



Prime Minister

## FOOTBALL HOOLIGANISM

I describe in this note the position on the criminal law and the action which I am taking directly and through the police on football hooliganism, and also the options on matters for which the Home Office has particular responsibility. Patrick Jenkin has provided a note on the wider perspective of the problem and the options so far as they affect his Department, the football authorities and the clubs.

### The criminal law and its enforcement

There have been demands for a special offence for misbehaviour associated with violence at football matches and for increased penalties on conviction. Examination of the behaviour involved in football spectator violence has shown that existing offences catch all the behaviour we want to stop, and that there is no activity which occurs only at football matches and for which a specific new offence needs to be created. As Annex A shows in detail, custodial penalties are available for all the offences likely to be charged, and the January 1984 Court of Appeal judgement in the case of R v Wood (see Annex B) gave clear guidance to the courts to use custody for violent assaults on police or bystanders. I emphasised this guidance in a speech last weekend, and Home Office Ministers will continue to take appropriate opportunities to publicise it.

If the penalties available are to act as an effective deterrent, it is essential that serious charges such as grievous bodily harm and actual bodily harm are brought when the evidence justifies them. I have asked the Association of Chief Police Officers to emphasise the importance of obtaining sufficient evidence to lay such charges against identified ringleaders. I am examining how best to publicise this initiative, which I hope that ACPO would agree to do themselves. In policing large numbers of supporters it is, however, necessary to balance the responsibility to maintain public order (for example by not allowing an incident to escalate) against the enforcement of the law in individual cases. Sometimes the collection of evidence to bring charges has to take second place to the maintenance of public order. This outcome would be avoided if adequate measures were taken by the Football Association and the clubs to deny known troublemakers access to the grounds.

The need to act swiftly to keep such people away from grounds, as well as punishing them, is also something for the courts to consider. Emphasis on immediate justice is not necessarily the best arrangement, since only the more trivial cases, involving less serious offences, tend to attract a guilty plea and thus an immediate disposal. Courts can and do impose non-attendance at matches as a condition of bail and they can usefully attach such conditions to penalties for less serious offences. (This is an area where identity cards might assist in enforcement.) I am considering whether an approach to the Magistrates' Association to encourage the imposition of such conditions would be of assistance.

E. R.

As Home Secretary, and previously as Minister of State, I have attached particular importance to increasing greatly the number of attendance centres, to which offenders may be ordered to go on Saturday afternoons. In May 1979 there was a total of 79 centres - 77 junior centres (for those aged 10-16) and 2 senior centres (for those aged 17-20). There are now 127 attendance centres - 109 junior and 18 senior and I have plans to open more senior centres this year.

### Alcohol

There is a widespread belief that a reduction in the consumption of alcohol by football supporters would reduce the incidence of violence. There is no doubt that some football supporters in recent incidents consumed alcohol in large quantities, but there is little hard evidence to support claims that alcohol is a cause of hooliganism at football matches in England and Wales. Few of those arrested by the police have been charged with drunkenness and some observers, notably the Leicester University researchers, have found little or no connection between drink and violence.

The experience in Scotland is relevant. The Criminal Justice (Scotland) Act 1980 contains specific provisions relating to alcohol. These make it an offence to possess alcohol at, or on the way to, designated sports grounds; to be in possession of containers at these events; or to attend or attempt to attend at such an event in a state of drunkenness. The Act also applies to those hiring coaches or buses to take people to a

football match. It makes it an offence for the hirer (often the Club Secretary), the holder of the public service vehicle licence, his agent or the driver to allow the carriage of alcohol and/or for its consumption on the coach or bus.

At the entrance to football grounds in Scotland (and this includes both matches at League clubs and at football and rugby internationals) the task of searching fans and/or determining their alcoholic state is undertaken by the police. Inside the grounds stewards supervise attempts to consume alcohol and enlist police aid when necessary. The penalties provided for in the Act are -

- possession of alcohol on a vehicle      60 days and/or £400
- hirer carrying alcohol on a vehicle      £400
- employee, agent or driver  
  permitting alcohol to be  
  carried    £400
- attempt to enter in possession  
  of a controlled containeer                      60 days and/or £400
- whilst in possession of alcohol  
  in, or attempts to enter a  
  designated sports ground                      60 days and/or £400
- drunk in, or attempts to enter  
  whilst drunk, a designated  
  sports ground                                      £100

There is strong anecdotal evidence that this legislation has resulted in a marked decline in soccer violence in Scotland.

It has clearly been the refusal to admit to grounds those who arrived the worse for drink, or in possession of alcohol, which has had the major impact. Strict enforcement of such a policy would seem likely to have a similar effect in England and Wales once it had been seen to be the established policy. It could be done without legislation. There might be some transitional problems in the short term, when drunken fans refused admission to grounds (or to board trains at termini) could exacerbate the problems of control facing the police, by causing trouble elsewhere in the town outside the ground. But this may be a small price to pay in order to control the wider problem in the longer term. Clubs already have the powers to refuse admission to drunken fans and could be encouraged to put them into effect. The initiative must lie with the clubs in refusing them admission. The police will act in support wherever there is a breach of the peace.

#### Alcohol on trains

British Rail has a discretionary power to prevent alcohol being taken on board or consumed on all categories of service - whether chartered, sponsored, "specials" or normal services. They use their powers to ensure that the majority of trains carrying football spectators travel "dry". It is open to the Transport Police to take action against anyone who is drunk at a railway terminus, and to travel on "football specials" to maintain order. Both the police and the British Transport Police have developed considerable expertise in using these powers to control football crowds. The recent incident was very much an exception.

To sell alcohol at their grounds, football clubs require either an on-licence (for sales to the public) or a club registration certificate (for sales to club members only). When considering applications for the renewal of a licence or certificate, the licensing justices have a complete discretion, and hooliganism could be a ground for refusal. So objections to renewal of a licence could be made as a means of restricting the sale of alcohol in grounds which had been the scene of trouble.

#### Alcohol on coaches

Licences are issued by the Transport Commissioners for either 3 or 5 year periods. There is no requirement upon a coach operator to declare either at the outset or during the period of his licence whether he intends to carry football spectators. There are 9 areas in England and Wales, each headed by a Commissioner. Each has the power (under the Transport Act 1980) to attach conditions to the licences of public service vehicles carrying passengers. These conditions may cover such matters as the banning of alcohol and the exclusion of drunken passengers from the coach. One Commissioner in the North East has imposed such conditions, but the other Commissioners take the view that, unless they all act in concert in applying the same conditions, there is little to be gained, and despite promptings they show little enthusiasm to do so. There are good grounds to persuade the Commissioners to use the powers they have, which seem to be sufficient, without recourse to legislation.

### Police power to prevent travel

There is no doubt that if the police reasonably conclude that people are travelling for the purpose of taking part in an activity in circumstances where there is likely to be a breach of the peace, they have the power at common law to call upon them not to continue their journey and to call upon their driver to take them no further. Anybody who failed to comply with a police request in those circumstances would be committing the offence of obstructing a police officer in the course of his duty. It must be a matter for judgement by the police in each case, and senior policemen have recently said publicly that they would not hesitate to use these powers where the circumstances justified it. In addition to the common law powers the British Transport Police can impose controls contained in the British Rail byelaws made under section 67 of the Transport Act 1962. These include the power to refuse to allow someone to travel or to order him to leave if, for example, he is behaving in a disorderly manner. The British Transport Police use these powers when appropriate.

### Licensing of clubs

Football clubs do not require an entertainment licence, but the Safety of Sports Grounds Act 1975 gives me power to designate sports stadia with a capacity of more than 10,000. They then have to obtain a safety certificate from the local authority. All First and Second Division clubs have been designated since 1979; clubs promoted to the Second Division are designated each year and relegated clubs remain designated.

The local authority has discretion to impose terms and conditions governing the admission of spectators, including a limit on numbers, and requirements about crash barriers, exits layout of terraces, stands and police cover. It is open to the local authority to revise the terms and conditions of a certificate at any time in the light of changed circumstances. Guidelines on the imposition of terms and conditions are set out in a Home Office booklet "Guide to Safety at Sports Grounds (Football)".

I propose to re-examine these guidelines in consultation with other interested parties to see whether the advice given can be strengthened so as to draw specific attention to the need for local authorities, when issuing safety certificates, to take account of any history of crowd disorder at the grounds of particular clubs and the particular physical measures that would help to reduce such disorder. I should also like to discuss the possibility of quite deliberately designating particular clubs in the Third and Fourth Divisions with a history of violence.

#### Costs

It is the football club's responsibility to meet the cost of complying with the requirements of a safety certificate. But they can apply for grants towards this expenditure from:

- Football Ground Improvement Trust (safety work on ground facilities)
- Football Trust (in relation to police costs inside



the ground. Policing outside the ground counts as normal police expenditure and is borne on the rate with 50 per cent exchequer grant).

### Summary

There is no gap in the existing law relating to criminal offences or in police powers. I have already drawn attention publicly to the penalties available, and Ministers will continue to do so. I have asked the police to bring serious charges where the evidence justifies it and to publicise that policy, and the courts can usefully attach conditions of non-attendance at matches to penalties short of custody for less serious offences. Powers exist to take stringent measures to prevent drunken fans travelling to or securing admission to football grounds, and these could be exercised to good effect, as has already been done in Scotland, provided the clubs and the Transport Commissioners are prepared to play their part, with the support of the police as necessary. I propose to re-examine the Home Office guidelines on designating sports grounds, to strengthen the advice to local authorities on safety measures, and to consider their extension to selected Third and Fourth Division clubs.

I am sending a copy of this minute to Nigel Lawson,  
George Younger, Patrick Jenkin, Nicholas Ridley, Neil Macfarlane,  
and Sir Robert Armstrong.

L.B.

20 March 1985

## MAXIMUM PENALTIES AVAILABLE TO THE COURTS

<u>Offence</u>	<u>Maximum Penalty</u>
Wounding with intent to cause grievous bodily harm	Crown Court: life imprisonment and/or an unlimited fine.
Criminal Damage	Crown Court: 10 years' and/or an unlimited fine. Magistrates' Court: <u>if value over £400</u> 6 months' / £2,000 fine <u>if value £400 or less</u> 3 months' / £1,000
Assault occasioning actual bodily harm or malicious wounding	Crown Court: 5 years' and/or an unlimited fine Magistrates' Court: 6 months' / £2,000
Threatening behaviour	Magistrates' Court: 6 months' / £2,000
Assault on constable	Magistrates' Court: 6 months' / £2,000
Having an offensive weapon in a public place	Magistrates' Court: 3 months' / £1,000
Common assault	Magistrates' Court: 2 months' / £400

Powers to deal with juveniles (ie 10-16 year old offenders) are more limited. No juvenile may be sentenced to imprisonment, but where they might otherwise have been imprisoned boys aged 14 or over may be sentenced to detention for between 21 days and 4 months, and offenders aged 15 or 16 may also be sentenced to youth custody for up to 12 months. Juveniles may be fined up to £400, or £100 in the case of children under the age of 14. Parents may be held responsible for these fines.

REGINA v WOOD January 1984

Guidelines in the Court of Appeal

"We infer that those who have a propensity to use violence are not deterred by fines or by orders imposing only a limited restriction on liberty. It follows, so it seems to us, that the time has come for the courts to impose sentences which may deter those who are minded to use violence at or near football grounds. Unless there are exceptional mitigating circumstances - and it is not easy to see what they could be - youths between the ages of 17 and 21 who are convicted of any offence involving violence towards police officers or others trying to maintain order or to spectators who are not themselves involved in the violence should receive a custodial sentence. In most cases a short detention centre order should be adequate; but if any weapon has been used or a disabling injury was caused or there is evidence that the convicted youth is addicted to the use of violence, a youth custody order would be appropriate. If the injury should be such as to amount to grievous bodily harm, as is likely to arise from stabbing, a longish sentence may be necessary.

"These guidelines may not be appropriate for youths under 17; but we respectfully suggest to magistrates who sit in juvenile courts that they should consider the need for deterring the disorderly young as well as for reforming them. Further, applying these guidelines to disorderly youths who have done violence to one another may be inappropriate because much will depend in each case upon what happened and why it happened. There may have been provocation or over-reaction to an attack which went beyond lawful self-defence. In general, however, there will be a need to ensure a deterrent element in all sentences."

20 MAR 1985

