

Supporter Involvement in Scottish Football Clubs

Scottish Co-operative Party Consultation Response

10th January 2016

The Scottish Co-operative Party welcomes the opportunity to make a contribution to the consultation on Supporter Involvement in Scottish Football Clubs.

The Scottish Co-operative Party believes that things work best when ordinary people have a voice, and when services are accountable to the people who use them. We think that this is particularly true of football clubs.

There are four Scottish Labour & Co-operative MSPs in Parliament, as well as representatives in local government across Scotland. We've led the way in protecting consumers and the environment, and in championing fairtrade. We support credit unions, fight for football fans, and want to give power to the people. Together, we're ensuring that co-operative and mutual values are at the heart of politics.

In general terms as co-operators we believe that ownership and the ability to influence the governance of a business on a one-member-one-vote basis at least once a year is of crucial importance. We welcome companies listening to their customers or supporters but ultimately it is ownership which allows customers or in the case of football clubs supporters to have the right level of influence.

In the course of this response we will attempt to answer the questions posed in the consultation.

Question 1:

What are your views on making a law to give supporters the right to influence their club?

We do believe that supporters should have a right to influence their club. Obviously in order to do this the ownership structure of the club must be open and transparent and the ultimate beneficiaries of any ownership vehicles in the club must be public knowledge. Whilst we would support giving supporters the right to influence the club as we stated at the start of this paper ownership is our priority.

Question 2:

What are your views on making a law to give supporters the right to govern their club?

We do support giving supporters the right to govern their club. We understand that supporter directors may be put in conflicted positions with regard to confidentiality and their duty to the company as opposed to their duty to their supporters' organisations, however we do not believe that this should preclude these structures. With the appropriate level of training and understanding we believe that it is possible for supporter directors to fulfil their roles.

We are opposed to any two-tier model of directorships. A supporters' director is either a director or s/he is not a director of their club. The provision of forums to allow fans to air their views on the governance of the club is good but is not an alternative to actual ownership of the club.

Question 3:

What are your views on making a law to give supporters the right to bid for their club?

In terms of whether fans should be given the right to bid for their club. We believe that at the point of a sale supporters' trusts should be given the option to buy at least up to 10 per cent of the club. We agree that directors should have to consult with supporters' trusts in the event of a sale of the club being proposed.

Question 4:

What are your views on making a law to give supporters the right to buy their club?

As we have said from the outset in this paper we believe that ownership is crucial in terms of giving real power to fans. As co-operators we believe that it is by having ownership of the assets of an organisation and a right to a say in its governance that we empower people. We believe this to be the case with football clubs.

Therefore we support proposals to give supporters the right to buy the football club. We recognise that this would need to be supported by an external agency such as the business, community and football enterprise unit suggested in the consultation document. Such an agency would require to be properly resourced and supported. As supporters of the co-operative model we wonder if this is a role for an expanded Co-operative Development Scotland.

Question 5:

What are your views on raising the necessary funds, including the amount of time allowed for supporters to do so, to give supporters a right to buy their football club?

The issue about the time allowed for supporters to raise the necessary funds to buy a club is a sensitive one. We recognise that in a crisis situation delays may make the crisis worse but we also recognise that any crisis may well represent a reason to change how things are done and an opportune time to change the model of ownership.

Question 6:

What are your views on defining assets, in the context of making a law to give supporters rights in the decision making or ownership of their football club?

The assets of a football club can be many and varied. Obviously the assets can include the stadium and the company which runs the club. We also believe that the assets of the club include things like the identity of the club. We believe that clubs should not be able to change the name or main colours of the club without the approval of the supporters. We also believe that the Lord Lyon Court should look at registering the club badges of all teams.

It is wrong that some clubs have been fined over the use of long standing emblems of clubs by a court which is a throwback to the medieval period. We also think that the Scottish Government should look at expanding the powers of the Community Empowerment Act to look at the possibility of making stadiums community assets.

Question 7:

What are your views on how to define what is a football supporter and defining supporter groups, in the context of making a law to give supporters rights in the decision making or ownership of their football club?

We think that we should define football supporters as members of a defining supporter group. As supporters of co-operatives we believe that supporter groups should be defined as those supporter groups which are organised as Community Benefit Societies.

Question 8:

What are your views on rights of appeal, in the context of making a law to give supporters rights in the decision making or ownership of their football club?

We agree that there is a need to set up some kind of appeals mechanism to adjudicate on areas of disagreement about supporters rights.

We would like to pay tribute to the work of Supporters' Direct Scotland in promoting fan ownership in Scottish football. We believe that their role should be recognised and supported in legislation. If the Scottish Government is supporting greater fan ownership then it should look at ways of supporting Supporters' Direct Scotland. Perhaps this could be as part of the business, community and football enterprise unit suggested in the consultation document. It may be the case that this could form part of a strengthened and expanded Co-operative Development Scotland. Co-operative Development Scotland should have a wide-ranging review of its role, responsibilities and resources and consideration of how it might support fan ownership in football should be included in such a review.

We believe that the Scottish Government should look at giving tax incentives to genuinely supporter-owned clubs. Well-run football and community sports clubs can really be a power for good in the community, by opening facilities to neighbourhood groups, schools and youth clubs; becoming a place where local people go to learn lessons about healthy living and sport. If the Scottish Government supports greater supporter involvement in the running of football clubs then it should look at using the tax system to incentivise clubs becoming supporter-owned.

Fundamentally we believe that supporters should have more of say in the running of their football clubs and we believe that mutual ownership and governance according to co-operative principles is how to achieve this.