUGUST 1994 AND IN ALL DESIGNATED FOOTBALL LEAGUE GROUNDS BY 1999. THE NECESSARY STEPS WILL BE TAKEN TO

ENSURE IMPROVED ARRANGEMENTS FOR CROWD CONTROL AND BETTER TRAINING FOR POLICE AND STEWARDS. THERE WILL BE URGENT CONSIDERATION OF THE CASE FOR NEW OFFENCES AND FOR NEW POWERS TO DEAL WITH THOSE EXCLUDED FROM GROUNDS BY THE COURTS. THE CLUBS WILL BE COMPELLED WILL BE COMPELLED TO GET RID OF THE TERRACES. BUT LORD JUSTICE TAYLOR INDICATES HOW MUCH MORE THEY CAN DO TO CREATE A BETTER ATMOSPHERE BY IMPROVING THE NOW OFTEN SQUALID CONDITIONS TO WHICH THEY SUBJECT THEIR SUPPORTERS - SQUALID CONDITIONS WHICH CAN ENCOURAGE SQUALID BEHAVIOUR.



THOSE CLUBS WHICH HAVE NOT FACED UP
TO THEIR RESPONSIBILITY NOW HAVE A
FINAL OPPORTUNITY TO DO SO: AND IF
THEY DON'T NOW ACT, THE PUBLIC WILL
NOT FORGIVE THEM.



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CONFIDENTIAL



Treasury Chambers, Parliament Street, SWIP 3AG

The Hon Colin Moynihan MP Minister for Sport Department of the Environment 2 Marsham Street London SW1P 3EB

29 January 1990

Dear Minister

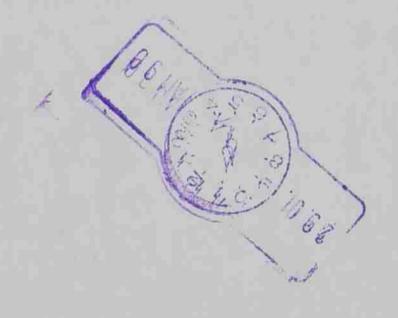
FOOTBALL MEMBERSHIP SCHEME

I have seen your letter of 26 January to David Waddington suggesting that a reference to continued work on the type of Membership Scheme envisaged in the invitation to tender should be included in his statement on the Taylor Report.

- The intention was that the Football Membership Scheme would be run by the football industry itself and be self financing. The costs to the clubs would have been met by the members themselves through a membership fee. I am concerned to know how the continued work to develop suitable technology for possible future use would be financed when the scheme itself is not to be implemented. It seems to me unlikely that either the companies who responded to the invitation to tender, or the football authorities, would be prepared to meet these development costs. In these circumstances further work would not take place unless supported by public funds. I could accept the reference to this further exploration of the technology only on the understanding that any such funding will be met from within existing provision.
- sending copies of this letter to the Prime Minister, Geoffrey Howe, Douglas Hurd, David Waddington, Malcolm Rifkind, Patrick Mayhew, the Lord Privy Seal, Timothy Renton and to Sir Robin Butler.

Yours sincerely Carrys from

NORMAN LAMONT approved in the aux secretary HOME AFFAIRS FOOTball Hooligarism AT 8.



The Pm 10 DOWNING STREET LONDON SW1A 2AA 29 January 1990 From the Principal Private Secretary Dea Colm, TAYLOR REPORT: HOME SECRETARY'S STATEMENT The Prime Minister has seen the draft of the statement attached to your letter to me of 25 January, and the letter of 26 January from the Minister for Sport to the Home Secretary, to which was attached an alternative draft of the final paragraphs of the statement. She agrees with the Minister for Sport that it is helpful to present the Taylor proposals as an alternative strategy which is being adopted to replace the Football Membership Scheme. She also agrees that it is desirable to include a reference to further work on membership schemes, as without it the threat to return to them, should the Taylor approach not work, is weakened. She feels, however, that the DOE draft goes too far in suggesting that it is simply a matter of technological modification to the existing scheme. The effect of the DOE draft is to sound rather grudging in accepting the main recommendation. The Prime Minister suggests that the final two paragraphs of the Home Office draft should be replaced by the passage attached. On the new offences and sanctions suggested by Lord Justice Taylor, the Prime Minister felt the Home Office draft was too Sir Humphreyesque, while the DOE draft went too far in committing the Government to adopting the Taylor proposals. She felt the matter could be dealt with at the bottom of page 5 by "I shall look urgently and sympathetically at these recommendations". I also attach a sheet of other drafting suggestions. I am copying this letter to Alan Ring (Department of the Environment), Tim Sutton (Lord President's Office, John Gieve (H.M. Treasury), Richard Gozney (Foreign and Commonwealth Office), Philip Stamp (Office of the Minister for Sport), Jim Gallagher (Scottish Office), Juliet Wheldon (Law Officers' Department), Gillian Kirton (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office) and Sonia Phippard (Cabinet Office). Your series ANDREW TURNBULL colin Walters, Esq., Home Office. CONFIDENTIAL

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PROPOSED DRAFTING CHANGES

i. Page 1, para 2.

Although the reference to "careful and thorough analysis" is literally correct as it refers to the history of hooliganism, it could be quoted back in the context of the NMS. Try

"... for the report, which sets out clearly why we have had ...".

Page 2, line 5, "safety and that, in his view, they also"

- Page 2, middle paragraph.

 It would be helpful either in the statement or the speech for the debate, to include a criticism of one of the major vices of modern soccer, the endemic habit of disputing referees' decisions.
- The Government should take more credit for promoting all-seater stadia. Two lines from the bottom to read:

 "... and points out that Section 11 of the Football Spectators Act specifically provides for this".
- iv. Top of page 3.
 Include a reference to large and growing TV monies.
- v. Top of page 4.
 Again it is possible to take credit for provisions in the Act:
 "Lord Justice Taylor welcomed the establishment of the Football Licensing Authority but would like us to go further and extend its remit to cover ...".
- vi. Further down this paragraph which discusses the extension to other sports, replace "we will have to consider the matter further" by "we will have to consider whether this is justified".

CONFIDENTIAL

- 2 -

- vii. Bottom of page 4.

 Include a reference to the cost of policing or the numbers of police required (about 5,000 each Saturday).
- viii. Top of page 5.

 Add reference to the banning of alcohol.

PROPOSED CONCLUDING PASSAGE

I now come to the proposed Football Membership Scheme. Lord Justice Taylor examined the Invitation to Tender for a scheme which was issued by the consultants employed by the football authorities. He came to the conclusion that he could not support a scheme of that kind because he did not believe the technology would work well enough to avoid the danger of congestion and disorder. He was also concerned about the call on police resources. Instead he proposes the measures to which I have referred.

The Government have decided in the light of his advice not to proceed with the establishment of a Football Membership Authority. Instead we propose to follow his strategy of combining certain measures aimed directly at hooligans together with progress towards all-seating, improved accommodation, better facilities, improved arrangements for crowd control and better training of police and stewards, which Lord Justice Taylor believes give the best chance of eliminating or minimising football hooliganism.

In the meantime Part I of the Football Spectators Act will remain on the statute book and work will continue to see how the shortcomings identified by Lord Justice Taylor could be overcome in case we have to return to the matter again, should the problem of hooliganism not be defeated by the alternative strategy proposed in the Report.

The right course now is to implement Part II of the Act and to give effect to Lord Justice Taylor's proposals in the way I have indicated. Mr. Speaker, we are giving the industry and the clubs a final opportunity to put themselves in order. The public will not forgive them if they do not now act.



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MR TURNBULL

26 January 1990

TAYLOR REPORT: HOME SECRETARY'S STATEMENT

It seems to me that what brought Lord Justice Taylor down against the national membership scheme were the risks involved:

"The fact that it has not been done before does not, of course, show that it cannot be done. But it requires greater caution and more extensive testing procedure than if there were a successful precedent."

"The system can only be tested by putting through people. So whether very testing of whether the system may cause danger, danger may be caused."

The DOE draft suggests that if we can only resolve the technical difficulties we would be in a position to come back to the House with a new scheme, assuming that football hooliganism remained a problem unresolved by the various Taylor recommendations.

In practice we will <u>never</u> be able to eliminate the risk which worried Taylor - unless some other country successfully introduces a national membership scheme first. It will always be a question of trading off the risks of a scheme against the prevailing problems of football hooliganism. A run of ghastly incidents could shift public and parliamentary perceptions of the trade off.

I attach a variant on the DOE redraft which attempts to capture this. On the three "difficult" Taylor recommendations - new criminal offences, attendance centres and tagging - I think something like "I am sympathetic to these proposals and will

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consider them urgently" should meet the bill (Colin Moynihan agrees).

CAROLYN SINCLAIR

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on symphtetic to here proposeds and will recider then organtly.

I shall look expeditiously at how best these measures can be implemented against the background of recent changes in the criminal law.

I now come to the proposed Football Membership Scheme. Lord Justice Taylor examined the Invitation to Tender for a scheme which was issued by the consultants employed by the football authorities. He came to the conclusion that he could not support a scheme of that kind because he did not believe the technology would work well enough to avoid the danger of congestion and disorder. Instead he proposes the measures to which I have referred.

The Government have decided in the light of his advice not to proceed with the establishment of a Football Membership Authority. Instead we propose to follow his strategy of combining certain measures aimed directly at hooligans together with progress towards all-seating, improved accommodation, better facilities, improved arrangements for crowd control and better training of police and stewards, which Lord Justice Taylor believes give the best chance of eliminating or minimising football hooliganism.

In the meantime Part I of the Football Spectators Act will remain on the statute book and the practical concerns expressed by Lord Justice Taylor about the type of scheme envisaged in the Invitation to Tender will be fully explored in the light of the available advice, including that from the specialist companies who responded to the Invitation to Tender.



If hooliganism is not defeated by the alternative strategy proposed in the Report and if at some future time an workable membership scheme can be produced, we will then be in a position to come back to the House and seek the approval of the House for the scheme.

The right course now is to implement Part II of the Act and to give effect to Lord Justice Taylor's proposals in the way I have indicated. Mr. Speaker, we are giving the industry and the clubs a final opportunity to put themselves in order. The public will not forgive them if they do not now act.



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

My ref

Your ref

26 January 1990

PERSONAL AND CONFIDENTIAL

The Rt. Hon David Waddington MP Home Secretary Home Office 50 Queen Anne's Gate London SW1H 9AT

Dear Savid

Your Private Secretary invited comments on the further draft of your statement which you circulated last night. I indicated to you when we discussed this yesterday afternoon that I did not believe that my Secretary of State would find a draft on these lines acceptable, and I have since confirmed with him, by telephone, that this is so.

The central difficulty is that the Government has argued cogently during many hours of debate in both Houses that a National Membership Scheme will prove a powerful weapon against football hooliganism. In doing so, we have firmly rebutted every one of the contrary arguments put forward by Lord Justice Taylor except his scepticism about whether satisfactory technology is available (which can only be established on the basis of a proper technical appraisal of the tenders now submitted). If we do not now proceed with Part I of the Football Spectators Act, our position in relation to football hooliganism will therefore be indefensible unless we put forward a credible alternative.

Taylor, of course, provides us with such an alternative in the form of his package of measures against hooliganism including new criminal offences, an extension of attendance orders, and electronic tagging. It is therefore perfectly defensible for us not to proceed with Part 1 of the Act

- provided we act on Taylor's proposals, and
- provided we continue to develop the Football Membership Scheme technology so that, if regrettably it should prove necessary to do so, a scheme can be introduced quickly.

These two key issues are correctly recorded in the minutes of the No. 10 meeting on 23 January, and were reflected in the draft paragraphs Chris Patten sent over to you on Wednesday



indicating how he thought this part of the Statement might read. Chris understood from his discussions with you immediately before his departure for Nairobi that you were able to accept the bulk of his suggestions and that these issues would therefore be fully reflected in your Statement. I am afraid, however, that the latest draft does not achieve that. recognise, of course, that you do not wish to commit yourself to implementing the Taylor recommendations in precisely the form which he proposed, but the present reference to looking " ... carefully and sympathetically at the case for making these changes" gives the impression that they might not be implemented There is no reference to further development of Football Membership Scheme technology, merely the negative statement that "Part I of the Act will remain on the Statute Book". If the impression conveyed by this draft were true, we would be defenceless, if there were to be another Heysel incident, against the charge that we had neither followed Taylor's recommendations nor developed our own alternative.

In discussion with Robin Ferrers after our meeting yesterday afternoon I had in fact accepted a draft of the relevant parts of the statement which is attached to this letter. It would stand in place of the last sentence on page 5, and the two paragraphs on page 6 of the draft circulated last night. The draft attached deals much more satisfactorily with the two key issues of implementation of Taylor and testing of the technology, and I hope that it, or something very like it, can be substituted for the version which you have now circulated.

I am sending copies of this letter to the Prime Minister, the Lord President, the Chancellor of the Exchequer, the Foreign Secretary, the Secretary of State for Scotland, the Attorney General, the Lord Privy Seal, the Chief Whip, and to Sir Robin Butler.

Yours ever,

Colin.

COLIN MOYNIHAN



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be implemented against the background of recent changes in the criminal law.

I now come to the proposed Football Membership Scheme. Lord Justice Taylor examined the Invitation to Tender for a scheme which was issued by the consultants employed by the football authorities. He came to the conclusion that he could not support a scheme of that kind because he did not believe the technology would work well enough to avoid the danger of congestion and disorder. Instead he proposes the measures to which I have referred.

The Government have decided in the light of his advice not to proceed with the establishment of a Football Membership Authority. Instead we propose to follow his strategy of combining certain measures aimed directly at hooligans together with progress towards all-seating, improved accommodation, better facilities, improved arrangements for crowd control and better training of police and stewards, which Lord Justice Taylor believes give the best chance of eliminating or minimising football hooliganism.

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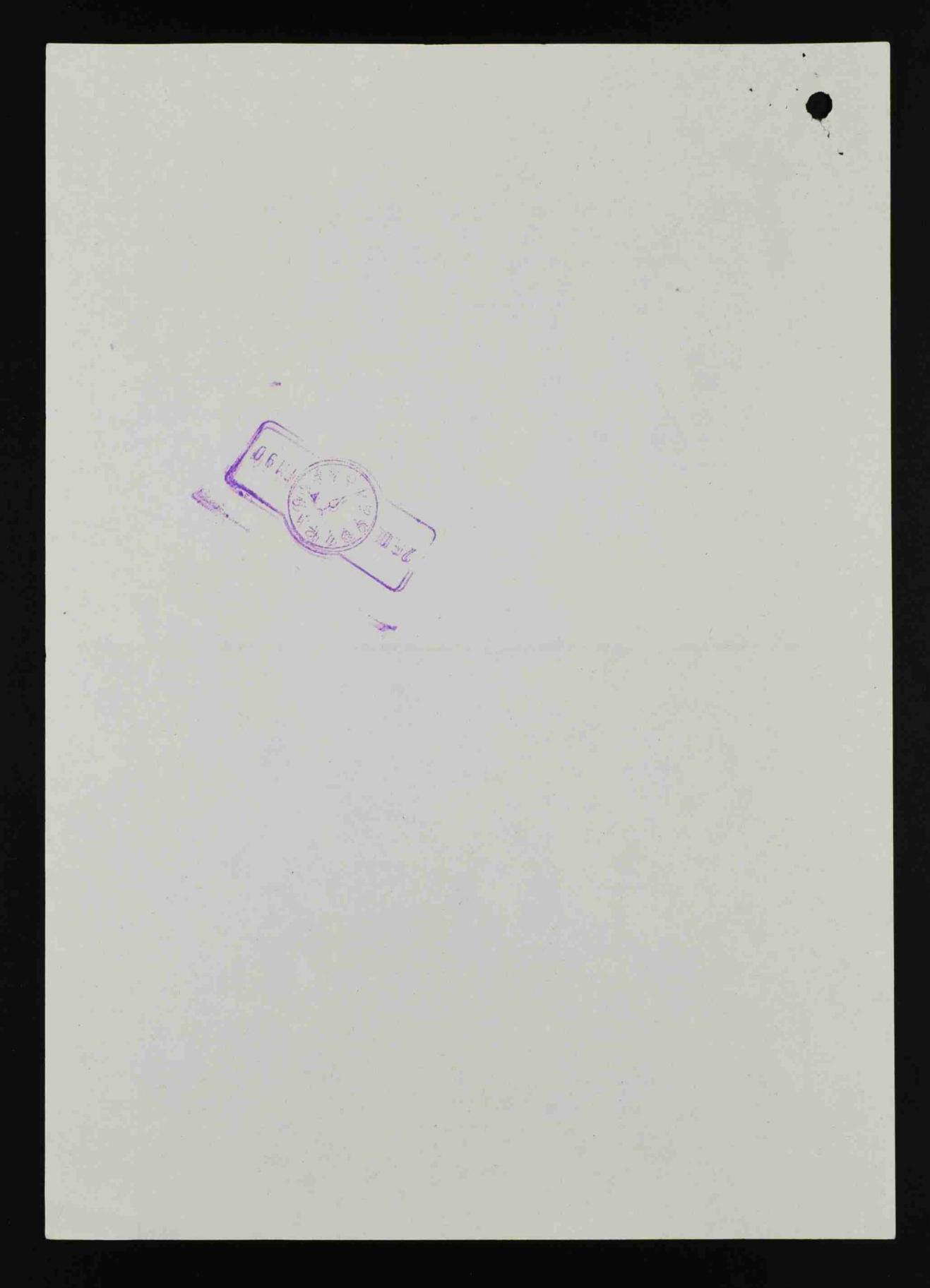
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proposed in the Report (and if at some future time a workable membership scheme can be produced;) we will then be in a position to come back to the House and seek the approval of the House for the scheme.

The right course now is to implement Part II of the Act and to give effect to Lord Justice Taylor's proposals in the way I have indicated. Mr. Speaker, we are giving the industry and the clubs a final opportunity to put themselves in order. The public will not forgive them if they do not now act.





PRIME MINISTER

TAYLOR REPORT: HOME SECRETARY'S STATEMENT

The Home Secretary has circulated a draft of his statement - Flag A. A letter setting out DoE reservations and an alternative draft is at Flag B. There are two main points of disagreement:

- how does Government present its decision not to proceed with the National Membership Scheme?
- what degree of welcome is given to Taylor's suggested offences and sanctions?

The first of these is the most crucial. The Home Office have adopted a minimalist route - see page 6. In effect, they are saying that Taylor has said he cannot support, we will therefore not proceed, but will leave Part 1 on the Statute Book in case we have to return to the matter.

DOE think this is too much of a retreat. By making no reference to efforts to overcome the shortcomings identified by Taylor we do not give credibility to the "finger on the trigger" Mr Patten referred to at the meeting. The Home Office argue that it is unrealistic to expect an early return to the NMS, that it is better to accept this with good grace in order to concentrate attention on the measures already in train and the adoption of the further measures recommended by Taylor.

I think DoE are right in arguing that the Home Office have gone too far in dumping the scheme and in leaving too little by way of threat. A reference to further work is essential.

On the other hand, the DoE draft is open to the objection that it is too dismissive of the Taylor criticisms of the scheme (what he referred to as "grave doubts" and "serious misgivings" appear merely as "practical concerns"). There is also a flavour in the DoE draft that it is all just a matter of

technology and that better turnstiles and a new smart card will sort it all out. The reference in their draft to seeking the approval of the House for the scheme gives the impression that all that is needed is to re-present the existing scheme with a few technical modifications.

I suggest that you adopt DoE's draft - its reference to an alternative strategy is helpful - but with some amendments which recognise that quite a lot of work may be needed to get the scheme into a shape which could command support. I have marked my suggestions in manuscript. I have which quit which will be a which could be a will be a wil

On the second issue, the Home Office do not believe new offences are necessary as they can be encompassed within existing legislation, and I detect a lack of enthusiasm for the proposal on attendance orders. They are therefore trying to avoid too much of a commitment to adopting them. DoE want to show greater willingness to implement the proposals in order to build a credible alternative which would justify the shelving of the NMS.

I think the DoE do go too far in committing Government to implementing the proposals, but equally the Home Office's "look carefully and sympathetically at the case for making these changes" is Yes Minister-speak for kicking into the long grass. I suggest

"I shall look urgently and sympathetically at these proposals".

Content to lean towards DoE, subject to these modifications?

There are also a number of drafting changes which would improve the text:

i. Page 1, para 2.

Although the reference to "careful and thorough analysis" is literally correct as it refers to the history of hooliganism, it could be quoted back in the context of the NMS. I suggest Try

"... for the report, which sets out clearly why we have had ...".

See also my amed-

ii. Page 2, middle paragraph.

It would be helpful to include a criticism of one of the major vices of modern soccer, the endemic habit of disputing referees' decisions.

iii. Page 2.

The Government should take more credit for promoting allseater stadia. Two lines from the bottom to read:
"... and points out that Section 11 of the Football
Spectators Act specifically provides for this".

- iv. Top of page 3.
- Include a reference to large and growing TV monies.
- v. Top of page 4.

 Again it is possible to take credit for provisions in the Act:
 - "Lord Justice Taylor welcomed the establishment of the Football Licensing Authority but would like us to go further and extend its remit to cover ...".
- vi. Further down this paragraph which discusses the extension to other sports, replace "we will have to consider the matter further" by "we will have to consider whether this is justified".
- vii. Bottom of page 4.

Include a reference to the cost of policing or the numbers of police required (about 5,000 each Saturday).

viii. Top of page 5.

Add reference to the banning of alcohol.

M

ANDREW TURNBULL 26 January 1990 From: THE PRIVATE SECRETARY Already Faxed



PERSONAL & CONFIDENTIAL

Home Office
QUEEN ANNE'S GATE
LONDON SWIH 9AT

25 January 1990

TAYLOR REPORT:
HOME SECRETARY'S STATEMENT

I attach a draft of the statement which the Home Secretary proposes to make on Monday.

The Home Secretary would be grateful to have any comments in the course of tomorrow.

I am copying this to Alan Ring (Department of Environment), Tim Sutton (Lord President's Office), John Gieve (Treasury), Richard Gozney (FCO), Jim Gallagher (Scottish Office), Juliet Wheldon (Attorney General's Office), Gilliam Kirston (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office) and Sonia Phippard (Cabinet Office).

C J WALTERS

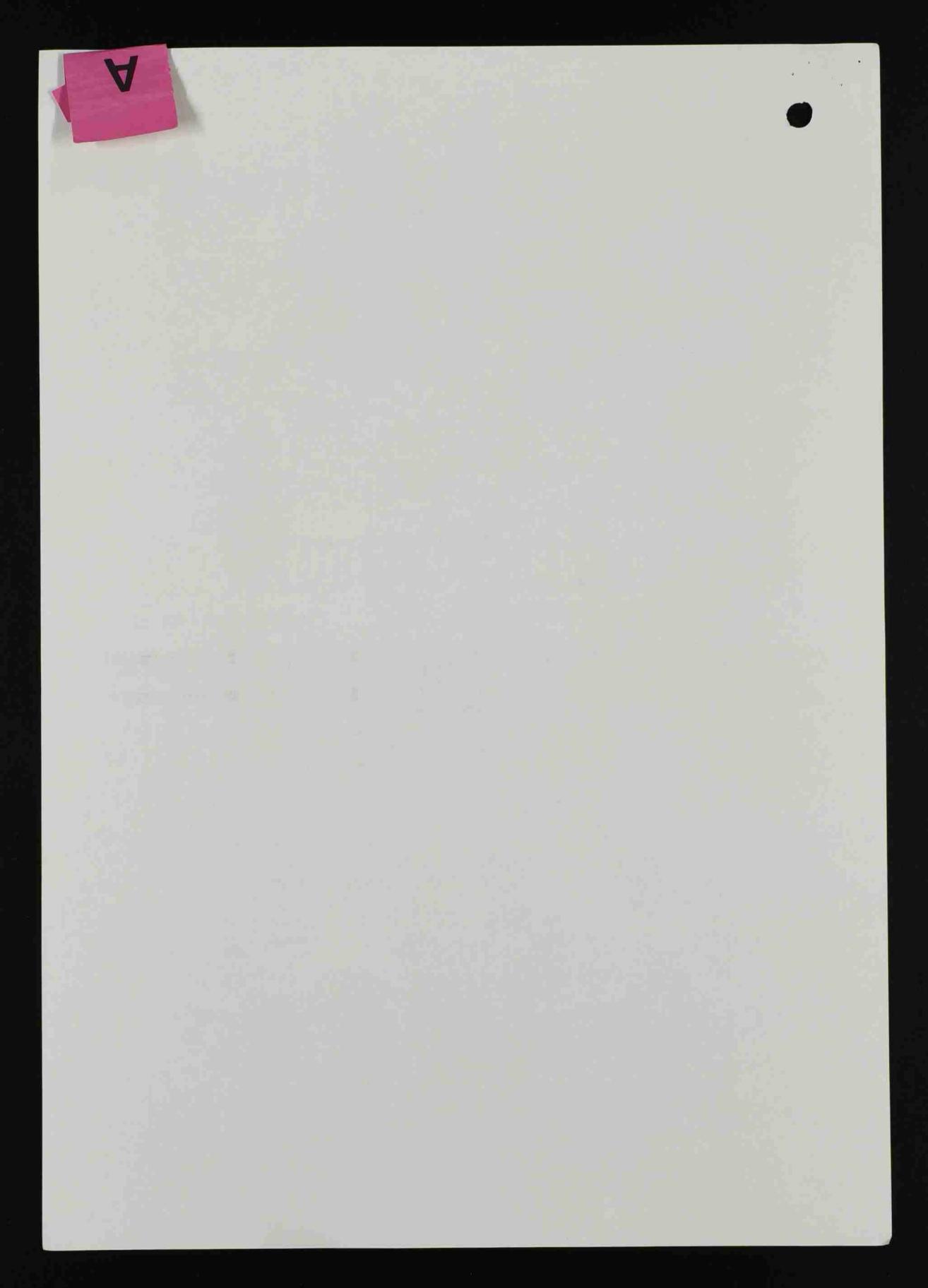
Andrew Turnbull, Esq. No 10 Downing Street LONDON, S.W.1.

5th Draft

HOME SECRETARY'S STATEMENT ON LORD JUSTICE TAYLOR'S FINAL REPORT OF HIS INQUIRY INTO THE HILLSBOROUGH STADIUM DISASTER

With permission, Mr Speaker, I should like to make a statement about the final report of Lord Justice Taylor's Inquiry into the tragedy at the Hillsborough stadium in Sheffield on 15 April 1989, which is published today.

I am most grateful to Lord Justice Taylor for the Report, which (is a careful and thorough analysis of) why we have had so many major tragedies at football grounds over the years and why we have had disorder and hooliganism. the House familiarises itself with the Report it will become clear it is addressed as much to the football industry as it is to the Government. Lord Justice Taylor explains how in his interim report he concentrated on overcrowding because that was the cause of the Hillsborough disaster, but now he goes on to talk of a game, the image of which has been much tarnished, and of blight over the game due to old grounds, facilities, hooliganism, excessive drinking and poor leadership.



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Lord Justice Taylor does not spare those who run the industry. He says indeed that the provision they make for their customers is often not merely basic but squalid, and he says that squalid conditions can have an impact on safety but they also lead to lower standards of behaviour.

Add Reference to disputing decisions Lord Justice Taylor says that the Football Association and Football League have not seen it as any part of their duty to offer guidance to clubs on safety matters and he whether the directors of many clubs questions are interested in the welfare of their genuinely own supporters or their good behaviour. Players too are criticised, with Lord Justice Taylor pointing out that incitement from the pitch or bad behaviour by players, which is not confined to soccer, has a major influence on the crowd. While he recognises that at some clubs changes have been made towards realising a new concept of how football should be, he says that the game only has a future if the directors and the players can change their own priorities and give a leadership which is plainly lacking at present.

He agrees with the Government that there must be a move towards all-seater stadia and points out that Gthe machinery for that now exists in section 11 of the

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specifically provided the machinery for thes,

Football Spectators Act. The change will improve safety and will improve behaviour, and we intend to bring it about. Lord Justice Taylor makes clear that the bulk of the finances for ground improvements will have to be raised by the clubs themselves. He mentions ways in which clubs' finances might be improved to help cover the cost and canvasses a number of possibilities, including a change in the system of capital allowances which discourages expenditure on new stands but encourages what he describes as grotesque transfer fees. The Government will consider these suggestions.

There are a whole series of detailed recommendations set out in Chapters 3, 4 and 5 on matters relating to spectator safety such as gates and gangways. Indeed, 43 of the 76 recommendations appeared in the Interim Report. The Government accepts these proposals, some of which can be implemented immediately. Some will need further work. For convenience I am placing in the Library of the House a schedule setting out the Government's response to the proposals set out in Chapters 3, 4 and 5.

Hon Members will recall that section 13 of the Football Supporters Act provides for the Football Licensing Authority to supervise the safety responsibilities of local

Add TV revenue



authorities in respect of designated football grounds. We intend to implement that provision. Lord Justice Taylor would like us to go further and extend the remit of the Football Licensing Authority to cover all grounds designated under the 1975 Safety of Sports Grounds Act, and indeed all premises requiring safety certificates or licences under Parts III and IV of the Fire Safety and Safety of Places of Sport Act 1987. This would require primary legislation and we will have to consider the matter further. There is, of course, also the possibility of a voluntary interim arrangement to cover other than football grounds, pending any legislation.

acknowledges the crucial role of the police in crowd control. Lord Justice Taylor rightly reminds us that without work by the police many sporting events would be chaotic and could not be permitted to take place. He pays tribute to the police for their service which he says is often thankless. I want to add my personal tribute to his

and to thank the police for their invaluable efforts in

Part III of the Report contains a number of proposals

and

hooliganism.

to crowd control

maintaining order at sports events.

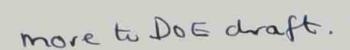
Add Use of Police resources relating



Add alcohol ban The Report recognises the advances made in the last couple of years in the effectiveness of the policing of football, particularly inside grounds, and to the major impact of closed circuit television on the hooligan problem.

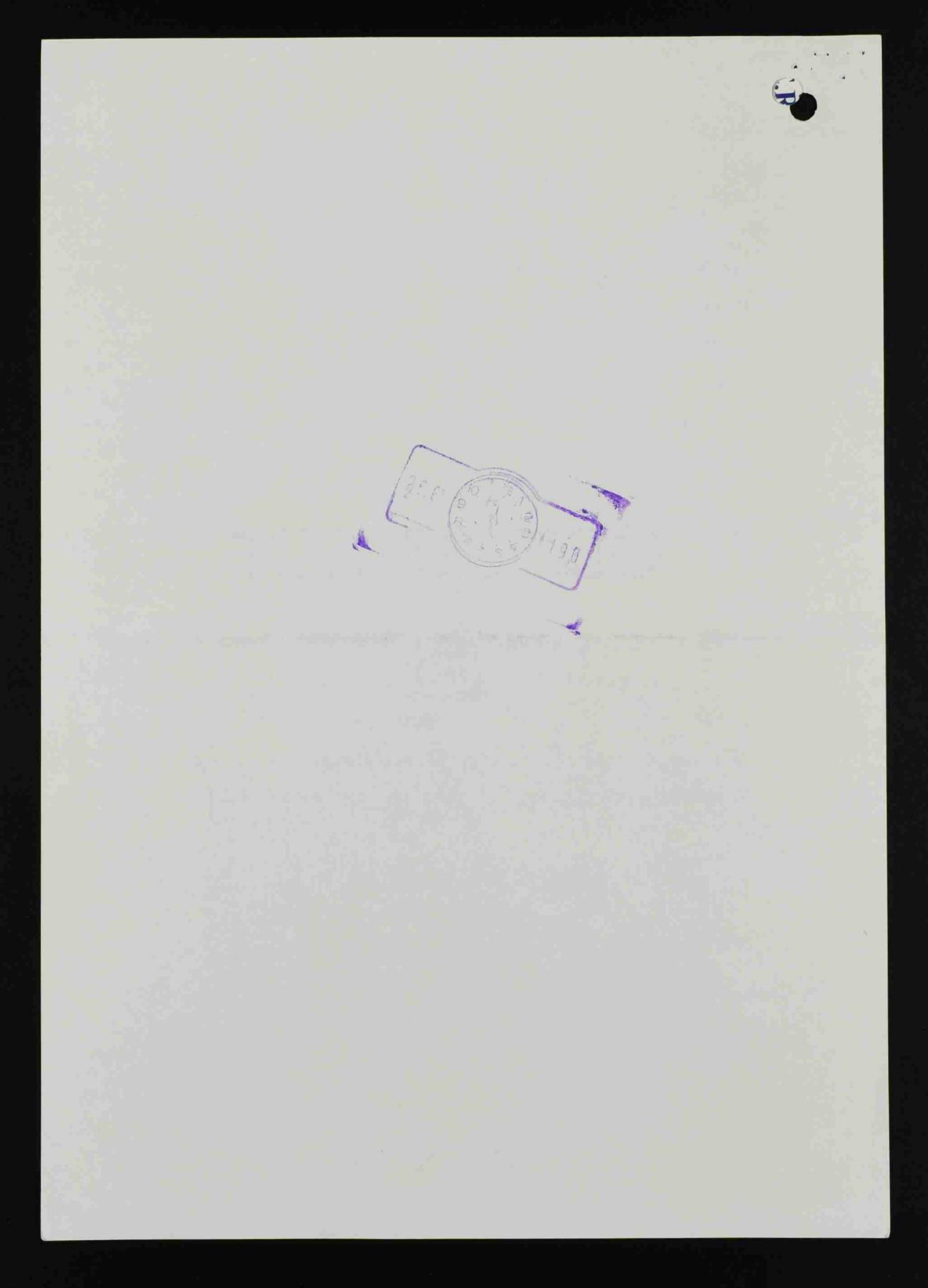
Lord Justice Taylor also recognises the great potential value of the police National Football Intelligence Unit in dealing with football-related crime and with hooligans travelling to matches abroad.

As I have said, Lord Justice Taylor takes the view that better facilities and better treatment of fans will bring better behaviour. Beyond that, the Report recommends the creation of three new specific offences to apply at designated sports grounds: throwing a missile; chanting obscene or racialist abuse; and going onto the pitch without reasonable excuse: and it also asks for consideration to be given to extending the courts' powers to impose attendance centre orders and for the use of electronic tagging in the case of offenders convicted of football-related offences. I shall look carefully and sympathetically at the case for making these changes recommendations.



Lord Justice Taylor then comes to the question of whether there should be a national membership scheme and he says that he has grave doubts about the feasibility of the sort of scheme envisaged in the Invitation to Tender issued by the consultants employed by the football authorities, and serious misgivings about the likely impact on safety. In the light of that, he says he cannot support the implementation of Part 1 of the Act.

The Government have decided in the light of Lord Justice Taylor's advice not to proceed with the establishment of a Football Membership Authority. Part 1 of the Act will remain on the Statute Book lest we have to return to the matter. But the right course now is for us to follow the strategy proposed in the Report and give the industry and the clubs a final opportunity to put themselves in order. The public will not forgive them if they do not now act.



35 Spring Gardens London SW1A 2BA Tel: 01-839 5933 Fax: 01-930 6145

25 January 1990

The Rt Hon Margaret Thatcher MP Prime Minister 10 Downing Street LONDON SW1

Dear Prime Minister

You may recall our meeting at Number 10 on two occasions over the past four years in my capacity as Founder and Chairman of a fund raising project called Sport Aid.

The project raised over \$45m in the end and the funds went via Band Aid, Unicef and other development agencies to help the victims of the Ethiopian famine as well as under priveleged children in other developing countries.

Since concluding this event, I formed a global marketing and communication company -Challenge Group - along with two fellow directors, John Mitchell and Bobby Moore OBE.

Both Bobby and John played professional football at the highest level and, of course, Bobby is well known as England's Captain in the World Cup winning side of 1966.

Whilst I cannot boast such ability as a player, the sport is held in the highest regard by all of us, and the problems currently confronting the industry here are problems we feel passionately about.

Following the appalling tragedy at Hillsborough last year, we felt a sense of urgency to assist the industry which had given both John and Bobby a livelihood and, indeed, all of us so much pleasure.

We developed a concept which we felt could resolve some, if not all, of the contentious issues of the soccer ID card scheme. In fact, as the scheme unfolded, it took on new dimensions which were not only beneficial to soccer, but the overall financial fabric of our country. A copy of the concept is enclosed with this letter.

The scheme itself is very simple and we proceeded to discuss this with the Football League, the PFA, a number of First Division Football Clubs and Ernst Young. In every instance, we were told the concept was quite brilliant, yet because the current legislation required cards to be electronically read at the turnstiles, our proposal did not meet all the necessary criteria. As a result, we are seemingly top of an "alternative list".

C H A L I E N G E G R O U P

Our joint feelings were that the other schemes under review would eventually find themselves deadlocked against this inevitable "crowding at turnstile" problem, and therefore we decided that we could wait for our time to come.

Given the current position following the all-important Taylor Report, I wonder whether that time is now.

The scheme as set out in the enclosed document has been prepared specifically for Barclays – given their current sponsorship of the League. The scheme could and should, however, be syndicated to all banks. In fact, Mastercard are currently investigating this scheme with a view to introducing it as a global ticket access facility for the 1994 World Cup. I am sure you will agree that there could not be a better billboard for a UK business initiative.

This document was sent to the Minister of Sport's Office last year. Todate we have received an aknowledgement of receipt – nothing more.

May we respectfully suggest that this scheme be reviewed given the current climate, and further suggest that our collective experience in this area be at your disposal. We want to find a solution to an issue which is currently threatening our national game.

Yours sincerely

Chris Long
Director

Enc

IN CONFIDENCE

cc (for information) Mr. Turnbull, No. 10 Mr. A. Ring, Do E

Wednesday, 24 January, 1990

Mr. J. Gallagher, S.O. Mr. T. Sultan, Ld Pier Ghre Mr. J. Grieve, Troas Written No.

Below is the line we will take an the Taylor Report in Pa answer tomorrow. Sava Dent 23/1

Mr Tom Pendry (Stalybridge and Hyde): To ask the Secretary of State for the Home Department, when he received Lord Justice Taylor's Final Report into the Hillsborough disaster and when he is proposing to publish it.

MR DAVID WADDINGTON

I received Lord Justice Taylor's Final Report on 19 January. I shall publish it as soon as possible.

covering PERSONAL AND CONFIDENTIAL

K027

FROM: P J C MAWER
DATE: 23 January 1990

cc: Sir Robin Butler

MR TURNBULL

HILLSBOROUGH AND THE TAYLOR ENQUIRY

I attach a draft letter you may wish to send the Home Secretary's Principal Private Secretary recording this morning's meeting at No 10.

P J C MAWER

DRAFT LETTER TO:

Colin Walters Esq Principal Private Secretary Home Office

Home Office

The Prime Minister discussed with the Home Secretary this morning his minute of 22 January about the handling of the final

football tragedy. The Lord President, Lord Privy Seal,
Environment Secretary, Chief Whip (Commons) and Minister for
Sport were also present.

report of Lord Justice Taylor's inquiry into the Hillsborough

The Home Secretary said that Lord Justice Taylor had the Fiber Mathematical Concluded that he could not support the implementation of Part I of the Football Spectators Act 1989. Lord Justice Taylor had looked at the invitation to tender for the Football Membership Scheme and had expressed grave doubts about the adequacy of the technology involved, the feasibility of the scheme, its impact on police resources and its implications for crowd control and safety. He doubted whether the scheme would eliminate hooliganism inside or outside grounds. Lord Justice Taylor had put forward a variety of recommendations for improving crowd control and safety, including the progressive introduction of all-seat accommodation, and the establishment of an independent

PERSONAL AND CONFIDENTIAL

body to supervise the responsibilities of local authorities for safety of sports grounds. Preliminary advice was that even if the football membership scheme was not set up, the Football Licensing Authority could be appointed to exercise this responsibility, at least in respect of football grounds. were also a number of recommendations directed to the criminal law, such as the creation of new offences covering certain types of behaviour at football matches: while it was likely that these were already caught by the existing law, the proposals could be made specific offences implemented if that was thought desirable. Similar considerations attached to Lord Justice Taylor's recommendations on ticket sales and attendance centre orders. Together therefore there was the basis of a convincing package which could be put forward to Parliament. As to the handling of the report, the Government had all along made clear that Part I of the Football Spectators Act was an enabling measure and he proposed that the the National Membership Schene under) Government should accept Lord Justice Taylor's advice that Part I should not be implemented at least at this stage. He would make clear in an early statement, however, that Part I would be left on the Statute Book and could be implemented at a later date if necessary. Meanwhile the Government would rigorously pursue that part of Lord Justice Taylor's recommendations that fell to it, much of which built on action which the Government already had in hand.

Justice Taylor's report was flawed in a number of respects.

Nevertheless, he accepted the Home Secretary's conclusion that it would not be possible to proceed with the football membership Scheme in the face of Lord Justice Taylor's findings.

Hooliganism remained a serious problem, however, which the forthcoming World Cup would emphasise. A convincing alternative package would therefore need to be assembled which picked up Lord Justice Taylor's proposals and should also involve testing some types of membership scheme with individual football clubs to see if the criticisms made by Lord Justice Taylor could be overcome. It would also be highly desirable to implement Part II of the 1989 Act on Restriction Orders before the end of the current football season, in order that the provisions were in force before the World Cup.

Y. In discussion, the following points were made:

a. Lord Justice Taylor's report contained a number of factual inaccuracies and it was doubtful whether some of his recommendations would prove effective. It was right that an opportunity should be found to expose these shortcomings, although the Home Secretary's statement should not itself

PERSONAL AND CONFIDENTIAL

Adjournment Debate were mounted on the report shortly after its publication. The points could also be brought out in response to questions about the report.

- b. It was unclear whether Lord Justice Taylor would be holding a press conference about his report. There was no doubt that if he did so he would be questioned closely by journalists about a number of his findings.
- in support of his conclusion on the football membership scheme was novel and the Government had won the debate on all of them in Parliament. It was clear, however, that the Government could not implement the football membership scheme in the face of Lord Justice Taylor's findings. But it was right that the enabling powers in the Act should be kept in reserve, in case Lord Justice Taylor's recommendations proved ineffective or advances were made in technology or otherwise which overcame Lord Justice Taylor's objections. In this was the person of the football membership scheme and the football membership scheme in the face of Lord Justice Taylor's recommendations proved ineffective or advances were made in technology or otherwise which overcame Lord Justice Taylor's objections.
- d. Dany testing of alternative membership schemes would have to be done with the consent of the football clubs

 It was describe to continue testing of some types of neutrop scheme that we describe the continue testing of some types of neutrop scheme with which dues to see of the continues radies

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publication of the report and bee could be demand that

- The great majority of Lord Justice Taylor's e. recommendations built on work which the Government had already set in hand. This point should be brought out clearly in the Home Secretary's statement. The report also improving satety and made clear that the primary responsibility for tackling hooligan behaviour lay on the clubs. Implementation of Lord Justice Taylor's recommendations would have substantial cost consequences, about which clubs would be bound to protest. baddenbox dad discussed various tax concessions, it had But the report made no firm recommendation for Government financial assistance to the clubs, and it was right that the onus for finding the money should be on the clubs, who were earning very substantial sums, for example, from the sale of rights to televise matches.
- body should supervise the responsibilities of local authorities for the safety of all grounds covered by the Safety of Sports Grounds Act. This recommendation would require legislation, however, and it was not clear that there was a case for implementing the recommendation

immediately in respect of sports other than football (where section 13 of the 1989 Act provided the necessary powers).

- The Opposition would be bound to seize on the report to try to embarrass the Government. There was a risk that the contents of the report would leak if publication was delayed. Nevertheless, the Government could be criticised if it rushed to publish the report without making an adequate number of printed versions of the report available through HMSO. On balance it was preferable to hold to the plan to publish the report immediately sufficient properly printed versions of it were available.
- was clear that Lord Justice Taylor's report was flawed in a number of respects. Its inaccuracies could be brought out in response to questions following the Home Secretary's statement.

 Nevertheless it was clear that the Government could not proceed with Part I of the Football Spectators Act in the face of Lord Justice Taylor's findings. Part I was, however, an enabling provision, as the Government had made clear all along, and it was right that it should be left on the Statute Book for use at a later date should this seem desirable. The Home Secretary's statement should make clear that for the present the Government

would proceed expeditiously with a package based on Lord Justice Taylor's recommendations, many of which built on action the Government had already put in hand. In addition to Lord Justice Taylor's own recommendations, the package could embrace further testing of membership schemes provided that clubs were willing to assist with this. The Home Secretary's statement should make clear that the report identified that the primary responsibility for the present situation and for remedying it lay with the clubs themselves. The Home Secretary should make his statement on Monday, 29 January and should take advantage of an earlier Question to acknowledge that he had received the report and to set out the expected timetable for publishing it. He should circulate the text of his draft statement in advance to interested colleagues.

^{6.} I am copying this letter to the Private Secretaries of Ministers present at the meeting and the Secretary of State for Scotland, and to Sir Robin Butler and Philip Mawer (Cabinet Office).

Subject adarte

A: /PPS/FOOTball

10 DOWNING STREET

LONDON SWIA 2AA

From the Principal Private Secretary

23 January 1990

Dea Colin,

FOOTBALL SPECTATORS ACT: TAYLOR REPORTS

The Prime Minister discussed with the Home Secretary this morning his minute of 22 January about the handling of the final report of Lord Justice Taylor's inquiry into the Hillsborough football tragedy. The Lord President, Lord Privy Seal, Secretary of State for the Environment, Chief Whip (Commons), the Minister for Sport and Sir Robin Butler were also present.

I would be grateful if the letter were copied only to those directly concerned with handling the subject concerned.

The <u>Home Secretary</u> said that Lord Justice Taylor had concluded that he could not support the implementation of the National Membership Scheme under Part I of the Football Spectators Act 1989. Lord Justice Taylor had looked at the invitation to tender for the National Membership Scheme and had expressed grave doubts about the adequacy of the technology involved, the feasibility of the scheme, its impact on police resources and its implications for crowd control and safety. He doubted whether the scheme would eliminate hooliganism inside or outside grounds.

Lord Justice Taylor had put forward a variety of recommendations for improving crowd control and safety, including progressive movement towards all-seat accommodation, and the establishment of an independent body to supervise the responsibilities of local authorities for safety of sports grounds. Preliminary advice was that even if the football membership scheme was not set up, the Football Licensing Authority could be appointed to exercise this responsibility, at least in respect of football grounds. There were also a number of recommendations directed to the criminal law, such as the creation of new offences covering certain types of behaviour at football matches: while it was likely that these were already caught by the existing law, the proposals could be made specific offences if that was thought desirable. Similar considerations attached to Lord Justice Taylor's recommendations on ticket sales and attendance centre orders. Together therefore there was the basis of a convincing package which could be put forward to Parliament.

As to the handling of the report, the Government had all along made clear that Part I of the Football Spectators Act was an enabling measure and he proposed that the Government should accept Lord Justice Taylor's advice that the National Membership Scheme under Part I should not be implemented at least at this stage. He would make clear in an early statement, however, that Part I would be left on the Statute Book and could be implemented, at a later date if necessary. Meanwhile the Government would rigorously pursue those of Lord Justice Taylor's recommendations that fell to it, many of which built on action which the Government already had in hand.

The Secretary of State for the Environment said that Lord Justice Taylor's report was flawed in a number of respects. Nevertheless, he accepted the Home Secretary's conclusion that it would not be possible to proceed with the National Membership Scheme in the face of Lord Justice Taylor's findings. Hooliganism remained a serious problem, however, which the forthcoming World Cup would emphasise. A convincing alternative package would therefore need to be assembled which picked up Lord Justice Taylor's proposals. It would also be highly desirable to implement Part II of the 1989 Act on Restriction Orders before the end of the current football season, in order that the provisions were in force before the World Cup. But it was right that the enabling powers in Part I of the Act should be kept in reserve, in case Lord Justice Taylor's recommendations proved ineffective or advances were made in technology or otherwise which overcame Lord Justice Taylor's objections. In this way pressure would be kept on the football authorities and clubs to secure continuing improvements.

In discussion, the following points were made:

- a. Lord Justice Taylor's report contained a number of factual inaccuracies and it was doubtful whether some of his recommendations would prove effective. It was right that an opportunity should be found to expose these shortcomings, although the Home Secretary's statement should not itself dwell on them. One means of doing this might be if an Adjournment Debate were mounted on the report shortly after its publication. The points could also be brought out in response to questions about the report.
- b. It was unclear whether Lord Justice Taylor would be holding a press conference about his report. There was no doubt that if he did so he would be questioned closely by journalists about a number of his findings.
- None of the arguments advanced by Lord Justice Taylor in support of his conclusion on the Football Membership Scheme was novel and the Government had provided answers to all of them in Parliament.
- d. It was desirable to continue testing of some types of membership scheme with individual football clubs to see if the criticisms made by Lord Justice Taylor could be overcome. This would have to be done with the consent of

the football clubs concerned. This might be difficult to get in the wake of publication of the report and there could be demands that the costs were borne by Government.

- e. The great majority of Lord Justice Taylor's recommendations built on work which the Government had already set in hand. This point should be brought out clearly in the Home Secretary's statement. The report also made clear that the primary responsibility for improving safety and tackling hooligan behaviour lay on the clubs. Implementation of Lord Justice Taylor's recommendations would have substantial cost consequences, about which clubs would be bound to protest. Although the report had discussed various tax concessions, it had made no firm recommendation for Government financial assistance to the clubs, and it was right that the onus for finding the money should be on the clubs, who were earning very substantial sums, for example, from the sale of rights to televise matches.
- f. Lord Justice Taylor had suggested that an independent body should supervise the responsibilities of local authorities for the safety of all grounds covered by the Safety of Sports Grounds Act. This recommendation would require legislation, however, and it was not clear that there was a case for implementing the recommendation immediately in respect of sports other than football (where section 13 of the 1989 Act provided the necessary powers).
- g. The Opposition would be bound to seize on the report to try to embarrass the Government. There was a risk that the contents of the report would leak if publication was delayed. Nevertheless, the Government could be criticised if it rushed to publish the report without making an adequate number of printed versions of the report available through HMSO. On balance it was preferable to hold to the plan to publish the report immediately sufficient properly printed versions of it were available.

The Prime Minister, summing up the discussion, said that it was clear that Lord Justice Taylor's report was flawed in a number of respects. Its deficiencies could be brought out in response to questions following the Home Secretary's statement. Nevertheless it was clear that the Government could not proceed with the National Membership Scheme in Part I of the Football Spectators Act in the face of Lord Justice Taylor's findings. Part I was, however, an enabling provision, as the Government had made clear all along, and it was right that it should be left on the Statute Book for use at a later date should this seem desirable and be shown to be feasible. The Home Secretary's statement should make clear that for the present the Government would proceed expeditiously with a package based on Lord Justice Taylor's recommendations, many of which built on action the Government had already put in hand. In addition to Lord Justice Taylor's own recommendations, the package could embrace further testing of membership schemes provided that clubs were willing to assist with this. The Home Secretary's statement should make clear that the report identified that the primary responsibility for the present situation and for remedying it lay with the

clubs themselves. The Home Secretary should make his statement on Monday 29 January and should take advantage of an earlier Question to acknowledge that he had received the report and to set out the expected timetable for publishing it. He should circulate the text of his draft statement in advance to interested colleagues.

I am copying this letter to Tim Sutton (Lord President's Office), Roger Bright (Department of the Environment), Gillian Kirton (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), Philip Stamp (Minister for Sport's Office) and to Sir Robin Butler and Philip Mawer (Cabinet Office). I am also copying the letter to Jim Gallagher (Scottish Office) and John Gieve (HM Treasury).

Your surrends And Turks

(ANDREW TURNBULL)

Colin Walters, Esq., Home Office.



PERSONAL & CONFIDENTIAL

PRIME MINISTER

HILLSBOROUGH AND THE TAYLOR INQUIRY

I have now received the final report of Lord Justice Taylor's inquiry into the Hillsborough football tragedy. We are to discuss the report, a copy of which was forwarded earlier today, at tomorrow's meeting.

- 2. In the body of the report (in Part IV and in particular paragraphs 419 and 424) Taylor expresses grave doubts about the feasibility of the football membership scheme, serious misgivings about its likely effect on safety, and is very anxious about its potential impact on police commitments and control of spectators. For these reasons he cannot support the implementation of Part I of the Football Spectators Act 1989.
- 3. In the light of these observations I doubt whether we would secure Parliamentary support for the statutory instruments which are necessary to implement the scheme, and in view of the judge's detailed criticisms I do not think that we should attempt to bring the scheme into effect now.
- 4. Of course it will be embarrassing to have to announce the shelving of the scheme, but it should be possible to present the decision in a positive way. We were right to provide for a football membership scheme in the Football Spectators Act, but before Third Reading we made it quite clear that the question of implementation could be considered by Parliament in the light of the Taylor report. Taylor has had the advantage of considering the proposals against the details in the invitation to tender. He has said that the scheme as proposed has serious drawbacks and we should accept that advice. But the enabling provisions should stay on the statute book.
- 5. We should make much of the other matters which are covered by the report. In Part I it places the responsibility for complacency about safety, for decline in the conditions of grounds, and for poor facilities for spectators firmly at the door of the football industry. It suggests in effect that if you treat people like animals they will behave that way. It makes recommendations for gradual progress towards all-seater stadia and for improvements in facilities. And it does not suggest, explicitly at least, that the Government should bear the cost of these improvements.
- 6. Part II of the report is concerned with details matters relating to spectator safety, building on the recommendations of the interim report.

Most of them are unlikely to be controversial and can be dealt with without primary legislation. Taylor supports the concept of an independent body to supervise the responsibilities of local authorities for safety of sports grounds and our preliminary advice is that even if the football membership scheme is not set up, the Football Licensing Authority could be appointed to exercise this responsibility at least in respect of football grounds. (The extension of the Authority's powers to sports other than football would either require legislation or would need to be negotiated with the sports bodies and local authorities on a voluntary basis). We can also support, in principle at least, those recommendations in Part III which relate to the police, to crowd control and the control of hooliganism.

- 7. In short, I think the report provides a basis on which to persuade the football authorities that they must begin to put their house in order and for improvements in the control of safety. The alternative measures for dealing with hooliganism proposed by Taylor deserve to be considered.
- 8. I do not propose that we should repeal Part I of the Football Spectators Act. The fact that Taylor has recommended against the present membership scheme does not mean that an alternative scheme cannot be devised in the future which does not give rise to the same objections. Such a scheme may still be necessary if the football industry does not play its part in improving the situation.
- 9. As for handling, I shall need to present the report to the House with our conclusions by means of an oral statement. The earliest this can be done, while ensuring that copies of the report are available in HMSO bookshops throughout the country, is next Tuesday, 30 January.
- 10. I am copying this minute to the Lord President, the Lord Privy Seal, the Secretary of State for the Environment, the Secretary of State for Scotland, the Chief Whip and Sir Robin Butler.

22 January 1990

From: THE PRIVATE SECRETARY PS 22211





Home Office **OUEEN ANNE'S GATE** LONDON SWIH 9AT

22 January 1990

CCBIUI.

TAYLOR REPORT

As you know, the Prime Minister will chair a meeting at 11 a.m. tomorrow to consider Lord Justice Taylor's final report on the Hillsborough disaster. The Home Secretary will be minuting the Prime Minister on the subject later today. In the meantime you may care to have this copy of the report.

FILED IN SEPERATE BOX

I am copying this letter and its enclosure to the Private Secretaries to other Ministers attending the meeting, with the request that they ensure that access to the report is restricted to those officials whose advice must be sought, and also to Philip Mawer (Cabinet Office).

Andrew Turnbull, Esq., No 10 Downing Street LONDON, S.W.1.

PRIME MINISTER

THE TAYLOR INQUIRY

Attached are

- a Cabinet Office note Flag A; and
- a minute by the Home Secretary Flag B.

The Home Secretary concludes that the Government should not proceed with the National Membership Scheme envisaged under Part 1 of the Football Spectators Act, but he also propos es that Part 1 should not be repealed. I think he is right on both counts. The Government cannot prevail in the face of the recommendations of the Report. Equally, retaining the powers gives the Government a lever over the football industry should it be slow in putting its house in order. It is also important to recognise that the current version of the membership scheme is only one way of proceeding.

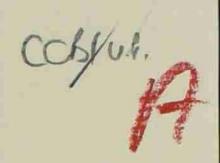
You might like to refer again to the Popplewell Report - copy attached. Although he recommended that

'Consideration should be given to some form of membership scheme for Football League Clubs in England and Wales' it is clear that he did not envisage the national, comprehensive scheme in the Act. He appeared to have in mind club-based schemes which might develop by a system of mutual recognition. He did not envisage that a position would be reached under which membership was the only way of going to a match. His ideas come closest to the 'away members only' scheme discussed in paras 316 - 319 of the Report. Thus, while Popplewell can be quoted in support of membership schemes, he cannot be quoted in support of the particular scheme in the Football Spectators Act.

Conversely, in responding to Taylor, it is important not to allow his rejection of the current scheme to impede progress towards other kinds of membership.

ANDREW TURNBULL

22 January 1990



Ref. A090/191

PRIME MINISTER

HILLSBOROUGH: THE TAYLOR REPORT

You are to discuss with the Home Secretary and the Environment Secretary at 11.00 am tomorrow the handling of Lord Justice Taylor's final report on the Hillsborough disaster. The Lord President, the Chief Whip and Mr Moynihan will also be present.

LORD JUSTICE TAYLOR'S CONCLUSIONS AND RECOMMENDATIONS

- 2. A copy of Lord Justice Taylor's report is attached. His conclusions on the football membership scheme and his recommendations are flagged (A and B respectively).
- 3. On the <u>football membership scheme</u> (Part I of the Football Spectators Act 1989), Lord Justice Taylor makes no specific recommendation. But he concludes (paragraph 424):
 - "...I have grave doubts about the feasibility of the national membership scheme and serious misgivings about its likely impact on safety. I also have grave doubts about the chances of its achieving its purposes and am very anxious about its potential impact on police commitments and control of spectators. For these reasons, I cannot support the implementation of Part I of the Act".

- 4. Lord Justice Taylor derives these conclusions from his consideration of the <u>safety and crowd control implications</u> of the scheme. He finds that the scheme as conceived would add to the danger of congestion and disorder at grounds. Specifically it would add to the delay in processing spectators through the turnstiles and the technology involved is unproven. It would be difficult to test the system effectively and it is likely that hooligans will attempt to defeat the system, so adding to safety and crowd control problems. Lord Justice Taylor also doubts whether the scheme will prevent hooliganism within grounds and believes that even if it does, it will simply transfer the problem outside. He is also worried about the substantial impact the scheme will have on police resources.
- 5. Lord Justice Taylor puts forward an <u>alternative strategy</u> (paragraph 426) for tackling hooliganism. This would rely on a combination of all or some of the following measures:

developing the detection and evidential potential of closed circuit television and the new National Football Intelligence Unit;

creating criminal offences to prohibit the throwing of missiles, chanting of obscene or racist abuse or going on the pitch without reasonable excuse;

extending courts' power to make attendance centre orders, in conjunction with exclusion orders, so as to keep hooligans away from grounds;

using electronic monitoring (tagging) for the same purpose.

Lord Justice Taylor believes that, together with the other measures recommended in his report, these steps would give the best chance of minimising hooliganism.

6. Lord Justice Taylor's recommendations centre on the phased introduction of all-seating and other improved accommodation at grounds. The powers in Section 13 of the 1989 Act for the Football Licensing Authority to oversee the way local authorities discharge their responsibilities for ground safety would be retained. Other recommendations are directed to improving crowd control within grounds, and to the arrangements made by clubs, the police and the other emergency services for ensuring crowd safety.

GOVERNMENT LINE ON THE MEMBERSHIP SCHEME

7. The provisions in Part I of the 1989 Act were hard fought.

As well as the official Opposition a number of Government supporters expressed reservations about them. (Part II of the Act - which introduces Restriction Orders on those convicted of

football related offences designed to stop them travelling abroad - was generally welcomed and is endorsed by Lord Justice Taylor.)

8. The Government line during the Parliamentary proceedings on the Act was that the football membership scheme had to be seen against the background of several decades of problems with crowd safety and hooliganism. The Act was so constructed as to require Negative Resolution Orders to set up the Football Membership Authority and to approve the details of the membership scheme. In answering questions on 20 April in the aftermath of Hillsborough you said:

"Let me deal with the very important matter of the 'membership scheme' part of the Bill. The Bill itself does not provide such a scheme: it sets up a procedure through which others may propose such a scheme for the Secretary of State's approval. It will then have to laid before the House. The Bill will not pre-empt any decisions that may be made by Lord Justice Taylor."

A copy of the full Hansard extract of this answer, and of another on 25 April, are attached.

ISSUES FOR DISCUSSION

9. I understand that the Home Secretary will be submitting a minute before tomorrow's meeting identifying three options on the football membership scheme:-

- i. to reject Lord Justice Taylor's conclusion and press ahead with the implementation of Part I of the Act;
- ii. to accept his conclusion and announce that the membership scheme is being dropped;
- iii. a middle course, viz to say that the scheme will not be implemented while Lord Justice Taylor's alternative strategy is tried but indicating that the Government intends to keep the scheme in reserve in case the alternative strategy proves unsatisfactory.

Both the Home Secretary and Mr Patten are likely to support the middle course.

- 10. The main questions on the football membership scheme for consideration tomorrow are therefore:
 - i. Does anyone wish to argue that Lord Justice Taylor's conclusion should be rejected? The Chief Whip is likely to argue that he could not guarantee a vote in favour of the scheme, given Lord Justice Taylor's reservations about it.
 - ii. Are there any difficulties in accepting Lord Justice

 Taylor's alternative strategy? Most of his proposals

 build on action already put in hand by the Government.

But some would require legislation. Can these be accommodated? (A Criminal Justice Bill is a likely runner for next session's legislative programme.)

- 11. No doubt you will want to take the Home Secretary and Mr Patten's views on the acceptability or otherwise of the rest of Lord Justice Taylor's findings and recommendations. Most seem unexceptionable, but it is clear that they have major cost implications for football. Lord Justice Taylor suggests (para 108) that some of the product of the football pools might be diverted to the clubs. The Chancellor will need to be consulted on this.
- 12. You will also wish to consider the <u>handling of the Government's response to the report</u>. It would seem desirable, if possible, to set the response to Lord Justice Taylor's conclusions on the football membership scheme in the context of the Government's response to as many as possible of the other findings and recommendations of his report. Can the Government's response to the recommendations be worked out sufficiently quickly to allow this? On <u>timing</u>, I understand that the earliest the report can be published is next Tuesday or Wednesday, if printed copies are to be available in HMSO bookshops nationally. The Home Secretary would make a statement to the House on the day of publication. This delay carries a danger that the report's contents may leak meanwhile. You may wish to suggest that a contingency plan is needed which would

involve bringing forward the Home Secretary's statement should the report's contents show signs of leaking. Duplicated copies of the text of the report could be made available to MPs and the media if necessary.

13. As well as a statement on publication, there may well have to be a <u>Parliamentary debate</u> on the report in due course. It would seem sensible for the Government to offer this from the outset. You will wish to take the Lord President's mind on this and other aspects of Parliamentary handling.

HANDLING OF THE MEETING

14. No doubt you will wish first to take the mind of colleagues on how the Government should respond to Lord Justice Taylor's findings on the football membership scheme. The Home Secretary could be invited to introduce his minute and the Environment Secretary and Mr Moynihan to add their views. The Lord President and Chief Whip will be able to deal with the Parliamentary implications. Once the line of the Government's response to the report is decided, you will wish to move on to consider the handling and other presentational issues as identified above.

FERB.

22 January 1990

Mr. Kinnock: Does the Prime Minister understand that Members on both sides of the House and people throughout the country will regard her decision to force through her identity card scheme to be an offence against common sense and common decency? In the aftermath of the terrible tragedy last Saturday, how can the right hon. Lady put the safety of others second to her own pride?

The Prime Minister: I noted the way in which the right hon. Gentleman asked his questions. I would be grateful to him and the House if I could make one or two points—which are relevant to a decision—[Interruption.] I am answering the right hon. Gentleman's question, which was put very sharply. May I answer his points?

First, the decision we are asked to take is against the background of four decades of problems with crowd safety and two decades of hooliganism—nearly 300 people have died, and we have the worst record in the developed world. To refuse to pass in this Session the Bill to deal with problems which have already been identified, and then leave ourselves with no vehicle by which to respond immediately to the lessons from Hillsborough—including all-seating stadiums—would be a very grave decision for the House. A Bill completed in this Session would still be able to take account of any interim recommendations by Lord Justice Taylor. Not to proceed with the Bill this Session would delay by 12 months any response to these grave problems. The World Cup is coming up in 1990—[Interruption.]

Mr. Speaker: Order. I think that this is a matter about which the whole House wishes to hear.

The Prime Minister: One part of the Bill-

Mr. Faulds: Absolute abuse.

The Prime Minister: I am trying to answer.

Mr. Faulds: Absolute abuse.

Mr. Speaker: Order. The hon. Member for Warley, East (Mr. Faulds) must contain himself.

The Prime Minister: Let me deal with the very important matter of the "membership scheme" part of the Bill. The Bill itself does not provide such a scheme; it sets up a procedure through which others may propose such a scheme for the Secretary of State's approval. It will then have to be laid before the House. The Bill will not pre-empt any decisions that may be made by Lord Justice Taylor. I do say most earnestly—[Interruption.]

Mr. Speaker: Order. This is Question Time.

The Prime Minister: Let me say to the right hon. Member for Islwyn (Mr. Kinnock) and others that the question that Members must ask themselves after two decades of hooliganism is whether they wish to take responsibility for doing nothing for another 12 months.

Mr. Kinnock: The Prime Minister is right to say that this is a "very important matter". In view of that, she might have done the House the courtesy of saying that she would make a full statement, so that she could be cross-examined. In the absence of such a statement, let me say to the Prime Minister that it is five days since the Hillsborough disaster, four days since she went to the Leppings lane pen and three days since she set up the Taylor inquiry. Now she is already undermining that

inquiry. Does she not realise that by pressing ahead with her legislation she is effectively putting the vital question of identity cards off limits to Lord Justice Taylor?

The Prime Minister: I do not think that the right hon. Gentleman can quite have heard what I said, or listened to it. The timetable easily permits anything that Lord Justice Taylor may propose to be taken into account, because the Bill does not provide a national membership scheme.

I suggest that the question that the House must ask itself, and on which it must reflect very carefully—that includes the right hon. Gentleman—is whether it positively wishes, in the face of the country's record of hooliganism and its reputation, to delay for 12 months and do nothing when confronted by the deaths that we have recently seen.

Mr. Kinnock: No one is in favour of doing nothing, but what we want is effective action for crowd safety as well as for football security. The Prime Minister does not understand that. Does she not realise that she can have either what she calls an enabling Bill, or a no-holds-barred inquiry, but she cannot have both? Her course is full of utter inconsistency, as well as great vanity.

The Prime Minister: I do not think that the right hon. Gentleman treats this measure with the seriousness that it deserves. The purpose of the Bill is not only to control the admission of spectators by means of a procedure for a national membership scheme; it also involves licences to admit spectators. I thought that the whole House agreed with my right hon. Friend the Home Secretary when we suggested that in future we must have all-seat stadiums. Without a Bill we shall have no possible way of bringing that into effect.

The proposals in the Bill were considered by Mr. Justice Popplewell, recommended in this interim report and confirmed in his final report. They are not being rushed. The final report was three years ago. I suggest that the House should not delay a legislative measure to enable us to take advantage of Lord Justice Taylor's recommendations for another 12 months, and that it would be negligent to do so.

Q3. Mrs. Roe: To ask the Prime Minister if she will list her official engagements for Thursday 20 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mrs. Roe: Will my right hon. Friend agree that recent inward investment decisions show that foreign companies have a long-term commitment to the United Kingdom and confidence in its economic prospects and in the policies of the Government?

The Prime Minister: Yes. Very recently we have seen three big inward investments in this country, Fujitsu in the north-east, Bosch in Wales and Toyota in Derbyshire. That is very good news. It shows that overseas companies recognise the attractions of doing business in this country. I should also point out that British companies, too, are very active in making overseas investments. We live in a global competitive trading environment and it is important that we, too, invest in other countries. So in both ways investment is going very well.

Rev. Martn Smyth: Is the Prime Minister aware, as the nation is, that the people of Northern Ireland have for some time been concerned about the undermanning in the

Mr. Kinnock: When we are told that the Warsaw pact has a 16:1 advantage in short-range nuclear weapons, does it not make sense for Britain and for NATO to gain the most by negotiating their verifiable removal?

Oral Answers

The Prime Minister: I thoroughly agreed on that point with an early-day motion which appeared on the Order Paper on 9 February 1989 congratulating

"the Socialist Prime Minister of France on his . . . statement . . . that 'conventional and nuclear weapons are jointly necessary for the security of Europe', . . . that 'despite some initial signs of an unquestionable desire for disarmament in the Soviet camp, we are stil far from seeing the reasonable sufficiency or the defensive posture that they claim', and that we must avoid having disarmament 'become a smokescreen for denuclearisation.'"

That was tabled by a Labour Member.

Mr. Kinnock: I am glad to hear the Prime Minister quoting a Socialist President. I quote a Conservative Chancellor to her. Does she agree that there should be—"early negotiations on short-range nuclear weapons based on the goal announced by the Alliance in Reykjavik in 1987 and in Brussels in 1988 to achieve equal numbers at lower levels' and ... 'negotiations on nuclear artillery with the aim of achieving equal ceilings at levels that are drastically reduced'"—the view of Chancellor Kohl?

The Prime Minister: I do not think that the right hon. Gentleman could have heard my first answer to him—[Interruption.] The strategy that we are discussing is the strategy of NATO, which has protected peace for 40 years. It is the strategy which the right hon. Gentleman does not accept and which he wishes to throw away. The strategy on which he is engaged is to get the denuclearisation of Europe and to have no safety left in defence in NATO for this country.

Sir Geoffrey Johnson Smith: Is my right hon. Friend aware that there are many parliamentarians both here and on the continent of Europe who share her deep concern about the West German Government proposal to start talks on short-range nuclear weapons with the Warsaw pact countries unilaterally in advance of reductions in chemical weapons and conventional forces?

The Prime Minister: I agree with my hon. Friend. NATO has played a vital role in maintaining Germany's freedom, which started the day the second world war ended, and I do not believe that the German Government want to put NATO at risk.

Q2. Mr. Illsley: To ask the Prime Minister if she will list her official engagements for Tuesday 25 April.

The Prime Minister: I refer the hon. Gentleman to the reply that I gave some moments ago.

Mr. Illsley: In view of the fact that in February of this year the south Yorkshire police instructed Barnsley Football club to admit 2,000 spectators to an FA cup match at one minute before the kick-off without payment and without tickets, will the Prime Minister now consider delaying the Football Spectators Bill until after Lord Justice Taylor reports or, even better, withdraw it altogether as such police action clearly makes that Bill unworkable?

The Prime Minister: I answered some questions from this Dispatch Box last week pointing out that there had been nearly 300 deaths in the post-war period from crush

should be unable to take any action contained in the measure apart from the national membership scheme and that I believed that, against that number of deaths, for the House to wash its hands of a Bill would be negligent in the extreme.

Mr. Nicholas Baker: Does my right hon. Friend agree that anyone of reputable character—a public company, a national newspaper or a child playing in the street—on finding documents or property lost, stolen or fallen off the back of a lorry, would, as their first action, seek to return it to its rightful owner?

Mr. Tony Banks: Not in my constituency.

Mr. Baker: Should not all thieves be treated equally before the law?

The Prime Minister: What my hon. Friend says is correct and most people would agree.

Mr. Ashdown: What is the limit, if any, below which the Prime Minister would not be prepared to let child benefit be cut?

The Prime Minister: Our policy on child benefit has been set out. We increased child benefit to the poorest families, which gave them far more help than they would have had if there had been an across-the-board increase. I am happy to say that that policy was endorsed by a majority of 100 yesterday evening.

Mr. Patrick Thompson: Bearing in mind that we are this month marking the 40th anniversary of NATO, will my right hon. Friend take the opportunity to discuss with her colleagues at the Department of the Environment the recent decision by Norwich city council to throw out an exhibition which was installed to mark the 40th anniversary of NATO? Does she agree that that Labour-controlled council has pointed out the Opposition's confusion on defence matters?

The Prime Minister: My hon. Friend makes his point effectively. NATO has kept the peace in Europe for over 40 years. We are firmly behind NATO's strategy—which is a mix of conventional and nuclear weapons—as, I believe, are the United States and the overwhelming majority of NATO members. Anything that undermines NATO would be highly damaging to the defence of liberty.

Q4. Mr. Pawsey: To ask the Prime Minister if she will list her official engagements for Tuesday 25 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mr. Pawsey: Does my right hon. Friend agree that one of the principal achievements for her three Administrations has been the way in which the trade unions have been firmly brought under the rule of law? Would she care to say what the effect would be on the economy and on employment of a return to the secondary picketing advocated by Opposition Members?

The Prime Minister: The effect would be utterly devastating. We would go back to secondary strikes, in which there was no dispute between the employer and the employee and we would see again some of the massive

TPM

PRIME MINISTER

FOOTBALL HOOLIGANISM: LORD JUSTICE TAYLOR'S REPORT

The Home Secretary expects to receive the report on Tuesday. He will delay circulating it more widely for a few days while he considers how best to respond. The expectation is that it will not express outright opposition to the "Football Membership Scheme" but will make observations that will create difficulties.

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ANDREW TURNBULL

19 January 1990

c:\pps\football (kk)

Do & world value you support for getting Part II inte effect before the end 1 be domestre season. First a handful of metars left in The Rt Hon David Waddington QC MP Home Office Queen Anne's Gate not good enough LONDON SWl

2 MARSHAM STREET LONDON SWIP 3EB 01-276 3000

My ref:

Your ref:

17 January 1990

Dear Home Secretary

PART II OF THE FOOTBALL SPECTATORS ACT 1989

attached I would be grateful to know what your present thoughts are on the implementation date for the restriction order provisions in Part II of the Football Spectators Act 1989. The joint paper which Douglas Hurd and I put to H Committee last September gave a target date for completing the arrangements for the implementation of Part II of "early in the New Year". I do not think that your Department - or this one - has been so specific in public but, in the context of our preparations for the World Cup Finals in Italy in June and July, it would be highly desirable for Part II to be in place in good time for it to begin to have an effect before the end of the domestic season in early May.

You will be aware that we are devoting considerable effort to preparing for the possibility of hooliganism among British and English supporters in particular, at the World Cup Finals. Colin Moynihan had extensive meetings in Italy last month and will be visiting Sardinia before the finals. Officials of our two Departments, together with the Foreign Office, the Scottish Office, the police and the football authorities, are pursuing all the precautionary arrangements that can be taken both here and in Italy, to reduce the risk of trouble. Of course, we cannot prevent disorder, especially among those who decide to go to Italy without tickets, but I think it is essential that we do everything we can by way of preparation and precaution in advance - and are seen to have done so.

That is why I felt that I should write to you about Part II of the Act, notwithstanding that it is your responsibility rather than mine. I understand that your officials have had helpful preliminary discussions with the Italians about the identification of "corresponding offences", under Part II. If those discussions are



successful, it will certainly be helful that anyone convicted of a corresponding offence in Italy should face the possibility that he (or she) will be banned from attending subsequent matches abroad (and should be liable to a discretionary ban from matches in this country when the membership scheme is in place). But it is also very important to the credibility of our efforts in preparing for the World Cup that restriction orders should be available to the courts in dealing with offenders at matches in this country before the end of the present season, so that the Act will prevent at least some convicted hooligans from actually travelling to Italy.

I hope that it will be possible for you to bring Part II into force significantly before the end of the season.

Yours encly

I am copying this letter to the Prime Minister, Geoffrey Howe, Douglas Hurd, James MacKay and Malcolm Rifkind.

PP CHRIS PATTEN

(Approved by the Secretary of State and Signed in his Absence)



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10 DOWNING STREET

LONDON SW1A 2AA

2 October 1989

From the Private Secretary

CONFIDENTIAL

Dear Stepher.

FOOTBALL

The Prime Minister was grateful for the Lord President's minute of 27 September which she has noted without comment.

I am copying this minute to Bob Peirce (FCO), the private secretaries to the members of H Committee, Michael Saunders (Attorney General's Office), Michael Thomas (Solicitor General's Office), Philip Stamp (Department of Environment) and Trevor Woolley (Cabinet Office).

Tous succeeds,

CAROLINE SLOCOCK

Stephen Catling Esq.
Lord President's Office.

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Prime Minster? CAS 28/9

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PRIME MINISTER

FOOTBALL

H Committee this morning considered a helpful paper by Douglas Hurd and Chris Patten reviewing the state of play on football related issues.

- 2. Proceedings on the Football Spectators Bill will resume shortly. Sniping by the Opposition and the football authorities at the football membership scheme will continue. Lord Justice Taylor's final report is expected around the turn of the year, and although thought unlikely to come out against the scheme, may seek refinements to it. Difficult Parliamentary debates on the commencement orders allowing the appointment of the Football Membership Authority and establishing the Football Licensing Authority could follow. The World Cup in June next year provides a natural focus for hooligan activity. And every individual match carries the potential for confrontation.
- Bill has made much better progress than at one time seemed likely, not least thanks to the efforts of Colin Moynihan. There is much support for Part 2 of the Bill introducing Restriction Orders on convicted football hooligans. The Holland v. England match has been cancelled at Colin Moynihan's request. The exchange of intelligence and of liaison officers between police forces is increasing. The head of the new National Football Intelligence Unit takes up post on Monday. On safety, the Home Office is monitoring action by football clubs to implement the recommendations of Lord Justice Taylor's interim report.

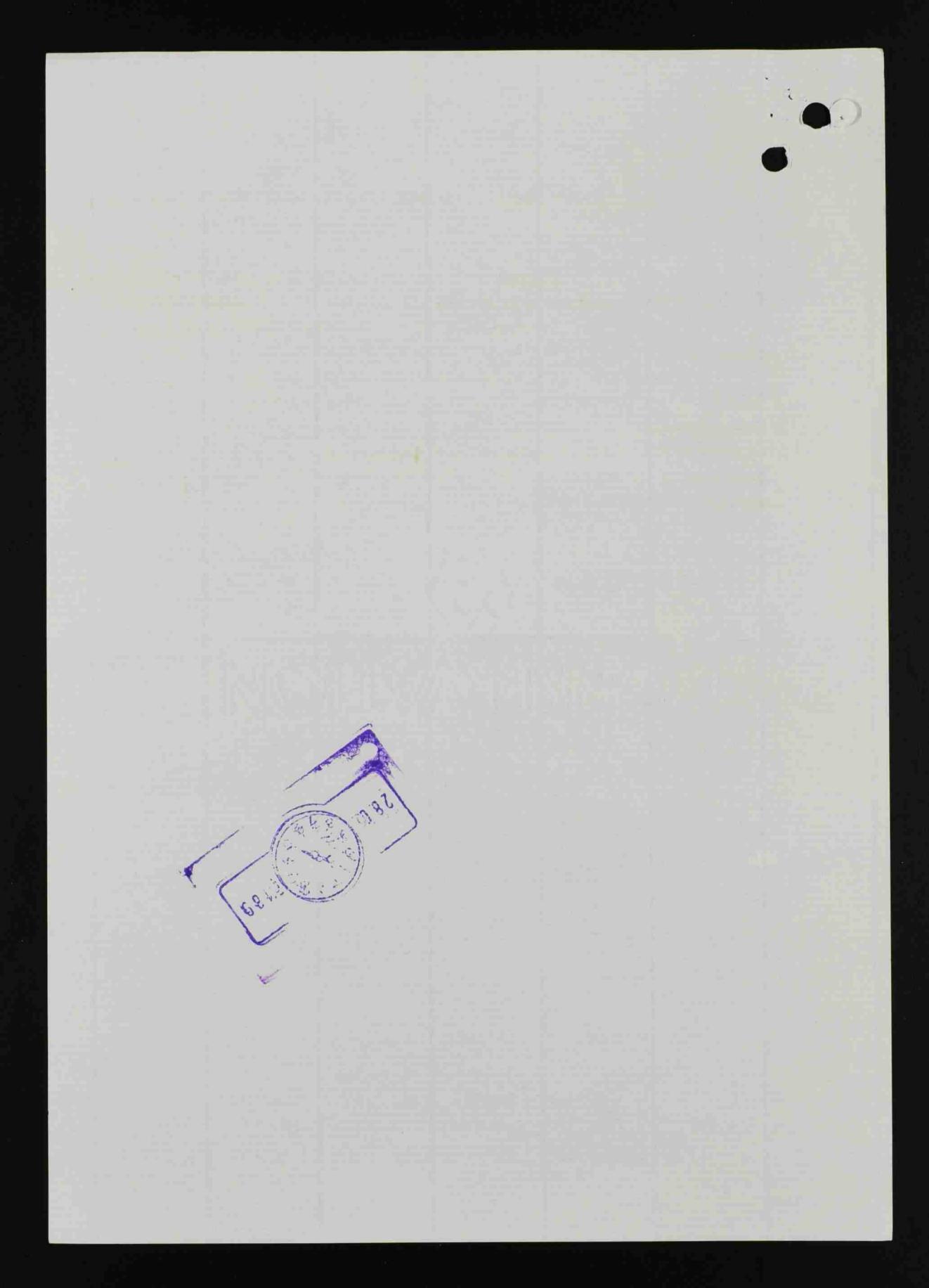
- The Committee considered the possibility of withdrawing passports from known football hooligans, but the practical problems in the way of this continue to be immense. For the moment, it seems sensible to focus our efforts on making Part 2 of the Bill work and on further improving police enforcement The Committee also looked at the possibility of our effort. seeking the abandonment of the England v. Scotland match at Wembley next spring and the withdrawal of England from the World Cup. They felt it would be premature to reach a firm view on It appears that the Scottish Football Association either. privately favours cancelling the England v. Scotland match, especially if both countries are in the World Cup. So this issue may resolve itself, to everyone's satisfaction. Withdrawal from the World Cup is an altogether larger issue. If England withdrew, the likelihood is that the determined hooligans will make their way to Italy anyway and find a different cause to champion. In view of this and the irritation which a call for withdrawal will cause genuine football fans, colleagues saw no advantage in seeking withdrawal now. This is clearly something we shall, however, need to keep under review.
- 5. The Committee endorsed a programme of work over the next 12 months focusing on four main areas:
 - i. completing the passage of the Football Spectators Bill and bringing the National Football Membership Scheme and Restriction Order provisions into operation;
 - ii. bringing the National Football Intelligence Unit fully into operation;
 - iii. strengthening international cooperation in preparation for the World Cup;

iv. considering and acting on Lord Justice Taylor's final report.

- 6. On this last, colleagues recognised that perhaps the most difficult issue we may face over the coming months will arise if, in his final report, Lord Justice Taylor were to seek some modification to the Football Membership Scheme. They agreed that in order to minimize the possible impact of that risk we should aim, so far as possible, to uncouple work on implementation of the scheme from consideration of the Taylor Report. We should also focus attention as much as possible on the other action we are taking on safety, on police liaison and tactics, and on international cooperation and joint action. The aim should be to present our policies as positively as possible, emphasising that they embrace a broad front. It will be important for colleagues actively to assist Douglas Hurd and Colin Moynihan in that task.
- 7. I am copying this minute to the Foreign Secretary, members of H Committee, Attorney General, Solicitor General, Minister for Sport and Sir Robin Butler.

V.

GEOFFREY HOWE 27 September 1989



Home Allers:

PRIME MINISTER

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FOOTBALL

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The attached paper to H is, for the most part, simply a round-up of action in hand, most of which you will already be familiar with. You might like to glance at what is proposed in paragraphs 17 and 20. The steps in paragraph 17, although modest, seem sensible: there are still occasions where, despite all the publicity about English fans abroad, the local police seem to be caught by surprise at the level of violence and hooliganism; so a manual of best practice would not come amiss. Similarly, it may be right to press Council of Europe signatories to deal vigorously, if fairly, with hooligans who have committed offences (note the contrast between the vigorous Greek action against English hooligans earlier in the month).

For the medium term, you will see that they are not proposing to urge the Football Association to withdraw the English team from the World Cup (though I think that needs to be kept under review). Nor do they propose to take any action on withdrawing passports from hooligans. It is certainly right, as the Home Office suggest, to consider with police and the Scottish Office nearer to next May whether the England v Scotland match should be cancelled or at least held on a weekday evening.

Finally, it is worth glancing at the flagged annex which shows the tally of hooliganism and violence on just one day at the end of the season just finished and that one day exactly a month after the Hillsborough disaster!

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On DOMINIC MORRIS

21 September 1989

C:\WPDOCS\PARLY\FOOTBALL.DAS

From: THE PRIVATE SECRETARY







HOME OFFICE Rine Minste QUEEN ANNE'S GATE LONDON SWIH 9AT

12 September 1989

Dear Caroline

CONTACT WITH SWEDISH GOVERNMENT FOOTBALL HOOLIGANISM:

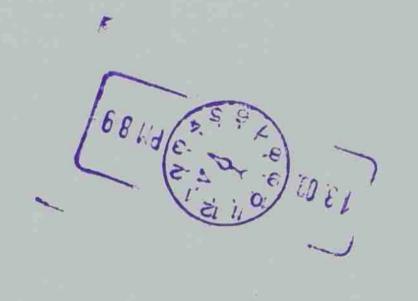
The Home Secretary has asked me to record the gist of a conversation he had with Mr Bengt Johansson, the Swedish Minister for the Public Sector, on the evening of Friday, 8 September, about the disturbances in Stockholm on the occasion of the England v Sweden football match on 6 September.

Mr Johansson gave the Home Secretary an account of the disturbances and said that 102 English fans were arrested before the game, two later, and 104 Swedish fans were arrested after the game. The behaviour of the English fans was worse before the game and that of the Swedish fans was worse after. There were a few cases of theft but not enough evidence to put before a court. The Swedes would have prosecuted the English fans if they could.

The Home Secretary thanked Mr Johansson for his call. He said that he had been concerned about the point of principle that Article 5 of the Council of Europe Convention on Spectator Violence and Misbehaviour at Sports Events, and in particular at football matches, to which both countries were parties, encouraged the identification and prosecution of spectators committing criminal offences. He understood that the Swedish police had powers to make preventative arrests, but it had seemed from reports received in this country that some offences had been committed but had gone unpunished. The Swedish Minister confirmed that there was no real evidence with wish to pursue any cases except one. The person concerned had been charged and was still being held.

The Home Secretary said that he would say to the English press that Mr Johansson had courteously telephoned and explained what had happened during He had also explained that it was not a question of the disturbances. offences being overlooked in the desire to be rid of British hooligans but rather that the Swedes had done all they could to bring the fans to justice.

In the light of this conversation, the Home Secretary did not write to Mr Johansson, as he had originally intended.



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PRIME MINISTER

SOCCER HOOLIGANISM

Colin Moynihan telephoned me today to say that he is to address the Magistrates' Conference in Manchester on Friday. He intends to set out the current position on football hooliganism, what the Government is doing etc.

In it he has it in mind, unless you have any objections, to call upon the FA to cancel a friendly international it has arranged with Holland in December.

You will recall that after the European Championships you asked the FA to consider whether to go ahead with European friendly matches and they cancelled a fixture with Italy at Wembley.

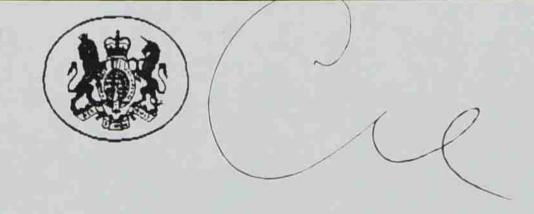
However, they have inconceivably gone ahead with the Dutch fixture in the middle of December notwithstanding that Holland has probably the worst soccer hooligan problem in Europe after ourselves.

The view at D/Environment is that it would be foolhardy to go ahead with this fixture, but that it would be better to ask the FA to cancel it after tomorrow's World Cup match with Sweden rather than as a knee jerk reaction to the disgraceful hooliganism on the ferry to Gothenberg yesterday.

I assume you would not wish to question Mr Moynihan's judgment. The FA do seem to be behaving extraordinarily stupidly in organising a <u>friendly</u> with Holland at a time when, apart from anything else, they should, in their own interests, be cultivating their return to European football proper.

If however you agree, you may wish to leave it to Mr Moynihan to make the announcement on Friday. The most you might say to the Daily Express this afternoon, if they raise the Dutch game (which is unlikely), is that you hope the FA are looking closely at future friendly fixtures.

BERNARD INGHAM September 5, 1989



HOME OFFICE
QUEEN ANNE'S CATE
LONDON SWIH PAT

5 September 1989

Dear Caronie

I attach briefing in the form of lines to take on football hooliganism for the Prime Minister's interview later this afternoon with Mr Lloyd of the Daily Express.

I understand that DoE are providing briefing separately on Part I of the Football Spectators Bill (ie the national football membership scheme).

The latest information from Essex Police is that they now do not suspect foul play in relation to the death of Robert Ayling, passenger on the Tor Britannia. It appears that Mr Ayling jumped or fell from the boat while under the influence of alcohol and LSD. Press releases from Essex Police and Scandinavian Seaways are attached as background.

MISS C J BANNISTER

Ms Caroline Slocock Private Secretary 10 Downing Street LONDON SW1

North Sea Ferry Incident

This further hooliganism by English football supporters is one more disgraceful incidents among, I regret, far too many. The Government is determined to take very positive action to respond to this continuing problem. Events on the ferry taking supporters to a World Cup match with Sweden reinforce our conviction that the Football Spectators Bill is the right way forward.

I understand that Essex Police, who are investigating the incident, are satisfied that no foul play was involved in the death of Robert Ayling who was seen to go overboard and is presumed drowned. 43 persons were arrested when the Tor Britannia docked; all have been released without charge except for 8 who were released on police bail in connection with drugs and criminal damage offences.

(Background - see Essex Police and Scandinavian Seaways press releases, attached)

Why not withdraw or endorse hooligans' passports?

Part II of the Bill is targeted directly against convicted football hooligans, stopping them from travelling to certain football matches abroad if the courts think it right to impose a restriction order. Withdrawing or endorsing passports could have a much broader effect on all travel abroad by the people concerned. That would run contrary to the principle of a passport facilitating travel. In addition such a scheme would be impractical given the availability of British Visitor Passports and No-passport excursions.

Football Spectators Bill - Part II

Part II of the Bill will enable the courts to impose a <u>restriction</u> order on someone convicted of a football related offence, where the court considers that will help to prevent violence or disorder at designated football matches.

The effect of an order will be to make the person report to the police when a relevant football match is taking place outside England and Wales. It will be an offence to fail to report when instructed.

The Bill also makes provision to impose a restriction order in England and Wales on someone convicted elsewhere of an offence corresponding to a football related offence here.

Hillsborough and Taylor

Lord Justice Taylor's interim report was published last month and identified what had gone wrong at Hillsborough on 15 April, when 95 supporters lost their lives. His recommendations for urgent action have been drawn to the attention of the police and the licensing and football authorities who have been asked to do all they can to implement them quickly. His final report is expected around the end of the year.

Police response to football problems

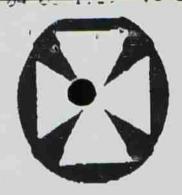
The police invest considerable effort in maintaining public order at football matches. There is well established liaison between forces and clubs; some 5,000 officers are typically deployed to police football matches each Saturday during the season; and a new central police unit, the 'National Football Intelligence Unit', is being established to co-ordinate information on 'hard-core' football hooligans.

Recent developments in the Criminal Law

We do not hesitate to take new legal measures to control all types of hooliganism, where those are necessary and can be made effective.

In 1985, following Heysel, Parliament made it a criminal offence to be drunk at, or on entry to, a designated football match. It was also made illegal to bring alcohol into such matches. That legislation is effective and now covers journeys on coaches, trains or minibuses going to or from football matches. [Sporting Events (Control of Alcohol etc) Act 1985]

The Public Order Act 1986 clarified and strengthened the law on public order. It created a new offence of disorderly conduct to help the police to deal with hooligan behaviour and strengthened the provisions against incitement to racial hatred. Guidance was given by the Home Office last year on arrangements for bringing persons accused of hooligan offences before the courts swiftly. Guidance was also issued to the police and the courts drawing attention to the wide powers available to the courts, licensing justices and police to prevent and curb disorder.



SCANDINAVIAN SEAWAYS

DFDS Group of Companies

10.30 am Morrolly 4 SEPT. 1989

Tor Britannia departed Harwich, Sunday 3rd September at 1630 hours for Gothenburg in Sweden. On board were 856 passengers, the majority of whom were Swedish nationals but amongst whom were approximately 150 Britons who are believed to be football supporters travelling to Sweden to attend the England vs Sweden match on Wednesday 6th September.

Following a disturbance on board, at approximately 2200 hours last evening a British male passenger was seen to fall everypard-

A search of the area was carried out in conjunction with the Dutch Coast Guard helicopter but unfortunately no-one was found.

It was desided that the ship would not continue its journey to Gothenburg but return to Harwich where it is expected to arrive at 1145 hours today. Monday 4th September.

The British Police are awaiting the arrival of the vessel and will conduct interviews with those concerned on board later today.

For futher information contact Scandinavian Seaways on Harwich 243456 or ESSEX Police Press Office in Chelmsford on Chelmsford 491491

0,1100189





ESSEX POLICE

P.O. BOX NO. 2, HEADQUARTERS, SPRINGFIELD, CHELMSFORD,

ESSEX CM2 8DA

Telephone: Chelmsford (0245) 491491

Facsimile: (0245) 452259 Telex: 99235 EXPO Q G

Press Office:

Telephone: (Direct) (0245) 452450

(Out of Hours) (0245) 452276

Facsimile:

1 pm TUESDAY 5 SEPT. 1989

Date as Postmark

Subject:-

Essex Police are satisfied that there was no foul play involved in the disappearance of Robert AYLING who was seen to go overboard from the DFDS ferry Tor Britannia in the North Sea yesterday. After an air and sea search his body has not been found and he is presumed drowned. Mr AYLING was travelling to Sweden with other football supporters from Davon.

Enquiries reveal that Mr AYLING had been drinking and was under the influence of the drug LSD. During the trip fighting broke out amongst the England supporters and Mr AYLING received minor facial cuts and was treated by the Ship's medical people.

The police have been told by witnesses that around mid-night a number of the ship's fire extinguishers were set off. Some of these were of the powder type which created a cloud when hitting the floor. At that moment someone was heard to shout 'fire'.

Mr AYLING was then seen to run out onto the deck and to go overboard, but it is not known whether he jumped, dived or fell overboard.

DFDS refused to allow some 200 or so football fans to continue to Sweden. These were removed and with the assistance of the British Transport Police were put on a special train to London.

As a result of this incident a total of 43 persons were arrested and were taken to Colchester and Harwich Police Stations. All have now been released without charge with the exception of eight, who were released on police bail in connection with drugs and criminal damage offences.



DEPARTMENT OF THE ENVIRONMENT

2 MARSHAM STREET LONDON SWIP 3EB

01-276 3000

My ref

Your ref

DM

Miss Caroline Slocock
Private Secretary to the
Prime Minister
10 Downing Street
LONDON
SW1A 2AA

September 1989

Dear Caroline

Football Hooliganism: Ferry Incident

I enclose a copy of the statement which Mr Moynihan is issuing to the press at lunch time today and which he mentioned on the phone to Bernard Ingham this morning.

Mr Moynihan also mentioned to Mr Ingham England's match against Holland in Rotterdam on 13 December. He is planning to write to Mr Millichip, Chairman of the Football Association, later this week to ask them to cancel this match.

I am copying this letter to Catherine Bannister at the Home Office.

PHILIP STAMP

Muty Wamp

Private Secretary



STATEMENT FROM MR MOYNIHAN

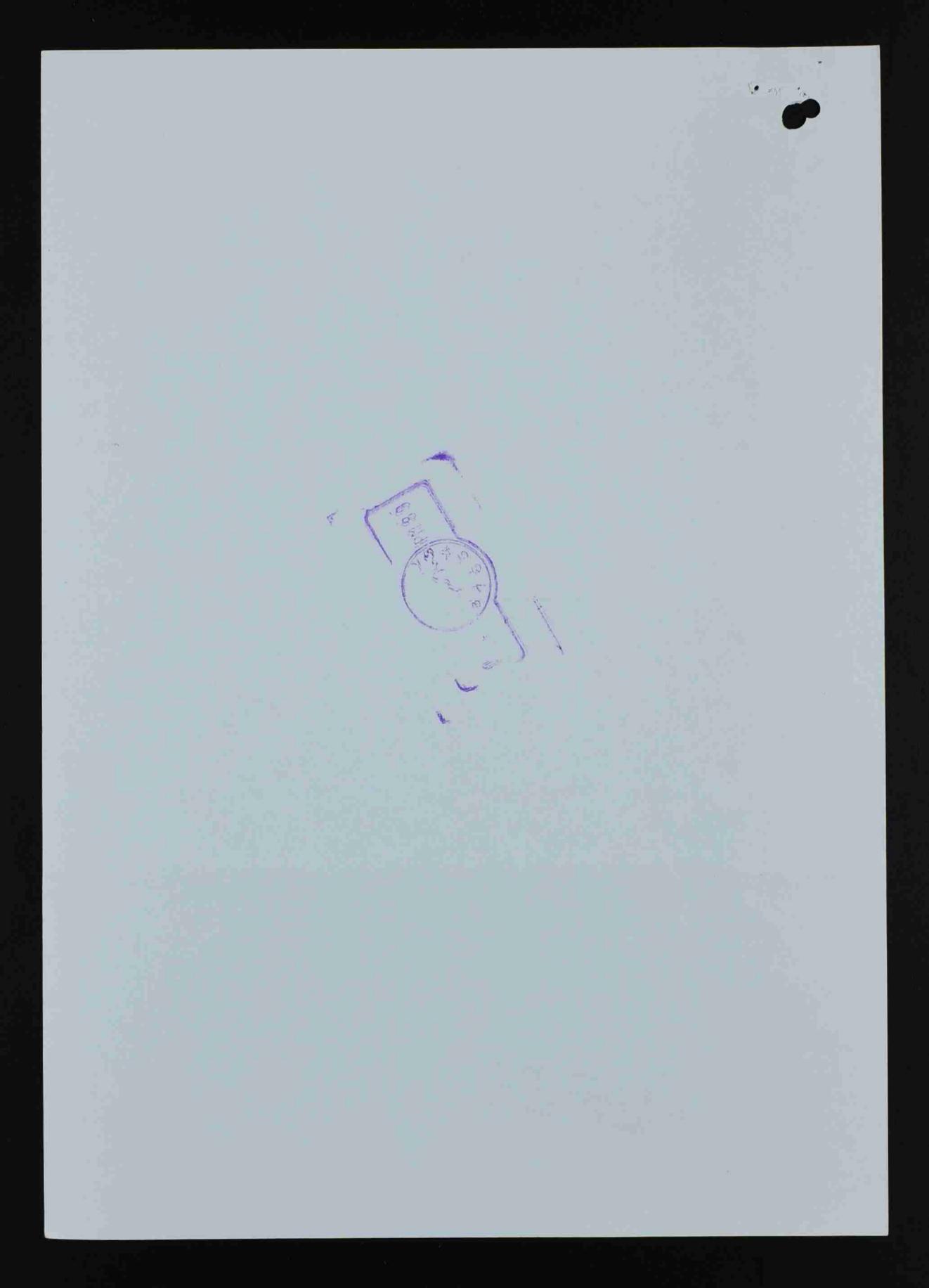
Colin Moynihan, Minister for Sport, today reaffirmed the Government's determination to take tough action against football hooligans. Commenting on the incidents which took place on board the Tor Britannia, he said:

"I deplore the disgraceful incidents which took place aboard the Tor Britannia on Sunday evening. It is intolerable that holiday makers and other travellers should be terrorised and delayed by the disgraceful behaviour of English football hooligans.

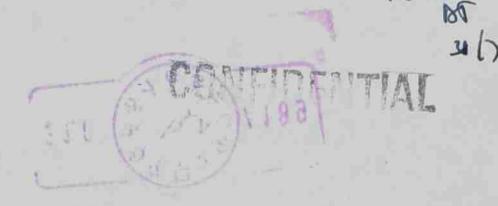
"The Government is determined to pursue its tough package of measures dealing with football hooliganism. The Football Spectators Bill currently before Parliament will provide a major deterrent to incidents of hooliganism overseas. For the first time the courts will be able to stop convicted hooligans from travelling to matches abroad for up to 5 years. If the courts make a restriction order those convicted will have to report to police stations when key international matches are being played. This will be a far better deterrent than attempting to withdraw passports under present arrangements when those concerned can simply apply for a British Visitors Passport at a Post Office."

FOOTBALL SPECTATORS BILL: BULL POINTS

- The Bill was introduced in to the House of Lords on 16 January has completed Commons Committee Stage and awaits remaining stages in the spill over period;
- The Bill provides:
 - i) the statutory framework for a national membership scheme for football spectators to be drawn up in detail by the Football Membership Authority established by the Bill to administer the scheme;
 - ii) the courts with power to impose restriction orders on convicted hooligans to prevent them travelling to matches abroad for up to 5 years.
- The Bill proposed that everyone who attends a designated match in England and Wales should be a member of the scheme, or otherwise authorised by the scheme, and that designated matches should be played only on licensed football grounds. Troublemakers inside and outside the ground, would be banned from membership and thereby prevented from attending games;
- The Bill was introduced because of the need to take further powerful measures to fight football hooliganism. That need remains;
- In spite of the efforts of the Government and the football authorities over 5,000 police officers are still needed every Saturday to contain the problem, to protect the true supporters and those living near football grounds;
- The reputation of our football supporters abroad is as low as it can be. The Bill will provide a major deterrent to incidents of hooliganism overseas, a more effective one than the withdrawal of passports under present arrangement since those concerned can simply apply for a British Visitors Passport at the Post Office;
- The Government recognises that Lord Justice Taylor's Final Report may make comments which will be relevant to the scheme and of which Parliament would wish to be aware before any final decisions are made on the implementation of the scheme;
- Government amendments to the Bill have therefore provided Parliament with two opportunities to debate the scheme after Lord Justice Taylor's Final Report before the FMA is appointed and after is has submitted the scheme to the Secretary of State for approval.







CHU.

2 MARSHAM STREET LONDON SWIP 3EB 01-276 3000

My ref:

Your ref:

The Rt Hon Peter Walker MBE MP Secretary of State Welsh Office Gwydyr House Whitehall LONDON SW1A 2ER

2 July 1989

In Pera.

FOOTBALL SPECTATORS BILL AND SAFETY AT SPORTS GROUNDS

Thank you for your letter of 13 July to Nicholas Ridley about the licensing authority established by the Football Spectators Bill.

I will of course consult you, and the Home Secretary, about appointments to the authority. Colin Moynihan made these consultation arrangements clear in moving the amendments concerning the constitution of the authority in Committee.

As to your second point - if the licensing authority, following consultation with the interested parties, were to recommend that there should be an increase in seated accommodation at a Welsh club's stadium, it would of course be for you to issue any resultant direction. The amendment to the Bill, as is usual, simply refers to "the Secretary of State".

A copy of this goes to the Prime Minister, other Members of H Committee, David Waddington, Sir Robin Butler and First Parliamentary Council.

Jane .

CHRIS PATTEN

Home ARRIE!

Footbell Hoope

Ry

1113



NOTA (SEE)

Department of Employment
Caxton House, Tothill Street, London SW1H 9NF
5803

Secretary of State

The Rt Hon Christopher Patten MP Secretary of State for the Environment 2 Marsham Street LONDON SW1P 3EB

1 Jean Chriq

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FOOTBALL SPECTATORS BILL AND SAFETY AT SPORTS GROUNDS

Nicholas Ridley copied to me his letter of 10 July to John Wakeham. I understand he had to bring forward the tabling of amendments and that the Bill does now provide for a safety role for the licensing authority.

I am writing to put on record the contribution that can be made by the Health and Safety Executive, although of course you may already be bearing HSE's expertise in mind, since it already enforces health and safety in sports grounds not covered by the Safety of Sports Grounds Act.

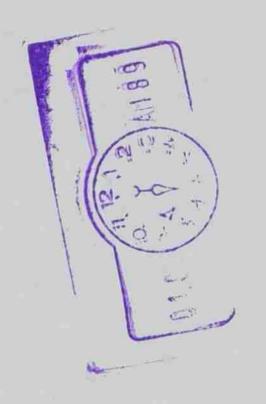
The HSE has a large and experienced inspectorate, and specialists have just given evidence to the Hillsborough inquiry on the strength of crash barriers etc in the ground. It has well-established liaison arrangements with local authorities, which are its enforcing agents for much health and safety legislation. I believe some kind of relationship between HSE and the new NDPB will be necessary, and would be beneficial.

I am copying this letter to the Prime Minister, members of H Committee, Sir Robin Butler and First Parliamentary Counsel.

NORMAN FOWLER



Employment Department · Training Agency Health and Safety Executive · ACAS HOME AFFAIRS: FOOTBALL Hooligans Parts.





PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SWIA 2AT

14 July 1989

Dea Nichta

FOOTBALL SPECTATORS' BILL AND SAFETY AT SPORTS GROUNDS

Thank you for your letter of 10 July seeking colleagues' policy agreement to two amendments to the Football Spectators' Bill and to the establishment of the licensing authority under the Bill as a non-Departmental public body (NDPB).

The Prime Minister, Peter Walker and John Major wrote agreeing to your proposals. Peter Walker asked that there should be provision for him to be consulted about appointments to the licensing authority and that the relevant amendment should provide for any recommendation by the licensing authority that a Welsh club's stadium should be required to convert to all-seated accommodation to be made to him. I understand that you are content to take both these points on board. The Prime Minster was concerned that the licensing authority should not become a pressure group for additional expenditure or engage in empire building. John Major indicated that he would be looking to you to find offsetting savings within your programmes for any costs in the current year arising from the establishment of the licensing authority.

No other colleague commented and you may take it, therefore, that you have H Committee's policy approval for the proposals set out in your letter. I note that you will be tabling the necessary amendments to the Bill in Standing Committee.

I am copying this letter to the Prime Minister, members of H Committee, Sir Robin Butler and First Parliamentary Counsel.

Jon en

JOHN WAKEHAM

The Rt Hon Nicholas Ridley MP Secretary of State for the Environment Department of the Environment 2 Marsham Street LONDON SWIP 3EB HOME AFFAIRS: FOOTBALL HOOLIGIANDA PT8

CONFIDENTIAL

On Peter Walker

Y SWYDDFA GYMREIG

WHITEHALL LONDON SWIA 2ER

Tel. 01-270 3000 (Switsfwrdd) 01-270 0538 (Llinell Union)

Oddi with Ysgrifennydd Gwladol Cymru

WELSH OFFICE GWYDYR HOUSE

WHITEHALL LONDON SWIA 2ER

Tel. 01-270 3000 (Switchboard) 05380 (Direct Line)

From The Secretary of State for Wales

The Rt Hon Peter Walker MBE MP

13 July 1989

NBPM.

Dr only

FOOTBALL SPECTATORS BILL AND SAFETY AT SPORTS GROUNDS

Thank you for copying to me your letter of 10 July to John Wakeham. I am content with what you propose, subject to two points:

- I take it that there would be provision for me to be consulted about appointments to the licensing authority.
- I assume that if the possibility arose of a Welsh club's stadium being required to convert to all-seated acommodation, any recommendation to that effect from the licensing authority would be made to me, and it would be for me to make the appropriate direction. No doubt the amendment will provide for this.

I am copying this to the Prime Minister, other Members of H Committee, David Waddington, Sir Robin Butler and First Parliamentary Counsel.

The Rt Hon Nicholas Ridley MP Secretary of State for the Environment Department of the Environment 2 Marsham Street

LONDON SW1

HOLE

LEBEL TOI EL

CONFIDENTIAL 10 DOWNING STREET LONDON SWIA 2AA 13 July 1989 From the Principal Private Secretary Der Roge FOOTBALL SPECTATORS BILL AND SAFETY AT SPORTS GROUNDS The Prime Minister has seen your Secretary of State's letter of 10 July to the Lord President. She was content with his proposal that the national licensing authority should take the form of a quango rather than to be operated as an extension of a Government Department. She stressed, however, the need to ensure that the quango does not turn itself into a pressure group for additional expenditure or engage in empire building. I am copying this letter to the Private Secretaries to members of H Committee, Murdo Maclean (Chief Whip's Office) and to Sir Robin Butler and First Parliamentary Counsel. (ANDREW TURNBULL) Roger Bright, Esq., Department of the Environment.



PRIME MINISTER

FOOTBALL SPECTATORS' BILL AND SAFETY AT SPORTS GROUNDS

Miss Sinclair's minute attached proposes that you seek further information from Mr. Ridley before agreeing to his proposal that the National Licensing Authority should be administered through a quango rather than through part of his Department. The timetable for the Bill is such that there is not time for an extended exchange of minutes with Mr. Ridley. In my view, the paragraph on pages 3-4 of Mr. Ridley's minute and the information on staffing provided in Miss Sinclair's note provide the basis for a decision.

Agree his proposal for a quango provided he builds in safeguards to stop empire building (principally by choosing good people)?

AT

rub

ANDREW TURNBULL

12 July 1989

PRIME MINISTER

12 July 1989

COP

FOOTBALL SPECTATORS' BILL AND SAFETY AT SPORTS GROUNDS

- 1. Nicholas Ridley has written to members of H Committee proposing:
 - to maintain the present role of local authorities as 'safety authorities', but to give the national licensing authority power to ensure that local authorities are carrying out their 'safety' functions in a consistent way;
 - (ii) to make the national licensing authority a quango;
 - (iii) to take a power to direct that certain club grounds should be made all-seater.
- 2. You have already agreed to (i).

(ii) A new quango

- 3. On (ii), you expressed some doubt, and said that you would want any bureaucracy to be kept to a minimum.
- 4. The national licensing authority is essential to ensure that clubs comply with the national membership scheme.

 The options are:
 - (a) for it to be part of the Department of the Environment;
 - (b) for it to be a quango.
- 5. Nicholas Ridley's proposal is for the equivalent of 9 fulltime inspectors (some of whom would be part-time) supported by 5 administrative staff. The inspectors would include people from the police (eg retired Chief Constables), the fire service, engineering and building professions.

- 6. A staff equivalent to 14 people does not look excessively bureaucratic. The suggested composition of the licensing authority is sensible. It will be important to have the confidence of the police and the fire service now that the licensing authority's role is to extend to safety matters as well as to ensuring that clubs are complying with the national membership scheme.
- 7. Nicholas Ridley and Douglas Hurd both see attractions in a quango because it would distance the Government from detailed arguments with local authorities and perhaps the police and fire services.
- 8. Against this there is a risk that a quango would seek to duck difficult issues in a way that would not be possible if the inspectors were part of the Department of the Environment. And it would be important to prevent the quango either growing in an unchecked way; or arguing for more money and people whenever safety at football grounds or the national membership scheme seem to be going wrong.
- 9. Nicholas Ridley does not really argue out the pros and cons of making the national licensing authority a quango. He should be asked to do so.

(iii) All-seater stadia

- 10. On (iii), Nicholas Ridley proposes that any direction to a club to make its stadium all-seater would be subject to the negative resolution procedure. Parliament would thus be able to debate and vote on each case.
- 11. In practice these are likely to come in batches based on recommendations by the national licence authority. Forcing a club to go all-seater will cost the club a lot of money. Nicholas Ridley feels that it could be so contentious that specific Parliamentary backing in each case is needed.

CONCLUSION AND RECOMMENDATIONS

Nicholas Ridley would like to table amendments providing for (i) and (iii) tomorrow.

On (ii), it would be worth asking Nicholas Ridley:

- whether he is convinced that a quango would face up to difficult issues and not seek to pass the buck to the Government;
- whether he is confident that a quango can be stopped from turning into a pressure group for more money for itself;
- how he would propose to prevent a quango from burgeoning.

CAROLYN SINCLAIR



Coff.

2 MARSHAM STREET LONDON SWIP 3EB 01-276 3000

My ref:

Your ref :

The Rt Hon John Wakeham MP Lord President of the Council Privy Council Office Whitehall London SW1

O July 1989

Dear Low Prisident,

FOOTBALL SPECTATORS' BILL AND SAFETY AT SPORTS GROUNDS

The Home Secretary and I have been considering what amendments to the Football Spectators Bill should be tabled during the Committee stage in the Commons, in order to put the Government in the most favourable position to respond positively and speedily to recommendations which Lord Justice Taylor might make on safety as a result of his Inquiry into the Hillsborough disaster. I am enclosing copies of an exchange of letters on the subject for the benefit of colleagues who have not seen them (at Annex A).

Following 2nd Reading on 27 June, the House approved an instruction to the Committee on the Bill that it has powers to make provision in the Bill relating to any aspect of the safety of spectators at designated football matches. Thus the way is clear to table amendments on safety.

Other things being equal, there might have been advantage in delaying the tabling of these amendments until Lord Justice Taylor's interim report. But I understand that the interim report may not reach the Home Secretary until late July; this would mean delaying the amendments until the autumn spillover. Given the shortage of time in the spillover, the handling of the Bill will require us either to complete Standing Committee this month or to build up enough time to justify a timetable motion. We have to work on the basis that we will reach the Clauses to which the amendments are to be made before Lord Justice Taylor's interim report is received.

Present safety legislation

Under the Safety of Sports Grounds Act 1975, local authorities have a responsibility for issuing safety certificates in respect of designated sports grounds with accommodation for over 10,000 spectators. They exercise this responsibility in consultation with the local police, fire service and building control officers. Local authorities are required to issue general safety certificates in respect of grounds designated under the 1975 Act, they cannot withhold one. The Home Office and the Scottish Education Department have issued a Guide to Safety at Sports Grounds, known as the "green guide". The guide is a voluntary code. As a result of the Fire Safety and Safety of Places of Sport Act 1987 the Home Secretary has power by Order to direct local authorities on the contents of safety certificates for specified classes of sports ground.

The Home Secretary therefore has powers which would enable him to respond, if he so wished, to Taylor recommendations about, for example, requiring local authorities to impose particular terms and conditions in safety certificates. But the existing legislation does not contain powers to enable the Home Secretary to monitor the way in which an individual local authority carries out its duty to issue and enforce a safety certificate and require the authority to make any changes he thinks necessary. I indicated during the 2nd Reading debate that we had it in mind to table an enabling amendment on this involving the licensing authority under the Bill, to help us to deal with safety matters on receipt of Lord Justice Taylor's report.

Proposed amendments

I propose to table amendments covering the following two issues:-

A. an amendment which provides an enabling power to give the licensing authority under the Bill the extra task of ensuring that local authorities are carrying out their responsibilities under the safety of sports grounds legislation in such a way as to achieve a consistent standard of safety at designated football matches; and a power, subject to appeal, to require a local authority to make changes to a certificate. The use of the enabling power would be subject to Parliamentary approval, in the light of any relevant comments by Lord Justice Taylor;

B. an amendment which would provide a power to require a move towards all-seated accommodation at major football grounds, to be exercised by statutory instrument, subject to Parliamentary approval, on the advice of the licensing authority.

Oversight of local authorities' issue and enforcement of safety certificates

Our proposal here is for an enabling provision, rather than one directly giving the licensing authority under the Bill this extra task, because we do not want to be seen to be pre-empting Taylor, or to be open to the criticism that there is no conclusive evidence that central monitoring of the performance of local authorities in issuing and enforcing safety certificates is the best way forward.

There are some (eg the Sports Council) who take the more radical view that there should be a central licensing authority to issue safety certificates for major sports clubs because of a perceived variety in standards applied by local authorities. But these differences may arise from the different nature of each football ground, and a central authority might in time similarly be accused of inconsistency. Moreover, the enquiry by Mr Justice Popplewell into the Bradford City football club fire in 1985 concluded that the local authority safety certificate system was working satisfactorily.

However, even if Lord Justice Taylor does not recommend central monitoring of local authorities, I may wish to make use of the proposed enabling power. Thus far in the passage of the Bill we have argued that there is no reason why local authorities should not work together with the licensing authority in dealing with safety certificates and the requirements of the national membership scheme. But I think we must acknowledge that there could be a potential conflict in this area. The Hillsborough disaster, and the unsubstantiated assertions that the membership scheme "would have made it worse", have increased the risk that a small number of local authorities might seek to use their role as "safety authorities" to disrupt the membership scheme.

The Home Secretary and I are agreed that the best way forward is to take this enabling power. It would mean that, in addition to its powers in respect of the national membership scheme set out in the Bill, we would take a power to give the licensing authority, if we felt it right to do so in the light of Taylor, additional duties in respect of safety. These are described in more detail at Annex B. We propose that the power in the Bill should be exercisable by statutory instrument, subject to negative resolution.

The status of the licensing authority

I propose that the licensing authority should be established as a new NDPB. I am hesitant about creating a new public body but I would not wish to contemplate giving powers of the kind proposed to the Football Membership Authority responsible for the national membership scheme given the leading role we envisage the football authorities taking in the FMA.

It would be possible to run the licensing authority as an extension of a Government Department but that would make the Secretary of State directly responsible for its functions. The fact that its work would cut across two Government Departments is also an argument for a NDPB, though its own line of responsibility would have to be a clear one. The main attraction of a new NDPB is that it would distance the Government from the day-to-day running of the authority, and from detailed arguments involving local authorities and perhaps local police and fire services. We envisage that the members of the licensing authority whom the Home Secretary and I would appoint should include suitable people from the police and the fire service, as well as the engineering and building professions.

Power to require all seater stadia

Following the Hillsborough disaster, the Home Secretary said that the Government believed that the future of football in the country lies in a national membership scheme in designated grounds and "now it seems also in providing all seated accommodation at major football clubs", involving the disappearance of terraces at these grounds.

I have discussed this issue with the football authorities and made clear to them that it is not our intention that there should be blanket change to all seated accommodation. The move to all seating would be appropriate for the major Football League clubs; which ones would be a matter for further discussion; and the change would need to be phased in at the selected clubs. The cost would be for football. It is clear that there is no consensus on the merit of all seater stadia within football and there could be opposition to the proposal from individual clubs.

The Home Secretary and I agree that the move to all seated accommodation at major clubs could not successfully be left to the discretion of individual local authorities, who in practice would find it very difficult to impose such a requirement. Instead this needs to be carried forward at national level. I envisage that I should consult the licensing authority on which grounds should be made subject to the change, to what extent (all seated or some terracing allowed) and to what timetable. The licensing authority would prepare advice in consultation with the clubs and make a formal recommendation to me. The Bill would provide for me to issue the appropriate direction in respect of the grounds concerned.

This directive power would be exercisable by statutory instrument, subject to the negative resolution procedure and Parliament would therefore be able to debate and vote on the issue, in relation to the club or clubs concerned. The licensing authority would act on the directive by making the all-seated requirement a condition of the licence, and would be responsible for enforcing this as well as other conditions of the licence.

Timing

The start-up date of the licensing authority will, of course, depend on our decision as to whether to proceed with extending its powers in the way I am proposing, when we have seen Lord Justice Taylor's report; and on Parliament's approval both of extending the authority's powers and of the membership scheme itself in the light of any comments that Taylor may make. We have acknowledged that the earliest that the membership scheme can now be implemented will be the early months of the 1990/91 season. On the assumption that we decide to give the licensing authority safety powers, I would expect it to begin operation once Parliament has given its approval in the light of the Taylor report, ie early in 1990, to prepare for inspections in the interval between the 1989/90 and 1990/91 seasons.

Financial and manpower implications of the licensing authority

As an NDPB the licensing authority would be subject to the usual financial controls, including corporate planning, which apply to such bodies. These controls would provide the mechanism for monitoring performance and value for money and for policy evaluation. The Football Spectators Bill provides for some or all of the costs of the licensing authority in respect of its functions under the national membership scheme to be recovered through fees charged to football clubs for the issue of licenses. I also propose that some or all of the costs of the licensing authority in respect of its safety functions or of its role in relation to all-seated accommodation should be recovered in this way. I will consider further what proportion of the authority's costs should be recovered by the licence fee, in consultation with the Home Secretary and the Chief Secretary to the Treasury. Receipts from fees by the authority would be treated as revenue surrenderable to the Consolidated Fund and the authority's expenses would be met by grant in aid for which I would need to seek PES cover.

In my letter of 28 September 1988 seeking the Committee's approval to Part I of the Bill, I estimated the cost to public funds of the licensing authority as some £250,000 a year and perhaps £500,000 in the first year. Given the extended powers we now propose, I estimate the total annual cost of the licensing authority and its inspectorate would be between £500,000 and £750,000 a year. This includes salary and ancillary costs including accommodation; travel and subsistence and a consultancy budget. The inspectorate will be the equivalent of nine full time staff members and the administrative support is likely to be five strong. The first year in which the costs will arise in full will be 1990/91 but there will be some preparatory costs in the present financial year for which we do not have budgetary cover.

EC implications

The functions of the licensing authority have no EC implications.

Summary

I propose that I should table amendments to the Bill in Standing Committee:

- to give the licensing authority extra tasks relating to safety as set out in paragraphs 6A and Annex В;
- (ii) to require all-seated accommodation at major clubs through the Bill's licensing system, as proposed in paragraphs 6B and 13 to 16 above.

Given the pressure to make progress with Standing Committee, I am afraid that I must ask for approval to table the amendments by the end of this week. I am copying this to the Prime Minister, other members of H Committee, David Waddington, Sir Robin Butler and First Parliamentary Counsel.

NICHOLAS RIDLEY

(Approved by the Secretary of State and

Signed in his Absence)



QUEEN ANNE'S GATE LONDON SWIH PAT

Dear Micholan,

CEPARTMENT OF THE ENTIRONMENT RECEIVED IN 21 JUN 1989

PRIVATE OFFICE

FOOTBALL SPECTATORS BILL AND SAFETY AT FOOTBALL GROUNDS

Thank you for your letter of 25 May in which you considered options available to achieve any amendments to legislation on safety in the light of the outcome of the Taylor Inquiry.

I can see the attraction of your option B (a national safety authority for football grounds, taking over the local authority role of issuing safety certificates). It is not at all clear of course that the Taylor Inquiry will recommend such a course. Popplewell Inquiry took the view that the local authority system was working satisfactorily. The charge of inconsistency might arise from the different nature of every ground, and could in future be levelled against a national body. I am sure you are right that if we were to amend the Bill to this effect we would be widely criticised for anticipating Taylor; just as important is that Sir Peter Taylor himself might well take this view on such a structural question. I therefore agree with your conclusion that we should not pursue this option. If the Taylor Inquiry were to recommend that the issue of safety certificates should be a national rather than local responsibility, and we thought his case for this was right, I agree that we should seek an early place for the necessary legislation.

This leaves your options A and C. These are only partial alternatives, of course, as both would leave the basic structure as it is. Under option C the national licensing authority under the Bill (either yourself or an NDPB) would be given powers to monitor the way local authorities exercise their duty to issue safety certificates. (They are required to issue certificates in respect of designated grounds; they cannot withhold one.)

I would not necessarily rule out option A as a way forward. I recognise the potential for conflict between the licence and the safety certificate, and the difficulty and opportunity for

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The Rt Hon Nicholas Ridley, MP Department of the Environment

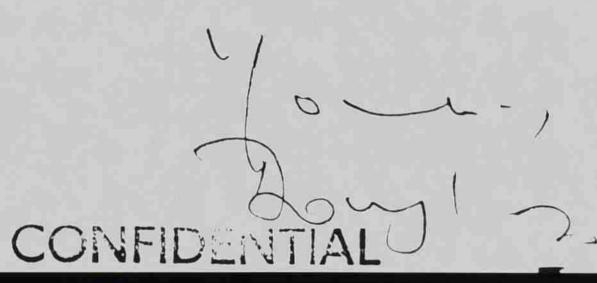
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playing the national authority against the local authority. It should be possible however to produce an amendment to the Bill which would build bridges between the two, as well as some form of appeal, as you suggest. I would use my powers in the safety legislation to direct local authorities to implement any acceptable Taylor recommendations about the content of the safety certificate. The requirement for all-seated accommodation could be tackled on a national basis through the safety legislation by means of inclusion in the Bill of a suitable amendment - I could then designate a football ground as requiring not only a safety certificate but also all-seated accommodation. Nevertheless, I am ready to agree that it should be dealt with through the licence, your option C, but it will of course be necessary here also to build bridges between the licence and the certificate to avoid conflict and allow for appeals where there is a conflict. But option C does throw in sharp relief the need to avoid conflict between the licence and the certificate. I think we should take an enabling power in the Bill to give the licensing authority the powers you suggest, but this should be presented as getting ourselves into the position of being able to implement Taylor if he made such a recommendation and we thought the case for it was right. Sir Peter Taylor himself might well feel that his report was being unduly anticipated if we were to say that a final decision had been taken to use the powers we were obtaining whatever he reported.

You may be right to say that imposition of a national inspectorial role would be resisted by the local authorities although the attraction of off loading responsibility to another body may be hard for them to resist. I think there would be strong misgivings by the Association of Chief Police Officers and the Chief and Assistant Chief Fire Officers' Association at the idea that the professional competence of the police and fire services in making their input into the content of individual safety certificates should be supervised by the licensing authority and its inspectorate. But there is a way of overcoming this. Both the authority and the inspectorate could be required to include suitable people from the police and fire services. I think too that the engineering and building professions would have to form part of any inspectorate. Both make an essential contribution to the content of safety certificates.

I therefore agree that our officials should work up detailed proposals, and I agree with you about the advantages of an authority to which we both make appointments.

I am copying this letter to the Prime Minister and the Ministers present at her meeting of 9 May and to the Chief Secretary and Sir Robin Butler.





2 MARSHAM STREET LONDON SWIP 3EB 01-276 3000

My ref

Your ref

The Rt Hon Douglas Hurd MP Home Office Queen Anne's Gate London SW1

25 May 1989

Dec Home Secritains

FOOTBALL SPECTATORS BILL AND SAFETY AT FOOTBALL GROUNDS

The letter from my private secretary to the Prime Minister's of 17 May said that I would discuss with you the relative merits of using the licensing provisions of the Football Spectators Bill or the Safety of Sports Grounds Act 1975 to achieve any amendments to legislation on safety which Lord Justice Taylor may recommend. Having now given further thought to this subject, I think that we have to look at these possibilities in the context of the relationship between the licensing authority which the Bill presently proposes and local authorities who issue safety certificates under the Act.

7 In organisational terms, I think that we have three options:

A. maintain the existing role of local authorities as "safety authorities" under the Safety of Sports Grounds Act and run alongside them a separate licensing authority under the Football Spectators Bill, with a procedure for under the Football Spectators Bill, with a procedure for resolving disputes between them;

B. take away local authorities' safety role in relation to designated football grounds and give it to a new national safety authority, for which we would provide in the Football Spectators Bill and which would also be responsible for the licensing functions already in the Bill;

C. give the Bill's licensing authority the additional task of ensuring that local authorities' were carrying out their responsibilities under the Safety of Sports Grounds Act in such a way as to achieve a consistent standard of safety at designated football grounds.

The House authorities have taken such a generous view of the possibility for extending the Football Spectators Bill to cover safety matters that it may be that, in legal terms, any of these options could be achieved by using the Bill. Whether they are politically achievable, or desirable, is of course, another matter.

A. Keep the licensing and safety authorities separate

This is the line that we have taken in the passage of the Bill so far. We have argued that there was no reason why different authorities should not work together in dealing with football grounds as other licensing authorities do when working in similar areas. I am afraid that the Hillsborough disaster, and the unsubstantiated assertions that the national membership scheme "would have made it worse", have increased the risk that a small number of local authorities might seek to use their role as "safety authorities" to disrupt the national membership scheme, for example by refusing safety certificates to football grounds on the basis that the national membership scheme was "unsafe". Sheffield and Lewisham have already made noises about this.

We have, of course, always said that we would not introduce the national membership scheme until we were satisfied that it was workable, and safe and we would not expect a mischievous intervention by a local authority of this kind to stand up to judicial review. We could also take steps to avoid confrontation between the Bill's licensing authority and local authorities by inserting in the Bill some form of appeal in the event of a disagreement - to the court or perhaps to me, if I do not take on the licensing function. This would not of course eliminate the potential for conflict.

If we were to pursue this option, and Lord Justice Taylor were to make acceptable recommendations specifically about the contents of safety certificates, you would presumably wish to use the powers which I understand that you have as a result of the Fire Safety and Safety of Places of Sport Act 1987, to direct local authorities to act upon the recommendations. As far as a move towards all-seater stadia is concerned, I would prefer to use the licensing authority established by the Football Spectators Bill, because I think that this is an issue which is best tackled on a national basis.

I recognise that the more that we extend the powers of the Bill's licensing authority, the greater the potential for confusion and conflict between it and local "safety authorities". In view of these potential problems I have concluded that we should not pursue this option.

If we were starting from scratch now, rather than with a Bill that has already almost completed its passage through the Lords, this is the option that I would propose to you - a single national authority to deal with both the licensing of designated football grounds for the national membership scheme and with safety matters at those same grounds. I am aware that the Popplewell report was broadly supportive of the working of the Safety of Sports Grounds Act. But I understand that there has been criticism of it since then, from inside and outside football, on the grounds that it is inconsistently applied between local authorities. The Hillsborough disaster itself is obviously further cause for anxiety. And the more that we consider what needs to be done to deal with both hooliganism and safety at football grounds, the more that I think that they should be looked at together from a national perspective. A national authority could, of course, carry forward whatever safety measures Taylor recommended.

I recognise, however, that it may be politically difficult to adapt the Football Spectators Bill to make such a radical amendment to the Safety of Sports Grounds Act in the Bill, in advance of Lord Justice Taylor's final report. If we attempted to do so, we would find it difficult to resist the criticism that we were anticipating Taylor in a major respect. If Taylor does in fact recommend a national safety authority in place of local authorities, I would hope that we could take the necessary legislation through very quickly. In the meantime, I think that the most we can do is my third option.

C. Give the Bill's licensing authority power to monitor local "safety authorities"

Subject to your views, I have it in mind that we might add to the functions of the licensing authority for which the Bill currently provides, two additional functions in respect of safety: (i) a duty to ensure that safety certificates are being applied in such a way as to achieve a consistent standard of safety at football grounds designated under the Football Spectators Bill; and (ii) a power to require that additional safety measures which the authority considers necessary are taken.

The licensing authority would need to employ an inspectorate to monitor clubs' compliance with the national membership scheme, the operation of the safety certificate and any other requirements which the authority had imposed. The authority's powers would have to be drawn wide enough to enable us to ensure that local authorities could not use their safety certificates to disrupt the national membership scheme and that decisions taken by the national licensing authority would take precedence. The licensing authority would monitor local authorities' performance in granting and operating safety certificates and enforce any directions which you might make about the contents of safety certificates in the light of Taylor. The second power should

enable the licensing authority, inter alia, to require selected clubs to move towards all-seater stadia, which I understand may not be within the scope of the Safety of Sports Grounds Act.

This would no doubt be resisted by the local authority lobby. It would be said that we were interfering with local authorities' safety role, in advance of the Taylor report, to protect the national membership scheme. But I think that we could resist such criticism on the grounds that a nationally consistent approach to safety, as well as to counter-hooliganism measures, at football grounds is desirable whatever Lord Justice Taylor recommends and that we are leaving the primary responsibility for safety certificates with local authorities. I do not think that it would be appropriate to make the establishment of the authority with these functions contingent on Lord Justice Taylor's final report but it would, along with the rest of the Bill, be the subject of commencement order provisions (though not in this case, to Parliamentary procedure).

If you agree that this is the right approach to pursue, I suggest that our officials should work up a detailed proposal for collective Ministerial approval and explore possible amendments to the Bill with Parliamentary Counsel. I think that a licensing authority of the kind that I am proposing would be more appropriately housed in an NDPB, to which you and I would both make appointments, than in a Government Department, though I share the Prime Minister's hesitation about creating another new public body. We would of course consult the Treasury about this proposal.

I would not wish to contemplate giving powers of this kind to the Football Membership Authority which will run the national membership scheme itself, unless we also had to take over the running of the Football Membership Authority. For the moment, I continue to hope that we can leave the Football Membership Authority to the football authorities though I shall wish to take a close interest in its composition and constitution and it may be desirable to appoint some of the same people to the licensing authority and the Football Membership Authority. We may need to amend the Bill to ensure that this is possible.

Conclusion

Are you content for us to work towards option (C) as proposed in paragraph 13 above? I am copying this letter to the Prime Minister and the Ministers present at her meeting of 9 May and to the Chief Secretary to the Treasury and to Sir Robin Butler.

Pricholas RIDLEY

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Annex B

The licensing authority

- 1. We propose to give the authority powers to enable it to monitor the way in which local authorities issue and enforce safety certificates. The object would be to ensure a consistency of approach as between one authority and another in setting standards for safety, and that local authorities have effective systems in place to satisfy themselves that ground operators fully comply with the terms and conditions of safety certificates. The licensing authority after necessary consultation would have power to require an individual local authority to make changes to a certificate and to its arrangements for ensuring compliance with the certificate.
- 2. It is important that a local authority opposed in principle to the football membership scheme envisaged by the Bill should not be able to use its safety certificate power to frustrate the membership scheme. Equally it is important that the licensing authority should not approve arrangements for the membership scheme which are not compatible with safety. Guidance on the relationship between the authorities could be provided by Home Office and DOE, perhaps in the form of a joint circular.
- 3. There is nevertheless a risk that there will on occasion be a genuine difference of opinion between a local authority and the licensing authority about how to apply the Guide at a particular sports ground. Under the power proposed, the final decision on any changes to the terms and conditions of a safety certificate desired by the licensing authority will rest with that authority. But since the local authority will still have the statutory duty to issue and enforce safety certificates, we would make provision

in the Bill for the local authority to be able to appeal against the decision of the licensing authority to the magistrates' court.

Structure

- 4. In order to carry out its functions the licensing authority would need to have an inspectorate. The Home Secretary has pointed out that there would be strong misgivings by the Association of Chief Police Officers and the Chief and Assistant Chief Fire Officers' Association at the idea that the professional competence of the police and fire services in making their input into the content of individual safety certificates should be supervised by the licensing authority. To secure the confidence of interested parties both the authority and its inspectorate will therefore need to include suitable people from the police and fire services. We also think that the engineering and building professions would have to be represented on the authority and the inspectorate teams since both make an essential contribution to the content of safety certificates.
- 5. We therefore propose that a small licensing authority should be set up on which the interests I have identified should be represented under a lay chairman. Appointments would be at the level of retired Chief Constable and his equivalent. The inspectorate would comprise of teams of inspectors, and I think we would require three teams or their part time equivalent, on which the same interests would be represented. Appointments to the inspectorate would be at Chief Superintendent level.
- 6. The team of inspectors could be expected to spend some 4 days on a ground inspection, including preliminary work on plans and the safety certificates, reappraisal and report in the light of the on site inspection and travelling. We envisage that grounds should be inspected annually but that the authority would have discretion about the nature and extent of each inspection. It may decide that a full inspection is only required at less frequent

intervals say every two or three years and in the light of physical changes to the ground. The authority and its inspected the would require a small, say 5 man, administrative support team.



HOUSE OF COMMONS, LONDON, S.W.1.

22 June 1989

Dear Coheagne

FOOTBALL SPECTATORS BILL

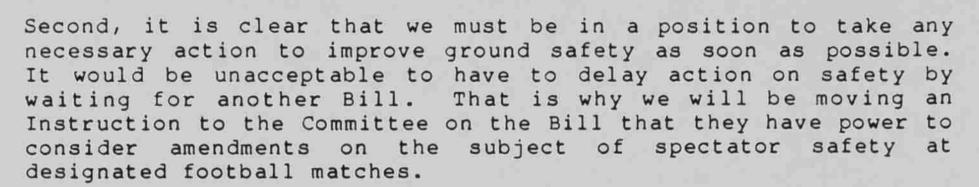
I am writing to bring you up-to-date with our thinking on the Football Spectators Bill.

After the Hillsborough tragedy it was right to have a pause in discussions on the Bill, both out of respect for the bereaved and in order to provide time for considering additional measures to ensure that such an event can never happen again. Two things have now become apparent.

First, the need for action against hooliganism is as strong as The football season, which finished last month, has seen regular outbreaks of violent disorder both inside and outside football grounds. Indeed on May 13, less than a month after Hillsborough, there was a serious pitch invasion at Crystal Palace which resulted in 26 arrests. 16 people were injured, two of them with stab wounds. Serious incidents took place all over the country that weekend with more than 300 people being Under the provisions of arrested, inside and outside grounds. the Bill any of these people who are convicted could be banned from all football league grounds, for at least two years. existing powers for the courts to impose exclusion orders under the Public Order Act have clearly not stamped out the problem. And if one club bans hooligans from its ground, they can travel to another club to cause trouble. Only a national membership scheme can stop this happening.

It is worth stressing that since the incidents on May 13 opinion has hardened in favour of tough action against football hooligans. The Police Federation has re-iterated its call for a national system of 100% home supporters only schemes - a proposal that goes further than we have suggested. Furthermore, the FA made a significant change of direction on 18 May in a statement which embraced the principle of a membership scheme. They argued that away fans should belong to an away clubs membership scheme. They further commented that such a membership scheme would "eliminate the tribal aspects of football support". Whilst details of any scheme they may be proposing are unclear, their support for the concept of a membership scheme is a major and significant breakthrough.





Colleagues are rightly concerned that we should not pre-empt any recommendations by Lord Justice Taylor. We agree and intend fully to meet this concern. That is why the Government has decided that Parliament should have two opportunities to debate the national membership scheme after Lord Justice Taylor's final report has been published. The first will come before the appointment of the Football Membership Authority (FMA) which will run the scheme. The second will be to confirm my approval of the scheme once the FMA has drawn it up. By proceeding with the Bill now the framework for a national membership scheme will be in place and we will be in a position to go ahead rapidly in introducing it if Parliament agrees.

I am sure you will agree that it would be intolerable to wait a further twelve months before taking any action against hooliganism or on football spectator safety measures. The proposals we have made mean that we get the best of both worlds. We can act in both areas as soon as possible without in any way pre-empting Lord Justice Taylor's report. In these circumstances I hope very much that I can count on your full support for the Bill at its Second Reading on Tuesday.

NICHOLAS RIDLEY

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10 DOWNING STREET

From the Principal Private Secretary

23 June 1989

Der Roge

FOOTBALL SPECTATORS BILL AND SAFETY AT FOOTBALL GROUNDS

The Prime Minister has seen the exchange of correspondence between your Secretary of State and the Home Secretary on the nature of the licensing authority under the Bill. She agrees that Option C is the best way forward. She has noted that further work will be needed to define the nature of the authority, eg whether it is a quango to which both Ministers appoint members, or whether it is an extension of a Government Department, and awaits advice in due course.

I am copying this letter to Colin Walters (Home Office), Stephen Catling (Lord President's Office), Nick Gibbons (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), Michael Saunders (Law Officers' Department), Philip Stamp (Mr Moynihan's Office), Carys Evans (Chief Secretary's Office) and to Sir Robin Butler.

Your smeets And Touler

ANDREW TURNBULL

Roger Bright, Esq., Department of the Environment

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Prine Minister ? / 10 mb Agree Optie C? / 22 June 1989

PRIME MINISTER

FOOTBALL SPECTATORS BILL AND SAFETY AT FOOTBALL GROUNDS

Nicholas Ridley has put forward three options for securing safety at sports grounds once the national membership scheme is up and running:

- A. to maintain the existing role of local authorities as 'safety authorities' in parallel with the national licensing authority responsible for ensuring that football clubs are operating the national membership scheme;
- B. combining the safety and national membership scheme functions in a single national authority;
- C. as in A, but with an additional power for the national licensing authority to ensure that local authorities are carrying out their 'safety' functions in a consistent way.

Nicholas Ridley says that option B is the best solution.
But he thinks that it could be politically difficult to change the football spectators' Bill to achieve this in advance of Lord Justice Taylor's final report in December.
Waiting until then would slow up introduction of the national membership scheme.

Given these difficulties with option B, he comes down in favour of option C.

Douglas Hurd agrees that option B is ruled out. He is content to go along with option C.

COMMENT

Option B would be the best solution. It would remove the potential from misunderstanding and conflict between local authorities and the national licensing authority.

But since option B involves an important change, it does seem difficult to proceed with it now when Lord Justice Taylor has a specific remit

'to recommend what further steps should be taken to improve crowd safety and ground control at sports events'.

It would be hard to reconcile a decision to take away the local authorities' safety functions with the assurances given to Parliament that the membership bill will not preempt Taylor.

As between A and C

Option A carries the risk that some local authorities could use their safety powers to frustrate the introduction of the national membership scheme (eg by imposing a condition which is irreconcilable with the schemes operation). There has been a hint of this already.

This is why Nicholas Ridley favours option C. Option C would give the national licensing authority a degree of formal power over local authorities. The licensing authority should be able to prevent local authorities from frustrating the membership scheme.

Option C is likely to be unpopular with some local authorities, and could add to the difficulties of getting the Bill through

Parliament. On the other hand, it will be hard for opponents to challenge the Government's proposal, in the wake of Hillsborough, that the national licensing authority should have an additional power to ensure uniform high standards of safety.

A new Quango

No decision has been taken about the shape of the national licensing authority. Should it be Nicholas Ridley supported by DOE inspectors; or a quango?

Either way, Hillsborough means that its role will be wider than first envisaged.

A decision does not need to be taken about this now. It is clear that Nicholas Ridley and Douglas Hurd favour a quango to which they both would appoint members.

CONCLUSION AND RECOMMENDATION

Agree that officials should work up proposals on the lines of option C for consideration in H Committee. Such a paper would go into the pros and cons of making the national licensing authority a quango.

CAROLYN SINCLAIR



The Rt Hon Douglas Hurd MP Home Office Queen Anne's Gate LONDON SWl NAPM M23/1

2 MARSHAM STREET LONDON SWIP 3EB 01-276 3000

My ref:

Your ref:

92 June 1989

Dear Home Secretain

FOOTBALL SPECTATORS BILL AND SAFETY AT SPORTS GROUNDS

Thank you for your letter of 21 June agreeing to the suggestion in my letter of 25 May that we should work up a proposal for the licensing authority provided by the Football Spectators Bill to monitor local authorities' performance in granting and operating safety certificates and to enforce any direction which you might make about the contents of safety certificates in the light of Lord Justice Taylor's report (my option C).

We subsequently spoke about the need for an Instruction from the House of Commons to the Standing Committee on the Football Spectators Bill to enable the Committee to consider an amendment on this subject, since safety is not within the present scope of the Bill. I have agreed with the Business Managers that we should move this Instruction with Second Reading next Tuesday 27 June, rather than come back to the House at a later date while the Bill is in Committee. I have asked Parliamentary Counsel to table the enclosed Instruction tomorrow.

The Instruction is widely drawn, in order to ensure that it provides for the amendments that we may need to make to the Bill. I propose, however, in my speech on Second Reading on Tuesday to explain what we have in mind, ie that the licensing authority will be backing up your existing powers under the Safety of Sports Grounds legislation (though only in relation to designated football matches in England and Wales); and ensuring that we can act upon Lord Justice Taylor's recommendations.

I am copying this letter to the Prime Minister, the Ministers present at her meeting of 9 May, to John Major, and to Sir Robin Butler.

NICHOLAS RIDLEY

(Approved by the Secretary of State and Signed in his Absence)

FOOTBALL SPECTATORS BILL [LORDS]

Mr [Secretary Ridley]

To move, That it be an instruction to the Committee on the Football Spectators Bill [Lords] that they have power to make provision in the Bill relating to any aspect of the safety of spectators at designated football matches.

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CONFIDENTIAL QUEEN ANNE'S GATE LONDON SWIH 9AT 2/ June 1989 ear hicholan, FOOTBALL SPECTATORS BILL AND SAFETY AT FOOTBALL GROUNDS Thank you for your letter of 25 May in which you considered options available to achieve any amendments to legislation on safety in the light of the outcome of the Taylor Inquiry. I can see the attraction of your option B (a national safety authority for football grounds, taking over the local authority role of issuing safety certificates). It is not at all clear of course that the Taylor Inquiry will recommend such a course. The Popplewell Inquiry took the view that the local authority system was working satisfactorily. The charge of inconsistency might arise from the different nature of every ground, and could in future be levelled against a national body. I am sure you are right that if we were to amend the Bill to this effect we would be widely criticised for anticipating Taylor; just as important is that Sir Peter Taylor himself might well take this view on such a structural question. I therefore agree with your conclusion that we should not pursue this option. If the Taylor Inquiry were to recommend that the issue of safety certificates should be a national rather than local responsibility, and we thought his case for this was right, I agree that we should seek an early place for the necessary legislation. This leaves your options A and C. These are only partial alternatives, of course, as both would leave the basic structure as it is. Under option C the national licensing authority under the Bill (either yourself or an NDPB) would be given powers to monitor the way local authorities exercise their duty to issue safety certificates. (They are required to issue certificates in respect of designated grounds; they cannot withhold one.) I would not necessarily rule out option A as a way forward. I recognise the potential for conflict between the licence and the safety certificate, and the difficulty and opportunity for /playing the The Rt Hon Nicholas Ridley, MP Department of the Environment

playing the national authority against the local authority. It should be possible however to produce an amendment to the Bill which would build bridges between the two, as well as some form of appeal, as you suggest. I would use my powers in the safety legislation to direct local authorities to implement any acceptable Taylor recommendations about the content of the safety certificate. The requirement for all-seated accommodation could be tackled on a national basis through the safety legislation by means of inclusion in the Bill of a suitable amendment - I could then designate a football ground as requiring not only a safety certificate but also all-seated accommodation. Nevertheless, I am ready to agree that it should be dealt with through the licence, your option C, but it will of course be necessary here also to build bridges between the licence and the certificate to avoid conflict and allow for appeals where there is a conflict. But option C does throw in sharp relief the need to avoid conflict between the licence and the certificate. I think we should take an enabling power in the Bill to give the licensing authority the powers you suggest, but this should be presented as getting ourselves into the position of being able to implement Taylor if he made such a recommendation and we thought the case for it was right. Sir Peter Taylor himself might well feel that his report was being unduly anticipated if we were to say that a final decision had been taken to use the powers we were obtaining whatever he reported.

You may be right to say that imposition of a national inspectorial role would be resisted by the local authorities although the attraction of off loading responsibility to another body may be hard for them to resist. I think there would be strong misgivings by the Association of Chief Police Officers and the Chief and Assistant Chief Fire Officers' Association at the idea that the professional competence of the police and fire services in making their input into the content of individual safety certificates should be supervised by the licensing authority and its inspectorate. But there is a way of overcoming this. Both the authority and the inspectorate could be required to include suitable people from the police and fire services. I think too that the engineering and building professions would have to form part of any inspectorate. Both make an essential contribution to the content of safety certificates.

I therefore agree that our officials should work up detailed proposals, and I agree with you about the advantages of an authority to which we both make appointments.

I am copying this letter to the Prime Minister and the Ministers present at her meeting of 9 May and to the Chief Secretary and Sir Robin Butler.

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HOME APPAIRS: Football Hoolgain PTS





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My ref

01-276 3000

Your ref

The Rt Hon Douglas Hurd MP Home Office Queen Anne's Gate London SW1

25 May 1989

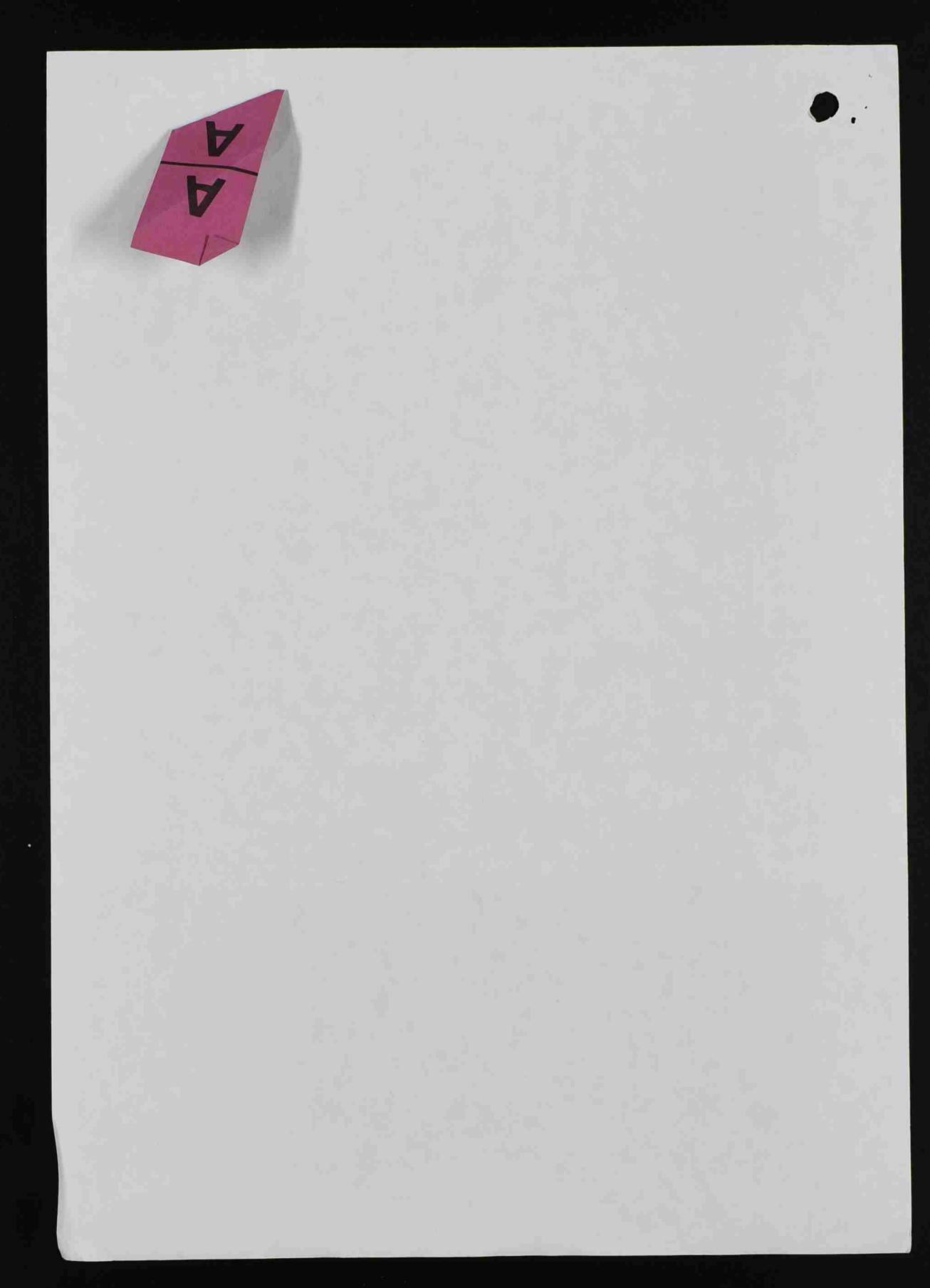
Dec Home Secutary

FOOTBALL SPECTATORS BILL AND SAFETY AT FOOTBALL GROUNDS

The letter from my private secretary to the Prime Minister's of 17 May said that I would discuss with you the relative merits of using the licensing provisions of the Football Spectators Bill or the Safety of Sports Grounds Act 1975 to achieve any amendments to legislation on safety which Lord Justice Taylor may recommend. Having now given further thought to this subject, I think that we have to look at these possibilities in the context of the relationship between the licensing authority which the Bill presently proposes and local authorities who issue safety certificates under the Act.

In organisational terms, I think that we have three options:

- A. maintain the existing role of local authorities as "safety authorities" under the Safety of Sports Grounds Act and run alongside them a separate licensing authority under the Football Spectators Bill, with a procedure for resolving disputes between them;
- B. take away local authorities' safety role in relation to designated football grounds and give it to a new national safety authority, for which we would provide in the Football Spectators Bill and which would also be responsible for the licensing functions already in the Bill;



C. give the Bill's licensing authority the additional task of ensuring that local authorities' were carrying out their responsibilities under the Safety of Sports Grounds Act in such a way as to achieve a consistent standard of safety at designated football grounds.

The House authorities have taken such a generous view of the possibility for extending the Football Spectators Bill to cover safety matters that it may be that, in legal terms, any of these options could be achieved by using the Bill. Whether they are politically achievable, or desirable, is of course, another matter.

A. Keep the licensing and safety authorities separate

This is the line that we have taken in the passage of the Bill so far. We have argued that there was no reason why different authorities should not work together in dealing with football grounds as other licensing authorities do when working in similar areas. I am afraid that the Hillsborough disaster, and the unsubstantiated assertions that the national membership scheme "would have made it worse", have increased the risk that a small number of local authorities might seek to use their role as "safety authorities" to disrupt the national membership scheme, for example by refusing safety certificates to football grounds on the basis that the national membership scheme was "unsafe". Sheffield and Lewisham have already made noises about this.

We have, of course, always said that we would not introduce the national membership scheme until we were satisfied that it was workable, and safe and we would not expect a mischievous intervention by a local authority of this kind to stand up to judicial review. We could also take steps to avoid confrontation between the Bill's licensing authority and local authorities by inserting in the Bill some form of appeal in the event of a disagreement - to the court or perhaps to me, if I do not take on the licensing function. This would not of course eliminate the potential for conflict.

If we were to pursue this option, and Lord Justice Taylor were to make acceptable recommendations specifically about the contents of safety certificates, you would presumably wish to use the powers which I understand that you have as a result of the Fire Safety and Safety of Places of Sport Act 1987, to direct local authorities to act upon the recommendations. As far as a move towards all-seater stadia is concerned, I would prefer to use the licensing authority established by the Football Spectators Bill, because I think that this is an issue which is best tackled on a national basis.

I recognise that the more that we extend the powers of the Bill's licensing authority, the greater the potential for confusion and conflict between it and local "safety authorities". In view of these potential problems I have concluded that we should not pursue this option.

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I recognise, however, that it may be politically difficult to adapt the Football Spectators Bill to make such a radical amendment to the Safety of Sports Grounds Act in the Bill, in advance of Lord Justice Taylor's final report. If we attempted to do so, we would find it difficult to resist the criticism that we were anticipating Taylor in a major respect. If Taylor does in fact recommend a national safety authority in place of local authorities, I would hope that we could take the necessary legislation through very quickly. In the meantime, I think that the most we can do is my third option.

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Subject to your views, I have it in mind that we might add to the functions of the licensing authority for which the Bill currently provides, two additional functions in respect of safety: (i) a duty to ensure that safety certificates are being applied in such a way as to achieve a consistent standard of safety at football grounds designated under the Football Spectators Bill; and (ii) a power to require that additional safety measures which the authority considers necessary are taken.

The licensing authority would need to employ an inspectorate to monitor clubs' compliance with the national membership scheme, the operation of the safety certificate and any other requirements which the authority had imposed. The authority's powers would have to be drawn wide enough to enable us to ensure that local authorities could not use their safety certificates to disrupt the national membership scheme and that decisions taken by the national licensing authority would take precedence. The licensing authority would monitor local authorities' performance in granting and operating safety certificates and enforce any directions which you might make about the contents of safety certificates in the light of Taylor. The second power should

enable the licensing authority, inter alia, to require selected clubs to move towards all-seater stadia, which I understand may not be within the scope of the Safety of Sports Grounds Act.

This would no doubt be resisted by the local authority lobby. It would be said that we were interfering with local authorities' safety role, in advance of the Taylor report, to protect the national membership scheme. But I think that we could resist such criticism on the grounds that a nationally consistent approach to safety, as well as to counter-hooliganism measures, at football grounds is desirable whatever Lord Justice Taylor recommends and that we are leaving the primary responsibility for safety certificates with local authorities. I do not think that it would be appropriate to make the establishment of the authority with these functions contingent on Lord Justice Taylor's final report but it would, along with the rest of the Bill, be the subject of commencement order provisions (though not in this case, to Parliamentary procedure).

If you agree that this is the right approach to pursue, I suggest that our officials should work up a detailed proposal for collective Ministerial approval and explore possible amendments to the Bill with Parliamentary Counsel. I think that a licensing authority of the kind that I am proposing would be more appropriately housed in an NDPB, to which you and I would both make appointments, than in a Government Department, though I share the Prime Minister's hesitation about creating another new public body. We would of course consult the Treasury about this proposal.

I would not wish to contemplate giving powers of this kind to the Football Membership Authority which will run the national membership scheme itself, unless we also had to take over the running of the Football Membership Authority. For the moment, I continue to hope that we can leave the Football Membership Authority to the football authorities though I shall wish to take a close interest in its composition and constitution and it may be desirable to appoint some of the same people to the licensing authority and the Football Membership Authority. We may need to amend the Bill to ensure that this is possible.

Conclusion

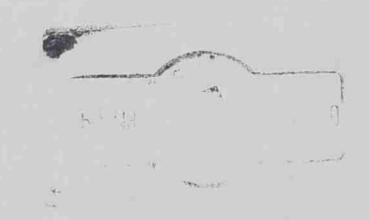
Are you content for us to work towards option (C) as proposed in paragraph 13 above? I am copying this letter to the Prime Minister and the Ministers present at her meeting of 9 May and to the Chief Secretary to the Treasury and to Sir Robin Butler.

Pricholas RIDLEY

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John Sinan

Home AFFAIR! Footham Hoolier ...







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Home Office Queen anne's gate London swih 9at

23 May 1989

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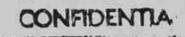
FOOTBALL SPECTATORS BILL

I understand that a meeting has been arranged for 10.30 this evening to discuss the draft announcement attached to Alan Ring's letter of 22 May. As you know, the Home Secretary is in the Channel Islands with the Royal party, and we do not have another Minister free to represent him at the meeting. However, I have been able to consult the Home Secretary, who has seen Alan Ring's letter and its attachment. The Home Secretary has asked me to let you know that he is agnostic on the question of how far the announcement should go in detailing the amendments which will be made to the Bill; he considers, however, that the third paragraph of the draft announcement should be deleted. As at present drafted it gives the impression that we believe Lord Justice Taylor may make comments with a bearing on the Bill in his interim report, whereas we know that this is unlikely to be the case. The Home Secretary therefore thinks it best to delete reference to Lord Justice Taylor's enquiry from the announcement altogether.

Copies of this letter go to the recipients of Alan Ring's letter of 22 May.

C J WALTERS

Stephen Catling, Esq.
Lord President's Office
WHITEHALL, S.W.1.



Mome AGEN. 21: Footsell Hoologe



Steven Catling

London SWIA 2AT

Whitehall

CONFIDENTIAL

22/2 Nobe

2 MARSHAM STREET LONDON SWIP 3EB

My ref:

Your ref:

01-212 3434

2 2 MAY 1989

Dear Steren

Privy Council Office

FOOTBALL SPECTATORS BILL

Private Secretary to the Lord President

Andrew Turnbull's letter to me of 18 May recorded that the Prime Minister had agreed that there should be an announcement this week of the Government's intention to resume Parliamentary consideration of the Football Spectators Bill.

I understand that the Business Managers in the Lords are proposing that there should be a very brief statement in the Lords either tomorrow or on Wednesday to the effect that Third Reading of the Bill will be on Friday 16 June and referring to associated PQ Answer. There will then be written answers to inspired PQs in both Houses the same afternoon.

My Secretary of State agrees that it would be helpful to make a brief announcement about the Government's intentions in relation to the Bill, rather than simply mention the date of the Third Reading in Forthcoming Business in the Lords. We said there will be a pause in the Bill's proceedings following the Hillsborough disaster and there will have been a gap of more than two months between Report Stage and Third Reading. In the circumstances a brief announcement seems appropriate.

This would allow Ministers to take the initiative by announcing the Government's intention to return the Bill to provide for two Parliamentary debates following the receipt of Lord Justice Taylor's final report and to ensure that we can then take account of relevant recommendations that he may make. If we volunteer no information about these plans now, we will be pressed to do so over the next three weeks and part of the picture will emerge when Government amendments are put down for Third Reading in the Lords. That would leave it open to the Bill's opponents to take the initiative and puts us on the defensive.

cont.../



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My Secretary of State would therefore prefer to take a positive line on the amendments which Ministers have decided to make by giving the attached draft answer to inspired PQs in both Houses. Subject to the views of his colleagues, he will propose to make this announcement on Wednesday.

Copies of this letter and the attachement go to Andrew Turnbull (No 10), Colin Walters (Home Office), Carys Evans (Chief Secretary's Office), Nick Gibbons (Lord Privy Seal), Murdo Maclean (Chief Whip's Office), Philip Stamp (Mr Moynihan's office) and Trevor Woolley and Shaun Munday (Cabinet Office)

ALAN RING

Private Secretary

DRAFT PO

To ask [the Secretary of State for the Environment] [Her Majesty's Government] whether [he] [they] propose(s) any changes to the Football Spectators Bill, following the Hillsborough disaster.

ANSWER

My Right Hon Friend, Lord Denham, [has given notice] [will give notice] that Third Reading of the Football Spectators Bill is [provisionally] set for Friday 16 June.

There has been a pause in the Bill's proceedings following the Hillsborough disaster but the Government believes that it should resume its progress next month. The need for the measures proposed in the Bill to deal with football hooliganism has been further demonstrated by recent incidents of violence inside and outside football grounds. The government believe that it is essential that the Bill should be enacted this session.

The timetable will make it possible for us to propose amendments to the Bill to deal with any relevant recommendations which Lord Justice Taylor may make in an interim report on the Hillsborough disaster, which require legislation and which the Government accepts.

We will propose amendments to the Bill to provide two further opportunities for Parliament to debate and vote on the national membership scheme, after receipt of Lord Justice Taylor's final report: the first before the Football Membership Authority is appointed and is required to submit a scheme for approval; the second following my approval of the scheme submitted to me My RHF. Amendments to achieve these two further opportunities for Parliament to consider the scheme will be put down for Third Reading in another place. We will also propose further amendments to the Bill, at a later stage, to ensure that any relevant recommendations which Lord Justice Taylor may make in his final report and which the Government accepts may be taken into account before the scheme is approved.

HOME AFFAIRS Football H



5 RWBET

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

18 May 1989

Da Hen

FOOTBALL SPECTATORS BILL

The Prime Minister has seen your letter to me of 17 May. She was content that the announcement of the Government's intention to resume Parliamentary consideration of the Bill should be made next week. (This was confirmed at Cabinet this morning.) She was also content with the suggested timetable.

On the proposed changes to the Bill, she has agreed that the Bill should be amended so that the FMA should draw up a scheme only if directed to do so by the Secretary of State; that the appointment of the FMA and this direction should both be subject to a commencement order; and that this should be subject to a Parliamentary debate. She was also content with the proposal to introduce a power for the Secretary of State to direct additional provisions for the scheme in Clause 5.

She has noted that the House authorities consider that amendments to the Bill providing powers to deal with many, if not all, of the recommendations which Lord Justice Taylor may make on physical matters would be permissible, provided the House had approved an instruction to the Standing Committee to consider such amendments as cognate to the Bill.

The Prime Minister did, however, query the proposal to set up a NDPB to carry out the licensing functions. She would welcome an opportunity to consider the proposals which are being developed and she will want to be sure that the bureaucracy involved is kept to a minimum.

The Prime Minister welcomed the speech which the Minister of Sport is proposing to make to the Football Writers Association Dinner this evening. I have already communicated some drafting suggestions to Philip Stamp.

I am copying this letter to Colin Walters (Home Office), Carys Evans (Chief Secretary's Office), Nick Gibbons (Lord Privy Seal), Steven Catling (Lord President's Office), Murdo Maclean (Chief Whip's Office), Philip Stamp (Mr. Moynihan's office) and Trevor Woolley and Shaun Munday (Cabinet Office).

(ANDREW TURNBULL)

Alan Ring, Esq., Department of the Environment.

CONFIDENTIAL

Cha

PRIME MINISTER

FOOTBALL SPECTATORS BILL

The Department of Environment letter attached follows up the outstanding point from last week's meeting and seeks your agreement on a number of issues.

- including a proviso that the FMA should draw up a scheme only if directed to do so by the Secretary of State. They further propose that the appointment of the FMA and this direction should be subject to a commencement order which would be activated together after a parliamentary debate. Together with the already announced Hesketh amendment this provides an opportunity for debate both before and after the design of the scheme.
- (ii) The framework of the scheme: rather than remove any of the detailed provisions in Clause 5, DoE suggest a power for the Secretary of State to direct additional provisions for the scheme.
- Licensing football grounds: DoE confirm that many of the safety recommendations Lord Justice Taylor might make could be incorporated into the Bill provided the House approved an instruction to the Standing Committee to consider such amendments as cognate to the Bill. DoE also propose that the licensing functions should be carried out by a NDPB rather than by the Department or by the FMA.
- (iv) <u>Timetable</u>: DoE propose to make the announcement on resumption of work on the Bill next week rather than this. A timetable is set out which seeks a Second Reading in the Commons in the week beginning 19 June.

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Content with these points?

You may like to look at the speech which Colin Moynihan proposes to make to the Football Writers Association on Thursday evening. Paragraphs 6-10 argue the case for the membership scheme.

AT

ANDREW TURNBULL

17 May 1989

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CONFIDENTIAL

2 MARSHAM STREET LONDON SWIP 3EB

01-212 3434

My ref:

Your ref:

Andrew Turnbull Esq Principal Private Secretary to The Prime Minister 10 Downing Street London SW1A 2AA

17 May 1989

Dear Andus,

FOOTBALL SPECTATORS BILL

Your letter of 9 May, recording the discussion at the Prime Minister's meeting that day, invited my Secretary of State to report back, in consultation with the Home Secretary, on the preparation of the amendments to the Bill which Ministers wanted to make to deal with Lord Justice Taylor's Inquiry. We have consulted the House authorities about the possibility of amending the Bill in the way that Ministers wished and they have responded in a very helpful way.

AMENDMENTS TO THE BILL

We were asked to look at amendments to the Bill in three areas:

- (a) to allow Parliament two debates on the scheme following Lord Justice Taylor's final report: before the FMA is required to submit the scheme, and once it has done so;
- (b) to open up the framework for the scheme laid down in Clause 5 of the Bill; and
- (c) to widen the licensing provisions in the Bill, so as to deal with all-seater stadia and to allow the implementation of other recommendations for physical changes which Taylor may come up with.

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(a) Parliamentary debates on the scheme

Lord Hesketh promised, at Report stage in the Lords, that we would consider an amendment to the Bill to make the Secretary of State's approval of the national membership scheme submitted to him subject to Parliamentary approval, under the negative resolution procedure. The amendment has been drafted and is ready to be put down at third Reading.

Last week's meeting also concluded that the Bill should be amended so that the FMA should draw up a scheme only if directed to do so by the Secretary of State. It is simple enough to amend the Bill in this way but it has the disadvantage that it would mean that the Bill would require the Secretary of State to appoint the FMA (under clause 3) and then leave it with nothing to do until the Secretary of State had directed it to draw up a scheme (under clause 4), which would be pointless since the FMA has no other function. My Ministers would prefer to make both clauses 3 and 4 subject to a commencement order. The appointment of the FMA and the requirement on it to submit a scheme could both then be activated together, after a Parliamentary debate. Commencement orders are not normally subject to Parliamentary approval but my Secretary of State's view is that we should make this one so. If the Prime Minister is content, an amendment to this effect will be prepared for Third Reading.

(b) The framework for the scheme

My Ministers do not feel that it is realistic to remove any of the detailed provisions for the scheme in clause 5 of the Bill. Most of them were in the Bill when it was introduced and we argued firmly in the Lords that the exemptions from the scheme which we inserted were acceptable, on practical grounds. In the circumstances, it would be hard to justify withdrawing them after Hillsborough. We could, however, open up the framework imposed by clause 5 by introducing a power for the Secretary of State to direct additional provisions for the scheme. This might be helpful in dealing with recommendations by Lord Justice Taylor, though only insofar as they affected the working of the membership scheme itself. If the Prime Minister is content, we will prepare an amendment to this effect for Commons Committee

(c) Licensing of football grounds

Ministers' wish was that amendments should be prepared (for the Commons) to provide for a requirement for all seater stadia and to enable the implementation of any recommendations which Lord Justice Taylor might make on physical matters. We have now heard from Parliamentary Counsel that the House authorities consider that amendments to the Bill to provide powers to deal with relevant recommendations that might be made in Lord Justice Taylor's final report (as well as any in his interim report)

would be permissible, either through the Bill's licensing provisions or by amendment to the Safety at Sports Grounds Act. In either case, the House would need to approve an instruction to the Standing Committee to consider such an amendment as cognate to the Bill. This would not, of course, provide an unlimited power to meet any recommendation that Taylor might make but it does allow the Government to say that we could take any relevant recommendation, which we accepted, into account before the national membership scheme was approved by the Secretary of State or Parliament.

My Secretary of State proposes to discuss further with the Home Secretary the relative merits of using the licensing provisions in this Bill to carry through relevant Taylor recommendations or amending the Safety of Sports Grounds Act to enable us to deal with Taylor in that way. This need not, however, delay an announcement that we are proceeding with the Bill and that we will take relevant Taylor recommendations into account in approving the scheme. We need not say anything about the content of amendments to the Bill at this stage.

My Secretary of State also has it in mind that the licensing functions under the Bill should be carried out by a NDPB rather than by the Department or by the Football Membership Authority. We would need to take a power in the Bill to set up such a body and we will come forward with proposals, in consultation with the Treasury, among others, in the light of the discussion with the Home Secretary on how to deal with safety matters.

TIMETABLE

You asked us to consider whether we should announce the intention to move ahead with the Bill this week, in advance of Saturday's Cup Final, rather than next as previously envisaged. My Ministers consider that it would be better to wait until after the Cup Final. An announcement this week that we were proceeding with the Bill, coming after four weeks' silence, would be seen to be too obviously "cashing in" on last Saturday's violence. We propose, however, to use the opportunity of a speech which Mr Moynihan is making to the Football Writers Association tomorrow to repeat the Government's commitment to the national membership scheme, in the light of last Saturday's events. I attach a copy of the draft speech.

I understand that the Lords' business managers consider that they must give the Opposition 2 sitting weeks' notice of the intention to proceed with Third Reading. If our announcement is made next week, this suggests Third Reading in the week beginning 12 June. Subject to the views of the business managers, a possible timetable might then be:

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Announce date of Third Reading w/b 22 May

(Secretary of State consults football authorities on all-seater stadia

Lords Third Reading; and Commons introduction

Commons Second Reading w/b 12 June

W/b 12 June

W/b 19 June

Commons Standing Committee begins Tuesday 4 July - 8 sitting

days before recess

Remaining stages

October/November.

The Home Secretary has been consulted about the proposals in this letter and has agreed them. If the Prime Minister is content, we will discuss the handling of an announcement next week with the business managers. The announcement would indicate that we intended to proceed with the Bill after the Whitsun recess, and that the Bill would be amended to allow Parliament two opportunities to debate the scheme following Lord Justice Taylor's report and to ensure that relevant recommendations which the Government accepted could be taken into account before the scheme was approved.

Copies of this letter go to the Private Secretaries to the Ministers present at the Prime Minister's meeting last week, Carys Evans (Treasury), Trevor Woolley (Cabinet Office) and Shaun Munday.

A D RING

Private Secretary

DRAFT SPEECH FOR FOOTBALL WRITERS' ASSOCIATION DINNER THURSDAY MAY 18 1989

- Thank you very much for inviting me to speak to you this 1. evening. To those of you who have heard me speak at after-dinner functions before I owe an apology. This is not the time for a light-hearted contribution reflecting on a season of successes in the world of sport. On the contrary, many of you will be invited to Wembley on Saturday to a game as much dominated by tragic memories of Hillsborough as by the quality of the football. Many of you will have only just paused after filing copy after last weekends appalling incidents at Selhurst Park and elsewhere. Many of you will put your head in your hands and share my sense of disillusion and disappointment that our great national sport lacks leadership and direction from its senior administrators. The FA itself has placed its epitaph on the season in Bert Millichip's admission on Monday this week "I just dont know what course of action we can take, but something has got to be done". He continued "we are proceeding along a downward path". Tonight I'd like to share my thoughts with you about the future of football over the next decade.
- Gentlemen, solutions will and must be found. An ailing game must be treated and brought from the inward looking boardrooms of Victorian England into the 1990's. It cannot be done overnight. It requires more than the Football Spectators Bill. It requires more than a boardroom revolution in football. It requires more than a package of measures to curb hooliganism. Indeed, it requires more than Hillsborough. It requires a total change in attitude, a new realism and above above all courage from everyone involved in the game.
 - 3. Our starting point could not be bleaker. The appalling incident at Selhurst Park signalled a black day for football. The kind of lawless yobbery practised by the drunken fans who terrorised diners at the Toddington service station on the M1 on Saturday is just totally unacceptable. Hillsborough was a terrible tragedy. It was right for us to pause in the proceedings of the Football

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Spectators Bill. But the need for the measures in the Bill hasn't gone away. Hooliganism is still with us. It won't go away by itself. Every day in which there is football violence reinforces the Government's belief in the need for a national membership scheme to break the link between these thugs and true football supporters. There has been some improvement in recent seasons, afterall the police do a very good job, but what nonsense it is to argue that because arrests are small compared to attendances or to arrests amongst the population at large, everything is all right. Is there only a need to act on any particular issue once it has reached some magic percentage figure? Do we say simply ignore a major oil slick in Alaska because it only represents 0.00004% of Alaska's oil?

- 4. It would not be right for me to talk about Hillsborough and Lord Justice Taylor's enquiry this evening. His findings will be out in due course and the Government will take full account of them. More than that I cannot say. On the Football Spectators' Bill, you know - as I have said earlier - that there has been a through Parliament temporary pause in its passage post-Hillsborough. However, we mean to continue - indeed, it is vital that we do so if we are going to provide a legislative vehicle to implement any relevant recommendations Lord Justice Taylor might make. Moreover, as the Bill provides a framework for the membership scheme, the football authorities would be able to take account of relevant points in the final report of Lord Taylor's enquiry when drawing up the details of how the scheme should operate. Not to proceed would delay us being able to do this; possibly for another twelve months. That would be criminal folly after last weekend's events.
- 5. I am afraid that the football authorities have once again shown how slow they are to respond this week. What was the first thing we heard from them on Sunday? Was it swift action to prevent more violence at the play-offs? No. It was a repeat of their hostility to the national membership scheme and the remarkable claim that this season had gone well, apart from Hillsborough! Incidents week after week; over 1,700 arrests in the first two months; over 100 arrests at two matches just one week after Hillsborough. That's a "good season"? How far have we sunk when the governing

body of English football can be complacent about this sort of record? I have called for a full and urgent report from the FA. I did so in May 1988 after the appalling incidents at the England Scotland match at Wembley. I received their report some 7 months later, just before Christmas. In the same season two other governing bodies were asked by Government for similar reports. The General Secretary of the BBBC made a point of reporting to me the same evening and initiated new measures within weeks. David Oxley of the Rugby League followed up the incident at the Widnes v Warrington match on 8 May within 2 weeks. I will let you know when the FA reports to Government after the disgraceful events last Saturday.

- 6. The summary of events in which they will I hope report bears repeating: 220 arrests at ten separate incidents around the country; 19 people injured - a few seriously - at incidents in Crystal Palace, Weston-super-Mare and Alsager. A lot of this trouble occurred outside grounds. But to those of you who have, in the past, written that our national membership scheme is not relevant here, I would say - yes, it is. If hooligans know that there is absolutely no way they are going to be allowed inside grounds without a membership card, the focus for their violent activity will be lost and also their incentive to travel to the It was interesting to note that one of the serious match. reported incident on Saturday took place inside the ground at Selhurst Park. The national membership scheme would have a key role to play in preventing these thugs from gaining access to the grounds - let alone the pitches - in future.
- 7. Moreover anyone can currently be banned from entering a ground if the club so decide, without a right to appeal. The Football Spectators Bill provides the mechanism to ban the thugs from all, not just one, grounds.
- 8. It is a bereft argument to say let them fight at football grounds because if you prevent them they might fight somewhere else instead. This is certainly not the Luton experience. Dont take my word for it look at the view of the chief constable of Bedford shire police. He said and I quote him "to suggest that

football hooligans have been forced out of the ground and are now committing violent offences within the community is totally without foundation. The groups of hooligans who used to attend home matches are well known to the police and had they been responsible for an increase in local violence this would have been quickly recognised and appropriate action taken".

- We must take tough action against law breakers where ever 9. they exist. The national membership scheme is just such action because it means we can keep the hooligan out of football. At the same time, properly developed it can bring advantages to clubs and supporters. One issue we have heard a lot about is delay at the turnstiles. MP's from both sides of the House have had the opportunity of seeing that the technology exists to ensure that the scheme will not result in delays. Some systems do not require the card to be handed to the attendant or even leave the hand of the owner to be validated. No one needs to be turned around in a queue and thus create a jam. If there is any problem about a card it will be looked into once the person is inside the ground. I can assure you tonight that the scheme will not be implemented until we are satisfied about the technology and that I am determined that the scheme will be as football friendly as it is possible to make it.
- 10. But to return to the solution to the downwards path on which the football authorities readily acknowledge they are proceeding. They have a choice. I agree football can, creak and lumber on as it has been doing for years, bedevilled by trouble and shabby venues (because the money that should have been spent on improving facilities has gone instead towards funding huge transfer fees). Change can remain a dirty word at most football clubs.

Football as a leisure activity - as a leisure <u>industry</u> - has simply not evolved. In my view, there is simply no excuse for the raw deal that most supporters get from their clubs nowadays. And the complacency of the clubs in relying so heavily on the unquestioning loyalty of their fans to keep providing gate receipts for so little return amazes me. Clubs must get closer to their supporters and take their views and needs fully into account. Under the national membership scheme, clubs would, for the first time, have a full list of their supporters. This would enable them to develop a closer relationship.

Take the approach of American football towards its fans. Clubs actively market themselves and are always thinking up new ideas to attract new customers. And I use the word customer deliberately — because that is what supporters are when you take away their club colours. American spectators enjoy comfortable, upholstered seats and a choice of good-quality food when they go to their stadia. And they expect their surroundings to be clean — tell me one of you who hasn't seen stadium staff wielding eight-foot brooms whenever litter is left. Rubbish is just never allowed to accumulate.

Compare that comfort with the discomfort and dirt that most of our supporters have to put up with. Standing room only or hard wooden benches if you're lucky. Filth that piles up from the start of each game in front of the greasy hamburger stand. Local shopkeepers too terrified to open. Supporters having to be herded into grounds and protected every match day for their own safety by 5,000 or more police. The police are on duty to contain the problem not to cure it. Police who would be far better deployed in the local communities and towns upholding law and order. The two examples of America and England couldn't be further apart.

could add

"What other industry has the nerve to prosume that it is the jub of the police to morshall its paying customers into and out of its premises"

Somehow the supporters have got to realise that masochism isn't obligatory in football. They should demand and expect to receive a better deal from their clubs. The football authorities should be leading the way. For a start, the League should insist that some of the club revenues from increased corporate membership should go towards improving spectator comfort and not just leave it to the Football Trust. Toilets for football supporters, not zoo animals. Football has got to develop its facilities for spectators. All-seater stadia at major clubs has to come. It will mean money being spent. Some clubs have done a lot of good work in looking after their supporters. But certain clubs have been allowed to get away with cheap profits at the expense of their supporters comfort and safety for far too long. It can't continue. We are in an age of marketing a leisure industry; not clocking through turnstile fodder every match day. Just like every other form of activity for the paying spectator - be in cinemas, theatres, tennis or fitness clubs - football clubs must pay for the safety improvements themselves; just as your newspaper offices must ensure, and pay to ensure, your health and safety at work before they open their front doors.

The clubs must be highly professional and businesslike in their management of their grounds. They have been under-utilised for Directors should think of themselves as running an important sport and leisure asset and involve themselves and their clubs more in the community. Of course the main attraction will continue to be the match on Saturday. But they must get away from the idea that the ground is unused and deserted between match days. Schools and local clubs are crying out for additional sporting venues - not just for football. The use of grounds for other sports and activities is worth considering -Spurs and Luton grounds have, for example, been used for boxing and hockey. I would hope that clubs would start actively considering what more they could do to get the maximum use out of their grounds and to get closer to the football fans and players of tomorrow.

The Football in the Community schemes fit in well here and I'm pleased to see that they are starting to receive more attention and support than they used to. The Football Trust Community Award Scheme has done excellent work in promoting the club to community link and Millwall and Preston North End are to be congratulated on being this year's joint winners.

Players and officials too also have an important part to play in putting forward a better image of football. Young fans take their cue from their heroes. We can hardly be surprised if their behaviour is less than model-perfect when we see how badly too many players continue to behave - both towards their fellow professionals and in challenging the referee's decision.

Speaking of international competition, I'd just like to comment briefly on where we are with UEFA. The events of last weekend can do nothing but harm our prospects of returning to European competition by the 1990/91 season. It is hard to see how the clubs can say to us and to Europe - yes, we have got our house in order - when quite plainly, they have done no such thing. I understand that the president of UEFA has said that he will seek a meeting with me next April to discuss the re-admission of English clubs to Europe. I shall be happy to meet him - but if present performance continues and the football authorities are still wallowing in problems, not solutions, I am afraid it will be a long time before our clubs cross the Channel.

Clubs are going to have to really knuckle down if they want to return to Europe. The Football Spectators' Bill is an important part of a package of measures to achieve that return if only they could see it. Additionally Part II of the Bill would prevent convicted football hooligans from travelling to key matches abroad. Restriction orders placed upon them would mean they would have to report to an agency in this country on match days. Part I of the Bill and the national membership scheme would deal with hooliganism at home. The scheme would also enable the football authorities, the clubs and possibly tour operators, to effectively limit sales of tickets to matches abroad to members of the scheme.

However, I hasten to add that irrespective of UEFA's position, we would want the national membership scheme in this country to be in place whether English clubs were competing in Europe or not.

The Government has always made it clear that it would take serious account of the views of the football authorities, the supporters' clubs and the police. As to the police, ACPO of course worked closely on the working party I set up last summer to look at principles of the scheme and agreed its report. The Police Superintendents' Association were broadly in agreement with the conclusion of the working party. The Police Federation have, this week, repeated their view that there should be a home membership only scheme. The implications of this proposal are clear. It would require just as strict a membership scheme as the Government's present proposals to identify home supporters; it would limit supporters freedom to attend matches and could have a massive impact on gates and clubs' revenues. course if amendments in line with the Federation's proposals are put forward while the Bill is in Parliament, Parliament will consider them.

The Government is not going to allow hooligans to run the show if the football authorities cannot do it themselves. That is why we are committed to the package of measures we are proposing. The FA, the League and the 92 clubs all have their part to play in ridding the game of the menace of football hooliganism and in showing leadership and imagination in taking the game into the 1990s. If they don't play ball, then football's epitaph will echo what your favourite football club chairman, David Evans, said last week:

"Nobody wants to look forward or to acknowlede the fact that we've lost half our fans, half the number of people employed in the industry, that our clubs aren't in Europe and that we've done nothing in the World Cup since 1966."

Having spoken in no uncertain terms about the depressing state of our national game, may I take this opportunity to say thank you for the comprehensive coverage you've given to the game of football this year. I know how much you love the game and that you travel the world — enduring the hardship of sunshine and deluxe hotels — just so that those of us back home can enjoy reading about how our team has done overseas. The British public are very spoiled by the extent of football coverage provided in the British press. It's a pity that some of your reports of the major competitions of 1988/89 had to be overshadowed by the stories filed by your colleagues on the news desks. I'm reminded in particular of the troubles in Germany last year. We all look forward to the day when sports reporters and sports reporters alone are the only by-lines we see on football match reports.

I would like to end by taking this opportunity, through you, to call upon everyone connected with clubs who still have matches to play to urge their spectators to behave? I would like to see club chairmen, managers, club captains and other players speak Use the national and local press and their local radio out. stations to appeal to supporters not to repeat the events of last weekend. Last season ended very badly; this season has begun to go the same way. Let those who have some influence with their supporters use that influence to urge better behaviour throughout the next few weeks. Most supporters are well behaved. At the heart of my determination to tackle the hooligan is the wish to see fans go to the game in safety and return home the same way. This could bring back many, many supporters who have been lost to the game and it could also attract a greater family audience. I believe in the national game, I want to see it fit that description with pride.

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Home Affairs Football Hoolis

Football Spectators Bill [H.L.]

[AS AMENDED ON REPORT]

ARRANGEMENT OF CLAUSES

PART I

FOOTBALL MATCHES IN ENGLAND AND WALES

Preliminary

Clause

1. Scope and interpretation of this Part.

National Membership Scheme

- Offences relating to unauthorised attendance at designated football matches.
- 3. The Football Membership Authority.
- 4. National membership scheme: making, approval, modification etc.
- 5. National membership scheme: contents and penalties.
- 6. Phased application of scheme.
- 7. Disqualification for membership of scheme.

Licences to admit spectators

- 8. Offence of admitting spectators to unlicensed premises.
- 9. Licences to admit spectators: general.
- 10. Licences to admit spectators: revocation and suspension.
- 11. The licensing authority.

PART II

FOOTBALL MATCHES OUTSIDE ENGLAND AND WALES

Preliminary

12. Scope and interpretation of this Part.

Restriction orders

- 13. Restriction orders.
- 14. Effect of order.
- 15. Application to terminate restriction order.
- 16. Information.

Reporting agencies' functions

- 17. Functions of agencies.
- 18. Exemptions from requirement to report as respects a match.
- 19. Functions of agencies: supplementary provisions.

HL Bill 39

BILLL

[AS AMENDED ON REPORT]

INTITULED

An Act to control the admission of spectators at designated A.D. 1989. football matches in England and Wales by means of a national membership scheme and licences to admit spectators; and to provide for the making by courts and the enforcement by designated agencies of orders imposing restrictions on persons convicted of certain offences for the purpose of preventing violence or disorder at or in connection with designated football matches played outside England and Wales.

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E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

PART I

FOOTBALL MATCHES IN ENGLAND AND WALES

Preliminary

1.—(1) This Part of this Act applies in relation to association football matches played in England and Wales which are designated football matches and the following provisions have effect for its interpretation.

Scope and interpretation of this Part.

- (2) "Designated football match" means any such match of a description for the time being designated for the purposes of this Part by order made by the Secretary of State or a particular such match so designated.
- (3) An order under subsection (2) above may designate descriptions of 15 football matches wherever played or when played at descriptions of ground or in any area specified in the order.
- (4) The "national football membership scheme" (or "the scheme") means the scheme made and for the time being in force under section 4 below for the purpose of restricting the generality of spectators attending designated football matches to persons who are members of the scheme.

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HL Bill 39

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	2 Football Specialors	
PART I	(5) A person is, in relation to any designated football match, an "authorised spectator" if he is a member of the national football membership scheme or is otherwise authorised by the scheme to attend the match and a person is not to be treated as a "spectator" in relation to such a match if the principal purpose of his being on the premises is to provide services in connection with the match or to report on it.	5
	(6) A "licence to admit spectators" is a licence granted in respect of any premises by the licensing authority under this Part of this Act authorising the admission to the premises of spectators for the purpose of watching any designated football match played at those premises.	10
	(7) Each of the following periods is "relevant to" a designated football match, that is to say—	
	(a) the period beginning—	
	(i) two hours before the start of the match, or	
	(ii) two hours before the time at which it is advertised to start, or	15
	(iii) with the time at which spectators are first admitted to the premises,	
	whichever is the earliest, and ending one hour after the end of the match;	20
	(b) where a match advertised to start at a particular time on a particular day is postponed to a later day, or does not take place, the period in the advertised day beginning two hours before and ending one hour after that time.	
	(8) A person is a "responsible person" in relation to any designated football match at any premises if he is a person concerned in the management of the premises or in the organisation of the match.	25
	(9) The power to make an order under subsection (2) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.	30
	(10) The imposition under this Part of this Act of restrictions on the persons who may attend as spectators at any designated football match does not affect any other right of any person to exclude persons from admission to the premises at which the match is played.	
	National Membership Scheme	35
relating horised ce at ed matches.	2.—(1) If a person who is not, in relation to the match, an authorised spectator enters or remains on premises as a spectator during a period relevant to a designated football match that person commits an offence and so does a person who attempts to commit an offence under this subsection of entering premises.	4(
	(2) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to imprisonment for a term not exceeding one month or a fine not exceeding level 3 on the standard scale or to both	

(3) A constable who reasonably suspects that a person has committed an offence under subsection (1) above may arrest him without a warrant.

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Offences relating to unauthorised attendance at designated football matches.

3.—(1) There shall be a body responsible for the administration of the national football membership scheme which shall be designated for the purpose by the Secretary of State under the name (and herein referred to as) "the Football Membership Authority".

PART I The Football Membership Authority.

- 5 (2) The Secretary of State may designate as the Football Membership Authority any body corporate formed for the purpose by the Football Association and the Football League or any body corporate formed by any other persons or, for the purpose, on his behalf.
- (3) The Secretary of State may withdraw the designation of a body under this section, whether at the instance of the body or at his own instance.
 - (4) The functions of a body as the Football Membership Authority shall be assumed or, on withdrawal of its designation, divested on the date specified by the Secretary of State when making or withdrawing the designation but subject to subsection (5) below and without prejudice to its duty under subsection (6) below.
 - (5) No date other than 1st June in any year shall be specified under subsection (4) above as the date on which functions are to be assumed or withdrawn, but this does not apply—
 - (a) to the initial designation of a body as the Football Membership Authority, or
 - (b) where the Secretary of State withdraws the designation of a body on the ground that the body has failed to discharge its duties as the Football Membership Authority or is being wound up or that a receiver or manager of its property has been appointed.
 - (6) It shall be the duty of the Football Membership Authority to make to the Secretary of State a report on the discharge of its functions during each period of twelve months beginning with 1st June in any year and the Secretary of State shall lay a copy of the report before each House of Parliament.
 - (7) Where a body assumes or is divested of its functions as the Football Membership Authority on a date other than 1st June subsection (6) above shall have effect as if it required a report to be made for such period as the Secretary of State directs.
- (8) On the withdrawal of the designation of a body as the Football Membership Authority, the scheme shall cease to have effect but the Secretary of State may, by order, provide for the transfer of the body's property, rights and liabilities under the scheme to its successor as the Football Membership Authority on such terms and conditions as may be determined by the Secretary of State.
 - (9) The power to make an order under subsection (8) above is exercisable by statutory instrument.")
- 4.—(1) The Football Membership Authority shall, as soon as reasonably practicable after its designation takes effect, prepare a draft scheme which fulfils the requirements of section 5 below.
 - (2) The Football Membership Authority shall, before exercising any of its functions under this section, consult the Football Association and the Football League.

National membership scheme: making, approval, modification etc.

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PART I

(3) When the draft scheme is complete the Football Membership Authority shall submit it to the Secretary of State for his approval and the Secretary of State may, if satisfied that the draft scheme fulfils those requirements, approve it either as submitted or with any modifications that may be agreed.

(4) Where the Secretary of State gives it his approval, the scheme shall enter into force on such date as may be agreed between the Secretary of State and the Football Membership Authority and the Secretary of State shall lay a copy of it before each House of Parliament.

- (5) At any time during the currency of the scheme the Secretary of
 State and the Football Membership Authority may agree—
 - (a) to modify the scheme, or
- (b) to replace the scheme with another scheme, in accordance with the requirements of section 5 below.
- (6) Where the Secretary of State and the Football Membership Authority agree to modify the scheme the modifications agreed on shall enter into force on such date as may be agreed and the scheme shall have effect accordingly.

(7) Where the Secretary of State and the Football Membership Authority agree to replace the scheme the new scheme shall enter into force and the existing scheme shall cease to be in force on such date as may be agreed.

(8) On the entry into force of any modifications of the scheme or on the entry into force of a new scheme made under subsection (5) above the Secretary of State shall lay before each House of Parliament a copy of the modifications or of the new scheme.

National membership scheme: contents and penalties.

- 5.—(1) The requirements for a national football membership scheme referred to in section 4(1) and (5) above are those specified in subsection (2) below.
 - (a) securing that the only spectators permitted to attend at designated football matches are authorised spectators;

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- (b) providing for temporary membership of the scheme, including (in particular) the temporary membership of football club guests;
- (c) providing for the admission as spectators at designated football matches, without their being members of the scheme, of
 - (i) disabled persons, and
 - (ii) accompanied children,

in such circumstances and subject to such conditions as are specified in the scheme;

- (d) securing that persons who are disqualified under section 7 below are excluded from membership while so disqualified;
- (e) providing for the exclusion from membership, for a period determined under the scheme, of persons who are, by reference to circumstances specified in the scheme, determined under the scheme to be unfit for membership;
- (f) imposing pecuniary penalties on any persons having functions under the scheme for failure to discharge those functions;

PART I

 (g) imposing requirements as respects the procedure to be followed in dealing with applications for membership of the scheme;

- (h) imposing requirements on responsible persons as respects the procedure to be followed and equipment to be used in relation to any designated football match to secure that the only spectators admitted to and permitted to remain on the premises are authorised spectators;
- (i) establishing and maintaining a central register of members of the scheme;
- 10 (j) regulating the form and contents of membership cards; and
 - (k) establishing a tribunal to hear and determine appeals from decisions made under the scheme refusing or withdrawing membership of it, and in this subsection "accompanied children" means persons under the age of 10 years in the charge of an authorised spectator.

(3) The scheme may make provision—

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- (a) for the discharge of functions under the scheme by persons specified in the scheme on such terms as may be agreed with the Football Membership Authority and approved by the Secretary of State;
- (b) imposing charges specified in the scheme (including different charges for different cases) in connection with the issue of membership cards to persons becoming members of the scheme; and
- (c) providing for the admission as spectators at designated football matches, without their being members of the scheme, of descriptions of person specified in the scheme in such circumstances and subject to such conditions as are so specified.
- (4) The scheme may make different provision for different circumstances.")
 - (5) Information obtained from persons under the national football membership scheme shall be treated as not obtained under an enactment for the purposes of paragraph 1(2) of Part II of Schedule 1 to the Data Protection Act 1984 (which treats information obtained under enactments as fairly obtained).

1984 c. 35.

- (6) Any person commits an offence who, for the purpose of being admitted to membership of the national football membership scheme—
 - (a) makes a statement which he knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or
 - (b) produces, furnishes, signs or otherwise makes use of a document which he knows to be false or misleading in a material particular or recklessly produces, furnishes, signs or otherwise makes use of a document which is false or misleading in a material particular.
- (7) A person guilty of an offence under subsection (6) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART I Phased application of scheme. 6.—(1) The Secretary of State, in exercising his function of designating football matches under section 1(2) of this Act as matches in relation to which the national football membership scheme applies, shall have regard to whether it is desirable to achieve a phased application of the scheme.

(2) For this purpose—

(a) the Football Membership Authority shall consider the possibility of a phased application of the scheme and may make recommendations to the Secretary of State; and

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(b) the Secretary of State shall have regard to any recommendations so made.

Disqualification for membership of scheme. 1986 c. 64. 7.—(1) Any person who is subject to an exclusion order under section 30 of the Public Order Act 1986 (exclusion from prescribed football matches) whenever made is disqualified from becoming or continuing to be a member of the national football membership scheme and while he is so subject he shall not be admitted as a member of the scheme or, if he is a member, his membership shall be withdrawn.

(2) Any person convicted of a relevant offence is disqualified from becoming or continuing to be a member of the national football membership scheme, and the following provisions of this section have effect in relation to such a person.

(3) The period during which a person's disqualification under subsection (2) above continues shall be—

(a) in a case where he was sentenced to a period of imprisonment taking immediate effect or of detention in a young offenders institution, five years, and

(b) in any other case, two years,

beginning with such date as may be determined under the scheme.

(4) During the period for which a person is disqualified he shall not be admitted as a member of the scheme or, if he is a member, his membership shall be withdrawn.

(5) The offences relevant for the purposes of subsection (2) above are those specified in the Schedule to this Act as relevant offences (with or, as the case may be, without a declaration of relevance).

(6) In the application of the Schedule to this Act for the purposes of this Part of this Act the references in that Schedule to designated football matches include in paragraphs (f), (g), (h) and (i) references to football matches designated for the purposes of Part II of this Act.

(7) Where a court convicts a person of a relevant offence, then-

- (a) the court shall, except in the case of an offence under section 2(1) or 5(6) of this Act, certify that the offence is a relevant offence, and
- (b) the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—

(i) shall (as soon as reasonably practicable) give to the administrator of the scheme and to the chief officer of police for the police area in which the offence was committed notice of the conviction and sentence and of the giving of any certificate that the offence is a relevant offence, and

(ii) shall send a copy of the notices to the person who was convicted of the offence.

PART I

(8) A person in relation to whom a probation order was made under Part III of the Powers of Criminal Courts Act 1973 shall, notwithstanding 1973 c. 62. anything in section 13 of that Act (convictions to be disregarded for purposes of disqualification), be treated as having been convicted of the offence for the purposes of this section.

(9) In this section and the Schedule to this Act-

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- (a) "declaration of relevance", in relation to an offence, means a declaration that the offence related to football matches;
- (b) "imprisonment" includes any form of detention (or, in the case of a person under twenty-one years of age sentenced to custody for life, custody); and
- (c) the reference to a clerk of a magistrates' court is to be construed in accordance with section 141 of the Magistrates' Courts Act 1980, reading references to that Act as references to this section.

Licences to admit spectators

8.—(1) Subject to subsection (2) below, if persons are admitted as spectators to, or permitted to remain as spectators on, any premises during a period relevant to a designated football match without a licence to admit spectators being in force, any responsible person commits an offence.

Offence of admitting spectators to unlicensed premises.

- (2) Where a person is charged with an offence under this section it shall be a defence to prove-
 - (a) that the spectators were admitted without his consent; and
 - (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.
 - (3) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.
- 9.—(1) The licensing authority may, on an application duly made by a Licences to responsible person, grant a licence to admit spectators to any premises for the purpose of watching any designated football match played at those premises.

admit spectators: general.

- (2) An application for a licence in respect of any premises shall be made in such manner, in such form and accompanied by such fee as may be determined by the Secretary of State.
- (3) A licence to admit spectators to any premises may authorise the 40 admission of spectators to watch all designated football matches or specified descriptions of designated football matches or a particular such match.
- (4) A licence to admit spectators shall be in writing and shall be granted on such terms and conditions as the licensing authority considers 45 appropriate.

PART I	(5) It shall be a condition of every licence that any authorised person shall be entitled, on production, if so required, of his authority—	
	 (a) to enter at any reasonable time any premises on which a designated football match is being or is to be played; 	
	(b) to make such inspection of the premises and such inquiries relating to them as he considers necessary for the purposes of this Part of this Act; or	5
	(c) to examine any records relating to the operation of the national football membership scheme on the premises, and take copies of such records.	10
	(6) A licence to admit spectators shall, unless revoked or suspended under section 10 below or surrendered, remain in force for a specified period.	
	(7) Subject to subsection (8) below, the licensing authority may at any time, by notice to the licence holder, vary the terms and conditions of the licence.	15
	(8) The licensing authority shall not vary the terms or conditions of a licence without—	
	(a) notifying the licence holder of the proposed alterations or additions;	20
	(b) giving him an opportunity to make representations about them within the period of twenty-one days beginning with the service of the notice; and	
	(c) taking any representations so made into account in making his decision.	25
	(9) In taking any decision under this section the licensing authority shall have regard, among the other relevant circumstances, to the following matters or to such of them as are applicable to the decision, that is to say—	
	(a) whether the premises and the equipment provided and procedures used at the premises are such as to secure that only authorised spectators are admitted to designated football matches;	30
	(b) whether and to what extent the requirements imposed for that purpose by the national football membership scheme on responsible persons have been complied with;	35
	(c) whether the equipment provided, procedures used and other arrangements in force at the premises are such as are reasonably required to prevent the commission or minimise the effects of offences at designated football matches; and	40
	(d) such other considerations as the Secretary of State determines from time to time and, where he is not the licensing authority, notifies to the licensing authority.	40
	(10) Subject to subsection (11) below, if any term or condition of a licence is contravened any responsible person commits an offence.	45

(11) Where a person is charged with an offence under subsection (10) above it shall be a defence to prove—

(a) that the contravention took place without his consent; and

(b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

PART I

- (12) A person guilty of an offence under subsection (10) above shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
 - (13) In this section—

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- "authorised person" means any person authorised by the Secretary of State, the licensing authority or the Football Membership Authority;
- 10 "specified" means specified in the licence; and
 - "vary", in relation to a licence, includes the addition of further terms or conditions;

and the fees charged on the issue of a licence may be fixed so as to reimburse the Secretary of State and the licensing authority their expenses of administering and enforcing this Part of this Act.

10.—(1) The licensing authority may, subject to subsections (2), (3) and (4) below, at any time, by notice in writing to the holder of a licence to admit spectators, revoke the licence or suspend the licence indefinitely or for such period as the authority considers appropriate.

Licences to admit spectators: revocation and suspension.

- (2) The licensing authority shall not suspend or revoke a licence under this section unless satisfied that it is necessary to do so having regard to the matters which are relevant for the purposes of this section.
 - (3) The matters which are relevant for the purposes of this section are—
 - (a) the matters specified in paragraphs (a), (b) and (c) of section 9(9) above; and
 - (b) such other considerations as the Secretary of State determines from time to time and, where he is not the licensing authority, notifies to the licensing authority.
- 30 (4) The licensing authority shall not revoke or suspend a licence to admit spectators without—
 - (a) notifying the licence holder of the proposed revocation or suspension and of the grounds for it;
 - (b) giving him an opportunity to make representations about the matter within the period of twenty-one days beginning with the date of the service of the notice; and
 - (c) taking any representations so made into account in making the decision.
- (5) The licensing authority may, if satisfied that the urgency of the case so requires, suspend a licence under this section without observing the requirements of subsection (4) above but the authority shall, as soon as is practicable, notify the person to whom the licence was granted of the grounds for the suspension.
- (6) A licence suspended under this section shall during the time of suspension be of no effect.

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(7) Where a licence has been suspended under this section the person to whom the licence was granted may at any time apply to the licensing authority to terminate the suspension and the licensing authority may terminate the suspension if it appears to be appropriate to do so having regard to the relevant matters and after taking into account any representations made by the applicant.

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The licensing authority.

- 11.—(1) The functions in relation to licences conferred or imposed by sections 9 and 10 above shall be functions—
 - (a) of the Secretary of State, or
 - (b) if the Secretary of State appoints a person to discharge those functions on his behalf, of the person so appointed for so long as the appointment continues in force;

and references in this Part of this Act to the "licensing authority" shall be construed accordingly.

- (2) The appointment of a person to be the licensing authority shall be on such terms as may be agreed between the Secretary of State and that person and specified in the appointment and the Secretary of State may—
 - (a) by notice in writing to the licensing authority, terminate the appointment at any time;
 - (b) give directions, whether general or specific, to the licensing authority as to the discharge of the authority's functions; and
 - (c) require the licensing authority to furnish to the Secretary of State such information and produce such documents relating to the discharge of the authority's functions as the Secretary of State may reasonably require.

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- (3) It shall be the duty of the licensing authority to comply with any direction given or requirement made under subsection (2) above.
- (4) In the event of the termination of the appointment of a person as the licensing authority, that person shall—
 - (a) send to the Secretary of State all copies of licences granted, and all documents relating to any decisions in relation to licences granted, before the termination; and
 - (b) furnish to the Secretary of State such other information relating to the discharge of the licensing authority's functions as the Secretary of State may require.

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PART II

FOOTBALL MATCHES OUTSIDE ENGLAND AND WALES

Preliminary

Scope and interpretation of this Part.

- 12.—(1) This Part of this Act applies in relation to football matches played in any country outside England and Wales which are designated football matches and the following provisions have effect for its interpretation.
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- (2) "Designated football match" means any such match of a description for the time being designated for the purposes of this Part by order made by the Secretary of State or a particular such match so designated.

(3) The power to make orders under subsection (2) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART II

- (4) A "restriction order" means an order of a court under section 13 or 20 below requiring the person to whom the order applies to report to a designated reporting agency on the occasion of designated football matches.
 - (5) The offences "relevant" for the making by a court of a restriction order are those specified in the Schedule to this Act as relevant offences (with or, as the case may be, without a declaration of relevance).
 - (6) In the application of the Schedule to this Act for the purposes of this Part of this Act the references in that Schedule to designated football matches are references to football matches designated for the purposes of Part I of this Act except that in paragraphs (f), (g), (h) and (i) they include references to football matches designated under subsection (2) above and section 1(7) above applies for the interpretation of references to periods relevant to designated football matches.
 - (7) A person is a "designated reporting agency" if that person is specified in an order made by the Secretary of State by statutory instrument; and an order under this subsection may designate a person as a designated reporting agency for all areas or only for the area or areas specified in the order and make provision, where that person is not a body corporate, for the discharge of the agency's functions.
- (8) An order under subsection (2) above may, in relation to any description of football match or any particular football match specified in the order, direct that reporting is obligatory for all persons subject to restriction orders or that reporting is obligatory only for such persons subject to restriction orders as are required to report under section 17(7)(b) below.
 - (9) In this Part of this Act-

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- "country" includes territory;
- "declaration of relevance", in relation to an offence, means a declaration that the offence related to football matches; and
- "imprisonment" includes any form of detention (or, in the case of a person under twenty-one years of age sentenced to custody for life, custody), "prison" includes any place where a person is detained or in such custody and "discharge" from prison does not include temporary discharge.

Restriction orders

13.—(1) A court by or before which a person is convicted of a relevant offence or, if a person convicted of such an offence is committed to it to be dealt with, the Crown Court on dealing with him for the offence, may make a restriction order in relation to him.

(2) No restriction 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 designated football matches.

- (3) A restriction order may only be made—
 - (a) in addition to a sentence imposed in respect of the offence of which the accused is (or was) convicted; or

PART II	(b) in addition to a probation order.	
973 c. 62.	(4) A restriction order may be made as mentioned in subsection (3)(b) above notwithstanding anything in sections 2 and 13 of the Powers of Criminal Courts Act 1973 (which relate to probation orders).	
	(5) A restriction order shall specify the designated reporting agency to which the person subject to the order is to report initially and the place at which or place at which and person to whom he is to report; and in specifying the agency the court shall have regard to any order under section 12(7) above specifying the areas or area for which reporting agencies are designated.	5
	(6) The court shall, on making the order in relation to the accused, explain its effect to him.	
1968 c. 19.	(7) In section 10(3) of the Criminal Appeal Act 1968 (appeals against sentence by Crown Court), in paragraph (c), after sub-paragraph (iii) there shall be inserted "or	15
	(iv) a restriction order under section 13 of the Football Spectators Act 1989;".	
Effect of order.	14.—(1) Subject to subsection (3) below and section 15 below, the period for which a restriction order has effect in relation to a person convicted of a relevant offence is—	20
	(a) in a case where he was sentenced in respect of that offence to a period of imprisonment taking immediate effect or of detention in a young offenders institution, five years, and	
	(b) in any other case, two years,	
	beginning with the date of the making of the order.	25
	(2) The duty to report imposed by a restriction order on the person subject to the order is a duty—	
	(a) to report initially for the purposes of registration to the designated reporting agency at the place or at the place and to the person specified in the order within the period of five days beginning with the date of the making of the order; and	30
	(b) subject to any exemption to report on the occasion of designated football matches when required to do so under section 17(7) below to the designated reporting agency to which he reported initially or to which he is transferred under subsection (3) or which is substituted for that agency under subsection (5) of that section, as the case may be.	35
	(3) The duty to report shall, in the case of a person sentenced to or serving a term of imprisonment, be suspended until his discharge from prison and the order shall have effect, if he is discharged more than five days before the expiry of the period for which the order has effect and he was precluded by his being in prison from reporting initially, as if it required him to report initially to the designated reporting agency within the period of five days beginning with the date of his discharge.	40

(4) A person who, without reasonable excuse, fails to comply with the duty to report imposed by a restriction order commits an offence.

(5) A person guilty of an offence under subsection (4) above shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or to both.

PART II

15.—(1) A person in relation to whom a restriction order has had effect 5 for at least one year may apply to the court by which it was made to terminate it.

Application to restriction 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 restriction order (as from a date specified in the terminating order) or refuse the application.
- (3) Where an application under this section is refused, a further application in respect of the restriction order shall not be entertained if made within the period of six months beginning with the day of the refusal.
 - (4) The court may order the applicant to pay all or any part of the costs of an application under this section.
- (5) In the case of a restriction order made by a magistrates' court, the reference in subsection (1) above to the court by which it was made includes a reference to any magistrates' court acting for the same petty sessions area as that court.
 - (6) Section 63(2) of the Magistrates' Courts Act 1980 (power to 1980 c. 43. suspend or rescind orders) does not apply to a restriction order.
- 16.—(1) Where a court makes a restriction order, the clerk of the court Information. 25 (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)-

(a) shall give a copy of it to the person to whom it relates;

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- (b) shall (as soon as reasonably practicable) send a copy of it to the designated reporting agency specified in the order;
- (c) shall (as soon as reasonably practicable) send a copy of it to the chief officer of police for the police area in which is situated the place at which the person subject to the order is to report initially; and
- (d) in a case where the person subject to the order is sentenced by the court to or is serving a term of imprisonment shall (as soon as reasonably practicable) send a copy of it to the governor of the prison or other person to whose custody he will be committed or in whose custody he is, as the case may be.
- (2) Where a court terminates a restriction order under section 15 40 above, the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)-
 - (a) shall give a copy of the terminating order to the person to whom the restriction order relates;

	14	Football Spectators	
PART II		hall (as soon as reasonably practicable) send a copy of it to the designated reporting agency to which (but for the terminating order) it would be, or would on his discharge from prison be, that person's duty to report on the occasion of designated football matches;	5
		hall (as soon as reasonably practicable) send a copy of it to the chief officer of police for the police area in which is situated the place at which (but for the terminating order) it would be, or would on his discharge from prison be, that person's duty to report on the occasion of designated football matches; and	10
		n a case where the person subject to the restriction order is serving a term of imprisonment, shall (as soon as reasonably practicable) send a copy of the terminating order to the governor of the prison or other person in whose custody he is, as the case may be.	15
	prison an agency, i restriction he is, as t	d, in the case of a person who has not reported initially to an single discharged more than five days before the expiry of the order, the governor of the prison or person in whose custody the case may be, shall (as soon as reasonably practicable) give his discharge to the designated reporting agency to which it is his eport.	20
1980 c. 43.	be constr	ferences in this section to the clerk of a magistrates' court shall ued in accordance with section 141 of the Magistrates' Courts reading references to that Act as references to this section.	25
		Reporting agencies' functions	
Functions of agencies.	functions	A designated reporting agency shall have the following as respects any person subject to a restriction order who reports to the agency or is transferred to it under subsection (3) below.	
	(2) On	a person reporting initially to the agency, the agency—	30
	(a) s	shall register him as a person who must report to the agency on the occasion of designated football matches; and	
	(b) 1	may, by notice in writing to him, impose such requirements as appear to the agency to be necessary or expedient for giving effect to the order.	35
	residence a design transferre other are designate	a person who is registered with the agency changes his place of or his place of work to another area for which the agency is not ated reporting agency he may apply to the agency to be ed to an agency which is a designated reporting agency for that ea and the agency may, by notice in writing to him and to a ed reporting agency for that other area, grant him a transfer to agency specified in the notice to him.	40
	100,000	here a person subject to a restriction order is granted a transfer bsection (3) above from one agency to another agency—	
	(a) i	it shall be that person's duty to report for the purposes of registration to the other agency;	45
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(b) on his doing so his duty to report to the transferring agency shall cease; and

(c) his registration with the transferring agency shall be cancelled as from the date of his registration with the other agency;

and subsection (2) above shall apply to that other agency as it applies where a person reports initially to it.

- (5) With the written agreement of the agency with which a person is registered and for a period specified in the agreement, the duty of that person to report on the occasion of designated football matches may be discharged by his reporting to an agency so specified which is a designated agency for another area ("the substitute agency").
- (6) The agency shall, in taking any decision under subsection (5) above, have regard to any guidance issued by the Secretary of State under section 19 below.
 - (7) During the currency of a restriction order in force in relation to any person registered with it, the agency shall perform the following functions on the occasion of any designated football match, that is to say—

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- (a) where the match is one for which reporting is obligatory for all persons subject to restriction orders, the agency shall, by notice in writing to that person, require him to report to the agency or, as the case may be, the substitute agency at the time and at the place specified in the notice or at the time and at the place and to the person specified in the notice;
- (b) where the match is one for which reporting is obligatory for such persons only as are required to report under this paragraph, the agency shall—
 - (i) consider whether or not to require that person to report; and
 - (ii) if they so decide, by notice in writing to that person, require him to report to the agency or, as the case may be, the substitute agency at the time and at the place specified in the notice or at the time and at the place and to the person specified in the notice.
- (8) The agency shall not require a person to report under subsection (7)(b) above unless it is satisfied that it is necessary or expedient to impose the requirement in order to reduce the likelihood of violence or disorder at, or in connection with, the designated football match.
- (9) The agency shall, as regards any decision to be taken under subsection (7)(b) above—
 - (a) if it is not itself the police force for any area, consult the chief officer of police for the area for which the agency is designated; and
 - (b) shall have regard to any guidance issued by the Secretary of State under section 19 below.
- (10) A person who, without reasonable excuse, fails to comply with any requirement imposed on him under subsection (2)(b) above or under that paragraph as applied by subsection (4) above shall be guilty of an offence.
 - (11) A person guilty of an offence under subsection (10) above shall be liable on summary to a fine not exceeding level 2 on the standard scale.

PART II

PART II
Exemptions
from
requirement to
report as
respects a match.

18.—(1) A per	rson who is subject	to a	restriction	order	may-
---------------	---------------------	------	-------------	-------	------

- (a) as respects a particular designated football match, or
- (b) as respects designated football matches played during a period,

apply to the designated reporting agency with which he is registered to be exempt from the duty to report as respects that match or matches played during that period.

(2) The agency to whom an application is made by a person under this section shall exempt him from the duty to report if he shows to the agency's satisfaction—

(a) that there are special circumstances which justify his being so exempted; and

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- (b) that, because of those circumstances, he would not attend the match or matches if he were so exempted.
- (3) The agency shall, in taking any decision under subsection (2) above, have regard to any guidance issued by the Secretary of State under section 19 below.

(4) Where an exemption is granted by the agency to a person under subsection (2) above the duties of the agency under section 17(7) above and of that person to report shall be suspended as respects the match or matches to which the exemption applies.

(5) A person who is aggrieved by the refusal of the agency to grant him an exemption under subsection (2) above may, after giving the agency notice in writing of his intention to do so, appeal to a magistrates' court acting for the petty sessions area in which the agency is situated.

(6) On any appeal under subsection (5) above the court may make such order as it thinks fit.

(7) The court may order the appellant to pay all or any part of the costs of an appeal under subsection (5) above.

(8) Any person commits an offence who, in connection with an application under this section to be exempted from a duty to report—

(a) makes a statement which he knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or (b) produces, furnishes, signs or otherwise makes use of a document which he knows to be false or misleading in a material particular or recklessly produces, furnishes, signs or otherwise makes use of a document which is false or misleading in a material particular. PART II

(9) A person guilty of an offence under subsection (8) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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19.—(1) The Secretary of State may issue to designated reporting agencies such guidance as he considers appropriate for the purposes of the exercise of their functions under sections 17 and 18 above.

Functions of agencies: supplementary provisions.

- (2) The Secretary of State shall make such arrangements as he considers appropriate for publishing the guidance issued from time to time under subsection (1) above.
- (3) The Secretary of State may make regulations regulating the giving by designated reporting agencies to persons subject to restriction orders registered with them of notices under section 17 above imposing requirements to report to them; and it shall be the duty of every designated reporting agency to comply with the regulations.
- 20 (4) Regulations under subsection (3) above may exclude the operation of section 23 below.
 - (5) The power to make regulations under subsection (3) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 25 (6) Where any notice is given under section 17 above by an agency in accordance with regulations under subsection (3) above, the notice shall be taken to have been received by the person to whom it was addressed unless he proves that he did not receive the notice and did not know and had no reasonable cause to believe that he had been required to report to the agency.
 - (7) Where any notice is given under section 17 above by an agency in accordance with section 23 below, subsection (6) above shall apply as it applies to such a notice given in accordance with regulations under subsection (3) above.
- (8) The Secretary of State may, out of money provided by Parliament, pay to designated reporting agencies any expenses incurred by them in exercising their functions under sections 17 and 18 above.

Relevant offences outside England and Wales

20.—(1) Her Majesty may, by Order in Council, specify offences ("corresponding offences") under the law of any country outside England and Wales which appear to Her to correspond to any offence specified in the Schedule to this Act.

Restriction orders arising out of offences outside England and Wales.

(2) Upon an information being laid before a justice of the peace for any area that a person who resides or is believed to reside in that area has been convicted of a corresponding offence in a country outside England and Wales, the justice may—

	18 Football Speciators	
PART II	(a) issue a summons directed to that person requiring him to appear before a magistrates' court for that area to answer to the information; or	
Hill.	(b) subject to subsection (3) below, issue a warrant to arrest that person and bring him before a magistrates' court for that area.	5
	(3) No warrant shall be issued under subsection (2) above unless the information is in writing and substantiated on oath.	
	(4) Where a person appears or is brought before a magistrates' court in pursuance of subsection (2) above, the court, if satisfied that—	
		10
	(b) has been convicted in the country outside England and Wales of the corresponding offence,	
	may, unless it appears that the conviction is the subject of proceedings in a court of law in that country questioning the conviction, make a restriction order in relation to him.	15
	(5) No restriction order may be made under this section in relation to a person unless the court is satisfied that making such an order in relation to him would help to prevent violence or disorder at or in connection with designated football matches.	
	(6) In proceedings under subsection (4) above, the court shall have the like powers, including power to adjourn the proceedings and meanwhile to remand the defendant on bail (but not in custody), and the proceedings shall be conducted as nearly as may be in the like manner, as if the proceedings were the trial of an information for a summary offence.	20
	(7) Any person aggrieved by the decision of a magistrates' court making a restriction order under this section may appeal to the Crown Court against the decision.	25
	(8) Sections 13(3) to (6) and 14 to 19 above shall apply in relation to a person subject to a restriction order under this section as they apply in relation to a person subject to a restriction order made by a magistrates' court under section 13.	30
	(9) An Order in Council under subsection (1) above relating to any country may include provision—	
	(a) specifying the authority in that country which is to certify the conviction of a person in that country of a corresponding offence, the nature and circumstances of the offence and whether or not the conviction is the subject of proceedings in that country questioning it; and	35
	(b) prescribing the form of such certificates.	
	(10) A certificate in the form prescribed by an Order in Council under subsection (1) above shall be admissible in any proceedings under this Part of this Act as evidence of the facts stated in the certificate.	4
	(11) Any statutory instrument containing an Order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.	4

PART III

GENERAL

21.—(1) A court may not make a declaration of relevance as respects any offence unless it is satisfied that the prosecutor gave notice to the defendant, at least three days before the first day of the trial, that it was proposed to show that the offence related to football matches.

Further provision about, and appeals against, declarations of relevance.

(2) A person convicted of an offence as respects which the court makes a declaration of relevance may appeal against the making of the declaration of relevance as if the declaration were included in any sentence passed on him for the offence, and accordingly-

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- (a) in section 10(3) of the Criminal Appeal Act 1968 (appeals against sentence by Crown Court), in paragraph (c), after the subparagraph (iv) inserted by section 13(7) above there shall be inserted "or
 - (v) a declaration of relevance under the Football Spectators Act 1989;";
- (b) in section 50(1) of that Act (meaning of "sentence"), at the end there shall be inserted the words "and a declaration of relevance under the Football Spectators Act 1989"; and
- (c) in section 108(3) of the Magistrates' Courts Act 1980 (right of appeal to the Crown Court), at the end there shall be inserted the words "and also includes a declaration of relevance under the Football Spectators Act 1989."
- (3) A restriction order made upon a person's conviction of a relevant offence shall be quashed if the making of a declaration of relevance as respects that offence is reversed on appeal.
 - 22.—(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or similar officer of the body corporate, or any person purporting to act in that capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

corporate.

- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- 23.—(1) Any notice or other document required or authorised by or by Service of virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post.

(2) Any notice or other document so required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.

PART III 1978 c. 30.

- (3) For the purposes of this section, and of section 7 of the Interpretation Act 1978 in its application to this section, the proper address of a person, in the case of a secretary or clerk of a body corporate, shall be that of the registered office or principal office of that body, in the case of a partner of a firm shall be that of the principal office of the firm, and in any other case shall be the last known address of the person to be served.
- (4) This section, and the said section 7 in its application to this section, is subject to section 19(4) and (7) above.

Citation, commencement, consequential repeal and extent.

1986 c. 64.

24.—(1) This Act may be cited as the Football Spectators Act 1989.

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- (2) Sections 2 and 8 and 12 to 20 above shall come into force on such day or days as the Secretary of State appoints by order made by statutory instrument, but otherwise Part I and this Part of this Act shall come into force on its passing:
- (3) Sections 30 to 37 of the Public Order Act 1986 (which provide for exclusion orders) shall cease to have effect on the date appointed under subsection (2) above for the commencement of section 2 of this Act except for the purposes of the making under section 33 of that Act of applications after that date to terminate exclusion orders and the communication of terminating orders under section 34(2) of that Act.
 - (4) This Act extends to England and Wales only.

SCHEDULE

Sections 7(5), 12(5) and 20(1).

1986 c. 64.

RELEVANT OFFENCES

The offences relevant for the purposes of sections 7(2) and 13(1) of this Act are the following—

(a) any offence under section 2(1) or 5(6) of this Act;

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(b) any offence under section 2 of the Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol containers at sports grounds) committed by the accused at any designated football match or while entering or trying to enter the ground;

(c) any offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed during a period relevant to a designated football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;

- (d) any offence involving the use or threat of violence by the accused towards another person committed during a period relevant to a designated football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;
- (e) any offence involving the use or threat of violence towards property committed during a period relevant to a designated football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;
 - (f) any offence under section 1 of the Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol on coaches or trains to or from sporting events) committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration of relevance;
 - (g) any offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration of relevance;
 - (h) any offence involving the use or threat of violence by the accused towards another person committed while one or each of them was on a journey to or from a designated football match being an offence as respects which the court makes a declaration of relevance;
 - (i) any offence involving the use or threat of violence towards property committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration of relevance.

Football Spectators Bill [H.L.]

A

ILL

[AS AMENDED ON REPORT]

INTITULED

An Act to control the admission of spectators at designated football matches in England and Wales by means of a national membership scheme and licences to admit spectators; and to provide for the making by courts and the enforcement by designated agencies of orders imposing restrictions on persons convicted of certain offences for the purpose of preventing violence or disorder at or in connection with designated football matches played outside England and Wales,

The Lord Hesketh

Ordered to be Printed, 13th April 1989

LONDON

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£3-60 net

(403999)

HL Bill 39

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My

10 DOWNING STREET

Prime Minister

It appears that he Newcastle

supporter had been drinking in
a west that pub before contining

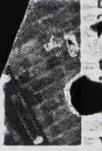
nis coach home. It is not

clear who has arraidants were

but probably were not Wimbledom

Supporters.

AT 915



boy of the British cinema, enraged 1 v clean-up campaigners with his explily homosexual film, Sebastian.

The fam - which showed St Sebastian as a rampant gay taking part in a ctring of sex orgies — caused a storm of rotest from viewers and MPs when it was screened on Channel Four.

And another Jarman film, Jubilee, was slammed for depicting Britain as a moral wasteland.

> in the shadow of Dungeness nuclear power sta-tion where he believes he has found "heaven on earth".

Since finding out he had AIDS a year ago every day had become special to him.

Jarman says he doesn't know who infected him.

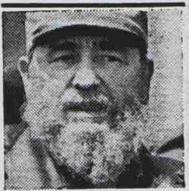
"I've no idea when the fateful night was . . . or who it was with.

"At first I reacted with anger and rage. Then I realised I had to get on with my life."

Jarman, who claims the BBC still hasn't paid him for his highly acclaimed film War Requiem, stars on Thursday in a Channel Four documentary, You Know What I Mean.

He said: "Some people may be shocked by what I say but I suppose I'm a true fatalist at heart.

"I've done everything I've ever wanted to do."



CONCERNED: Castro

A DO-IT-YOURSELF AIDS testing kit has been developed by boffins in Cuba.

They acted on orders from leader Fidel Castro who fears an epidemic as hundreds of troops who contracted the disease in Angola return home.

The kit, similar to pregnancy testing gear, reveals if people could have the AIDS-causing virus.

German scientists heard of the idea and are looking to market it.

But AIDS charity The Terence Higgins Trust warn: " A positive test can distress people so badly that they might take their own lives."

THE MAID questioned by Scotland Yard ove Anne's stolen intimate letters, once told her to f* they clashed in a blazing row.

OLD PALS: Linda and Colin, the actor who told of her bust-u

But amazingly it was ANNE, not fiery Linda apologised when their tempers cooled.

The story of the angry bust-up was told yesterday by o oldest friends, 31-year-old actor Colin Moore. He said she quit last week because she had finally had enough o

as a £96-a-week skivvy. For apart from being Anne's dresser, she was also called upon

SERVE lunch to the Queen when she suddenly arrived at Anne's Gatcombe Park home in Gloucestershire.

ACT as nanny to the Princess's young daugh-

Linda, who has bluntly denied stealing the intimate letters written to Anne by dashing equerry Tim Laurence, worked for her twice - the second time from last April.

Colin said that it was at his house-warming party in Smethwick, near Birmingham, that 30-yearold Linda boasted of the

He said: "Linda wouldn't give any secrets away, but she did say she must be the only person who told the Princess to naff off and get away with it.

"The trouble was that Linda's duties at Gatcombe were never ending ... she had to muck in with all sorts of other things, as well as being her dresser.

Clashed

"They had some sort of row and Linda just let

"But Linda said it was Anne who apologised to her afterwards, so it must have been the Princess's fault."

Colin, who met Linda at a Birmingham drama college in the late Seventies, said she had told him she liked Anne a

But she admitted that they clashed at times because they both had strong, fiery personalities.

Colin added: "Linda phoned me several times from Gatcombe for a natter.

"She told me that she said Colin, Linda ended

could identify with the Princess in many ways because they were both hard workers who would pay lip service to nobody and hated timewasters.

"Linda loved her job but she got miserable in the end because it took up all her time and she had no social life of her

He added: "I know Linda had a wonderful life with the Royals and travelled all over the world, but she did get very miserable in the end.

Miserable

" wasn't just the fact that she wasn't paid very much, because the foreign trips often meant she had a clothes allowance. It was the loss of freedom."

Then he told of the time the Linda blundered as she served the Queen — and had her in stitches.

He said: "It happened when the Queen suddenly announced she was lunching at Gatcombe and as usual they were short of staff.

"Linda ended up doing the silver service, even though she hadn't been trained.

Giggles

"Peas aren't the easiest things to serve anyway. and Linda's silver ladle sent them flying into the

"Amazingly enough, Linda said the Queen had a fit of giggles!"

On another occasion,

daughter He ex dragged 'Come ar

EXCLUSIVE by ALEXIS P

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these lo dors they wer when s Queen c they bu Queen : duced he

"The C dren can can't the Colin. a boggle World. "fluke worked

ond time He ex told me really w work for Wales.

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the job t "She for the I you get in Buck and it glamo London "But

Princess Colin told him she was Gatcomb

"That

she end

She was made to m with all sorts of th

Jarman Now Jarman lives in a wooden shack Jur uces nitted Mary, "shid they 18D really am." A little later, Tine attend a keep-fit class. Soon after She was so alarmed to find... Slim Chance

r Newsagent

MOB MURDER OF SOCCER BOY SCOTLAND Yard launched a murder hunt yesterday

after a 23-year-old soccer fan lost a week-long battle for

Newcastle United supporter Darren Heslop was savagely attacked by a mob of 50 youths after going to London to watch his team play Wimbledon last

He was mercilessly kicked and beaten by the thugs just after leaving a West End pub with three friends on his way back to the sup-

porters' coach. Darren, from Winlatan, Tyne and Wear, was rushed to University Col-

lege Hospital with a smashed skull. Surgeons fought to save him, but he died in the intensive care unit yester-

day morning. Police, who are appealing for witnesses, said there was no evidence that the killers were from

a rival football team.



VICTIM: Darren

You naughty nickers!

KISSAGRAM girl Veronica Garcia has kissed goodbye to her maid, nurse and schoolgirl uniforms. They were all pinched from her home near Bradford, Yorks - along with the Doberman dog which was supposed to be guarding them.

THE PEOPLE



urry up, Henry - they're waiting to put the private motorway in!'

HUNDREDS OF KURDS FLY IN TO CLAIM ASYLUM

'Refugees' i crisis alert

A FLOOD of 'refugees' has the plunged immigration service into crisis.

Last week 300 Kurds from Eastern Turkey arrived unexpectedly, claiming political asylum.

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sts brochure.

WUR4

PO Box 35.

AVIAN

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But with detention centres at Heathrow and Gatwick packed, many were allowed into the country on temporary Dasses.

Yesterday Anne Heaton-Armstrong of the British Refugee Council said: 'Their arrival took us completely by surprise.

They are staying in hostels, Salvation Army centres and bed and By HUGH MUIR

breakfast hotels but it's getting hopeless.'

Immigration officers fear that having entered Britain many will simply disappear, to remain as illegal aliens.

'We were reluctant to let them in but we have no choice,' a spokesman

Work

They know if they ask for asylum they won't be put back on a

The influx of 20 more Kurds each day has triggered a major political row.

On Friday, Foreign Office Minister Tim Eggar summoned Turkish ambassador Nurver Nures to demand limits on the number of Kurds seeking asylum.

He said British officials believe Kurds are looking for work rather than fleeing political persecution.

The rush for asylum began last weekend, days after Turkish media reports that Britain may soon introduce visa requirements.

Twelve million Kurds live in South East Turkey, mainly as peasants and farmers.

They and their kinfolk across the borders of Iran, Iraq and Soviet Armenia were promised their own homeland after World War I, but are now more or less turbulent minorities in larger states. Human

rights campaigners say the Turkish Kurds are subjected to indiscriminate arrest, imprisonment, torture and murder by the Government and its supporters.

For their part, Kurdish nationalists have been accused of terrorist atrocities.

Time

A spokesman for the Turkish embassy said they were 'having talks' with the British Government but believe the Kurds are not under threat and have no right to be here.

A Home Office spokesman said yesterday: They are on temporary admission and during that time their asylum applications can be con-



BEATEN: Darren Heslop

Football fan death probe

POLICE who launched a murder hunt yesterday believe that a football fan who suffered head injuries after being kicked unconscious was attacked by drunken rugby fans.

Darren Heslop, a 23-year-old Newcastle United supporter from Winlaton Mill in Tyne and Wear, died in London's University College Hospital yesterday morning with his 52-year-old mother at his bedside.

He was attacked outside a London

pub last Saturday by about 20 Rugby League fans down for the Wembley final between Wigan and St Helens.

Darren, a 6ft keep-fit enthusiast, had been drinking in the West End with fellow Newcastle fans after watching their team play at Wimbledon.

Witnesses say that the group was attacked by a gang armed with bottles and knives. Police wish to speak to other Rugby League supporters who were also in the area.

training to prepare a horse to win any major race, let alone a Classic, without a prior run.

Leaked

Jubilant Hern said afterwards: 'Nashwan is a beautiful mover and I have no doubt he will stay the Derby trip. Who can beat him at Epsom?

The bookies seem to agree for Ladbrokes now have Nashwan a 5-2 favourite for the Blue Riband with Pirate Army, who galloped well at Newmarket yesterday, at 6-1.

News of Nashwan had leaked from Hern's normally secretive stable over the last two weeks, reporting one great gallop at home and another on Newbury racecourse. The effect of these was to cause a run of public money on the winner.

Always handily placed, and never further back than



third, N early le had bee far ra who w Prince other f:

Both and Da tively 1 Jeremy Hamda giving in the our ma

The phant crescer ing. T

YESTERDAY'S

DJOHN MATTHIAS was seen at his strongest when getting Silver Fling up virtually on the line to land the Group Three Palace House Stakes at Newmarket.

DLAURIE BRANNAN was in fine form at Newmarket yesterday. He gave 2,000 Guineas winner Nashwan and also highlighted Palace House Stakes winner Silver Fling.

Good To Firm NEWMARKET

2.0: DERAB (Pat Eddery) 7-2, 1; Frescobaldo (8 Cauthen) 9-4f. 2; Royal Bequest (W R Swinburn) 6-1, dd-ht 3. Sierra Star (W Carson) 20-1, dd-ht 3. 8 ran. 1½1, 11. (J Tree, Beckhampton). Tote: £5.90; £1.90, £1.60, Royal Bequest 80p. Sierra Star £1.00. DP. £8.90. CSP. £10.97.

2.30: CASTLE CLOWN (M Roberts) 8-1, 1: Ne De Chypre (G Starkey) 11-2, 2: Aunt Mabel (M Hills) 9-1, 3, 14 ran, hd, 8i. (Lady Herries, Littlehampton), Quin-ian Terry 4-1f. Tote: £10.30: £2.80, £2.20, £4.10. DP: £33.60. CSP: £52.26. Tricast

3.0: ABLE EXPRESS (T Ives) 100-30, 1; Dukhan (M Roberts) 100-30, 2; Balla Cove (8 Cauthen) 11-4/t-f. 3, 6 ran. 244, 144; (W O'Gorman, Newmarket). Turs 11-4/t-f. Tote: £4.70; £2.30, £2.60. DP: £8.00. CSP: £14.04.

3.40: NASHWAN (W Carson) 3-1f, 1; 3.40: NASHWAN (W Carson) 3-11. 1. Exbourne (C Asmussen) 10-1. 2: Denehill (Pat Eddery) 9-1. 3. 14 ran. 11. 41. (W Hern, West Ilsley). Tote: £4.00; £2.20, £4.40, £2.70. DF: £26.20. CSF: £29.32.

4.10: SILVER FLING (J Matthias) 6-41.

1: Superpower (T Ives) 11-2 2 Access
Travel (M Roberts) 9-1, 3, 16 ran. hd. %1.

(1 Balding, Kingsclere). Tote: £2.60;
£1.50, £2.00, £2.40. DP. £6.10. CSP. £11.29.

4.40: SAFAWAN (W R Swinburn)
15-8f. 1: Wheatsheaf (W Ryan) 9-1, 2;
Sign People (T Ives) 7-1, 3, 7 ran. 294, nk.
(M Stoute, Newmarket). Tote: £2.30;
£1.60. £3.40. DP. £13.60. CSP. £12.32. Tricast £44.79. WR: Knight Of Mercy, Rule 4
applies to all bets. Deduct 20p in £.

5.10: SILCA SUPREME (C Asmussen) (R Cochrane) 11-8f, 3. 18 ran. 2l, nk. (D Elsworth, Whitsbury). Tote: £8.20; £1.80. £17.80, £1.50. DP: £269.40. CSP: £162.97. Jackpot: £21,144.30. Placepot:

2.0: 0 1: Ballet (J Willi Eastert £1.40, £ Sharp | Spring | hd (J E 11-8f. T

£11.80 3.0: 1; Ska: Blade (! Hills, ! £3.50. £98.93

3.30 1: Spa Allegeran. 1 Tote: £109.1 4.0 De Ro Quinr Lambs £2.70. £79.82 4.3 Autum Rifade (L Cu £1.60.

5.0 ter) 1 20-1, 2 Tortus (O Le £44.30 WR: 1

THIR: 2.15 1; Kun £23.18 1; Bla DF: £

MAIL ON SUNDAY



SUBJECT CC MASTER

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

9 May 1989

Dea Roge

FOOTBALL SPECTATORS BILL

The Prime Minister held a meeting with Ministerial colleagues this morning to discuss the management of the Football Spectators Bill in the light of the latest information about the timing of any recommendations that Lord Justice Taylor might make on a national football membership scheme. 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 and Mr Mundy (Cabinet Office) were also present.

I should be grateful if recipients of this letter would restrict its circulation to those officials with a strict operational need to know.

The Home Secretary said that, following the Cabinet's discussion of the handling of the Football Spectators Bill on 20 April, Lord Justice Taylor had told him that, while it should be possible to produce a short interim report before the mid-August start of the new football season to cover the question of perimeter fences and one or two important matters of police procedure, it would not be possible to give as wide-ranging an interim report as Mr Justice Popplewell had made because, unlike the Bradford fire, there was considerable disagreement over the cause of the disaster. In particular, he could not promise that any recommendations he might make on membership cards would be in time for the passage of the Bill in the current Session. Oral hearings were likely to begin in the following week and to continue until around the end of June. It would then be necessary to take written evidence. Lord Justice Taylor had received about 1,050 letters, of which more than 900 had argued that a football membership scheme would serve to increase the risks of a repetition of the sort of disaster which had occurred at the Hillsborough ground. Lord Justice Taylor felt that it would not be possible to ignore the issue; he would probably ask the Department of the Environment for a written contribution, and he would consider the available technology as well as the situation in other countries. Lord Justice Taylor did not at present feel that it would be possible to cover the question of a national

membership scheme until his final report, which he expected to submit at around the end of the year.

In discussion, the following main points were made:

- In the face of the very large number of footballrelated deaths which had occurred in recent years (a Newcastle supporter had died a few days earlier following an incident in a London pub), it would not be sustainable for the Government to postpone the Bill until the following Session. It was essential to retain a legislative vehicle to enable the Government to deal with any recommendations by Lord Justice Taylor which the Government might decide to accept. In order to make the Bill's enabling framework as flexible as possible further consideration should be given to whether any of the mandatory requirements in clause 5(2) of the Bill, relating in particular to exemptions from the national membership scheme, should be made permissive. Against that, the withdrawal of mandatory requirements which had been inserted in the House of Lords would greatly complicate the handling of the Bill.
- (b) The Government had undertaken at Report Stage in the Lords to bring forward amendments to require that the Secretary of State's approval of a draft football membership scheme should be made subject to the negative resolution procedure. It would not be possible to make this subject to the affirmative resolution procedure, since this would render the Bill hybrid, but the Government should undertake that both Houses would be given the opportunity to debate the Secretary of State's decision. It had to be recognised, however, that this would make it very difficult to implement a national membership scheme in time for the start of the 1990/91 football season in August 1990.
- As the Bill stood, the Football Membership Authority would be required to draw up a national membership scheme even if the Government were to decide, in the light of any recommendations which the Lord Justice Taylor might make, that such a scheme should not be introduced. To make the enabling character of the Bill clearer and to provide assurance that the Bill itself would not take matters beyond the point of no return, the Bill could be amended so that the Football Membership Authority would be required to prepare a scheme only if so directed by the Secretary of State. While it would not be appropriate for the Bill to require that such a direction should be the subject of approval by Parliament, it would nevertheless be helpful for the Government to undertake that Parliament would be given the opportunity to debate any such direction. Prior Parliamentary approval of his direction would

strengthen the Secretary of State's hand in pressing the Football Membership Authority to prepare a viable scheme as soon as possible.

- The football authorities, who it was presently (d) intended should be appointed to staff the Football Membership Authority, were dragging their heels over the preparations for a national football membership scheme. Following the Hillsborough disaster, there was a case for amending the Bill to provide for the establishment of a new authority, which might be known as a Football Safety Authority, which could take on responsibility not only for the preparation and oversight of a football membership scheme but also for the licensing of football grounds under the Bill. However, a change to the Bill of this magnitude would greatly complicate its handling, especially in the House of Lords: it might accordingly be better for the proposed arrangements to remain in place, with the Secretary of State retaining responsibility for the licensing of football grounds, though the Department might want to delegate negotiation and enforcement of the detailed safety measures.
- (e) The Bill would need to be amended to provide for the requirement of all-seated accommodation which the Home Secretary had announced in the House of Commons in his statement on the Hillsborough disaster. This amendment would need to be sufficiently broad to allow for the implementation of any other recommendations which Lord Justice Taylor might make on physical measures, including turnstiles and perimeter fencing. It would probably be best for this amendment to be introduced in the Commons rather than at Third Reading in the Lords.
- Opponents of the Bill would claim that the (f) Government had committed itself to the deferral of the final proceedings on the Bill until after Lord Justice Taylor had submitted any recommendations he might make on a national football membership scheme. This was not the case, however, since Ministers had been careful to say no more than that any recommendations which Lord Justice Taylor might make in his interim report could be taken into account in subsequent proceedings on the Bill. The situation had not been altered as a result of the expected delay in the submission of any recommendations which Lord Justice Taylor might make on a national membership scheme; the Bill would provide an enabling framework which would allow any such recommendations to be taken into account in the preparation of the scheme.
- (g) It would be important to counter the impression that the question whether or not to proceed with a national membership scheme was a matter for Lord

Justice Taylor: it was instead a matter for decision by the Government and by Parliament.

- (h) It would be necessary to complete Second Reading of the Bill and as much as possible of the Committee Stage in the Commons before the Summer Recess. This meant that final decisions on the handling of the Bill would be needed before the Whitsun Recess so that Third Reading in the Lords, for which two weeks' notice was required, could be completed as soon as possible thereafter.
- (i) Consideration should be given to the staging of major matches in the morning, before public houses were open, and to the closure of public houses in the vicinity of a ground during the period when spectators would be leaving the match.

The Prime Minister, summing up the discussion, said that the Government should press ahead with the Football Spectators Bill in the present Session. The Bill provided the only available means of dealing with a situation which could no longer be tolerated; if progress on the implementation of a national membership scheme were in any way delayed, then it would be clear that it was those who had obstructed the passage of the Bill who would be indirectly responsible for any future tragedies which might be associated with football matches.

As had been foreshadowed at Report Stage in the Lords, an amendment should be brought forward at Third Reading in the Lords to provide that the Secretary of State's decision to approve a draft football membership scheme should be subject to the negative resolution procedure, and the Government spokesman should undertake that time would be made available in both Houses for debating the necessary Order. An amendment should also be brought forward for Third Reading in the Lords to provide that the Football Membership Authority should draw up a scheme only if required to do so by the Secretary of State; and, while this should not be made the subject of an Order-making requirement, the Government spokesman should make clear that both Houses would be given the opportunity to debate that decision. Although the Bill would need to give greater emphasis to safety, there were difficulties in amending the Bill to establish a Football Safety Authority. The Secretary of State should retain responsibility for the licensing of football grounds, though further work was needed on the best way to carry out the licensing function. Amendments would need to be prepared, for introduction in the Commons, to provide for the requirement of all-seated accommodation to be part of the licensing arrangements to be made under the Bill, and those amendments should also enable the implementation of any recommendations which Lord Justice Taylor could be expected to make on physical matters, such as turnstiles and perimeter fences. The Secretary of State for the Environment should consult the football authorities about the all-seated requirement, and should make clear to them that the Government was determined to press ahead with the Bill in

the current Session, though he should not give any further details about the timetable for the Bill. He should also consider, taking account of the points made in discussion, whether clause 5(2) of the Bill should be amended to remove any of the mandatory requirements concerning the nature of a football membership scheme.

Third Reading in the Lords would need to be taken as soon as possible after the Whitsun Recess, so that Second Reading and as much as possible of the Committee Stage in the House of Commons could be completed before the Summer Recess. The Secretary of State for the Environment, in consultation with the Home Secretary, should accordingly report back on the preparation of the amendments which the meeting had agreed should be added to the Bill in time for final decisions on the detailed handling of the Bill to be taken before the Whitsun Recess.

I am sending copies of this letter to the Private Secretaries to the other Ministers present at the meeting and to Sir Robin Butler and Shaun Mundy.

Your someons

Andrew Turnbull

Roger Bright Esq Department of the Environment.

MJ 2200

MR TURNBULL

FOOTBALL SPECTATORS BILL

I attach a draft note of this morning's meeting, in the form of a letter for you to send to Roger Bright in Mr Ridley's office.

S S MUNDY

9 May 1989

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FOOTBALL SPECTATORS BILL

The Prime Minister held a meeting with Ministerial colleagues this morning to discuss the management of the Football Spectators Bill in the light of the latest information about the timing of any recommendations that Lord Justice Taylor might make on a national football membership scheme. 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 A J Langdon and Mr S S Mundy (Cabinet Office) were also present.

I should be grateful if recipients of this letter would restrict its circulation to those officials with a strict operational need to know.

The Home Secretary said that, following the Cabinet's discussion of the handling of the Football Spectators Bill on 20 April, Lord Justice Taylor had told him that, while it should be possible to produce a short interim report before the mid-August start of the new football season to cover the question of perimeter fences and one or two important matters of police procedure, it would not be possible to give as wide-ranging an interim report as Mr Justice Popplewell had made because, unlike the Bradford fire, there was considerable disagreement over the cause of the disaster. particular, he could not promise that any recommendations he might make on membership cards would be in time for the passage of the Bill in the current Session. Lord Justice Taylor had since told Sir Clive Whitmore that Oral hearings were likely to begin in the following week and to continue until around the end It would then be necessary to take written evidence. of June.

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Bill to provide for the establishment of a new authority, which might be known as a Football Safety Authority, which could take on responsibility both for the preparation and oversight of a football membership scheme and for the licensing of football grounds under the Bill. However, a change to the Bill of this magnitude would greatly complicate its handling, especially in the House of Lords: it would accordingly be better for the present arrangements to remain in place, with the Secretary of State retaining responsibility for the licensing of football grounds.

It had been pointed out to the Prime Minister that, as (e) the Bill stood, the Football Membership Authority would be required to draw up a national membership scheme even if the Government were to decide, in the light of any recommendations which the Lord Justice Taylor might make, enabling changed the Bill cleaner and to preside a surance that the Bill would not in any way expected that the Government would decide not to proceed with a national membership scheme, the point could readily be met by amending the Bill so that the Football Membership Authority would be required to prepare a scheme only if so directed by the Secretary of State. it would not be appropriate for the Bill to require that such a direction should be the subject of approval by Parliament, it would nevertheless be helpful for the Government to undertake that Parliament would be given the opportunity to debate any such direction. Parliamentary approval of a direction by the Secretary of State would underline to the Football Membership Authority the need for them to prepare a viable scheme at the earliest practicable opportunity.

Lord Justice Taylor had received about 1050 letters, of which more than 900 had argued that a football membership scheme would serve to increase the risks of a repetition of the sort of disaster which had occurred at the Hillsborough ground. Lord Justice Taylor felt that it would not be possible to ignore the issue; he would probably ask the Department of the Environment for a written contribution, and he would consider the availabile technology as well as the situation in other countries. Lord Justice Taylor did not at present feel that it would be possible to cover the question of a national membership scheme until his final report, which he expected to submit at around the end of the year, though it might in fact prove possible for him to be able to indicate after his interim report but before his final report what, if any, recommendations he had on the matter.

In discussion, the following main points were made.

- (a) A Newcastle United supporter had died within the previous few days after having allegedly been attacked by Wimbledon supporters following a match between the two clubs. This meant that, since the Bolton disaster in 1946, there had been 293 deaths associated with violence at, or connected with, football matches involving British clubs. This underlined the importance of pressing ahead with the Bill in the current Session so that a legislative vehicle was available to deal with any recommendations by Lord Justice Taylor which the Government might decide to accept.
- (b) In the face of the very large number of footballrelated deaths which had occurred in recent years, it would
 not be sustainable for the Government to postpone the Bill
 until the following Session. However, it was important that

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the Bill's enabling framework should be as flexible as possible so as to provide scope for taking on board any recommendations which Lord Justice Taylor might make. With this in mind, further consideration should be given to whether any of the mandatory requirements in clause 5(2) of the Bill, relating in particular to exemptions from the national membership scheme, should be made permissive. Against that, the withdrawal of mandatory requirements which had been inserted in the House of Lords would greatly complicate the handling of the Bill.

The Government had undertaken at Report Stage in the Lords to bring forward amendments to require that the Secretary of State's approval of a draft football membership scheme should be made subject to the negative resolution procedure. It would not be possible to make this subject to the affirmative resolution procedure, since this would render the Bill hybrid, but the Government should undertake that both Houses would be given the opportunity to debate the Secretary of State's decision. It had to be recognized, however, that this would make it very difficult to implement a national membership scheme in time for the start of the 1990/91 football season in August 1990.

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(d) The football authorities, whom it was presently intended should be appointed to staff the Football Membership Authority, were dragging their heels over the preparations for a national football membership scheme. Following the Hillsborough disaster, it was in any event open to question whether it remained appropriate for the football authorities to be responsible for preparing and administering the scheme. There was a case for amending the

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- (9) Opponents of the Bill would claim that the Government had committed itself to the deferral of the final proceedings on the Bill until after Lord Justice Taylor had submitted any recommendations he might make on a national football membership scheme. This was not the case, however, since Ministers had been careful to say no more than that any recommendations which Lord Justice Taylor might make in his interim report could be taken into account in subsequent proceedings on the Bill. The situation had not been altered as a result of the expected delay in the submission of any recommendations which Lord Justice might make on a national membership shceme: the Bill would provide an enabling framework which would allow any such recommendations to be taken into account in the preparation of the scheme.
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- (i) It would be necessary to complete Second Reading of the Bill and as much as possible of the Committee Stage in the Commons before the Summer Recess. This meant that final decisions on the handling of the Bill would be needed before the Whitsun Recess so that Third Reading in the Lords could be completed as soon as possible thereafter.
- (j) The Police Federation were likely to attack the concept of the national football membership scheme at their conference in the following week. It would be most unwise for them to take this line, however, especially since no details were yet available about the precise mechanics of the scheme.
- (k) The knowledge that football fans without tickets might be allowed into a ground served to encourage those without tickets to create a disturbance outside the ground in the hope that this would gain them admission to the match. It was essential to ensure that, in future, those without tickets were never allowed into a ground.
- (1) Consideration should be given to the staging of major matches in the morning, before public houses were opened, and to the closure of public houses in the vicinity of a ground during the period when spectators would be leaving the match.

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THE PRIME MINISTER, summing up the discussion, said that the Government should press ahead with the Football Spectators Bill in the present Session. The Bill provided the only available means of dealing with a situation which could no longer be tolerated; if progress on the implementation of a national

membership scheme were in any way delayed, then it would be clear that it was those who had obstructed the passage of the Bill who would be indirectly responsible for any future tragedies which might be associated with football matches. As had been foreshadowed at Report Stage in the Lords, an amendment should be brought forward at Third Reading in the Lords to provide that the Secretary of State's decision to approve a draft football membership scheme should be subject to the negative resolution procedure, and the Government spokesman should undertake that time would be made available in both Houses for debating the necessary Order. An amendment should also be brought forward for Third Reading in the Lords to provide that the Football Membership Authority should draw up a scheme only if required to do so by the Secretary of State; and, while this should not be made the subject of an Order-making requirement, the Government spokesman should make clear that both Houses would be given the opportunity to debate that decision. The Bill should not be amended to make provision for the establishment of a Football Safety Authority, and the Secretary of State should retain responsibility for the licensing of football grounds. Amendments would need to be prepared, for introduction in the Commons, to provide for the requirement of all-seated accommodation to be part of the licensing arrangements to be made under the Bill, and those amendments should also enable the implementation of any recommendations which Lord Justice Taylor could be expected to make on physical matters, such as turnstiles and perimeter The Secretary of State for the Environment should consult the football authorities about the all-seated requirement, and should make clear to them that the Government was determined to press ahead with the Bill in the current Session, though he should not give any further details about the timetable for the Bill. He should also consider, taking account

of the points made in discussion, whether clause 5(2) of the Bill should be amended to remove any of the mandatory requirements concerning the nature of a football membership scheme. Third Reading in the Lords would need to be taken as soon as possible after the Whitsun Recess, so that Second Reading and as much as possible of the Committee Stage in the House of Commons could be completed before the Summer Recess. The Secretary of State for the Environment, in consultation with the Home Secretary, should accordingly report back on the preparation of the amendments which the meeting had agreed should be added to the Bill in time for final decisions on the detailed handling of the Bill to be taken before the Whitsun Recess.

I am sending copies of this letter to the Private Secretaries to the other Ministers present at the meeting and to Sir Robin Butler and Shaun Mundy.

KALO

PRIME MINISTER

FOOTBALL SPECTATORS' BILL

The origins of this meeting lie in one held two weeks ago between the business managers and Mr. Ridley and Mr. Hurd. On hearing that Lord Justice Taylor was unlikely to be able to cover membership schemes in his interim report, Mr. Ridley drew the conclusion that the Bill, or at least Part 1, could not be proceeded with. The business managers, though recognising the difficulties, still felt it could succeed. In the light of this confusing reversal of roles, the Lord President adjourned the meeting.

The problem seems to be that Mr. Ridley believes he has given an undertaking to backbenchers that the Bill would not be proceeded with until Lord Justice Taylor had produced an interim report. And since an interim report on the issue in question will come too late, the Bill is doomed.

Mr. Ridley has gone, or believes himself to have gone, further than you did in your response to Mr. Kinnock. You said:

"A Bill completed in this session would still be able to take account of any interim recommendations by Lord Justice Taylor".

"The Bill will not pre-empt any decisions that may be made by Lord Justice Taylor".

Your argument is that the enabling/framework nature of the Bill allows changes to be made to the <u>scheme</u> even after the <u>Bill</u> has received Royal Assent; and that the House, in endorsing the Secretary of State's approval of the scheme, has an opportunity to consider whether adequate changes have been made. You also argue that keeping the Bill going provides a vehicle for acting on other recommendations, e.g., seating, that are in the interim report.

CONFIDENTIAL · M. seeling PRIME MINISTER FOOTBALL SPECTATORS BILL DECISIONS AND OBJECTIVES When the Cabinet considered the handling of the Football Spectators Bill on 20 April, following the Hillsborough disaster on 15 April, it was thought that Lord Justice Taylor was likely to produce an interim report in June or July, though the final report would not be available until the end of the year. Cabinet agreed that there was a very strong case for proceeding with the Bill in the present Session to provide the Government with a vehicle for carrying out any urgent recommendations that Lord Justice Taylor might make. 2. Lord Justice Taylor has since told the Home Secretary that, while it should be possible to produce a short interim report before the mid-August start of the new season, to cover the question of perimeter offences and one or two important matters of police procedure, it would not be possible to give as wideranging an interim report as Popplewell had because, unlike the Bradford fire, there was considerable disagreement over the cause of the disaster. In particular, he could not promise that any recommendations he might make on membership cards would be in Flag A time for the passage of the Bill in the current Session. Justice Taylor has since told the Home Secretary that he had a completely open mind on membership cards at present. Lord Justice Taylor has since told Sir Clive Whitmore that 3. he would not say publicly that his interim report was unlikely to deal with the question of the national membership scheme, and if CONFIDENTIAL

asked by the press he would say that membership cards were clearly part of his remit and that he would proceed as expeditiously as possible. However, he reiterated that it was too early to say precisely when he would be able to give his views on membership cards.

- 4. The purpose of this meeting is to consider the handling and timing of the Football Spectators Bill in the light of the probable delay in any recommendations by Lord Justice Taylor on a national membership scheme. You may wish to discuss:
 - (i) the timetable for the national membership scheme;
 - (ii) whether Ministers have given any <u>undertakings</u> which would make it politically difficult to take the Bill to Royal Assent in advance of the receipt of Lord Justice Taylor's recommendations on a national membership scheme;
 - (iii) any problems in <u>handling</u> the Bill if it were decided to try to take it to Royal Assent before the receipt of Lord Justice Taylor's recommendations on a national membership scheme;
 - (iv) what further steps should be taken to encourage <u>support</u> from <u>Government backbenchers</u> for the enactment of the Bill during the present Session;
 - (v) whether the Government <u>should proceed only with Part II</u> <u>of the Bill</u> (on restriction orders, to prevent travelling abroad) during the current Session in the event of it being decided to postpone the main provisions of the Bill to next Session;

- (vi) the Government's line on the interaction between the Taylor inquiry and the Bill;
- (vii) the <u>deadline for a final decision</u> on whether the Bill should proceed in the present Session. You may wish to ensure that Lord Justice Taylor is consulted again before that time to establish his latest forecast on the timing of any recommendations he might make on a national membership scheme.
- Part I of the Bill until next Session, the Lord President and QL would need to consider in due course whether any Bills in the provisional programme for 1989/90 would need to be deferred to make room for it. You will recall that the programme already omits some Bills, notably the Planning Bill, to which you attach considerable importance, and the postponement of the Football Spectators Bill would clearly make it more difficult to find room for them.

BACKGROUND

football match will be restricted to members of the national football membership scheme together with those who are otherwise authorised (clause 1). The Secretary of State is required to designate a Football Membership Authority (FMA) to administer the scheme (clause 3). The FMA is required, as soon as reasonably practicable after its designation, to draw up a draft scheme for approval (subject to any modification that may be agreed) by the Secretary of State (clause 4). The Government undertook at Report Stage in the Lords to bring forward amendments to require

that the scheme should be subject to the approval of both Houses of Parliament. Persons convicted of football-related offences will be disqualified from membership of the scheme for a specified period (clause 7). Grounds at which designated football matches are played are required to be licensed by the Secretary of State or by a person appointed by the Secretary of State for this purpose (clauses 8-11).

- 7. Part II of the Bill empowers the courts to make <u>restriction</u> orders in respect of persons convicted of football-related offences (clause 13). Persons who are subject to such orders will be required to <u>report to a reporting agency during the period of overseas football matches</u> designated by the Secretary of State.
- 8. As you noted at your meeting on 20 April, a <u>formal</u>

 <u>Instruction</u> would need to be moved at some point after Second

 Reading to <u>enable a power to be added to the Bill to allow the requirement of all-seated accommodation</u> to be part of the licensing arrangements to be made under the Bill.

MAIN ISSUES

- (i) Timetable for the national membership scheme
- 9. It is now clear that the timing of the introduction of a national membership scheme will depend on the timing of any recommendations which Lord Justice Taylor might make about card entry systems. We understand that the football authorities are claiming that it could take around 16 months from the approval of a scheme before it could come into operation in order to allow time for the tendering procedures and for the installation of the necessary equipment, though DOE officials believe that this

period can be reduced to about 10 months. However, even the shorter period would cast considerable doubt on whether the scheme could come into operation at the beginning of the 1990-91 football season. It would suggest instead that, assuming that, say, Lord Justice Taylor were to submit any recommendations in January and the scheme were to be drawn up and approved by Parliament by March, introduction of the scheme in January or February 1991 would be a more realistic target.

- implementation of a national membership scheme until after a possible General Election in 1991. The likelihood of this would increase if the Bill were to be postponed until next Session. You may wish to seek the views of the Environment Secretary and the Minister for Sport on the scope for reducing the period between approval of the scheme and implementation below the period of 10 months which DOE officials are apparently presently urging on the football authorities.
- (ii) <u>Ministerial statements on interaction between the Taylor</u>
 Inquiry and the Bill
- 11. Attached are copies of the main comments which Ministers have made in Parliament about the interaction between the Bill and Lord Justice Taylor's inquiry. At Prime Minister's Questions on 20 April, you stressed the enabling nature of the Bill and pointed out that it would be possible to take account of anything which Lord Justice Taylor might propose because the Bill itself does not provide a national membership scheme but instead sets out an enabling framework for establishing such a scheme. In Business Questions on 20 April, the Lord President said that

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"It is clear that, during the course of this Session, there

is time to make progress on the Bill, and not to finalise it until we have had time to consider what it is hoped will be important recommendations."

In the second half of this sentence, the Lord President was clearly referring to the finalization of the scheme rather than the Bill.

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- 12. You may feel that there is nothing in the attached statements that would preclude the Government from proceeding with the Bill in the current Session, on the footing that Parliament would be given the opportunity to debate the scheme made under the Bill. Notwithstanding what Ministers have actually said, however, some Government backbenchers are said to be under the impression that the Bill will not be taken to Royal Assent until after the receipt of Lord Justice Taylor's recommendations on a national membership scheme. You will wish to probe this point with the Environment Secretary and with other Ministers present.
- You may also wish to ask the Chief Whip for his assessment of the Bill's handling in the present Session once it became known that Lord Justice Taylor's comments on a national membership scheme were not likely to be received in time for the debates on the

Bill.

- (iv) <u>Further steps to secure support from Government backbenchers</u> for enacting the Bill during the present Session
- 13. You may wish to consider what <u>further steps should be taken</u> to persuade Government backbenchers of the importance of proceeding with the Bill in the current Session. The Government

has already stressed that the Bill is an <u>enabling framework</u> for a scheme that requires Parliamentary approval. It may well be necessary now to undertake that the <u>scheme would not be finalised until after Lord Justice Taylor had submitted any recommendations concerning a national membership scheme, and that <u>Parliament will</u> undoubtedly be given the opportunity to <u>debate</u> the scheme. The Lord Privy Seal may have views whether that promise should apply to the <u>Lords</u> as well as the Commons. You may also wish to ask the Environment Secretary and the Minister for Sport whether there are <u>any other initiatives which could usefully be taken</u>.</u>

- (v) Whether to proceed with Part II if the main provisions of the Bill were deferred until next Session
- 14. If, in the event, it were decided to defer Part I of the Bill until after Lord Justice Taylor had reported, there might be a case for proceeding with Part II alone. This would enable the arrangements under which convicted football hooligans would be required to report to the police during the period of designated overseas matches to be in place by the time of the World Cup in Italy in June 1990. (These arrangements would, of course, have limited effect at first because they would apply only to those convicted after the Bill has come into force.) But postponement of Part 1 to next session would spread football legislation over two sessions.
- (vi) Government line on the interaction between the Taylor inquiry and the Bill
- 15. For the present, there seems no need to change the current Government line, which is that it is right to allow a period of reflection but that there is a very strong case for proceeding with the Bill in the current Session.

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16. Critics of a national membership scheme might object that, as the Bill stands, the designated authority is required to draw up a scheme, and it might be left in the position of doing so even if the Government had decided not to proceed with it.

Mr Turnbull has already asked DOE to consider a suitable amendment to the Bill, for example to provide that the authorities should draw up a scheme only if required to do so by the Secretary of State. A possible alternative would be to undertake that the relevant provisions of the Bill would not be brought into force until after Lord Justice Taylor has submitted any recommendations that he might have on a national membership scheme.

17. You may also wish to consider what the Government should say if asked whether it would proceed with a national membership scheme if Lord Justice Taylor were to recommend against it. The Minister for Sport's office have suggested the following line:

The Government would have to give very great weight to Lord Justice Taylor's views although it would need to study carefully why he had taken a different view from Mr Justice Popplewell. It would then be for the Government and Parliament to decide.

However, you may feel that it would be <u>less provocative</u> simply to say that the Government would <u>naturally give very careful</u> <u>consideration to any recommendations</u> which Lord Justice Taylor might make.

(vii) <u>Timing of Final Decisions on the Handling of the Bill</u>
18. The Bill is currently awaiting its Third Reading in the
Lords. I understand that the Lord President and the Chief Whip

are likely to say that, unless some accommodation can be reached with the Bill's critics, it would be necessary for the Bill to complete its Second Reading in the Commons and probably at least part of its Committee Stage, before the Summer Recess in order to allow sufficient time for its remaining stages to be completed in the overspill. This suggests that, while the present meeting does not need to reach final decisions on whether or not to proceed with the Bill in the current Session, a final decision would be needed around the beginning of June in order to allow the Bill to make sufficient progress before the Summer Recess. However, you will wish to check this with the Business Managers.

HANDLING

19. You may wish to open the meeting by asking the HOME SECRETARY to report on what Lord Justice Taylor has told him about the timing, and possible content, of any recommendations he might make on a national membership scheme. You may then wish to go through the issues in the order set out in this brief.

Paj LANGDON

8 May 1989





5 May 1989

FOOTBALL MEMBERSHIP SCHEME - MEETING ON 9 MAY

You are meeting colleagues to discuss the way forward on the football Bill in the light of Lord Justice Taylor's enquiry into the Hilkborough disaster. Attached for background is a note on what Mr Justice Popplewell said about football membership schemes.

Background

It was agreed at your meeting on 20 April that Royal Assent in July was no longer attainable. That meeting agreed that the Bill would need to be completed during the Autumn in the overspill, with Royal assent in, say, October. The assumption was that Lord Justice Taylor's interim report would have appeared by then, and would have addressed the proposed membership scheme.

Since then Lord Justice Taylor has made it clear that while he expects to produce an interim report in July, it is unlikely this will cover the question of a national membership scheme. That will be addressed in his final report due in December.

Timetable

There are three strands to the timetable issue:

- (i) the timetable for the passage of the Bill to Royal Assent;
- (ii) the timetable for Lord Justice Taylor's interim and final reports;
- (iii) the timetable for getting the membership scheme up and running.

Prior to Hillsborough, the timetable for getting a national membership scheme up and running was:

(1)	Royal Assent	July 1989
(2)	Agreement on details of scheme (between football and DOE officials)	July 1989
(3)	Selection of suppliers (by football authorities)	August 1989
(4)	Scheme up and running	April-May 1990

It is the third and fourth elements of this timetable which depend crucially on the Taylor recommendations. These are, for example, likely to include a proposal for many more turnstiles. This in turn will affect the design and cost of a membership scheme.

It would not be sensible for the football authorities to select their suppliers before we know what Lord Justice Taylor is going to recommend. Nor would it be consistent with what John Wakeham has told the House:

'The Bill is an enabling framework. The Government has already given a full commitment not to implement the Membership Scheme within that framework until arrangements have satisfactorily been worked out. That commitment still stands and obviously now embraces the lessons to be learned from this event.'

If Lord Justice Taylor's interim report does not cover the national membership scheme, the selection of suppliers will be put back to January/February 1990 at the earliest. It could be summer/autumn 1990 before the scheme is in place.



Options

There are:

- (1) To have another go at persuading Lord Justice Taylor to cover the national membership scheme in his interim report. Douglas Hurd can advise on the chances of this succeeding. It would be the best solution from the Government's point of view
- (2) Fo press ahead anyway to Royal Assent in October, while making it clear that the timetable for practical implementation will be held up pending Taylor. This would require continued emphasis on the framework nature of the Bill. It would be a high risk course given the present climate in the House. By the autumn, when the Bill would be in Committee, the interim report would have appeared and any silence on the national membership scheme would be known.
- (3) To drop further consideration of all, or Part I, of the Bill, pending Lord Justice Taylor's final report in December. The Bill would be lost, and would have to be reintroduced in January. The delay in implementing any measures to combat football hooliganism could then be considerable.

Conclusion and recommendation

Unless Douglas Hurd is sanguine about persuading Lord Justice Taylor, Option (2) seems the best course in the circumstances. It will not be easy.

One pitfall to avoid is giving the impression that the Bill, once law, will be a framework for implementing anything relating to the membership scheme which Lord Justice Taylor recommends. This is because elements of the scheme will be set out in primary legislation (partly as a reesult of pressure in the Lords during the passage of the Bill). If Lord Justice Taylor recommends something quite at odds with what is set out in the Bill, it may not be possible to take account of this in the Scheme which is subsequently submitted for the Secretary of State's approval.

If course (2) is chosen, the public line for presentation would be:

- The Government has already said that the Bill will not pre-empt any decisions reached by Lord Justice Taylor.
- This means that the Government would not expect the football authorities to take key practical decisions to implement the scheme until Lord Justice Taylor's recommendations are known.
- Meanwhile the Government thinks it is right to proceed with the Bill which will be a framework for implementing arrangements at home and abroad to combat violence associated with football matches. Hillsborough does nothing to reduce the urgent need for this.
- The House will have an opportunity to debate the details of the scheme when it confirms the Secretary of State's approval. This will not happen until after Lord Justice Taylor has reported.

CAROLYN SINCLAIR

ANNEX A

POPPLEWELL REPORT

Mr Justice Popplewell's interim report recommended that:

"Urgent consideration should be given to introducing a membership scheme in England and Wales so as to exclude visiting fans."

His final report recommended that:

"Consideration should be given to some form of membership scheme for Football League clubs in England and Wales".

The difference between the two recommendations lies not just in the <u>type</u> of membership scheme (the first being a universal Luton-type scheme, the second being compatible with partial membership schemes) suggests a slight doubt in Mr Justice Popplewell's mind as to whethr membership schemes are the answer to football hooliganism. This is best gauged by reading the relevant argumentation in the interim and final reports - see Appendix 1 and 2.

But not withstanding this slight shift of emphasis, Mr Justice Popplewell's still concluded that consideration should continue to be given to some form of membership scheme. Since then, partial membership schemes have not been successful, and the "other promising schemes" which he hoped might emerge have not materialised. Football violence has continued.

to spend so much money and time in controlling it, or why the damage to property and life and limb should be allowed to continue.

- 6.35. In Europe, the problem has been solved by banning English supporters. The time has not yet come in Great Britain when it would be right to say that if football continues to attract violence then football must cease. But given that it is not possible to control determined violence without injury and damage, even when all precautions have been taken, other steps must now be taken to prevent the situation continuing.
- 6.36 If it be a correct analysis that substantial violence at football matches arises by reason of the confrontation of rival fans, then one solution would be to ensure that rival fans were not present at the same game. Attempts have already been made to prevent this by having all-ticket matches. This is done by various means, either by selling the tickets during the week (which opposing fans cannot readily buy), by having vouchers in programmes, and by other means. It may also be decided to play a game early in the day to discourage rival fans from travelling. All-ticket games in Scotland are used not to prevent visiting fans getting into the ground, but solely to control numbers.
- 6.37 Unfortunately while these attempts have in some cases been successful they have not been universally so. Thus, while it may be possible to prevent Chelsea fans from getting tickets at Newcastle, it is not possible to prevent Everton fans getting tickets at Liverpool, or Newport at Cardiff, or Arsenal at Tottenham. Likewise, starting a game at 11 am, while sometimes successful, has on occasion resulted in fans arriving overnight with nowhere to go and nothing to do, save to drink, with chaos and violence ensuing in that particular town.
- 6.38 There has been an additional problem, which is that even when it has been announced that a game is all-ticket, fans have arrived without tickets at a ground and demanded entrance. For reasons of security, the police would rather have the fans inside the ground and accordingly they have been let in. This has become such common knowledge that all-ticket games are not regarded now as being the complete solution to the problem.
- 6.39 However, all-ticket games are, in England and Wales, one of the ways to try to ensure that only home supporters are admitted to the ground. Chelsea contemplated introducing a sophisticated scheme, with the use of computers, for membership of its ground. Membership would have entitled a fan to sit in the best parts of the ground. It was not, however, intended to exclude other fans, who would have been admitted only to less favourable parts of the ground.
- 6.40 It was, however, a limited type of membership scheme. Going one step further, there is no reason why each club should not introduce a system, so as to ensure that only their own supporters are able to visit their own club.
- 6.41 Quite clearly, nothing of that sort could possibly be introduced in the immediate future at all 92 League clubs. However, it seems to me that membership of a club, and of that club only, as the condition of entry may go someway to reducing the level and quantity of violence at a football ground. One suggestion made is that each club should be a registered membership and that admittance to the ground would be forbidden to non members. If the only people allowed into the ground of club A had to be registered members of club A, there is evidence that the amount of violence at club A is likely to be reduced. That scheme envisages no visiting fans at all and membership restricted to one club.
- 6.42 It has, of course, obvious disadvantages for the club. Firstly all gates are made up to some extent of visiting supporters; numbers vary from match to match and club to club, but on average they amount to some 10 per cent of the gate. Most clubs, I suspect, would be willing to lose the revenue from that 10 per cent if they could have a violence-free game.
- 6.43 Membership of a club will also effectively prevent the man or woman who on the spur of the moment wishes to go along to a match, the "casual" visitor from so doing. That, in my view, is a price which the public and the club have to pay to try and reduce football violence. It will also prevent a fan from belonging to more than one club.
- 6.44 Alternatively, if club A were willing, when playing club B, to allow registered members of club B to enter the ground that would be up to club A, but it would force club B to take responsibility for their members and ensure that those to whom they issued membership cards were responsible.

- 6.45 At the present time the visiting club has no knowledge of the so called supporters, or control over them, and quite rightly disclaims responsibility. If a club is to be made responsible for its members it must take steps to ensure that it knows who they are and that they are people whom they are prepared to have in their ground.
- 6.46 Then, it is pointed out, that it may be an interference with the liberty of the subject to have to have some form of membership or identity card with a photograph. But nobody objects if they have to show a season ticket on the railway or have their photograph on a rail-card. Clubs already have season ticket holders—a number have supporters' clubs which, in some cases, is a form of membership. It is an everyday occurrence to prove identity in some form, either at work, to obtain credit, or in the use of a motor vehicle. No doubt there will be difficulties at the turnstiles, if someone is challenged. There is, as always, room for abuse, each club will have to be alert to ensure that a particular fan does not join more than one club. Additionally, there will be problems which arise when a non-League club plays a League club in a cup game. Thus it may be necessary for non-league clubs to have membership cards.
- 6.47 But these are problems which can, with goodwill and effort, be overcome. Unless urgent steps are taken to produce some more efficient method of excluding hooligans, football may not be able to continue in its present form much longer.
- 6.48 The English and Scottish football authorities are against the introduction of a membership scheme, although the Football League in England has set up a working party to examine the problem. I am aware of the difficulties. It may be that straightforward membership of one club is not the only answer to the problem. But that is the easiest to administer and it is simple. Experience will no doubt show what in practice is the best scheme to retain the desirable supporters and exclude the undesirable. I therefore recommend that urgent consideration be given by football clubs in England and Wales to introducing a membership system so as to exclude visiting fans. Such a scheme does not appear on the evidence so far before me to be necessary in Scotland.
- 6.49 I do not pretend that this is the perfect solution, because home fans can be troublesome (as they were as Birmingham) and decent fans may be kept away. Nor can I guarantee that it will cure football hooliganism. It is not, however, possible for the present situation any longer to continue.
- 6.50 For some reason crowd control does not appear to be such a serious problem with other forms of sport in this country. That is not to say that there are not unhappy signs in other sports of too much drink being consumed, rowdiness, unpleasant racial overtones and a degree of violence. It is not necessary yet to recommend the application of a membership rule to other sports but the matter should be kept under review.

Identification

- 6.51 The third way in which the problem of football hooliganism can be dealt with is by identifying the hooligans in the ground when they behave like hooligans. At some grounds I have visited, because a local police force is involved, the same officers are able to be present at the ground at each home fixture, they regularly go to the same part of the ground and they are able to identify the trouble makers. However, at a ground like Chelsea, because a large number of officers are drawn from a wide area of the Metropolis, this is not possible.
- 6.52 Closed-circuit television of one sort or another has been introduced at a number of grounds and it is clear that it has two very great advantages. Firstly, it may deter a hooligan to know that his acts are being recorded and secondly, it enables the police, even when a game is over and an arrest has not immediately been made, subsequently to identify a hooligan, to charge him and to prove to the magistrates, by clear evidence, the identity of the hooligan.
- 6.53 The introduction of closed-circuit television cameras at grounds will, in my view, have a marked effect on the incidence of hooliganism and the apprehension of offenders. One of the difficulties the police have in identification and apprehension is that they may be too busy defending themselves or preventing rival fans from attacking each other so that they do not have the time or the ability to pick out an offender. Nor are they able, subsequently in court, to give a clear picture of what happened. This the camera does in the most graphic way.
- 6.54 I therefore recommend the introduction of closed-circuit television at League football grounds. It may well be that because of cost and location this should only apply in the 1st and 2nd Divisions in England

4.101 The Football Trust has made a substantial contribution towards the purchase of this equipment as they and the Football Grounds Improvement Trust have done in respect of other facilities at football grounds. This is much to be commended and they play a very important part in ensuring the welfare of the game.

(vii) Radios

- 4.102 I had occasion in my Interim Report, to make some observations about the way that the police radios had operated at Bradford (paragraphs 3.27–3.33). I recommended that early attention should be given by the Home Office Directorate of Telecommunications to consider the practicality of producing a more suitable personal radio for the police.¹
- 4.103 Subsequently, at one ground I went to I was able to observe the relative efficiency of the police radio operated by a police officer and a commercial type of radio of similar construction and appearance, operated by a steward employed by the club. Messages from both were received in the police control room situated in the ground, by an experienced controller. The reception from the steward's commercial radio was markedly better than from the police radio.
- 4.104 One police force expressed confidence in their equipment. They had been able to purchase their equipment on the commercial market and had found no operational difficulty in its use. However, I observed at one ground a Police Sergeant being asked by a Chief Superintendent to send a message on his police radio. He was unable to do so, to general embarrassment, apparently due to the batteries having worn out. The point has also been made by the Fire Brigades' Union that their radios are not as good as they would like because the batteries, if used for any length of time, tend to wear out. I see no reason, therefore, to alter my view that the quality of both the police and the fire service radios (though each are different) still needs to be reviewed and the importance of regular maintenance emphasised. I am pleased to learn that a detailed study is being commissioned by the Home Office Directorate of Telecommunications into the problem of personal radios.

(viii) Police Manpower

- 4.105 In my Interim Report (paragraphs 6.9 and 6.10) I drew attention to the large number of police officers it is necessary to deploy for the purpose of controlling crowds at a football match. It is a matter of some concern that such a large proportion of police resources should be devoted to the task of controlling a football crowd, when there are so many other aspects of law and order to which they ought to be devoting their time. The police are the first to recognise this.
- 4.106 At a recent Millwall/Portsmouth match over 500 police officers were required to be deployed in and outside the ground (and properly so required) to control a crowd of under 7,000 spectators. Any steps which can be taken to reduce the necessity for a police presence at a football ground are to be encouraged. A successful membership scheme may well have this effect.

B. The Clubs

(i) Membership Cards and the Football League Scheme

- 4.107 I recommended in my Interim Report that urgent consideration be given by football clubs in England and Wales to introducing a membership system.² No other Recommendation has given rise to such discussion or indeed criticism. There were three criticisms of the idea of a membership system. Firstly, that I was advocating an identity card system. I was not, nor did I so suggest in my Report. Secondly, that a membership pass was the equivalent of an identity card. It is not any more than a driving licence, work pass, season ticket, credit card, bus pass, library ticket or the many thousands of membership cards of different clubs, both football and others, which presently exist. Thirdly, there was the suggestion that to require a card or pass at a football ground was interfering in some way with the liberty of the subject. This I have to say is simply emotional nonsense.
- 4.108 There are, however, two much more serious objections which have real validity. Firstly, that any system of membership cards is likely to prove impractical at the turnstiles because there would not be enough time to check the card presented, given the tendency of football spectators to arrive at the very last moment.

¹Interim Report: Recommendation 3.

²Interim Report: Recommendation 20.

4.109 The figures for Tottenham Hotspur Football Club, for instance, support this objection. On 17 August 1985 when they played Watford, the final attendance figure was 29,884. At 2.45 pm there were 19,217 in the ground, at 3 pm there were 27,785. The figures for Liverpool this season for five games show that on average only 65 per cent of total attendance were in the ground 15 minutes before kick-off and 92 per cent at kick-off. Thus, on average, some 9,000 spectators were still trying to get into the ground 15 minutes before kick-off and 2,500 were still outside when play began.

4.110 The second objection is that it would prevent a casual spectator, who wanted to go and visit his own club on occasions, from so doing; and also that the spectator, who supported a number of clubs would be prevented from attending matches. It was also pointed out that if away supporters were banned some clubs would lose large revenues. In the lower Divisions, except for local derbies, away fans are only a small proportion of the crowd, but in the First and Second Divisions they may be very substantial.

4.111 These were, and still remain, very strong arguments, more particularly as they come from a large number of the more responsible and reputable clubs. They have been repeated many times to me, both orally and in writing, since my Interim Report. On the other hand, the Football Association, the Football League, the Professional Footballers' Association and the Sports Council all favour some form of membership scheme. So too do many supporters' clubs, and a number of clubs who are introducing their own scheme. A partial membership scheme has much to commend it and, in fact, exists at many clubs already.

4.112 A number of matches this season have shown that the casual supporter cannot, in fact, just go to any game as he pleases. One example is what happened in the Watford versus Chelsea game in September. It was played at 12 noon. It was all-ticket. I wanted to go on to the terraces. As a Watford supporter I needed to be in possession of a voucher from a previous programme. As a Chelsea supporter I needed to be a member of the Supporters' Club and to go and get a ticket from Chelsea during the week. Watford, in fact, held 1,000 tickets for Chelsea supporters available at the ground on the day, though this was not made public. Thus, if on the Saturday morning I had as a casual decided I would like to go to the game, I would not have got in and thus I was no better off than I would have been under a membership scheme.

4.113 All-ticket games in England and Wales involve a severe limitation of those who can attend. A number of big games are all-ticket. The usual method of distribution of the tickets to the away team is to channel them to members of their supporters' club or to season ticket holders. In those cases it is clear that the casual supporter will not get a ticket. This year all Leeds United matches, when they play away from home, have been designated by the Football Association to be all-ticket games; thus the casual supporter of Leeds United is unlikely to be able to get a ticket to see his team when they are playing away.

4.114 The system which Leeds United has adopted is to allocate their away tickets first to season ticket holders and shareholders: the remainder are distributed to the Supporters' Club. I was told that to be a member of Leeds United Supporters' Club you need to be proposed, interviewed and approved by a particular branch. Unless you are so approved you cannot join the Club; at some branches unless you are personally known you will not be approved; if you cannot join the Club you cannot get into an away match. It appears to be a membership scheme with very strict membership control. However, the alleged misbehaviour of Leeds United fans at a recent match has caused the FA temporarily to ban all Leeds United supporters at away games.

4.115 The Football League have set up a working party to consider the whole question of membership cards. This reported on 9 September 1985. Because of its importance, it is worth setting out some of the details of that Report.

"14. Many football clubs have in recent years carefully considered how to attract desirable groups of spectators, such as families and children, to attend their matches . . .

15. To this end accommodation has been set aside for these groups, and often admission to them is controlled by the use of membership cards . . .

16. In addition numerous clubs have established supporters' membership schemes, open to individuals of good character who are not eligible for membership of family or children's schemes and for season ticket holders.

17. Safety of Sports Grounds Act regulations lay down strict guidelines for segregation of rival supporters, and these structures greatly facilitate the creation of reserved areas for members of particular schemes.

- 4.124 The Football Trust and the Department of the Environment recently commissioned the Sociology Department at the University of Leicester (who are very experienced in investigation of football problems) to examine and report on Leicester City's membership scheme.
- 4.125 The Leicester sociologists conclude that the most practical strategy would be to encourage the coordinated introduction of club-based schemes. "Such an approach", they say, "would enable each club to become familiar with the operation of its own scheme and, following that, it might be possible to establish and to monitor a pilot project involving reciprocal arrangements."
- 4.126 In my Interim Report I set out the various problems of a membership scheme and said that despite the problems, these could be overcome with goodwill and effort. I did not pretend that any membership scheme would necessarily be successful, or that I could guarantee that it would cure football hooliganism. I suggested that clubs could keep away fans away if they were so minded. I did not then recommend this as the only scheme, nor do I do so now. It is to be hoped that a partial membership scheme which still allows casuals to enter the ground will be the first step in trying to secure greater peace and harmony at a football match. In the end, it must be for the football clubs to take whatever steps they think necessary to ensure crowd control at football matches. Membership schemes are one, but certainly not the only step. The Football League have taken an important step in this direction and their efforts are much to be commended.
- 4.127 Clubs in the Football League have reacted to the Football League's proposal with varying degrees of enthusiasm ranging from downright opposition to warm acceptance. Given the history of the Football League clubs no one should be surprised that there is no agreement on this suggestion anymore than on any other suggestion.
- 4.128 The fact that this season, as I write, trouble on the terraces has been appreciably less than last season, is no ground for complacency. I recognise that the great majority of football matches are trouble-free, but any practical step which can be taken to lessen the risk is to be applauded. The Working Party's Report is but a first step. So too are the experiments which I have recorded. No doubt there are other promising schemes elsewhere. It will have to be seen how successful they are and adjusted in the light of experience. For my part, I recommend that consideration should continue to be given to some form of membership scheme for Football League clubs in England and Wales.

(ii) Stewards

4.129 I have already expressed my view about the responsibility of the clubs, as private organisations inviting spectators into their grounds for profit, to bear the responsibility for ensuring the reasonable safety of those spectators. To that end, I have already recommended that stewards should be properly selected and properly trained. The days when all they are required to do is to act like an usherette at a cinema to show people to their seats should have gone. They have a very important public responsibility to ensure the safety of the spectators, as do the cabin staff of an aeroplane. I have been impressed at a number of grounds which I have visited, by the steps which have now been taken (albeit belatedly) to ensure that there are competent stewards who are properly briefed. No doubt the presence of a large number of police, which is now the accepted practice on a ground, had led some clubs to be less energetic than they otherwise would be in looking after their own property and the safety of spectators.

(iii) Community Affairs

4.130 Clubs like Aberdeen and Watford (no doubt there are other shining examples) have involved themselves in community affairs. They have provided a place were families and children can attend. They have encouraged a relationship between the club and the local community which can only result in greater harmony at the ground. The current financial problems affecting a number of clubs will no doubt result in a rethink as to whether a football ground, often used only for football once a fortnight, is being put to its best practical use. Some 40 hours use in a year scarcely seems an economic use of an expensive ground. On the Continent, the sharing of grounds and their facilities, not only for spectators and players, but for members of the public, has much to commend it. This, of course, cannot happen overnight. A number of forward looking clubs already involve the community. Many do not and there can be no doubt that it is to everyone's advantage that they should.

(iv) Behaviour Of Players

4.131 The behaviour of some players on the field of play undoubtedly contributes on occasion to bad behaviour on the terraces. This is not confined to football. Indeed some of the antics of cricketers and



DEPARTMENT OF THE ENVIRONMENT

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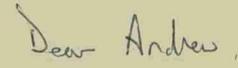
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Your ref

My ref



- 3 MAY 1989



FOOTBALL SPECTATORS BILL

I am sorry not to have replied earlier to your letter of 21 April asking advice in case the Prime Minister was asked about the possibility that Lord Justice Taylor might take a different view on membership cards from Mr Justice Popplewell. I have also received a letter from Nick Gibbons in the Lord Privy Seal's office on the same subject. We have since agreed the line that "the Government would have to give very great weight to Lord Justice Taylor's views though it would need to study carefully why he had taken a different view from Mr Justice Popplewell. It would then be for Government and Parliament to decide."

You will also have seen the letter of 26 April from Colin Walters in the Home Secretary's office to Alan Ring in my Secretary of State's office, from which it seems that Lord Justice Taylor may not comment on the guestion of the National Membership Scheme, or other legislative issues, until his final report at the end of the year. Ministers will clearly need to consider the serious implications of this for the Football Spectators Bill.

It would be possible to amend the Bill, as you suggested in your letter, to provide that the Football Membership Authority would only prepare a scheme, "if so directed by the Secretary of State", though, of course, the implication would be that there could be a significant delay in both the preparation and the implementation of the scheme. We might also need to consider the possibility of another amendment to ensure that the scheme to be drawn up within the framework imposed by the Bill could be made subject to any relevant conditions received by Lord Justice Taylor. Both courses of action pose serious problems.

I am copying this letter to Colin Walters (Home Office), Steven Catling (Lord President's Office), Nick Gibbons (Lord Privy Seal's Office) and Murdo Maclean (Chief Whip's Office).

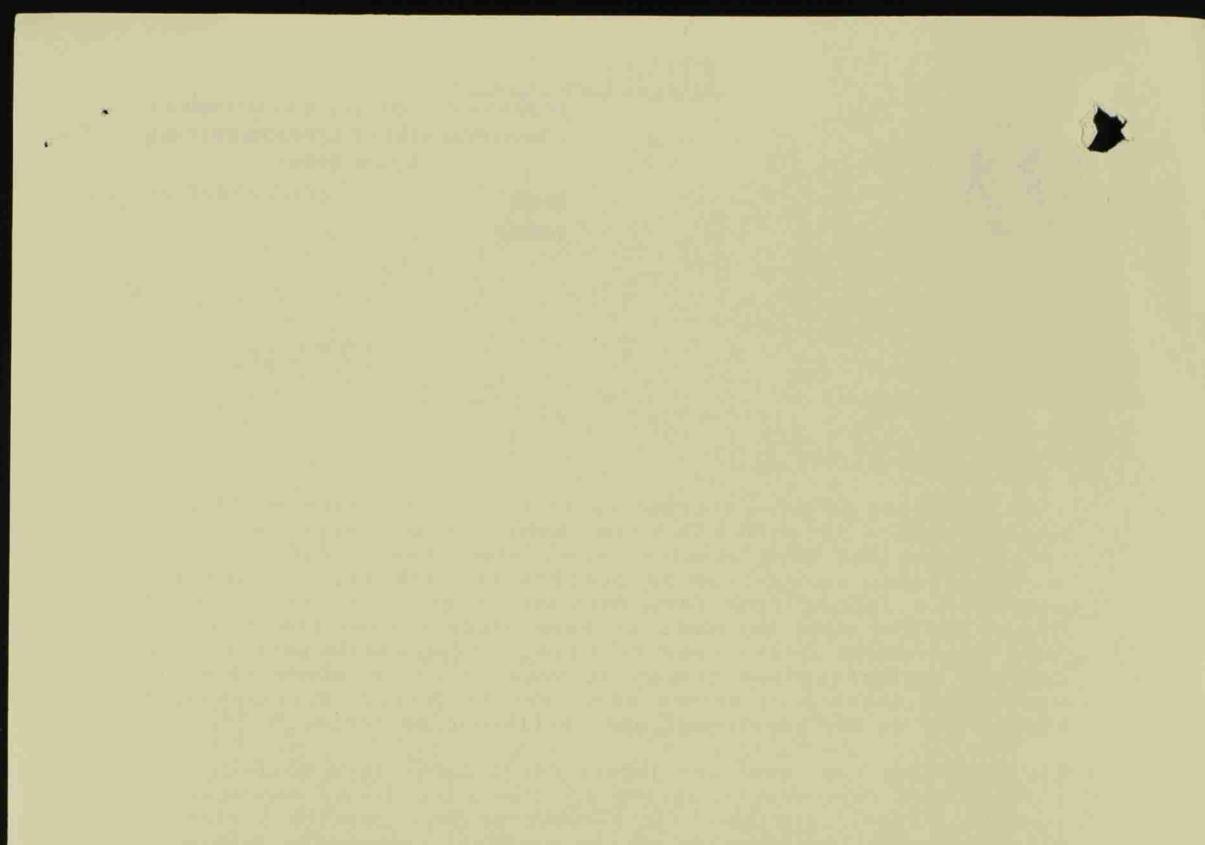
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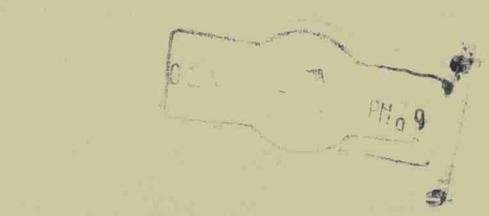
PHILIP STAMP Private Secretary

Andrew Turnbull Esq









10 DOWNING STREET LONDON SW1A 2AA 2 May 1989 From the Private Secretary FOOTBALL SPECTATORS BILL Further to my telephone call last week I am writing to confirm that the meeting on the Football Spectators Bill has been arranged for 2.30 pm on Monday, 8 May. I am copying this letter to the diary secretaries to the Chief Whip, the Lord Privy Seal, the Home Secretary, the Secretary of State for the Environment, Mr. Moynihan, Richard Wilson (Cabinet Office) and Miss Sinclair (Policy Unit). MRS. AMANDA PONSONBY Miss Dawn Gibson, Lord President's Office

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PRIME MINISTER

HEYSEL JUDGMENT

As you know judgement was passed today on 24 Liverpool supporters. 10 were acquitted as the case against them was not proven. The full text of the judgment is available on Tuesday.

three-year custodial sentences. In each case half of the sentence was suspended for five years (i.e. if re-arrested within five years they would be obliged to serve that remaining part of their sentence). In addition they were fined about £900, payable to the Belgian National Victims Fund (this fund is not related to Heysel). If they do not pay this they are liable to an additional three-month sentence. All but one of the convicted supporters forfeited their £2000 bail. All face heavy civil damages (though it is not clear how they will pay) as does an Inspector of the Belgian gendarmerie and a Belgian football official who also received suspended sentences.

None of the convicted supporters was today committed for arrest and all have since returned to England. There is now a 15-day period during which either side can appeal against today's judgment. At the end of that time the public prosecutor can issue the equivalent of a warrant "requesting" their return to serve their sentences. It is not clear precisely how this mechanism will work. The prosecutor merely said darkly that "if they refused it may be necessary to bring them back". The prosecutor refused to say whether he would seek the return and arrest of the convicted supporters. The amount of time that they have already spent in prison (6-8 months) will no doubt weigh with him in reaching a decision.

Two cases were not dealt with today. That of who is currently in jail here on other charges. The question of his extradition remains to be considered when he is released in

June. The other is against whom the Belgian charges remain outstanding. He was in jail here, on charges of assault and burglary, when the Heysel trial began, though he has since finished his sentence.

So far as reactions to the press go, the Home Secretary has been keeping a low profile saying simply that the judgment has been a matter for the Belgian court who considered all the evidence. As to what happens to the convicted supporters if the prosecutor requests their return and they refuse, he has been advised to say simply this is at present a speculative question, that most (18 out of 24) went voluntarily to their trial and that we hope that if necessary they would return. If not this is something we must discuss further with the Belgian authorities.

This approach is probably right since we are now in the appeal period and it would be risky to say anything which prejudiced the final outcome either of the appeal or of the prosecutor's decision whether to seek arrest. One or two newspapers have sought to cause mischief by asking our press office for a reaction contrasting the Belgian authorities' actions on the Father Ryan case with ours on Heysel. They have resolutely refused to be drawn on this saying simply that the two are completely separate issues and that we have fully met our obligations on Heysel.

I have checked with the Home Office whether those convicted could if necessary serve their sentence in the UK. It depends on the timing of the appeal but seems unlikely since the Belgians are not due to ratify the Council of Europe Convention on the Transfer of Sentenced Persons until later this year. TEMPORANICY RETINITED 5. Gray 27/8/2016
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OF THE PUBLIC RECORDS ACT

(DOMINIC MORRIS) 28 April 1989

28 APR '89 18:49 QUEEN ANNS GATE R. 777 PAGE. 02 Mrs Spottiswood T K Cobley From: Ms Adams C5 Division Mr Yates Ext 3873 Mr Faulkner 28 April 1989 Mr Angel Mr Bentley Mr Edwards Mr Whalley Mr T C Morris Miss Teare Mr Lidington Miss Bannister HEYSEL TRIAL OF DIVERTOOD COOTDALL CUDDODWDDC Further to my note of 27 April and our conversations today about outcome of the Heysel trial, you requested a note for the Home Secretary's weekend box. This sets out our understanding of the position and is based on information provided by the Embassy in Brussels. Of the 24 Liverpool supporters dealt with today, 10 were acquitted as the case against them was not proven. Fourteen were convicted and given three year custodial sentences. However, half of the sentence has been suspended for five years. Ten of the fourteen convicted were in court, but were not arrested. It 15 days appears that the public prosecutor exercised his discretion not to seek their immediate arrest. However, after the period for appeals has elapsed, the Belgian authorities can issue a notice requiring the convicted to serve their sentences. We cannot predict whether the Belgians will adopt this course of action but having regard to all the circumstances, including time already spent in custody, they may not want to press the matter. The 14 were also fined about £1,000 each (60,000 Belgian francs) which has to be paid into the National Victims Fund, which we understand is not exclusively concerned with the Heysel tragedy. Failure to pay could attract a further custodial sentence of three months. Heavy civil damages were also awarded against the

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T K Cobley
C5 Division
EXt 3873
28 April 1989

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green repended sections for appeals.

4. The cases of are still outstanding.

who has not yet been extradited, was not mentioned at all and we shall seek advice from the Belgians on how they wish us to proceed. The charges against are being "retained". It is not clear whether his case is to be left on file or whether he is to be tried, perhaps with We shall also follow this up.

5. A telegram giving a factual account is being sent shortly from the Embassy and should arrive in time for the Home Secretary's box. In view of the No 10 interest, I have asked for a copy of the telegram to be advanced to them.

T K COBLEY

DW: DTC(5)89

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PAGE.05

Contest

From:

T K Cobley C5 Division Ext 3873

27 April 1989

Mr Spottiswood
Ms Adams
Mr Yates
Mr Faulkner
Mr Angel
Mr Bentley
Mr Edwards
Mr Whalley
Mr T C Morris
Miss Teare
Mr Lidington

Mr Austin, FCO, Consular Dept

Miss Evans, British Embassy, Brussels

Mr Walters

HEYSEL TRIAL OF LIVERPOOL FOOTBALL SUPPORTERS

- 1. We spoke this morning about the judgements in the Heysel trial which, as recorded in my note of 21 March to Mr Storr, are to be announced tomorrow. You mentioned that during his meeting with the Home Secretary yesterday, M Eyskens (the Belgian Foreign Minister designate) said that unsuccessful efforts had been made to postpone the judgements for a week because of the proximity to the Hillsborough memorial service. M Eyskens had also confirmed the earlier indications that some of the supporters would probably be acquitted and that, although others might be convicted and receive custodial sentences, it was likely that these would be offset by time already spent in custody. This would be a satisfactory outcome so far as we are concerned.
- 2. I mentioned that we were preparing some briefing for Press Office. This is now attached. It has been agreed with Press Office and will be used by them in responding to any enquiries which they receive after the judgements have been delivered tomorrow. The FCO and our Embassy in Brussels are being sent a copy.
- 3. Watever the outcome of the trial, there is considerable media interest in the case. We can only hope that if the verdicts are as expected, coverage will be sensitive having regard to Hillsborough.
- 4. I understand that the Home Secretary will be out of the office when the Belgian Court delivers the judgements. We shall, of course, let you know the outcome as soon as we have heard from the Embassy. The Court starts sitting at 8.45 am (7.45 our time),
- 5. In the meantime, I should be grateful if you could let me know as soon as possible if there are any comments on the briefing.

T K COBLEY

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** TOTAL PAGE. 05 **

PRESS BRIEFING FOR USE FOLLOWING BELGIAN COURT'S JUDGEMENT ON FRIDAY 28 APRIL 1989

General

The process of law has taken its course.

If defendants are acquitted

- 1. Q. What are your views on the judgement?
 - A. This is a matter for the Belgian court which has had an opportunity to consider all the evidence.

[If pressed: Hope the judgement will have reassured those who had doubts about Belgium standards of justice.]

- 2. Q. Doesn't the judgement show that the Home Secretary should not have agreed to extradition?
 - A. Not at all. The cases were carefully considered by the Bow Street Magistrates' Court who concluded that there was a prima facie case to answer. The cases were further reviewed by the High Court and the House of Lords, who decided that the Bow Street Magistrate had been right to issue warrants of committal. Against this background there was no basis for the Home Secretary to refuse their surrender and prevent the Belgian court to consider the cases.

[If not already used: The verdict bears out our view that fears about Belgian justice were unfounded.]

If defendants are given a suspended sentence or a sentence offset by time already spent in custody

- 3. Q. What are your views on the judgement?
 - A. As answer to Q1.

If defendants are given a custodial sentence not suspended or offset

- 4. Q. What are your views on the judgement?
 - A. This is a matter for the Belgian Court, Belgian justice may be different from ours but that does not necessarily mean it is worse. Those convicted may now appeal to a higher court if they so wish.

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- 5. Q. Could they serve their sentences in the UK?
 - A. This would depend on the results of any appeals and on the timetable for Belgian ratification of the Council of Europe Convention on the Transfer of Sentenced Persons [expected to be around the end of 1989].
- 6. Q. What will the UK Government do about those who have been convicted and have not returned today for the judgement?
 - A. We must wait and see if they do return. We hope they will do so voluntarily as most did for the trial. If not, it will, in the first instance, be for the Belgian authorities to consider what action they wish to take.
- 7. Q. But if the Belgian authorities did want them to return and they refused?
 - A. We shall have to consider that eventuality further in consultation with the Belgian authorities.

(extradition ordered but not surrendered)

- 8. Q. What will happen about who is currently serving a sentence in prison in the UK?
 - A. We shall be considering his case in consultation with the Belgian authorities in the light of today's judgement.

(extradited but not, we understand, tried in his absence)

- 9. Q. What will happen to who was in custody in the UK when the trial began but has since been released?
 - A. His position will need to be considered in the light of the judgements and the views of the Belgian authorities.

Defendants' Expenses

- 10. Q. Will the UK Government reimburse expenses of defendants?
 - A. The defendants have been represented free of charge by Belgian lawyers. No funds are available to assist with expenses of trials overseas.

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BACKGROUND NOTE

The Heysel Stadium football riot took place on 29 May 1985.

Hundreds were injured and 39 people died, mainly Italians. Belgium requested extradition of 26 Liverpool football supporters in July 1986. The Home Secretary put the matter to the courts and the case went as far as the House of Lords, who said that extradition could go ahead. The Home Secretary considered representations on behalf of the accused, but decided that the extradition should proceed.

- 2. Twenty-five of the 26 were extradited on 9 September 1987 and were charged with involuntary manslaughter. The one remaining person had already been sentenced to four years' imprisonment and was not therefore available for extradition. All of those extradited were subsequently bailed by the Belgian courts, because the defence lawyers successfully argued that they needed more time to prepare their clients' cases.
- 3. The trial started on 17 October 1988 and 24 of the 25 defendants appeared in court. The 25th defendant has been remanded in custody in the UK on charges of aggravated burglary and wounding and the court was not prepared to grant him bail to attend the trial in Belgium. The proceedings in Brussels began in some confusion with defence lawyers walking out after a good deal of procedural wrangling. The defendants were subsequently allowed to return to the UK but most of them have returned to gium as and when required for cross-examination. Hearing was completed on 20 March when the Court announced that judgements would be delivered on Friday 28 April.
- Belgian authorities will need to consider whether they still want us to execute the surrender warrant and we shall be consulting them about this after the other judgements have been delivered.

 has not been tried in Belgium. He was released from custody in the UK in Februar, and it will be for the Belgian authorities to decide whether they wish to proceed against him.

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A. J. C.

HEYSEL TRIAL: JUDGEMENT

SUMMARY

1. OF BRITISH FANS, 10 ACQUITALS, 14 CONVICTIONS WITH PARTIALLY SUSPENDED SENTENCE, NONE RETAINED IN CUSTODY TODAY. HEAVY DAMAGES IN FAVOUR OF CIVIL CLAIMANTS AGAINST CONVICTED BRITISH FANS, BELGIAN FOOTBALL UNION AND CAPTAIN MAHIEU OF GENDARMERIE. APPEALS ALLOWED WITHIN 15 DAY PERIOD. LATER ARREST WARRANTS FOR THOSE CONVICTED NOT EXCLUDED.

DETAIL.

- 2. THE TRIBUNAL PRESIDENT OPENED THE LAST SESSION OF THE HEYSEL TRAIL WITH A CHRONOLOGY OF EVENTS LEADING UP TO AND DURING THE HEYSEL DISASTER, BEFORE MOVING ON TO THE BRITISH DEFENDANTS. HE SAID THAT UNDER THE TERMS OF THE ANGLO/BELGIAN EXTRADITION TREATY HE WAS PERMITTED TO, AND WOULD, ALTER THE CHARGES AGAINST THE DEFENDANTS TO REMOVE THE ELEMENT OF PREMEDITATION. HE ALSO SAID BELGIAN LAW DID NOT PERMIT A VERDICT OF COLLECTIVE GUILT.
- 3. FOLLOWING ARE THE MAIN POINTS OF THE COURT'S JUDGEMENT:
- (I) 10 FANS ACQUITED AND THEIR BAIL TO BE REPAID TO THEM VIA THEIR LAWYERS WHEN BANKS REOPEN ON 2 MAY
- (II) 14 FANS CONVICTED OF INVOLUNTARY MANSLAUGHTER AND TO RECEIVE THE MAXIMUM SENTENCE OF 3 YEARS, WITH HALF SUSPENDED DURING A PERIOD OF 5 YEARS (IE IF REARRESTED WITHIN 5 YEARS, THEY WOULD BE OBLIGED TO SERVE THEIR SENTENCE). AT THE END OF THE SESSION THE PROSECUTOR SAID HE HAD NO RECOMMENDATIONS FOR CUSTODIAL SENTENCES TODAY, THEY ALL WERE ALLOWED TO GO FREE AND RETURN TO THE UK (SEE PARA 5 BELOW).
- (III) CAPT MAHIEU (GENDARMERIE) AND ROOSENS (BELGIAN FOOTBALL

PAGE 1 UNCLASSIFIED UNION) WERE CONVICTED AND RECEIVED SUSPENDED SENTENCES.

- (IV) THOSE CONVICTED FINED BF1000 FRANCS (ABOUT POUNDS 15)
- (VI) THOSE CONVICTED MUST CONTRIBUTE BF60,000 (ABOUT POUNDS NINE HUNDRED) TO A NATIONAL VICTIMS FUND. (THIS FUND HAS NO RELATIONSHIP TO THE HEYSEL TRIAL AND IS NOT MEANT FOR THOSE WHO SUFFERED: IT IS A FUND THAT HAS LONG EXISTED TO COPE WITH EMERGENCIES/DISASTERS IN BELGIUM). IF ANYONE IS IN DEFAULT OF PAYMENT, THEY WILL RECEIVE AN ADDITIONAL SENTENCE OF THREE MONTHS. THERE WAS NO DISCUSSION OF HOW OR WHEN THESE SUMS ARE TO BE PAID.
- (VI) THE CHARGES AGAINST HAYNES REMAIN OUTSTANDING.
- (VII) HEAVY CIVIL DAMAGES WERE AWARDED AGAINST THE CONVICTED QUOTE IN SOLIDUM UNQUOTE WITH MAHIEU AND ROOSSENS. AGAIN THERE WAS NO DISCUSSION FOR ANY INDICATION OF HOW THIS MONEY IS TO BE RAISED.
- 4. THE JUDGEMENT RUNS TO 540 PAGES AND COPIES WILL BE AVAILABLE ON 2 MAY. IN VIEW OF LACK OF CLARITY IN SOME OF PRESIDENT'S PRONOUNCEMENTS, PARTICULARLY AS REGARDS EXTRADITION (PARA 2) AND ACTUAL AMOUNT OF CIVIL DAMAGES WE AIM TO OBTAIN A COPY. LAWYERS EXPECTED TO TAKE THEIR EXPENSES FROM REFUNDED BAIL.
- FROSECUTOR (ERAUW). ERAUW SAID THAT THE RELEVANT ARTICLE OF THE BELGIAN PENAL CODE ON PREVENTIVE DETENTION GAVE THE PROSECUTOR DISCRETION WHETHER OR NOT TO ASK FOR AN IMMEDIATE ARREST: HE HAD NOT SOUGHT IMMEDIATE DETENTION. IT IS NOW OPEN FOR EITHER SIDE TO APPEAL WITHIN 15 DAYS, AND NO ACTION TO ISSUE ARREST WARRANTS WILL BE TAKEN WITHIN THE PERIOD. ERAUW UNDERSTANDABLY WOULD NOT SAY WHETHER HE WOULD SEEK ARRESTS IN DUE COURSE. IF THE PROSECUTOR DOES DO SO, THE CONVICTED PERSON WOULD BE SENT A QUOTE BILLET D'ECROUER UNQUOTE BY THE ADMINISTRATIVE AUTHORITIES IE A REQUEST TO PRESENT HIMSELF TO THE PRISION TO SERVE THE SENTENCE. WE WILL SEEK FURTHER CLARIFICATION NEXT WEEK.
- 6. MIFT GIVES NAMES OF THOSE CONVICTED AND ACQUITTED.

PAGE 2 UNCLASSIFIED EVANS

RESIDENT CLERK PLEAS PASS TO : PS, PS/MRS CHALKER, HD/CONSULAR NEWS-DUTY OFFICER, PS/MR HURD, MR COBLEY C5 DIV H/O, PS/NO 10

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PAGE 3 UNCLASSIFIED Telno 150 28/4/89



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SWIA 2AT

27 April 1989

25/2

Teur Colin,

FOOTBALL SPECTATORS BILL

I am writing to record the outcome of today's meeting at which the Lord President discussed with the Home Secretary, the Secretary of State for the Environment, the Lord Privy Seal, the Chief Whip, the Captain of the Gentlemen-at-Arms, the Minister for Housing and the Minister for Sport, whether any action should be taken following the Home Secretary's meeting with Lord Justice Taylor recorded in your letter of 26 April to Alan Ring.

It was decided that, as the timing of any reports or interim recommendations from Lord Justice Taylor was uncertain while the inquiry was at such a preliminary stage, nothing needed to be done for 2 or 3 weeks, after which the Home Secretary should meet Lord Justice Taylor again. In the meantime there should be no public references to the timing of Lord Justice Taylor's recommendations.

I am copying this letter to the Private Secretaries of those present, to Andrew Turnbull and to Trevor Woolley.

STEVE CATLING

Private Secretary

Colin Walters Esq
Private Secretary to the
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
LONDON SWIH 9AT

PRIME MINISTER

FOOTBALL SPECTATORS BILL

The Home Secretary had a meeting yesterday with Lord Justice Taylor - see Flag A. Lord Justice Taylor was distinctly unhelpful. His interim report would be largely devoted to an account of what happened (he claims this will be more difficult to establish than with the Bradford fire but ignores the fact that Mr. Justice Popplewell also had to look into the incident at Birmingham) plus some recommendations on physical security and matters of police procedure. He thought it unlikely that he would reach the membership card issue until later.

The Lord President held a meeting with the Home Secretary, the Secretary of State for the Environment, the Lord Privy Seal and Mr. Moynihan to discuss the implications of Lord Justice Taylor's views. The rather comic position was reached whereby Mr. Ridley was arguing that the business managers would not be able to get the Bill through but the business managers were arguing that, while difficult, this was still possible given careful management. At this point the Lord President adjourned the meeting.

The Lord President's reading of the situation is that Mr. Ridley believes he has given an undertaking to backbenchers that the Bill would not be proceeded with until Lord Justice Taylor has produced an interim report. And since an interim report on the issue in question will come too late, the Bill is doomed.

Mr. Ridley has gone, or believes himself to have gone, further than you did in your response to Mr. Kinnock. You said

"A Bill completed in this session would still be able to take account of any interim recommendations by Lord Justice Taylor".

·II. 3 AT

FOOTBALL SPECTATORS BILL

A note from the Conservative Research Department

During Question Time in the House of Commons today, the Prime Minister set out the Government's case why the Football Spectators Bill needs to be passed during this Parliamentary Session.

That case is set against the background of four decades of problems with crowd safety and two decades of hooliganism in this country. Nearly 300 people have died - the worst record in the developed world.

For Parliament to refuse to pass the Bill this Session to deal with the problems already identified, and to remove the legislative vehicle by which to respond immediately to the lessons from Hillsborough - notably the need for all-seat accommodation for spectators at major grounds - would be a grave decision. Not to proceed with the Bill this Session would delay by 12 months any response to these serious problems.

The Football Spectators Bill does <u>not</u> pre-empt the results of the inquiry by Lord Justice Taylor. The Bill is an enabling measure. It does not prescribe the Football Membership Scheme. It provides for the Football Membership Authority to propose a scheme for the approval of the Secretary of State. His approval of any such scheme would then be subject to Parliamentary approval under the Negative Resolution procedure.

Provided that Lord Justice Taylor is able to complete his inquiry in broadly the same timetable as that of the previous inquiry by Mr. Justice Popplewell (nine weeks from appointment to Interim Report and eight months to publication of Final Report), then the design of the scheme will be able to take full account of the Final Report of Lord Justice Taylor's

NB.
The dasign of the scheme"

The Government urges Parliament not to delay for yet another year but to support the passage of the Football Spectators Bill this Session.

20 APRIL 1989

Members on both sides of the House and people throughout the country will regard her decision to force through her identity card scheme to be an offence against common sense and common decency? In the aftermath of the terrible tragedy last Saturday, how can the right hon. Lady put the safety of others second to her own pride?

The Prime Minister: I noted the way in which the right hon. Gentleman asked his questions. I would be grateful to him and the House if I could make one or two points—which are relevant to a decision—[Interruption.] I am answering the right hon. Gentleman's question, which was put very sharply. May I answer his points?

First, the decision we are asked to take is against the background of four decades of problems with crowd safety and two decades of hooliganism—nearly 300 people have died, and we have the worst record in the developed world. To refuse to pass in this Session the Bill to deal with problems which have already been identified, and then leave ourselves with no vehicle by which to respond immediately to the lessons from Hillsborough—including all-seating stadiums—would be a very grave decision for the House. A Bill completed in this Session would still be able to take account of any interim recommendations by Lord Justice Taylor. Not to proceed with the Bill this Session would delay by 12 months any response to these grave problems. The World Cup is coming up in 1990—[Interruption.]

Mr. Speaker: Order. I think that this is a matter about which the whole House wishes to hear.

The Prime Minister: One part of the Bill-

Mr. Faulds: Absolute abuse.

The Prime Minister: I am trying to answer.

Mr. Faulds: Absolute abuse.

Mr. Speaker: Order. The hon. Member for Warley, East (Mr. Faulds) must contain himself.

The Prime Minister: Let me deal with the very important matter of the "membership scheme" part of the Bill. The Bill itself does not provide such a scheme; it sets up a procedure through which others may propose such a scheme for the Secretary of State's approval. It will then have to be laid before the House. The Bill will not pre-empt any decisions that may be made by Lord Justice Taylor. I do say most earnestly—[Interruption.]

Mr. Speaker: Order. This is Question Time.

The Prime Minister: Let me say to the right hon. Member for Islwyn (Mr. Kinnock) and others that the question that Members must ask themselves after two decades of hooliganism is whether they wish to take responsibility for doing nothing for another 12 months.

Mr. Kinnock: The Prime Minister is right to say that this is a "very important matter". In view of that, she might have done the House the courtesy of saying that she would make a full statement, so that she could be cross-examined. In the absence of such a statement, let me say to the Prime Minister that it is five days since the Hillsborough disaster, four days since she went to the Leppings lane pen and three days since she set up the Taylor inquiry. Now she is already undermining that

inquiry. Does she not realise that by pressing ahead with her legislation she is effectively putting the vital question of identity cards off limits to Lord Justice Taylor?

The Prime Minister: I do not think that the right hon. Gentleman can quite have heard what I said, or listened to it. The timetable easily permits anything that Lord Justice Taylor may propose to be taken into account, because the Bill does not provide a national membership scheme.

I suggest that the question that the House must ask itself, and on which it must reflect very carefully—that includes the right hon. Gentleman—is whether it positively wishes, in the face of the country's record of hooliganism and its reputation, to delay for 12 months and do nothing when confronted by the deaths that we have recently seen.

Mr. Kinnock: No one is in favour of doing nothing, but what we want is effective action for crowd safety as well as for football security. The Prime Minister does not understand that. Does she not realise that she can have either what she calls an enabling Bill, or a no-holds-barred inquiry, but she cannot have both? Her course is full of utter inconsistency, as well as great vanity.

The Prime Minister: I do not think that the right hon. Gentleman treats this measure with the seriousness that it deserves. The purpose of the Bill is not only to control the admission of spectators by means of a procedure for a national membership scheme; it also involves licences to admit spectators. I thought that the whole House agreed with my right hon. Friend the Home Secretary when we suggested that in future we must have all-seat stadiums. Without a Bill we shall have no possible way of bringing that into effect.

The proposals in the Bill were considered by Mr. Justice Popplewell, recommended in this interim report and confirmed in his final report. They are not being rushed. The final report was three years ago. I suggest that the House should not delay a legislative measure to enable us to take advantage of Lord Justice Taylor's recommendations for another 12 months, and that it would be negligent to do so.

Q3. Mrs. Roe: To ask the Prime Minister if she will list her official engagements for Thursday 20 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

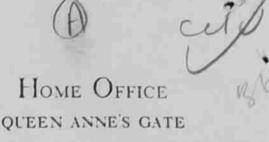
Mrs. Roe: Will my right hon. Friend agree that recent inward investment decisions show that foreign companies have a long-term commitment to the United Kingdom and confidence in its economic prospects and in the policies of the Government?

The Prime Minister: Yes. Very recently we have seen three big inward investments in this country, Fujitsu in the north-east, Bosch in Wales and Toyota in Derbyshire. That is very good news. It shows that overseas companies recognise the attractions of doing business in this country. I should also point out that British companies, too, are very active in making overseas investments. We live in a global competitive trading environment and it is important that we, too, invest in other countries. So in both ways investment is going very well.

Rev. Martn Smyth: Is the Prime Minister aware, as the nation is, that the people of Northern Ireland have for some time been concerned about the undermanning in the



CONFIDENTIAL



26 April 1989

LONDON SWIH 9AT

Den Alan

HILLSBOROUGH ENQUIRY

The Home Secretary saw Lord Justice Taylor yesterday to gain some initial impressions of the progress of Sir Peter's enquiry. Sir Clive Whitmore and Mr Whalley, Secretary to the enquiry, were present.

The Home Secretary thanked Sir Peter for agreeing to undertake the enquiry and expressed sympathy for the difficulties he had faced in the days since the disaster at Hillsborough.

Sir Peter said that he would be free of judicial duties after 27 April and would be holding a preliminary hearing on 28 April to settle issues of legal representation. He hoped to arrange the start of the hearings for 15 May but would hear shortly whether the police could make the necessary arrangements by then. Sir Peter had quickly come to appreciate the magnitude of the task in hand, which was both more complex and more controversial than the task faced by Popplewell. To make the police exercise manageable he hoped it would be possible to concentrate on a sample of witnesses representing the full range of opinion. If a 15 May start could be arranged he thought that some recommendations could be made before the new football season: however he would welcome the Home Secretary's views.

The Home Secretary said he could envisage three areas which Sir Peter might wish to cover in his interim report. The first area was the technical and physical aspects of safety which could be given attention before the new football season. The second was the membership scheme set out in the Football Spectators Bill. He was neither compelled to comment on this, nor precluded from doing so. This was in part an enabling Bill creating an Authority to devise a membership scheme. consequently several stages at which the eventual form of the scheme could be influenced. The Government's original intention had been to obtain Royal Assent for the Bill by July. This target had shifted to the end of the present Session, which in practice meant October. If he wished, therefore, Sir Peter would be able to express an opinion on the membership scheme in the expectation that the Government would consider his view before the Bill's final stages were reached. The Home Secretary realised that the timetable for the Bill created a difficulty for Sir Peter. The revised timetable would, however, make it possible to take account of any comments of principle Sir Peter wished to offer in his interim report. Finally, Sir Peter might have other matters to raise for which legislation might be needed but which did not relate to the membership scheme or the contents of the Bill. Any such points could be considered for inclusion in the Bill or perhaps in a separate Bill at a later stage.

Sir Peter responded that it would be necessary to devote the early stages of his enquiry to establishing the facts of the disaster. There would be much disputation about the facts and the location of responsiblity for what happened. It should be possible for a short interim report to be produced in time for consideration before the mid-August start of the new season, which in practice meant early to mid-July, to cover the question of perimeter fences and one or two important matters of police procedure. But it would not be possible to give as wide ranging an interim report as Popplewell had, since in the case of the Bradford fire there had been little disagreement over the basic facts presented to the enquiry. He believed that his enquiry would in practice have to deal with the question of membership cards unless this issue was specifically excluded from its terms of reference. But he did not see how he could offer a helpful recommendation on the subject until he had completed much of the work. If membership cards did form part of its remit he therefore could not promise recommendations in time for consideration within the revised timetable for the Bill. Unless the timetable for the Bill was again changed, Sir Peter accepted that the Government might proceed without knowledge of what he might eventually have to say on the subject. Sir Peter stressed that he had a completely open mind on the membership card issue at present: he did, however, perceive membership cards as part of a set of interlocking factors such as stadium design and ticket arrangements.

The Home Secretary asked Sir Peter what he would be likely to say in the summer if the Government went ahead with the revised timetable for the Bill and he was asked then for a view on the membership scheme: would he say that he had not yet formed an opinion? Sir Peter responded that this would probably be his answer in such circumstances, although he might say that he had a provisional view which he was not yet ready to divulge.

The Home Secretary asked Sir Peter whether he was really quite sure that it was out of the question to form and express a view on the subject of membership cards in the three and a half months which would be available between the start of the enquiry, assuming 15 May would be achieved and the end of August? Sir Peter said that this was possible, but he was not confident that it could be achieved. Hearing the initial evidence could take over a month. There would be cross allegations to hear on a number of important points before moving onto more refined areas of judgment, which could not be a priority. Sir Peter added that Popplewell had not said that there should be a membership scheme, but that consideration should be given to some form of membership scheme. Sir Peter's enquiry was certain to be presented with the argument that a membership scheme would add to the problems of crowd control outside football grounds. Before forming a view, he would need to hear evidence of the answer to this argument. He was not saying that it was impossible he would have formed a view by August or September but there appeared at the present stage to be a high likelihood that he would need longer.

The following additional points were made in discussion:

(i) Sir Peter expected to find a good deal of support for all seater stadiums, given especially the Liverpool decision to convert Anfield. He did not propose to go into the question of who should pay for such conversions. The Home Secretary said that the Secretary of State for the Environment would be pursuing this issue in parallel with Sir Peter's enquiry, without waiting for or depending upon his recommendations:

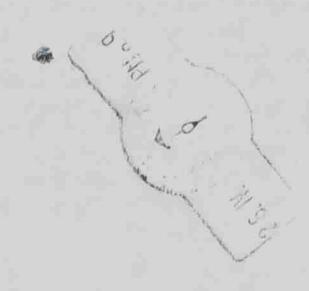
- whether to issue some fresh guidance to local authorities on the exercise of their powers while Sir Peter's interim report was awaited, given that the football season had several weeks to run. Instead, he had decided to remind local authorities of the main points of existing guidance. Sir Peter agreed with this approach. There was a danger of further incidents at the important end of season matches. But the clubs were alert to this danger and some had already taken action. If it was recommended that all fences should be dismantled there was a danger of disorder;
- (iii) Sir Peter had agreed that his enquiry should be constituted as a Departmental enquiry rather than a Tribunal under the 1921 Act. Further reflection had led him to conclude that the 1921 Act approach might have been the better course, since there would be much crossfire and some witnesses could be reluctant to testify in the absence of the protection afforded by the 1921 Act. However, to change now would mean further delay and Sir Peter was content to proceed with a Departmental enquiry for the present. If formidable difficulties arose during the course of the enquiry he might have to ask for the enquiry to be put onto a 1921 Act basis;
- (iv) when he held his preliminary hearing on 28 April Sir Peter intended to make a statement announcing that the costs of witnesses would in normal circumstances be met from central funds. This was in keeping with the Popplewell precedent and been agreed with the Home Office. Sir Peter would also say something about the constructive purpose of the enquiry which he hoped would help to reduce tension.

The Home Secretary thanked Sir Peter for sharing his thoughts on how the enquiry would be taken forward. The Government would reflect on the difficulty which remained over the timetable for the Football Spectators Bill. The thoughts of the Home Secretary and his colleagues went with Sir Peter in the weeks which lay ahead.

Copies of this note go to Andrew Turnbull (No 10), Stephen Catling (Lord President's Office), Nick Gibbons (Lord Privy Seal's Office) and Trevor Woolley (Cabinet Office).

C J WALTERS

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PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SWIA 2AT

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Rear Philip

25 April 1989

FOOTBALL SPECTATOR'S BILL

The Lord Privy Seal has seen a copy of Andrew Turnbull's letter to you of 21 April, seeking advice about what the Government might say if it were asked what it would do should, if in the unlikely event, Lord Justice-Taylor was to take a different view on the membership scheme from Mr Justice Popplewell.

It is clear from a television interview given by Lord Graham of Edmonton (the Opposition Spokesman on this Bill) at the weekend, that the Opposition parties are intent on causing as much trouble as possible during the remaining stage of this Bill in the Lords. Indeed it is possible they might seek to embarrass the Government by trying to pass a reasoned amendment on Third Reading. The Lord Privy Seal believes that if the Government spokesman was in a position to answer the hypothetical question in the way indicated in the second paragraph of Andrew Turnbull's letter then this would go a long way to taking the sting out of the Opposition. Indeed if he could go further and undertake to introduce an amendment along the lines mentioned in the third paragraph then this would be even more effective.

I am sending a copy of this letter to the Private Secretaries to the Prime Minister, the Secretary of State for the Environment, the Home Secretary, the Lord President, and the Chief Whip, Commons.

N F J GIBBONS Private Secretary

Yours sincerdy Nich libbons

Philip Stamp Esq Office of the Minister for Sport Home Afraes Football Hooligan



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From the Principal Private Secretary

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FOOTBALL SPECTATORS BILL

Following Questions yesterday it was put to the Prime Minister that the Government needed to have an answer if it were asked what it would do should, unexpectedly, Lord Justice Taylor take a different view on membership cards from Mr. Justice Popplewell. It was argued that the Government needed to be able to demonstrate that proceeding with the Bill did not put the Government past the point of no return on the membership scheme.

The answer might be that the Government would certainly have to give Lord Justice Taylor's views serious consideration; indeed there would be a presumption that it would not proceed in the face of such advice. If it decided not to proceed the Government could decide not to lay the Order approving the scheme.

The difficulty would be that the Bill requires the Football Membership Authority to draw up a scheme and it could be left in the position of still being required to do this even though the Government had stated that it was not proceeding. Would it be possible to add to the Bill the provision that the Football Membership Authority would prepare a scheme "if so directed by the Secretary of State"?

All this may be hypothetical (more likely than a firm recommendation against membership cards would be a set of conditions that had to be satisfied) but it nonetheless seems worth preparing an answer to such a question.

I would be grateful for advice on this point.

I am copying this letter to Roger Bright (Department of the Environment), Colin Walters (Home Office), Steven Catling (Lord President's Office), Nick Gibbons (Lord Privy Seal's Office) and Murdo Maclean (Chief Whip's Office).

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(ANDREW TURNBULL)

Philip Stamp, Esq.,
Office of the Minister for Sport.
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10 DOWNING STREET

LONDON SWIA 2AA

From the Principal Private Secretary

21 April 1989

Den Philip,

FOOTBALL SPECTATORS BILL

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Mr. Kinnock: Does the Prime Minister understand that Members on both sides of the House and people throughout the country will regard her decision to force through her identity card scheme to be an offence against common sense and common decency? In the aftermath of the terrible tragedy last Saturday, how can the right hon. Lady put the safety of others second to her own pride?

The Prime Minister: I noted the way in which the right hon. Gentleman asked his questions. I would be grateful to him and the House if I could make one or two points—which are relevant to a decision—[Interruption.] I am answering the right hon. Gentleman's question, which was put very sharply. May I answer his points?

First, the decision we are asked to take is against the background of four decades of problems with crowd safety and two decades of hooliganism—nearly 300 people have died, and we have the worst record in the developed world. To refuse to pass in this Session the Bill to deal with problems which have already been identified, and then leave ourselves with no vehicle by which to respond immediately to the lessons from Hillsborough—including all-seating stadiums—would be a very grave decision for the House. A Bill completed in this Session would still be able to take account of any interim recommendations by Lord Justice Taylor. Not to proceed with the Bill this Session would delay by 12 months any response to these grave problems. The World Cup is coming up in 1990—[Interruption.]

Mr. Speaker: Order. I think that this is a matter about which the whole House wishes to hear.

The Prime Minister: One part of the Bill-

Mr. Faulds: Absolute abuse.

The Prime Minister: I am trying to answer.

Mr. Faulds: Absolute abuse.

Mr. Speaker: Order. The hon. Member for Warley, East (Mr. Faulds) must contain himself.

The Prime Minister: Let me deal with the very important matter of the "membership scheme" part of the Bill. The Bill itself does not provide such a scheme; it sets up a procedure through which others may propose such a scheme for the Secretary of State's approval. It will then have to be laid before the House. The Bill will not pre-empt any decisions that may be made by Lord Justice Taylor. I do say most earnestly—[Interruption.]

Mr. Speaker: Order. This is Question Time.

The Prime Minister: Let me say to the right hon. Member for Islwyn (Mr. Kinnock) and others that the question that Members must ask themselves after two decades of hooliganism is whether they wish to take responsibility for doing nothing for another 12 months.

Mr. Kinnock: The Prime Minister is right to say that this is a "very important matter". In view of that, she might have done the House the courtesy of saying that she would make a full statement, so that she could be cross-examined. In the absence of such a statement, let me say to the Prime Minister that it is five days since the Hillsborough disaster, four days since she went to the Leppings lane pen and three days since she set up the Taylor inquiry. Now she is already undermining that

inquiry. Does she not realise that by pressing ahead with her legislation she is effectively putting the vital question of identity cards off limits to Lord Justice Taylor?

The Prime Minister: I do not think that the right hon. Gentleman can quite have heard what I said, or listened to it. The timetable easily permits anything that Lord Justice Taylor may propose to be taken into account, because the Bill does not provide a national membership scheme.

I suggest that the question that the House must ask itself, and on which it must reflect very carefully—that includes the right hon. Gentleman—is whether it positively wishes, in the face of the country's record of hooliganism and its reputation, to delay for 12 months and do nothing when confronted by the deaths that we have recently seen.

Mr. Kinnock: No one is in favour of doing nothing, but what we want is effective action for crowd safety as well as for football security. The Prime Minister does not understand that. Does she not realise that she can have either what she calls an enabling Bill, or a no-holds-barred inquiry, but she cannot have both? Her course is full of utter inconsistency, as well as great vanity.

The Prime Minister: I do not think that the right hon. Gentleman treats this measure with the seriousness that it deserves. The purpose of the Bill is not only to control the admission of spectators by means of a procedure for a national membership scheme; it also involves licences to admit spectators. I thought that the whole House agreed with my right hon. Friend the Home Secretary when we suggested that in future we must have all-seat stadiums. Without a Bill we shall have no possible way of bringing that into effect.

The proposals in the Bill were considered by Mr. Justice Popplewell, recommended in this interim report and confirmed in his final report. They are not being rushed. The final report was three years ago. I suggest that the House should not delay a legislative measure to enable us to take advantage of Lord Justice Taylor's recommendations for another 12 months, and that it would be negligent to do so.

Q3. Mrs. Roe: To ask the Prime Minister if she will list her official engagements for Thursday 20 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mrs. Roe: Will my right hon. Friend agree that recent inward investment decisions show that foreign companies have a long-term commitment to the United Kingdom and confidence in its economic prospects and in the policies of the Government?

The Prime Minister: Yes. Very recently we have seen three big inward investments in this country, Fujitsu in the north-east, Bosch in Wales and Toyota in Derbyshire. That is very good news. It shows that overseas companies recognise the attractions of doing business in this country. I should also point out that British companies, too, are very active in making overseas investments. We live in a global competitive trading environment and it is important that we, too, invest in other countries. So in both ways investment is going very well.

Rev. Martn Smyth: Is the Prime Minister aware, as the nation is, that the people of Northern Ireland have for some time been concerned about the undermanning in the

Mr. Jonathan Aitken (Thanet, South): My right hon. Friend said that we had just had a debate on the National Health Service, but he must recognise that that three-hour debate, of which the leader of the SDP took up 46 minutes, was highly unsatisfactory and that we need a full-scale debate on the Government's White Paper before the consultation deadline runs out. Will my right hon. Friend take particular note of the fact that Members on both sides of the House have substantial misgivings about certain aspects of the White Paper's proposals, especially as they affect doctors? Will my right hon. Friend confirm that on this occasion, at least, the Government will be willing to listen and to act upon constructive suggestions?

Mr. Wakeham: My hon. Friend seeks to encourage me, but the sting in his tail is not acceptable. The Government listen; when they have consultations, they mean consultations, and when they issue papers, they expect views. I cannot add anything further to what I have already said. I agree that Tuesday's debate was not an adequate substitute for a full-scale debate, which I will arrange as soon as I can find the time.

Mr. Michael Foot (Blaenau Gwent): I join those who have demanded that there should be a debate in Government time on the National Health Service.

The right hon. Gentleman must have been present in the House a few minutes ago. Does he not recognise how objectionable it was to the House and to its procedures—he must have been a party to it—that instead of making a proper statement about the Government's proposals for the Football Spectators Bill, the Prime Minister should have chosen to tell us in response to a question? As there does not appear to be a single Member of the Cabinet who is capable of standing up to the Prime Minister on the subject—as she alone appears to be responsible for it—when will the right hon. Gentleman make arrangements for her to come to the House and answer questions from Members on both sides of the House?

Mr. Wakeham: The Home Secretary made a statement at the beginning of the week. The right hon. Member for Islwyn (Mr. Kinnock) asked a question and I thought that my right hon. Friend the Prime Minister gave a very full and good answer. The right hon. Gentleman cannot have it both ways. When my right hon. Friend does not, in the opinion of the Opposition, give a full answer, they complain; when she does, they do not like it either.

Mr. John Marshall (Hendon, South): May we have an assurance from the Leader of the House that before a final decision is taken on the report of the Monopolies and Mergers Commission into the brewing industry—the consequences of which may be different from those envisaged by the commission—there will be a full debate in this House?

Mr. Wakeham: My right hon. and noble Friend the Secretary of State is considering the report; I have nothing further to add, except that I note what my hon. Friend has said.

Mr. Greville Janner (Leicester, West): May we please have an early debate on the powers of the Health and Safety Commission and the Health and Safety Executive? Among other things, that debate would give the Secretary of State for Energy the opportunity to apologise for accusing me of misleading the House when I am sure that

he did not intend to do so. I stated—as was and is the case—that the Department of Energy has responsibility for safety on offshore oil rigs and that the Health and Safety Commission has not; that is all I said. That is absolutely correct, but it is wrong that that responsibility should remain with the Department when there have been a series of actual and potential disasters perilous to the life of the people who work on the rigs and dangerous to the production of oil from those rigs.

Can the opportunity be given to the Minister to resign, to apologise, and thirdly, the easiest step, to ask the Health and Safety Commission whether it will resume those powers regarding the inspection of rigs, which would make people and production safer?

Mr. Wakeham: When the hon. and learned Gentleman started asking his question I had some sympathy with him, but, by the time he had finished his speech, I thought the need for a debate was not so necessary. There appears to be a difference between the hon. and learned Gentleman and my right hon. Friend—I am on the side of my right hon. Friend.

Mr. John Carlisle (Luton, North): Does my right hon. Friend accept that many of my hon. Friends will have been pleased to hear from our right hon. Friend the Prime Minister that the rigid timetable for the Football Spectators Bill has now been dropped. Does my right hon. Friend also accept that many of my colleagues remain somewhat worried about that largely unloved Bill and believe that alternative measures should have been brought before the House in the new session? Nevertheless, does my right hon. Friend agree that it would be a good idea to have a debate on football before the Bill's Second Reading so that all hon. Members have the opportunity to discuss the matter? If the legislation is to be amended as much as anticipated, the House will be far better informed as a result of such a debate on the Floor.

Mr. Wakeham: What my right hon. Friend the Prime Minister said was that it would be a grave step for the House to lose the opportunity of putting into legislative effect any proposals that Lord Justice Taylor might make and to cause those recommendations to be delayed for a further 12 months. It is clear that, during the course of this Session, there is time to make progress on the Bill, and not to finalise it until we have had time to consider what it is hoped will be important recommendations.

Mr. Jack Ashley (Stoke-on-Trent, South): I endorse what has been said by hon. Members from both sides of the House about the need for a debate on the National Health Service in Government time. Is the Leader of the House aware that the funding of the Equal Opportunities Commission has not kept pace with inflation, which means that the decline in resources is damaging to women who do not have a full opportunity to use the services of that commission? May we have a debate on that next week, please?

Mr. Wakeham: I cannot promise a debate next week, and I do not accept the right hon. Gentleman's strictures on the Equal Opportunities Commission. I believe that it does a good job and that its work should be supported.

Sir Michael McNair-Wilson (Newbury): Does not my right hon. Friend agree that it is customary to debate a





10 DOWNING STREET

THE PRIME MINISTER

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10 DOWNING STREET

THE PRIME MINISTER

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FOOTBAFE SPECTATORS BILL Jan 86

THE BACKGROUND IS OF FOUR DECADES OF PROBLEMS WITH CROWD SAFETY AND TWO DECADES OF HOOLIGANISM. NEARLY 300 PEOPLE HAVE DIED - THE WORST RECORD IN THE DEVELOPED WORLD.

To refuse to pass the Bill this session to deal with problems already identified, and to leave ourselves with no vehicle by which to respond immediately to the lessons from Hillsborough would be a very grave decision for this House. A Bill completed in this session will still be able to take account of any interim recommendations by Lord Justice Taylor. Not to proceed with the Bill during this session would delay by 12 months any response to these grave problems. The House cannot wash its hands of these matters.

THE FOOTBALL SPECTATORS BILL DOES NOT PRE-EMPT JUSTICE TAYLOR. IT PROVIDES A LEGISLATIVE VEHICLE TO ENABLE US TO IMPLEMENT HIS RECOMMENDATIONS. BUT IF WE HAVE NO BILL THEN WE ARE PRECLUDING ANY POSSIBILITY OF LEGISLATIVE ACTION FOR A WHOLE YEAR.

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1990 WILL SEE THE WORLD CUP IN JUNE AND IN SEPTEMBER

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THE BILL WOULD LEAVE US WITH NO WAY OF CONTROLLING THE

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IMPORTANT TO BE CLEAR ABOUT THE BILL. IT IS AN ENABLING FRAMEWORK. IT DOES NOT DRAW UP THE FOOTBALL MEMBERSHIP SCHEME. THAT WILL BE FOR THE FOOTBALL AUTHORITIES. THE DESIGN OF THE JCHEME WILL BE ABLE TO TAKE ACCOUNT OF THE FINAL REPORT OF THE INQUIRY.

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I FIND IT STRANGE THAT THE OPPOSITION PROFESS TO BE WILLING TO HELP US PUSH THROUGH RECOMMENDATIONS FROM LOPD JUSTICE TAYLOR, WHICH THEY HAVE NOT SEEN AND CANNOT KNOW. YET THEY ARE CURRENTLY OPPOSING ACTION TO IMPLEMENT LORD JUSTICE POPPLEWELL'S

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RECOMMENDATION FOR A MEMBERSHIP JCHEME. HE MADE THIS IN HIS INTERIM REPORT, SUPPORTED THEN BY THE FOOTBALL LEAGUE WORKING PARTY, AND ENDORSED IN HIS FINAL REPORT WHICH CAREFULLY ADDRESSED MANY OF THE CONCERNS ABOUT A SCHEME WHICH HAVE BEEN RAISED.

[WHEN WILL THE BILL BE INTRODUCED?]

THE IMPORTANT POINT IS TO COMPLETE THE BILL THIS SESSION.

THE PRECISE TIMING OF THE VARIOUS STAGES WILL BE CONSIDERED FURTHER.

IT IS A DISGRACE THAT, AFTER TWO DECADES OF HOOLIGANISM, WE ACCEPT UNQUESTIONINGLY THE NEED FOR 5,000 POLICE TO BE ON DUTY AT FOOTBALL MATCHES EVERY SATURDAY, POLICE WHO COULD BE BETTER DEPLOYED LOOKING AFTER SOCIETY AS A WHOLE.

The Question all Members of this House must ask themselves after, to repeat two decades of hooliganism, hundreds of deaths and tens of thousands of arrests is whether they wish to take the responsibility of doing <u>nothing</u> for another 12 months.

5,000

hei Note for Loty 2014/89. Fromball As the Home Secretary has indicated the Government has 1. decided to have a pause in the passage of the Football Spectators Bill to allow a period of reflection. That period of reflection should take account of the facts 2. of the situation. 3. These are: i. the Football Spectators Bill was brought forward to tackle hooliganism. ii. that problem has not gone away. iii. the package of measures taken by football and the Government have contained the problem but not cured it. iv. the Football Spectators Bill is there to cure it by separating the true football supporter from the (a) hooligan by excluding the hooligan from matches at home banning convicted hooligans from travelling abroad (b) on the day of key international matches removing the focus of violence from football (c) because hooligans who have no reason to travel will not do so as the Luton scheme has shown If the Football Spectators Bill were not to reach the 4. Statute Book this session we would have taken no steps to deter hooligans from causing mayhem at the World Cup in Italy next summer; problems and this owuld have a direct bearing on the return of English clubs to European competition. we would not be facing up to - indeed standing aside from - the problem of domestic hooliganism at football matches consequently we would be ensuring no legislative means of for tackling the problem for at least another 12 months after 250 deaths in soccer since the War we would be abandoning the legislative vehicle by which we could statutorily require all seater grounds at our major football clubs

- after two decades of hooliganism we would be continuing to accept the need for 5,000 police to be on duty at football matches every Saturday
- we would in fact be throwing away for 12 months the opportunity to incorporate in any scheme for the greater safety of football crowds any recommendations for the Taylor inquiry: or any other improvement that might be accepted by the Government and the Football Membership Authority.
- The question all members of this House must ask themselves after, to repeat 2 decades of hooliganism, hundreds of deaths and tens of thousands of arrests and ejections is whether they wish to take the responsibility of doing NOTHING for another 12 months.

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FOOTBALL SPECTATORS BILL A note from the Conservative Research Department During Question Time in the House of Commons today, the Prime Minister set out the Government's case why the Football Spectators Bill needs to be passed during this Parliamentary Session. That case is set against the background of four decades of problems with crowd safety and two decades of hooliganism in this country. Nearly 300 people have died - the worst record in the developed world. For Parliament to refuse to pass the Bill this Session to deal with the problems already identified, and to remove the legislative vehicle by which to respond immediately to the lessons from Hillsborough - notably the need for all-seat accommodation for spectators at major grounds - would be a grave decision. Not to proceed with the Bill this Session would delay by 12 months any response to these serious problems.

The Football Spectators Bill does <u>not</u> pre-empt the results of the inquiry by Lord Justice Taylor. The Bill is an enabling measure. It does not prescribe the Football Membership Scheme. It provides for the Football Membership Authority to propose a scheme for the approval of the Secretary of State. His approval of any such scheme would then be subject to Parliamentary approval under the Negative Resolution procedure.

Provided that Lord Justice Taylor is able to complete his inquiry in broadly the same timetable as that of the previous inquiry by Mr. Justice Popplewell (nine weeks from appointment to Interim Report and eight months to publication of Final Report), then the design of the scheme will be able to take full account of the Final Report of Lord Justice Taylor's

PRIME MINISTER

FOOTBALL SPECTATORS BILL

The Lord President and the other Ministers concerned with the Bill have had a meeting to discuss timetabling and are coming to see you at 9.30 am so that a position can be established to put to Cabinet at 10.00 am. Bernard will be under strong pressure at 11.00 to give an indication of Cabinet's thinking.

The Chief Whip is still in pessimistic mood. He believes that if a vote were taken now the Government could not achieve a second reading. He still believes that as the wider messages of the incident sink in, in particular the contribution of crowd behaviour, some of those drifting away can be won back. The current expectation is that Lord Justice Taylor will be able to produce an interim report, mainly on physical aspects of security, in June or July, with his final report at the end of the year. The timetabling options are:

(i) Third reading in the Lords by 8 May with second reading in the Commons not long after with the aim of achieving Royal Assent by July. This would allow the Order setting up the football membership authority to be debated in the overspill which in turn would allow a membership Scheme to be run on a trial basis in April 1990 so that it can start in earnest with the new Season in August 1990.

The advantage of this is that it keeps up momentum and ensures implementation of the Scheme at the start of the 1990/91 Season. The disadvantage is that it is unlikely that any account could be taken of the Taylor report in the Bill - indeed the interim report could come out at some awkward moment like third reading. It

FOOTBALL SPECTATORS' BILL

the Home Secretary yesterday.

As expected, this was the main item at Questions. The Lord President repeated the Home Secretary's statement that the Government believes the future of football in this country lies in a National Membership Scheme and in providing all-seated accommodation at major football clubs. He also added that Third Reading in the Lords had been postponed and that no new date had yet been arranged. This too went no further than

When challenged by Mr Hattersley to give an undertaking that the Bill would be delayed to take account of the findings of the Taylor report, the Lord President said,

'The Bill is an enabling framework. The Government has already given a full commitment not to implement the Membership Scheme within that framework until arrangements have satisfactorily been worked out. That commitment still stands and obviously now embraces the lessons to be learned from this event.'

Some Government backbenchers have chosen to read more into this than was intended and are interpreting it as a concession that the Bill will be postponed pending the inquiry. This line has been picked up by the media.

We need to emphasise the distinction between the Bill and the Scheme under it. The Bill will be postponed a little to enable it to be strengthened by measures relating to seating but it will still go through this Session. Any changes recommended by Taylor will be incorporated into the Scheme which the Football Membership Authority has to produce. Mr Ridley has taken steps in the Lobby to emphasise that the Government is still pressing on with the Bill, but further work will be needed tomorrow.

The Chief Whip has given me a pessimistic assessment. At present, he believes the Government could not get the Bill through as the overwhelming feeling is that it, or at least Part 1, should be delayed pending the Taylor report. He believes, however, that in two or three weeks time when emotion has subsided and the facts about the behaviour of the crowd have been appreciated, the incident will be seen to stem more from rowdyism than from the police's response. In those circumstances, sentiment for pressing on will return. Hence the need not to concede the principle of postponement now.

The Lord President is holding a meeting tomorrow with the Lord Privy Seal and departmental Ministers to work out a revised programme for the Bill. This can then be discussed at Cabinet under Parliamentary Affairs on Thursday. Their current thinking is that the Third Reading in the Lords should be put back from 24 April to 8 May.



ANDREW TURNBULL 18 April 1989

COU



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

My ref:

Your ref

Dear Colleague,

April 12, 1989

(Sathy mentaline by Hills true !

I am aware of the interest you and your constituents have shown in the proposed national membership scheme for football supporters. I thought it might be useful if I describe in detail the background to the Bill, the effect of the UEFA decision of April 11 and respond to the particular points made on the postcards you have received.

The Bill's purpose is to deal with the problems of hooliganism associated with football. It proposes that everyone who attends a designated football match in England and Wales should be a member of the scheme, or otherwise authorised by the scheme, and that designated matches should be played only on licensed football grounds. A member would be able to go to any designated match. Those who are convicted of a relevant offence will be disqualified from membership of the scheme and the scheme itself will allow for the Football Membership Authority to ban others who misbehave at football matches. The Bill also gives the courts powers to impose restriction orders on convicted hooligans to prevent them from travelling to specified matches abroad.

The Bill does not prescribe the contents of the membership scheme. Rather, it provides for the Secretary of State for the Environment to appoint a body, to be known as the Football Membership Authority (FMA), to draw up the scheme in detail and submit it to the Secretary of State for approval. The Football Association and Football League have decided that they will work together in the establishment of a joint body to be recommended to the Secretary of State for designation as the FMA and I welcome their decision.

While I accept that the clubs and police have taken measures to deter football violence, I cannot accept the view that there is no trouble inside football grounds. The level of arrests and ejections at football grounds both last season and during this one are in themselves unacceptable, but they alone do not give the full picture. At too many matches violence remains just below the surface. Supporters of opposing teams have to be kept apart by physical barriers and by the employment of 5,000 or more police every Saturday during the season. Outside grounds, the behaviour of rival groups of supporters makes life intolerable both for law-abiding football supporters and for those who live or trade nearby or wish to travel by train on the same day as a football match.



We believe that the scheme offers the real prospect of ending football hooliganism both inside and outside grounds. It will remove the match as a central focus for the activities of hooligans. If hooligans know that they will not be allowed into football matches, they will have no incentive to travel to one. This has been the experience at Luton Town with its successful 100% home membership scheme. When the clubs adopt a positive and constructive attitude to the marketing and development of the scheme it could be of great benefit to them financially and enable the scheme to be introduced without any charge being made to members.

Introduction of the membership scheme will provide, for the first time, an effective and comprehensive procedure to keep hooligans away from football matches. I am confident that it will lead to the link between violence and football being broken and that going to a football match will become a far more enjoyable occasion than it has been for many years. Indeed, I believe that many people previously deterred by the threat of hooliganism will return to football.

I welcome UEFA's recognition of the progress that is being made in dealing with football hooliganism. By the beginning of the 1990/91 season (UEFA's target date for the possible readmission of English clubs to European competition), our intention is that the Football Membership Scheme will be up and working and powers to prevent convicted hooligans from travelling to key matches abroad will already have been introduced.

With determined action by the Government and the support of the football authorities and fans, football can stay firmly on the road to recovery. By the time of readmission we will have the mechanisms to control hooliganism both at home and abroad.

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Tomos smeerely

COLIN MOYNIHAN

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FROM THE PRIVATE SECRETARY
TO THE SECRETARY OF STATE
FOR WALES

April 1989

2922

Dear Dominic

FOOTBALL SPECTATORS BILL

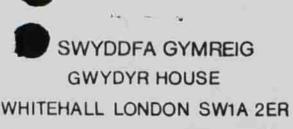
I attach a copy of a letter which my Secretary of State sent to the Secretary of State for Environment yesterday. It should have been copied to the Prime Minister and to the other recipients of Mr Walker's letter of 3 March. I apologise for the oversight.

I am copying this to the Private Secretaries to the Secretary of State for Environment, the Home Secretary, the Lord President, the Lord Privy Seal, the Government Chief Whip in both Houses, to Trevor Woolley and to the First Parliamentary Counsel.

Jains succerely Till Clemens

MISS F J CLEMENTS

Dominic Morris Esq Private Secretary 10 Downing Street LONDON SW1



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The Rt Hon Peter Walker MBE MP From The Secretary of State for Wales

CT/1963/89

S April 1989

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FOOTBALL SPECTATORS BILL

When I wrote to you on 3 March I said that I would be talking to the members of my Working Group at their first meeting. This took place on Wednesday, 22 March.

As I indicated to you that I would, I put it very firmly to the Group that the inclusion of Football League matches at English club grounds made it essential to include such matches at Welsh club grounds. The representatives of the League and of the Football Association of Wales nonetheless argued for the exclusion of Welsh clubs, though they produced no argument apart from their general opposition to the Bill, and could not dispute that the record of violence associated with games involving Cardiff City is a poor one.

The two club Chairmen who were present were clearly concerned about the feasibility of the scheme, in particular the robustness of the technology, and the effect on their modest attendances. But they took the point about consistency within the League as a whole. The police representatives expressed themselves wholly opposed to the exclusion of Welsh League clubs.

Although, unlike the representative of the FAW, I had not envisaged that this meeting would be the consultation to which Alexander Hesketh referred in the debate on Lord Brooks' amendment, I think we can argue that the football interests in Wales had a good chance to put their case - I was with them for an hour. They produced, as I say, no case for a general exclusion.

I enclose a speaking note for use at Lords Report.

The Rt Hon Nicholas Ridley MP Secretary of State for the Environment Department of the Environment 2 Marsham Street LONDON SW10 3EB



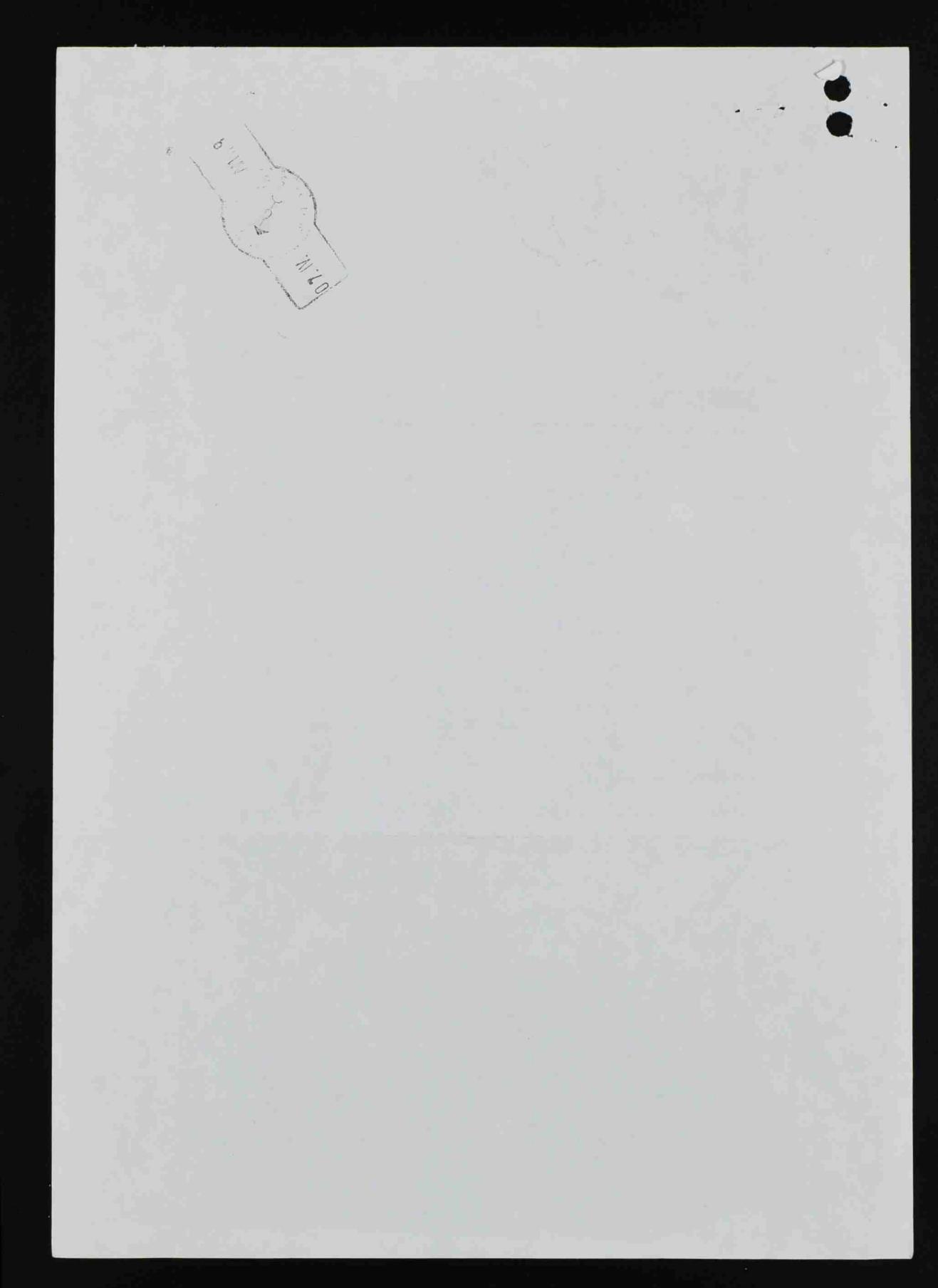
SPEAKING NOTE

During Committee I undertook to take away for consultation the amendment moved by the Noble Lord, Lord Brooks of Tremorfa, to exclude Welsh League clubs from the scheme's ambit. But I pointed then to the difficulties of excluding three clubs playing in a transnational league all the rest of whose members were included in the scheme. I also referred to the Working Party which my rt hon Friend the Secretary of State for Wales was setting up to advise him on the designation of matches played in Wales.

My rt hon Friend met the members of his Working Group last month. There were representatives from the Football Association of Wales, the Football League, Welsh League clubs, the Sports Council, and the Police Forces within whose areas the Welsh League clubs' grounds lie.

I understand that the question of the exclusion of Welsh clubs was discussed at some length. My rt hon Friend listened carefully to those who argued for exclusion. But neither on grounds of principle nor by reference to the record of violence associated with matches involving Welsh League clubs was he convinced that an exception could or should be made. And indeed he argued, as did some members of the Group and as I have done, that there must be consistency within the Football League.

My Lords, we have considered carefully here, and my rt hon Friend the Secretary of State for Wales has considered fully, the question of excluding Welsh clubs from the scheme. But we cannot agree that those who have argued for exclusion have established a convincing case.



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The Rt Hon Peter Walker MBE MP From The Secretary of State for Wales

CT/1960/89

March 1989

FOOTBALL SPECTATORS BILL

Thank you for your letter of 24 February.

I noted with some concern that Alexander Hesketh had offered to consult on the exclusion of the Welsh clubs from the scheme if Lord Brooks and his supporters withdrew their Amendment to that effect. It is certainly not my wish that the clubs should be outside the scheme, and I am surprised if, following the earlier narrow defeat, it was felt likely that we would go down on this Amendment also. It is clearly essential that I should be able to designate matches involving the 3 Welsh clubs played at their own grounds.

Topolale

I remain convinced, however, that we should not at this stage state categorically that these matches will be designated. In saying that I would set up an advisory group I have given no indication that I would restrict its scope in this important way. To do so now would be unnecessarily provocative. But I also feel even more strongly that my approach is the right one now because it offers us the most convincing grounds for, in due course, arguing that we cannot exclude the clubs as Lord Brooks proposed.

My advisory group will have its first meeting within the next few weeks. Although one of my officials will chair its subsequent proceedings, I shall myself attend that meeting. This will give those representatives of the sport in Wales whom I am inviting to serve on the group (including the Chairmen of the 3 clubs) a fair chance to put their points to me. It will also be an occasion for me very firmly to put to them our views, for example on the need for consistency between England and Wales as regards league matches. Thus while they may consider advising against the designation of league matches, they will have a pretty clear understanding that I would reject such advice.

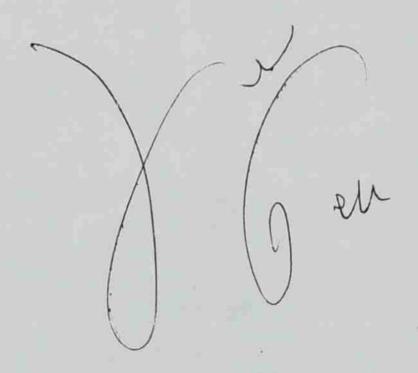
/After that...

Rt Hon Nicholas Ridley MP Secretary of State for the Environment 2 Marsham Street LONDON SW10 3EB



After that meeting we shall be in a very strong position to argue that we have listened to what the Welsh interest had to say and answered them. This in turn will be the best answer to Lord Brooks.

I am copying this to the Prime Minister, Douglas Hurd, John Wakeham, John Belstead, David Waddington, Bertie Denham, Sir Robin Butler and the First Parliamentary Counsel.



HOME AFFAMS: Football mugs.



nopn - at this stage

2 MARSHAM STREET LONDON SWIP 3EB 01-276 3000

My ref:

Your ref :

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

24 February 1989

Dec Secutary State,
FOOTBALL SPECTATORS BILL 12 DM?

Thank you for your letter of 22 February.

The question of the application of this Bill to Wales was the subject of an amendment debated in Committee in the House of Lords on Monday. Alexander Hesketh made the points that Wales could not be exempted from the Bill in the way proposed, that you had established a working party to consider the designation of matches in Wales and that it was very unlikely that designation would not include Football League and FA Cup matches played in Wales when the home team was one of the Welsh League clubs. At the end of the debate he said that he would take the matter away for further consultation, but without any commitment.

It is essential that we should clear this issue up as soon as possible. As you have acknowledged, it has always been the Government's intention that the national membership scheme should apply to all 92 League clubs. The Prime Minister has made this clear more than once. Exempting the three Welsh clubs would seriously undermine the effectiveness of the scheme. It would leave English and Welsh hooligans free to attend matches at the Welsh League clubs; at the same time, supporters of the Welsh clubs would have to join the scheme if they wished to attend a match in England. This would clearly be totally unacceptable.

For these reasons, I do not think that we can leave open any longer the possibility that you might decide not to designate relevant matches involving the Welsh League clubs. The longer we do so, the longer we allow our opponents to throw into question the Government's commitment to the application of the scheme to all 92 clubs. I would be grateful therefore for your agreement to our taking the earliest possible opportunity to spell out that relevant matches involving the Welsh League clubs will be designated and that your working party will look only at the question of designating other matches — in the Welsh Cup for example.

I am copying this letter to the Prime Minister, the Home Secretary, the Lord President, the Lord Privy Seal, the Chief Whips in both Houses, Sir Robin Butler and First Parliamentary Council.

NICHOLAS RIDLEY

(Approved by the Secretary of State and signed in his absence)

FOOTBALL MEMBERSHIP SCHEME

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Miss Sinclair's note analyses the consequences of the House of Lords' vote on Monday. The problem arises because the Harmar-Nicholls amendment does not do what he claimed - instead of requiring the football membership authority to consider phasing the scheme in, it ends up requiring phasing. Lord Belstead will now speak to Lord Harmar-Nicholls to see if, when the defects of the amendment are explained, he will withdraw it. This is unlikely. More likely is that he will accept a Government amendment which achieves what he said he wanted. This could, however, cause difficulties with some of the others who voted for the amendment who want phasing to be a requirement. An amendment limiting the scheme to First and Second Division clubs was strongly argued for but in the end not pushed to a vote.

The Chief Whip is slightly more concerned than implied by Miss Sinclair's first paragraph. The status quo always has its attractions and it would have been easier to get the Commons to vote for the original Bill than vote to reverse a change made in the Lords.

The issue of phasing or limiting to larger clubs hinges on the displacement argument. The Government's case is that there is now hooliganism at the smaller clubs and that if hooligans cannot get into the big matches, they will transfer their activities to smaller matches. It will be difficult to persuade people of this as it is not entirely consistent with what the Government is arguing elsewhere. The Government argues that there is not simply a fixed quantum of hooligans which is simply moved around, but that the nature of football matches actually creates it, and that the atmosphere of the big matches is particularly conducive. I confess to being sceptical on whether hooligans who cannot get into Chelsea or West Ham are likely to find that Brentford or Leyton Orient provide the platform they are looking for.



ANDREW TURNBULL
22 February 1989

FOOTBALL MEMBERSHIP SCHEME

Yesterday's set-back in the Lords is psychologically damaging. But it should not throw the timetable for the passage of the Bill into serious jeopardy. Nor do officials expect it to slow up work on the details of the membership scheme. This is currently underway in a group of representing the League and the FA, together with a senior official from the Department of the Environment.

Parliamentary Aspects

Lord Harmar-Nichols' intention was to require the Football Membership Authority (which is to run the scheme) to consider phasing it in rather than introducing it simultaneously in all 92 league clubs. But his amendments would not have had this affect. You may like to look at the attached note at Annex A on the legal effect of his proposals. They could not be accepted as they stand, even if some form of phasing were to be accepted.

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Comment

The football authorities, and probably many of the clubs, now accept that the membership scheme is not going to go away. The former are getting down to work. Some of the mists are clearing:

- the technical problems such as the time taken to process cards are already looking much less formidable;
- although there are still no firm figures for cost, it is quite clear that football as a whole could afford the scheme.

Arguments that the scheme is technically impossible, or that it is beyond the capacity of the game to afford, can be dismissed.

But other worries, some of which are genuine, remain.

I recently visited Tottenham Hotspurs' ground to watch a match. Tottenham are a rich and progressive club. They had a lot of crowd trouble in the 1970s. They have since worked systematically to eliminate this, and have been largely successful to date.

Tottenham believe that the secret to preventing hooliganism at football grounds is a combination of good policing and stewarding. They have developed an effective relationship with their local police division. (This was confirmed independently on a visit to Tottenham Police Division). The Tottenham stewards are relatively young and well trained. They look effective. They are a far cry from the elderly pensioners traditionally employed as stewards by some clubs.

Tottenham are building up their own membership scheme for their own reasons. They pride themselves on having been able to dismantle all but one of their fences. They have clearly taken the problem of hooliganism seriously, and it is rather worrying that they do not think the national membership scheme will help them at all.

Where clubs like Tottenham (there are unfortunately not enough of them) differ from the Government is over the role of the card in preventing hooligans without cards from hanging around football grounds, or trying to get into games. It is the Government's belief that the membership scheme will mean that football will cease to be a focus for hooliganism. Colin Moynihan has argued persuasively that it is the crowd atmosphere at games which generates the excitement which

can turn into hooliganism. If people know that they will not be admitted to games, they will not turn up. But it must be admitted that in the early days of the scheme, they may well turn up in the hope that they will somehow get in. This, after all, apparently happens regularly in the case of all-ticket matches which are sold out.

Conclusion

The opposition of the clubs to the scheme has been so extreme - and much of it so misplaced - that it is difficult to separate out genuine arguments from sand in the eyes. This hampers genuine dialogue. But given the uncertainties as to how the scheme will work, especially at the beginning, the best course would be:

- to make it clear that the Government intends to press on with the scheme;
 - to point out that Lord Harmer-Nichols' amendments show that the principle of the scheme is **h**ow widely accepted;
 - but that whatever their intention, they are unworkable;
 - to explore in the working group the scope for genuine improvements to the scheme;
 - to avoid closing the door completely on phased introduction. Phasing in a form determined by the Government could be a useful card to play, particularly once the Bill reaches the Commons.

CAROLYN SINCLAIR

LORD HARMAR-NICHOLS' AMENDMENTS

 $\frac{\text{No.1}}{\text{itself}}$ is introductory to the other amendments. It does not, by

No.44 makes it obligatory for the scheme to be introduced in stages. It amends Cl 5(2) of the Bill which is concerned with those matters for which the scheme <u>must</u> provide. It adds to that group a requirement that

"The scheme must make provision.... for its implementation in stages, following an investigation and report by the administrator on the best methods of achieving a phased and orderly introduction of the scheme;"

DOE . lawyers have spoken with Parliamentary Counsel. As I understand it, his advice is that if the Bill were to be amended to require the phasing of the scheme, Clause 5 would not be the appropriate place. The Bill would be unworkable if Clause 5 were to be amended in this way.

No.65 deals with the matters which the administrator must investigate and report on, as required by No.44. It requires him to examine whether phasing should be achieved on the basis of one or more of the following:

- (a) ground capacity;
- (b) present membership of the club; and
- (c) average attendance at home games over the past three seasons.

Nos. 86, 87 and 89, taken together, remove the provisions bringing Part I of the Bill into force. They appear designed to be an alternative means of achieving phasing, to amendments 44 and 65.

Nos. 86 and 87 delete the provisions which bring into force (a) the offences under Part I (in clauses 2 and 7); and (b) the rest of Part I.

No.89 replaces the deleted provisions by a provision that the Secretary of State may not bring Part I into force until the administrator has investigated and reported to the Secretary of State on the desirability and feasibility of implementing its provisions in four stages: 1st stage - 1st Division; 2nd stage -2nd Division; 3rd stage - 3rd Division and 4th stage - 4th Division. But it does not go on to deal with how or when Part I will come into force; they provide no means for it to do so.

These amendments are also unworkable in another sense. The Administrator cannot be appointed until Part I has come into effect - here it says that before bringing Part I into effect the Administrator must do certain things - it doesn't work.

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CT/4080/89



IAN GRIST MP

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From The Parliamentary Under-Secretary

February 1989

Thank you for your letter of 12 January about the Football Spectators Bill.

In his answer to an inspired question from Gwilym Jones on 17 January, Peter Walker announced that in Wales we intended to set up at early date a Working Party to advise on whether any particular match should be designated. Whilst it is extremely unlikely that we would not designate league and FA Cup matches in Wales it will be for the Working Party to advise upon this matter in the first instance. We should not therefore I believe come to any firm decision on the detail of the Orders until later. It will of course be for the Secretary of State for Wales to announce which matches are to be designated.

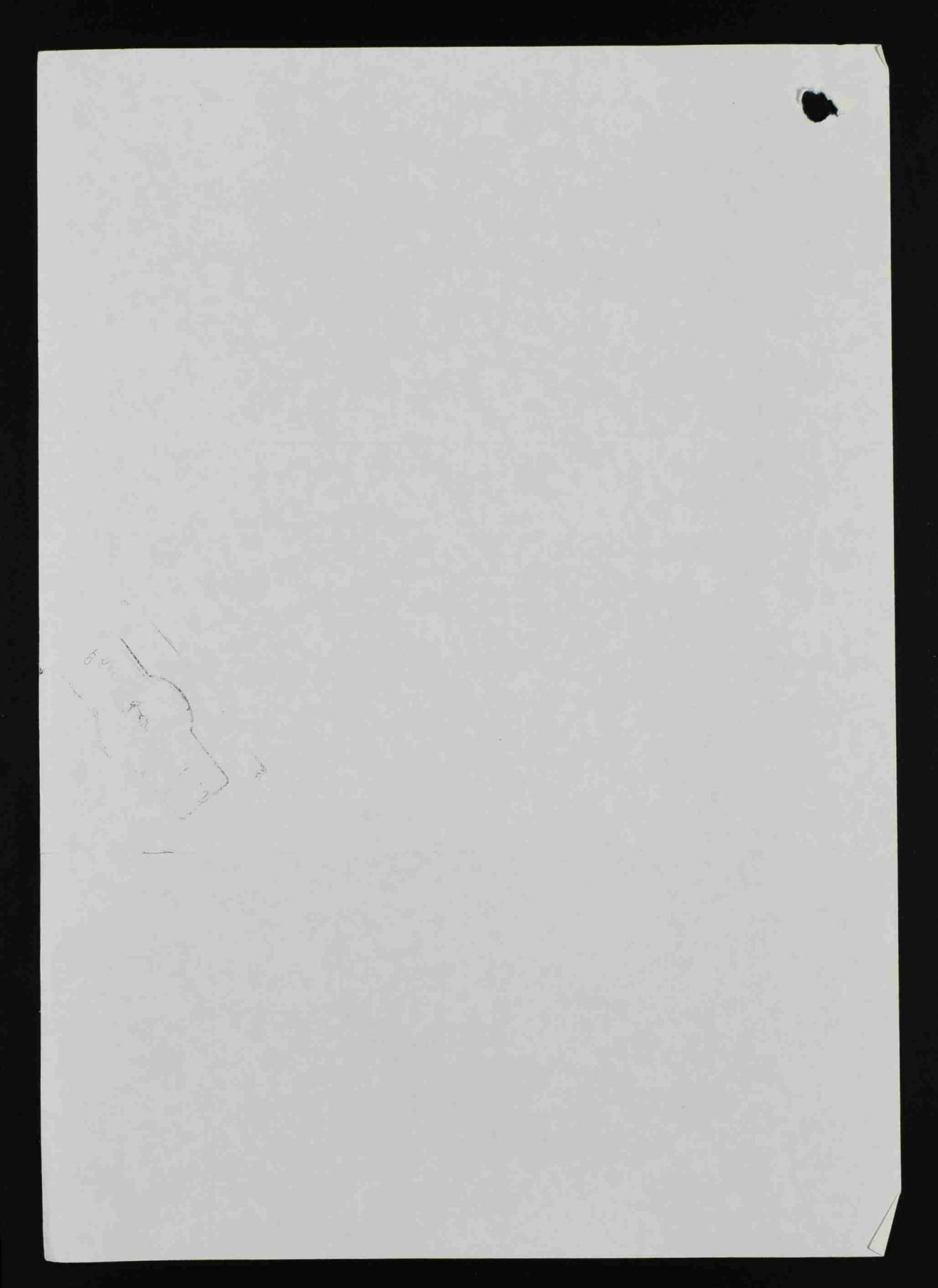
I believe that we should look at the detail of the membership of the Football Membership Authority once the Working Party have advised on matches played in Wales and we have decided which, if any, are to be designated.

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.

jour ever, The Hon Colin Moynihan MP Parliamentary Under Secretary Department of the Environment

2 Marsham Street

LONDON



PART Pare 7 ends:-

Home Secretary to ms/sport 17-1-89

PART 8 begins:-

ms/welsh Opice to ms/sport 2.2.89