

Proposed Football (Strict Liability) (Scotland) Bill

Page 2: About you

Are you responding as an individual or on behalf of an organisation?

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Other (e.g. clubs, local groups, groups of individuals, etc.)

Please choose one of the following; if you choose the first option, please provide your name or the name of your organisation as you wish it to be published.

I am content for this response to be attributed to me or my organisation

Name or Name of Organisation

St Johnstone Football Club

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

[Redacted contact details]

Page 7: Your views on the proposal

Q1. Which of the following best expresses your view of the proposal to introduce strict liability for football clubs in Scotland?

Fully opposed

Please explain the reasons for your response

We believe it is fundamentally wrong for clubs to be penalised for individuals' behaviour. Clubs could take every reasonable measure to ensure good behaviour but the bottom line is that those who engage in

Q1. Which of the following best expresses your view of the proposal to introduce strict liability for football clubs in Scotland?

Unacceptable Conduct do not have the interests of the club at heart and do not care about the consequences for the club. Clubs CANNOT be responsible for the behaviour of every single supporter.

Q2. Could the aims of this proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

Yes (if so, please explain below)

Please explain the reasons for your response

The current options open to authorities of sporting sanctions and criminal penalties are sufficient. If fans don't already see prosecution, a long-term ban from their club or their club receiving sporting sanctions as a deterrent then the introduction of strict liability will mean nothing to them and not alter their behaviours at all.

Q3. What do you think would be the main advantages, if any, of holding clubs responsible for the behaviour of their supporters?

We fundamentally do not believe that there are any advantages.

Q4. What do you think would be the main disadvantages, if any, of holding clubs responsible for the behaviour of their supporters?

Clubs already ARE held responsible via the existing SFA and SPFL rules on Unacceptable Conduct plus existing laws which Police Scotland can enforce.

Page 11: Behaviours and sanctions

Q5. If there is to be a system of strict liability, which of the following behaviours do you think should be covered (choose all that apply)--

Please explain the reasons for your response

There should be no system of strict liability. There is already a detailed and effective system for dealing with all types of Unacceptable Conduct in Scottish Football. This includes all of the above and more types of misconduct.

Q6. If there is to be a system of strict liability, which of the following sanctions do you think should be available (choose all that apply)--

Please explain the reasons for your response

The existing Scottish FA Judicial Panel Protocol and the SPFL Rules already make provision for all of the above and more types of sanction.

Page 13: Financial implications

Q7. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly costneutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Football clubs	X					
(b) Football supporters and other individuals	X					
(c) Scottish Government and public sector bodies (such as Police Scotland)						X

Please explain the reasons for your response.

A system of strict liability would leave us open to crippling and business ending costs arising from the visit to our Home ground of a bigger Club with a large travelling support which engaged in Unacceptable Conduct. We could do nothing to stop it and our security and police could not and would not intervene leaving us with an open ended liability for misbehaviour for which we had no responsibility and about which we could do nothing. Ultimately the supporters who buy entrance to matches would have to meet the financial liability for sanctions. This is uncharted territory so whilst unsure, it is difficult to imagine any other outcome than it costing all bodies involved significantly more.

Page 14: Equalities

Q8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation?

Neutral (neither positive nor negative)

Please explain the reasons for your response

It is difficult to see how the proposal would have any affect on the groups highlighted in the question

Q9. In what ways could any negative impact of the proposed Bill on any of these protected characteristics be minimised or avoided?

Not applicable, given our previous answer.

Page 16: Sustainability of the proposal

Q10. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Unsure

Page 17: General

Q11. Do you have any other comments or suggestions on the proposal to introduce strict liability for football clubs in Scotland?

At St Johnstone FC, we work tirelessly to ensure that Unacceptable Conduct instances are kept to an absolute minimum and this has been achieved through a variety of methods including a long-running and successful dialogue involving the club, Police Scotland, our stewarding company and other agencies.

Communication of what is deemed to be Unacceptable Conduct and the possible penalties is key and we already do this through the club website, match programme, tannoy announcements and signage within the ground.

Our Supporter Liaison Officer also plays a part in regularly communicating with elements of our support who have the potential to cause a problem.

Sectarianism remains prevalent within factions of the Scottish game but this problem is a creation of many hundreds of years of history - how can one club reasonably prevent several thousand fans engaging in sectarian singing?

We are also concerned at the potential, if Strict Liability were to be introduced, of a supporter or group of supporters using the Act to deliberately jeopardise the wellbeing of their opponents or rivals.

The club has invested in HD CCTV cameras which are manned at all first team matches. These cameras exceed the specification and operation of the cameras in Perth city centre - is it really fair that a club who makes this sort of investment to aid its determination to stamp out Unacceptable Conduct could still be penalised heavily for one person's random irresponsible behaviour?

One change which we would encourage is the creation of legislation by which clubs can apply for temporary or permanent banning orders which, if not complied with, can result in civil penalties or criminal prosecution.

We believe that it is fundamentally wrong that, despite all these efforts and every perceivable caution being taken, one supporter out of the tens of thousands who enter our stadium and who has no regard for the wellbeing of the club could end up costing the club and its supporters large amounts of money or other heavy sanctions.