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**Hester, Richard, Hobson, Jonathan ORCID logoORCID: <https://orcid.org/0000-0001-8081-6699> and Jones, Demelza ORCID logoORCID: <https://orcid.org/0000-0002-5985-1972> (2024) "If we're wrong, take us to court": An analysis of special police services (SPS) arrangements for the policing of football in England and Wales. International Journal of Law, Crime and Justice, 76. Art 100649. doi:10.1016/j.ijlcj.2024.100649**

Official URL: <https://doi.org/10.1016/j.ijlcj.2024.100649>

DOI: <http://dx.doi.org/10.1016/j.ijlcj.2024.100649>

EPrint URI: <https://eprints.glos.ac.uk/id/eprint/13615>

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## Position Paper

# “If we’re wrong, take us to court”: An analysis of special police services (SPS) arrangements for the policing of football in England and Wales

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## ARTICLE INFO

## Keywords:

Special Police Services  
Football policing  
Risk policing  
Football finance

## ABSTRACT

Under the Police Act 1996, Special Police Services (SPS) allow the police in England and Wales to partially cost recover for resources deployed to police events such as football, horse racing and music festivals. Historically, there have been numerous legal cases about SPS charges involving police forces and event organisers. Most recently *Ipswich Town Football Club Company Limited vs. The Chief Constable of Suffolk Constabulary* [2017] EWCA Civ 1484, resulted in clarification on points of law and a more restricted area within which police forces can charge for SPS. This qualitative research interviews police officers engaged in policing football, football club representatives and other key stakeholders involved in the SPS negotiation process. It finds that there are divisive approaches by both parties, which can result in compromising public safety. The notion of SPS being abolished is explored, despite potential benefits of this, further research is recommended to examine this further.

## 1. Introduction

This paper explores the processes, relationship and problems of police forces charging football clubs for providing Special Police Services (SPS) for the policing of football matches in England and Wales. Football is a multibillion-pound industry, with the Premier League contributing £7.6 billion to the UK economy in 2016/17 (Slater, 2019). A straightforward argument proposed by senior police officers (see *Sky Sports News*, 2019) is that because of this income, the football industry should be paying the full cost of policing football matches. The cost of football policing in England and Wales was estimated at £48m per season, with £5.5m recovered through SPS (South Yorkshire Police, 2019). However, Hester & Hobson (2022) demonstrate that this data is inaccurate, and the cost is likely to be lower, and on average £10m per season is being recovered through SPS.

The police not being able to recover the costs of the entire policing operation has led to criticisms of the current legislation from senior police officers: “there needs to be a re-think about the funding of policing football matches, to reach a fairer balance between what police are able to recoup from a multi-billion-pound football industry” (Wilde, 2018). This was echoed by MP Gill Furniss (2019), who contends there needs to be a fairer system of cost recovery for the policing of football. These criticisms have followed the most recent legal case ruling on this issue of *Ipswich Town Football Club Company Limited vs. The Chief Constable of Suffolk Constabulary* [2017]

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EWCA Civ 1484. The implication of this ruling was that the police are only able to cost recover for the resources deployed within the confines of the stadium, or the immediate environs if it is owned by the football club ([National Police Chiefs' Council, 2018; 2023](#)). This is not a new argument though, with the increased wealth associated with football at the start of the twenty-first century came calls from police chiefs for the football industry to pay more for policing ([Harvey, 2001](#)). [Hester \(2020\)](#) called for research into the issues of SPS, as it was identified as a problem area for policing following the [Ipswich Town \(2017\)](#) ruling.

## 2. Special Police Services (SPS)

The legislation states that:

'The chief officer of police of a police force may provide, at the request of any person, special police services at any premises or in any locality in the police area for which the force is maintained, subject to the payment to the local policing body of charges on such scales as may be determined by that body' (S.25 [Police Act 1996](#)).

Special Police Services (SPS) is the provision of police resources that must be requested by the event organiser, which are additional to the regular duties of the police force ([National Police Chiefs' Council, 2018; 2023](#)). In relation to football matches, this would translate as a football club requesting the presence of the police inside their stadium as club officials anticipate that their safety and stewarding arrangements may not sufficiently meet the threat and risk associated with the fixture. A key term here is 'additional to the regular duties of the police force', because establishing what the role of the police is and therefore what would fall outside of this role would help to inform the concept of what the police are for. The police can only charge for police resources which are within the 'footprint' of the football event. Footprint is a key term, and what constitutes as the footprint for a football ground has been developed through various legal cases and includes private land where the police services are being provided (see [National Police Chiefs' Council, 2023](#)). Although the footprint will always include the inside of the stadium, the specific layout of an individual club will determine the extent of the footprint beyond this.

The police have a range of options for the methodology with which they can charge event organisers for deployment of resources, which factors in overhead costs such as training and uniform, and results in the cost per hour for a Police Constable being from £76 per hour (see [National Police Chiefs' Council, 2023](#)). The amount that football stewards will cost clubs will vary depending on experience, role and location across the country, but is not going to be costing more than £76 per hour per steward. This makes employing stewards, as opposed to requesting police resources, a much more financially appealing prospect for football clubs. SPS also applies to any event which requires the provision of policing services that are beyond the routine operational capacity of a police force. Other events that would typically require the provision of SPS can include music festivals as well as other sporting events such as horse racing, rugby and cricket. While music festivals and horse racing tend to be one off, annual multi day events, football is unique in terms of SPS as it is a continual process across a football season that is subject to change based on factors such as the significance of a game. The police may also be required to provide a policing presence at other events such as royal celebrations, protests and religious parades. These are not however subject to a cost recovery process under SPS, as the police will only seek full cost recovery under SPS for commercial events that are run for profit ([National Police Chiefs' Council, 2018; 2023](#)), such as football matches and music festivals. There is no uniformity internationally in terms of how the issue of 'user pays policing' is approached,

All professional football matches from the Premiership to the National League are assigned a police match category based on the threat and risk of the whole operation and not just within the stadium itself (see [College of Policing, 2018](#)). This category is determined through planning meetings between the police and the football club, which reviews intelligence for the fixture and leads to a match category and potentially SPS being agreed (see [College of Policing, 2018](#)). The guidance does not provide detail on what intelligence needs to be considered in relation to this, but a range of factors would constitute this such as recent behaviour of home and away fans, mode of travel for away fans, magnitude of fixture, kick off time, historical issues linked to the fixture as well as any specific intelligence. [Pearson \(2012, p. 93\)](#) and [Stott \(2014, p. 249\)](#) suggest that football related disorder is often spontaneous as opposed to organised, with supporters reacting to events as they occur. This means that the allocation of police resources is a subjective process, based on the professional judgement of the police and the football club. This subjectivity leads to tension, disagreements and in the more extreme cases, legal proceedings.

Only two pieces of legislation have explicitly referenced SPS, the [Police Act \(1964\)](#) and the [Police Act \(1996\)](#). Section 15 of the [Police Act \(1964\)](#) had identical wording to this, so in essence the legislation has not changed in over 55 years. The wording of the legislation is not prescriptive in terms of any practicalities around how officers are deployed and for what the police should charge for. For example, in the policing of a football match one could not easily establish from the legislation wording alone whether all, some or none of the police resources allocated to the police operation should be charged to the football club. This vagueness may be why there has been a number of legal disputes over SPS. These legal rulings have shaped the SPS process and have acted as case law to guide policy for police forces and football clubs (as well as other event organisers) in how SPS negotiations should be conducted.

[Glasbrook Brothers Limited v Glamorgan County Council \[1925\] A.C. 270](#), is the first stated case that is relevant to the subjective provision of SPS, due to a colliery strike. The colliery owners requested additional police presence to prevent disorder related to the strikes, the police agreed upon condition of payment. The colliery owners claimed that the police were performing their core duty of protecting life and property and therefore the services were not liable for payment. The legal judgment was that the police were entitled to charge for the services, as this had been requested by the colliery owner and was a special form of protection that was outside the scope of their public duty.

The concept of what constitutes the core role of the police was again contested in [Harris v Sheffield United Football Club Ltd \[1988\] 1QB 77](#). The police took legal action over Sheffield United not paying for police resources deployed inside the stadium and the ruling

favoured the police stating that the resources were in fact SPS. The football club appealed the decision, contending that the police resources were attending the ground under a public duty to protect life and property and were therefore not SPS. The judge in this case made some considerations that are still relevant to the provision of SPS currently, in that police resources deployed in advance upon private property (i.e., a football stadium) is *prima facie* SPS, whereas those deployed outside are not.

[Weatherill \(1988\)](#) provides a legal focused examination of the issues surrounding the judgment in the [Harris \(1988\)](#) case, and the implications for the police service and event organisers following this. [Weatherill \(1988\)](#) highlights that it is problematic that SPS is not in fact defined in the legislation (a problem that remains to this date), leaving it open to interpretation for the police service and event organisers. Another problem [Weatherill \(1988\)](#) highlights is that there is inconsistent practice nationally, with local police areas operating their own interpretations and charging regimes based on compromise with event organisers. A simpler solution is tentatively proposed that there is no requirement to pay for any police service, thus removing the potential inconsistency and legal debate that may arise. [Weatherill \(1988\)](#) calls on this vagueness and uncertainty in the legislation to be remedied by parliament, to provide clarity and therefore best serve the public interest.

Although not connected with football, another key case is [West Yorkshire Police Authority v Reading Festival Ltd \[2006\]](#) EWCA Civ 524. This concerns a three day music festival held near Leeds over the bank holiday weekend in August, and from 1999 to 2002 the event organiser had requested, and the police had provided SPS. In 2003 the event organiser refused to pay the policing costs, claiming that they were not requested and were not SPS as they were not deployed onto the festival site. The judge ruled in favour of the event organiser that the police were not entitled to charge for the resources provided that were outside of the festival site, only going onto the site as a response to crime and disorder, which was held to be a core public duty and not a special service. Lord Justice Scott Baker stated that:

“There is a strong argument that where promoters put on a function such as a music festival or sporting event which is attended by large numbers of the public the police should be able to recover the additional cost they are put to for policing the event and the local community affected by it. This seems only just where the event is run for profit. That however is not the law.” ([2006] EWCA Civ 524 [72])

A more straightforward case is [Chief Constable of Greater Manchester Police v Wigan Athletic AFC Ltd \[2008\]](#) EWCA Civ 1449. Across two football seasons Wigan Athletic refused to pay policing charges in excess of the charges from the previous season and were taken to court by Greater Manchester Police. The judge ruled in favour of the football club, considering that the extra resources were not sought by the football club and were therefore not SPS. The judge acknowledged that it is for the police service to determine the exact level of resource but that this must bear some resemblance to the services requested by the football club. This case serves to highlight the importance of negotiation between the football club and the police service to negate such legal issues and maintain a working relationship between the two parties.

Another football related case considered the issue of the stadium ‘footprint’ in [Leeds United Football Club Limited vs. Chief Constable of West Yorkshire Police \[2013\]](#) EWCA Civ 115. West Yorkshire Police had charged Leeds United Football Club for the provision of police services in the ‘extended footprint’, comprising, which the club contested of public highways, residential streets and public car parks within the vicinity of the stadium. The High Court considered that the policing in the extended footprint comprised the ordinary duty of protecting life and property, and as such the police were not entitled to charge the football club for it under SPS. [Gay and Davies \(2013\)](#) suggest that the ruling from [Leeds United \[2013\]](#) had now brought clarity over SPS. They suggest that this gives both clubs and the police a clear framework for what can and cannot be charged under SPS. However, the subsequent ruling and debate in [Ipswich Town \(2017\)](#) would suggest that there still is no clarity, and shows why research such as this are crucial for exploring the issues further.

The most recent and significant case is the aforementioned [Ipswich Town \(2017\)](#). This concerns an area around the football ground that is subject to a temporary road closure (TCO) that is managed by the football club, to allow safe ingress and egress of supporters from the football ground. The key issue was the proximity of the turnstiles of the ground to the public highway, and where both club and police deployments were occurring within the TCO which became the point of debate as the club had been charged SPS for these resources. The activities of those police resources would be similar (if not the same) to those deployed outside island site stadia which are not in residential areas, the main difference being the ownership of the land immediately outside the stadium. This disparity in football stadia geography can significantly impact on SPS. During the case, the football club made arguments that in line with the [Leeds United \(2013\)](#) ruling, the police resources deployed in the TCO are on public land and therefore cannot be SPS as the police are performing ordinary duties to protect life and property. In this case the police considered that Ipswich Town Football Club had de facto control of the TCO area, as they were controlling the traffic and conducting stewarding activities, therefore resources can be charged under SPS even though it is public land. The ruling found in favour of the football club, resulting in Suffolk Police unable to appeal the decision and having to pay the football club a six-figure sum ([BBC News, 2018](#)).

The impact of this ruling could be significant. It means that a number of other football clubs will be in a similar position and able to potentially reduce their SPS payments, having a minimum number of resources located inside the stadium (and subject to SPS). Instead, relying on police resources being located outside the stadium that would not routinely be subject to SPS payment. This is what the law would now indicate is the current situation, this may be tested by future case law, but arguably it puts football clubs in a much stronger position during SPS negotiations.

### 2.1. Police partnership working & managing risk

Partnership working between the police, private and public organisations can be subject to conflict and tension. Examples include issues over management structures, lack of communication and information sharing between agencies, organisational culture

impacting on joint working, and a lack of consistent and shared information technology systems (Shorrock et al., 2020). Further research (Stanley et al., 2010; Stanley and Humphreys, 2014) supports this, with a specific focus on how a lack of information sharing can impact on effective processes, and the police service who often adopt the lead agency role do not always share appropriate levels of detail with other agencies. Much of the conflict and tension that occurs between the police and partner organisations arise from the negotiation of conflicting agendas and objectives between different organisations (Willis, 2012; Crawford and L'Hoiry, 2017), as well as issues of who is accountable for different aspects of the partnership (White, 2016). Instead of seeing these conflicts as problematic, Willis (2012) suggests that conflicts should be explored further between the different parties to bring resolution. Crawford and L'Hoiry (2017, p. 636) term this as 'boundary work' and suggest that although individuals may wish to innovate more across boundaries in partnerships, they are often constrained by their own organisation. To avoid conflict and tension between public and private policing, and to ensure clarity, Button et al. (2023) emphasise the importance of informed debate about the transition from public to private policing. There has been a pluralisation of policing football, with the increased utilisation of stewards as opposed to the police following the Hillsborough disaster (McArdle, 2000; O'Neill, 2005; Atkinson and Graham, 2020). This has led to police forces having to work in partnerships with football clubs regarding match day safety, but there are a range of issues in terms of areas of responsibility, level of training and competency, and cost disparity between stewarding and policing (McArdle, 2000; O'Neill, 2005; Atkinson and Graham, 2020). However, it has been suggested that closer working relationships between football clubs and the police can result in improved stewarding which leads to a reduction of police resourcing (Atkinson and Graham, 2020).

Buurman et al. (2012) contend that the public sector more broadly is risk averse in their decision making, and the police service can be regarded as being a key part of that. The police service will manage risk in a variety of forms on a routine basis, both dynamically and regarding pre planned matters, such as the policing of football or other events. The Flanagan (2008) report identified that unnecessary bureaucracy within policing was a contributory factor which generated risk averse practices. This was supported by a Home Office report (Berry, 2010), which also considered that a blame culture was prevalent in policing. Heaton (2011, p. 84) highlights that policing needs to balance 'the level of risk against the volume of business'. Furthermore, Heaton (2011) contends that the warnings around risk aversion were not necessarily heeded by the police service, and that risk averse practices are likely to continue within policing. A potential reason for risk aversion is the desire to protect oneself and their career, despite tacit acknowledgement that there is a degree of risk in every occurrence of police decision making (van Dijk et al., 2015).

Outside of football policing, it has been evidenced that risk aversion occurs within a range of policing contexts. Examples include initial police training (see Constable and Smith, 2015); partnership working where the police seek to maintain control (see Crawford and Cunningham, 2015) and a lack of discretion in incident management within control rooms (see Black and Lumsden, 2020). Despite the earlier concerns raised by Heaton (2011), risk aversion continues in policing, and has been evidenced by these more recent studies. This shows that the recommendations from Flanagan (2008) and Berry (2010) have not been implemented, as policing continues to be risk averse. Despite limited research specifically addressing risk aversion and football policing, policing operations for football fixtures can be over resourced, and lacking in an effective, intelligence led risk assessment process to inform the level of resource (Stott et al., 2019; Pearson and Stott, 2022).

### 3. Methods

21 Interviews were conducted with 23 participants from November 2020 to January 2022. This comprised a sample as follows:

- 9 Dedicated Football Officers (DFOs) from across police forces in England and Wales, who had responsibility for football clubs from the Premier League to the National League
- 8 football club safety officers or other representative from the Premier League to the National League.
- Key football policing stakeholder representatives from Sports Ground Safety Authority (SGSA); National Police Chiefs' Council (NPCC); Football Supporters Association (FSA); Safety Advisory Groups (SAGs)

The interviews were via Microsoft Teams, were around an hour in length, and were transcribed using the functionality in Microsoft Teams. This utilised a thematic analysis (see Braun and Clarke, 2006) by asking specific questions on how resourcing and SPS were negotiated between the football club and the police force. Based on the responses in the interviews, this was further broken down into: transparency; adversarial approaches; Zone Ex and Emergency SAGs.

### 4. Results & discussion

#### 4.1. (Lack of) transparency and relationship building

Participants highlighted the importance of a working relationship with the football club, but this was not universal across the board, with police forces attempting to be transparent over their resourcing arrangements, but this raised concerns about the football clubs then utilising these resources for their own benefit at no cost.

"They [football club] know that there are resources outside, there are no secrets, effectively I don't lie to the safety officer. If we deem it necessary to put on an op outside for the safety of the general public ... I don't gain anything by telling them that we've got no resources outside. I'm always honest in saying that we will be having a policing response, but it will be to deal with the issues within the borough of <town> not at your stadium. Which is a difficult line to walk." (DFO1)

The final comment from DFO1 is interesting, as it highlights that the police will respond to incidents of disorder within the football ground, even if it is not part of an SPS agreement as it is within the police core duty to do so. This can lead to resentment from the police, as they are perceiving that the football club are getting policing for free when they should have paid SPS in the first place, and DFO6 seems to suggest that this practice was occurring:

“Personalities within the clubs, I believe the saying is poacher turned gamekeeper. Where they may know of our tactics on what we may put on a fixture. So, they will say things, nope, we don’t need it knowing that we’ll have something on.” (DFO6)

Where this practice is occurring, it can result in unprofessional behaviour on both sides, as highlighted by SLO8:

“Something went off at <town> and the police called the ground and went look, this is happening in <town>, you need to have police in the ground. It was either our owner or safety officer went, ‘no, we’re not doing that’ ... something happened that kicked it off, and at the bottom of the street there were police stood watching it. And fans were ringing 999, but the police were stood at the bottom of the street watching because they were told under no circumstances were they to enter the ground until a 999 call. Because the relationship were, because < police force> were that pissed off with how they’ve been spoken to.” (SLO8)

This demonstrates conflicting agendas (see Willis, 2012; Crawford and L’Hoiry, 2017) manifesting in the partnership working, but it is of concern that the relationship has broken down to such a point where both sides are making decisions that could compromise safety. This was also evidenced by DFO1:

“Absolutely to some extent, they [the football club] do hold the cards. And I think the brutal truth of it is that there’s an acknowledgment on both sides, that one of these days this will go wrong. And when it does, there’ll be some awkward discussions, and maybe even some inquiries that come as a result afterwards.” (DFO1)

This supports Frosdick (1995) by suggesting that some football clubs are operating in a manner that prioritises financial and commercial interests over safety, as football becomes increasingly commercialised (Fitzpatrick, 2015; Busse and Damiano, 2019). The current SPS arrangements facilitates this, by inadvertently creating a situation where the football club and the police are placed into potentially adversarial positions. However, it is important to note that this can also be linked to the financial constraints within football (O’Neill, 2005; Pearson and Stott, 2022) and the unequal distribution of wealth. A key aspect of this is a perceived lack of transparency on both sides when the police resourcing for a fixture is being planned.

“You know, I’m going in with Minerva [police football intelligence database] from two or three years, arrest reports, banning order figures, you know, the last four times they’ve played home and away. And then for me, it just saying to the safety officer, how about your safety officers’ reports?” (DFO8)

“We don’t have a chance to see their Minerva and they don’t have a chance, usually to see our Football Safety Officer Association database, but I always share the information, because we’ve got nothing to hide. I’m fully aware that both extremes you’ll have some football officer DFOs who will kind of whip it up ... then on the other side, safety officer saying look we need to kind of damp this down a bit. Actually, we don’t want to be policed next time so we’ll pretend nothing’s happened.” (SO1)

This approach by the police of being unwilling to share information and intelligence is further evidence of competing agendas in partnership working (see Willis, 2012; Crawford and L’Hoiry, 2017). By the police retaining possession of intelligence relating to football events, this may help them to retain control of the subsequent resourcing of the fixture. Arguably, if a more transparent approach was taken on both sides, this would help to foster better relationships between police forces and football clubs. There was scepticism from the police around the motives of football clubs for not wanting to share reports from other safety officers:

“There’s almost that feeling that if they say that there’s a problem, we’re gonna say straight away, well you need cops so it’s going to cost. So, I think they’re a bit entrenched in we daren’t tell them anything, it’s like every police free game goes well, doesn’t it?” (DFO8)

This again supports the notion that football clubs are most concerned by commercial matters (see Fitzpatrick, 2015; Busse and Damiano, 2019), even to the point that they may prioritise financial interests over safety (Frosdick, 1995), by not sharing details of incidents of crime or anti-social behaviour with the police for fear of the police seeking to cost recover for future matches. This lends further weight to the argument that the cost recovery aspect through SPS can act as a barrier to fostering good relationships between police forces and football clubs. There are concerns however that there can be too much information sharing on supporters between police and football clubs (Pearson, 2012).

#### 4.2. Adversarial approaches

A major factor that was problematic and a barrier to effective relationships being built was caused by adversarial approaches by the police, the potential reasons for this were summarised by safety officers:

“People change in the police more than perhaps football clubs, where you get somebody who’s doesn’t want to conform to how it used to be. Wants to try and make a name for myself and it all goes to rat.” (SO5)



"It's built on relationship, and there's been times when the relationship between the two hasn't been great. And that is down to who comes in. I'm not talking at DFO level, I'm talking higher ... if someone comes in with a different agenda, that can really upset the, you know, the dynamic between the club and the local police." (SO6)

Cost effective solutions for policing are seen as demonstration of good quality leadership (Fisher and Phillips, 2015; Brain and Owens, 2015). This could lead to those seeking promotion within the police to look to bolster their portfolio by showing that they have decreased expenditure or increased revenue through greater use of SPS charging for example. Although promotion ambition was not explicitly stated as the reason, there were multiple examples in this research of adversarial policing approaches, observed by football clubs, other stakeholders, and by the police officers themselves. There were clear examples of senior leaders in the police service attempting to influence the SPS process, which did not have a lawful basis to it:

"She [police leader] pretty much reached a point in the SAG where she was proposing to withdraw the provision of any SPS based on ethical arguments around the cost to the taxpayer ... her gambit was the club acted as if it's doing us a favour when it pays us SPS, but actually, what we would cover doesn't even cover half our costs. Therefore, in the interests of delivering a proper police service to the general public, we're going to withdraw from that because it doesn't make financial sense. She got her collar felt as a result." (DFO1)

"The <location> which is the other side of the road, which 2,000 fans are in. So, all of this was those cops are down there, you are going to be charged this, bit bully boy tactics I think by the ACC. 'Look, you've asked for SPS we're telling you this is how much it's going to cost you ... if you think we're wrong, take us to court.' Literally the words that were used." (DFO8)

When attitudes such as those above are exhibited by the police, it is clear to see how legal cases (see *Chief Constable of Greater Manchester Police, 2008; Leeds United, 2013; Ipswich Town, 2017*) occur, and are not resolved at an earlier stage. There were other clear examples of the police controlling approach which was expressed by football club participants:

"I find that < police force > are a very unusual force in their attitude ... it's you will do as the police say is pretty much and it's caused some conflict ... we nearly had supporters back on Boxing Day [during Covid restrictions]. And we were going to do a pilot event ... There were no visiting supporters, and it was stewarded for 22,000 ... so we were looking at about 100 stewards for 1,000 supporters. And I spoke to the police and said I won't be making a request for special police services, we won't need any police and these are the reasons. And they came back to me said, 'that won't be your decision, we might insist that you have police.' Because as it ended up we stayed in tier three [Covid restriction meaning no supporters were allowed in stadia], but there was no way they could justify having police in there. But it was the attitude of the police ... we're in charge, we're gonna tell you what you're having." (SO4)

These examples support the notion that the police often take the lead role in partnership working (Stanley et al., 2010; Stanley and Humphreys, 2014), and potentially the police seek to control the resourcing of football fixtures. Alternatively, given SO4 appears to give a clear rationale as to why police resources were not needed, the police are displaying established risk averse practice (see Heaton, 2011; Crawford and Cunningham, 2015; Black and Lumsden, 2020) and failing to appropriately risk assess the fixture to apply the correct resource level (see Stott et al., 2019; Pearson and Stott, 2022). A different example showed adversarial approaches from both the football club and the police:

"I went down to the police station, spoke to the superintendent, I said I've been put in a position. You can come and do this game, but you'll stay outside on the carpark. And he said no, that's not happening. He said we're coming in the ground. I said I will put you outside on the carpark you will be outside of one of my main gates to come straight in. There'll be no difference with you working in that pen and working outside that gate. He said no I'm not having that. I said fine, I'm actually handing the game over to you, you're now taking charge of that game for me in its entirety. And he backed off and he said okay. So, we agreed to disagree." (SO7)

With this example, both parties wanted a safe resolution, but the disagreement, which is over the necessity of police resources being present in the footprint, is based around cost and will lead to longer term issues in the relationship between the police and the football club. This kind of disagreement when negotiating SPS was also evident to third party stakeholders:

"So that was a really messy situation. Just linked to what the police perceived as poor management by the club, what the club said, was poor policing. So yes, certainly, that went on for a best part of nine, ten months. It was a really quite aggressive stance taken by the police." (SGSA Rep)

Whilst these examples portray a policing approach of controlling negotiations with football clubs, there was also practice which exhibited a more nonchalant approach from the police service, which lacked the spirit of partnership working:

"I've sat around those meetings, and they've [commanders] just said, oh Cat C, but that's so many you know, and they throw PSUs around like, it's chocolate, you know, and you're thinking, but they're sat at that side of the table and a PSU can be 10 grand. We don't ever think in those figures do we, bosses don't, they don't need to. So, they just go, well, I think we need an extra PSU and it should be in the ground and the club are going that's another £10,000 that. So, it's where it doesn't marry up I don't think sometimes." (DFO8)

This supports research (see Heaton, 2011; Crawford and Cunningham, 2015; Black and Lumsden, 2020) suggesting the police are risk averse in their approach, by just adding more resource without necessarily applying a thorough risk assessment. Interestingly,

some police participants felt that by pushing for resourcing, it was supporting safety officers who may be battling against increasing commercial interests (see [Fitzpatrick, 2015](#); [Busse and Damiano, 2019](#)) being prioritised over safety ([Frosdick, 1995](#)) at their football club:

“Some safety officers probably appreciate it, that safety advisory groups, etc, when the police do stand up and say, not this ain’t right, we’re not having that. It actually helps them in I mean, obviously, they’re masters of the club. But you know, I suppose it gives them a little bit of support for what they might be saying, but they’ve got to manage their internal politics and manage the club and the commercial aspects of that.” (DFO9)

This however is not evidence based, and is a further example of police controlling the partnership with football clubs, which can limit the effectiveness of the partnership ([Stanley et al., 2010](#); [Stanley and Humphreys, 2014](#)). Despite significant evidence that police being adversarial has been occurring in SPS negotiations, there were suggestions that this may be a legacy issue that was being phased out, in favour of more liaison-based approaches as advocated by contemporary research (see [Stott et al., 2018](#); [Stott et al., 2019](#); [Hester, 2020](#); [Hope et al., 2023](#)):

“Some of the old match commanders ... who thought actually police are the lead agency, we will dictate to you how many police officers are going to be in that ground, what category of games this is going to be. Has sort of now drifted off, and we’re now left with a new type of officer who acts in very much more partnership working and will actually link in with the clubs and agree with the clubs a lot more than what they used to do.” (DFO3)

Despite the issues that were evident from the actions of the police, it was also clear that clubs also created problems in their approach to SPS negotiations, although this was less commonplace:

“They’ve [football club] got the owner who I can only describe his grip as sort of Kim Jong Un like on the club, if you know what I mean. And it’s his train set at the end of the day Rich, and he’s a businessman, so I don’t really expect anything else ... <chairman> is the business equivalent of a saltwater crocodile, and I’m happy to be quoted on that. He’s not a bloke I would want to climb into the water with, and that’s how he got rich. Let’s face it, at the end of the day there’s no law that precludes him from behaving that way.” (DFO1)

The situation as described by DFO1 was at the more extreme end in this research, however this narrative is in keeping with existing literature (see [Frosdick, 1995](#); [Fitzpatrick, 2015](#); [Busse and Damiano, 2019](#)) that capitalist endeavours are the most important aspect for a football club. When failing to work effectively in partnership SPS negotiations will have the perfect storm for conflict, which goes some way to explaining why the legal cases occur (see [Chief Constable of Greater Manchester Police, 2008](#); [Leeds United, 2013](#); [Ipswich Town, 2017](#)).

#### 4.3. Zone Ex and Emergency SAGs

A new concept was the policing of Zone Ex, however despite current case law being clear that football clubs are only financially liable for policing within the footprint, police forces were attempting to look for clubs to take greater responsibility for Zone Ex in their SPS negotiations:

“They [the police] want us to run, operate some form of marshalling between the town centre and the stadium and you know about the Zone Ex requirements. Now, I want to know where Zone Ex ends. So, if we’re playing < local derby>, do we have to sort of start doing things in <local derby> Town Centre pre match and, you know, so where does it start? Where does it end? You know, it’s a difficult one.” (SO4)

It was also observed by stakeholder organisations that the police were trying to influence clubs to do more and have greater responsibility for what occurs within Zone Ex:

“So, there’s kind of a disconnect at this particular club, where I would say there’s a very aggressive policing stance, which doesn’t really understand what Zone Ex is. So, some police forces, including this one, think that the local authority have got powers to abandon the game, prohibit the game going ahead for issues in Zone Ex, well they haven’t.” (SGSA Rep)

It is evident that football clubs were willing to consider supporting operations that occur within Zone Ex, but without clearly defined parameters of responsibility, it is not easy to easily agree. Clubs also have concerns that if they offer resourcing in the way of stewards into Zone Ex, this then may lead to a widening of the footprint and therefore liability towards policing costs through SPS. The debate around Zone Ex provides an opportunity for further discussion around the role of plural policing within public spaces, but supports the notion (see [White, 2016](#)) that there are concerns about who is responsible and accountable for private policing within public spaces. There should be an opportunity here to harness more advanced, private crime prevention technologies within Zone Ex to support policing operations. More research is needed that examines the liminal space of Zone Ex as a policing concept to explore this in further depth.

The Safety Advisory Group (SAG) is a body of professionals with representatives from the local authority, fire service, ambulance service, local police and SGSA which act in an advisory role to both the football club and local authority, who are responsible for the issuing of a safety certificate to the football club ([SGSA, 2022](#)). If a football club and police force disagree over the resourcing for a particular fixture, an emergency SAG may be called by either party to ask for a resolution in terms of whether a fixture is safe to go ahead with or without police resources being present ([The Emergency Planning College, 2019](#)).



As a way of mediating a disagreement between a football club and a police force, there is the potential for this to be problematic in terms of damaging the relationship between the two parties:

“That’s where the conflict comes if there’s no middle ground, and that’s when they march off to it to an emergency SAG. And once you’ve done that, you’ve lost it really.” (SO5)

“I think it’s gone from a point of trust in terms of who the personnel are at that time. And we, it was actually us that called the SAG on that one to get them involved. And, yeah, I think then, you know, at that point, then relationships were very, very hostile. And that doesn’t help anyone, because the club felt isolated. The police felt, and it’s not that it’s not the officers on the ground, they felt isolated, because they didn’t feel supported by, you know, the senior person.” (SO6)

Furthermore, the clubs generally had concerns about the legitimacy of the process, as in line with research suggesting that the police service will be risk averse in decision making (Heaton, 2011; Crawford and Cunningham, 2015; Black and Lumsden, 2020), they felt that the SAG would take a similar approach and not look to overturn a police decision:

“SAG will never come down on the side of a club, they’ll always come down on the side of the police.” (SO7)

“All clubs are quite nervous of that because they know the SAG is likely to side with the police. They will think oh the police have got all the intelligence and the club know nothing.” (SO1)

These concerns do not seem unfounded that the decision to go to a SAG will be a *fait accompli* for the police being backed regarding their decision making, as evidenced by the SAG chair not feeling they had the confidence to oppose a police position on resourcing for a fixture:

“I think on the whole, SAG chairs sort of accept that the police are doing the policing, and it would be hard to argue against their decisions on things. I wouldn’t feel competent, and I don’t think my colleagues would be to intervene, because we don’t know enough about the policing side of it.” (SAG Chair)

This supports the notion that as well as the police being risk averse, people that work in the public sector are considered to be more risk averse (Buurman et al., 2012). The research here brings into question how fit for purpose SAGs are in terms of a resolution mechanism when there is a disagreement over costs negotiated through SPS. At this point in time, clubs are reticent to utilise SAGs for fear that they have an innate bias towards the police, and the police are likely to utilise the SAG to support their potential risk averse decision making. Given the ineffectiveness of this mechanism, it raises two fundamental questions. Firstly, it needs to be considered if the emergency SAG system needs replacing with a more robust, qualified and independent arbitration mechanism to resolve disputes between football clubs and police forces. Secondly, the very nature of having such a mechanism in the first place could lead to a bigger question of why do disputes occur and if there are ways they can be avoided, such as through the abolition of SPS in its entirety SPS is only part of the issue, how the policing of football occurs by both public and private actors is important.

## 5. Discussion and conclusion

“As long as the club are doing all they can to minimise disorder ... then I think there’s an argument for them not paying anything.” (DFO5).

Given the historical case law that is present in relation to SPS, and the plethora of issues that have been documented here, it is difficult to make an argument for why SPS should remain in its current guise. Despite being written over thirty years ago, the issues raised about SPS by Weatherill (1988) are still relevant today, as SPS is still not defined and is still subject to a lack of clarity. Because the ambiguity in the law has not been sufficiently addressed, the disputes between football clubs and police forces are persisting, as evidenced by this research. It is of concern that already identified issues of ineffective partnership working (see Stanley et al., 2010; Willis, 2012; Stanley and Humphreys, 2014; Crawford and L’Hoiry, 2017; Shorrocks et al., 2020) have been found in this research, and this continues to act as a barrier to effective partnership working between the police service and football clubs.

Revisions to the current framework of SPS in terms of a fairer structure of costing and hours of charging could be considered. However, this does not seem to solve the issue and will leave the police service further out of pocket in terms of the income they will receive from football clubs through SPS. This would not be well received and could lead to further tensions between the police service and football clubs. Alternatively, expanding the scope of the footprint for SPS does not seem fair, as it is nuanced in terms of where the policing is required inside Zone Ex, who causes that and therefore who is ultimately responsible for that. Making football clubs responsible for the behaviour of people many miles from a football stadium, who may not even be attending the fixture, creates a precedent fraught with more issues than the problem at hand.

The evidence from this research supports existing literature which suggests that police are over-resourcing football matches and are not commensurate with threat and risk (Stott et al., 2019; Pearson and Stott, 2022). This research also evidences risk aversion by the police, which is a long established issue in policing (see Heaton, 2011; Crawford and Cunningham, 2015; Black and Lumsden, 2020). A potential but radical approach that solves the problem of SPS, is the abolition of SPS, particularly for football policing. A reasonable question to ask if extra police resources are required through SPS, is whether or not the fixture is safe enough to go ahead in its current form. The reality is a lot more nuanced and complex, however it is important to consider the role of police resources that are required through SPS. If there is specific intelligence to indicate that crime and disorder will occur, then it is an easier case to make for the necessity of police resources. However, fixtures are often over resourced, based on limited intelligence and lacking a sufficient threat

and risk assessment (Stott et al., 2018, 2019; Pearson and Stott, 2022). It could be simply the case that police resources are present because someone will pay for them, as suggested by Williams (2008), resourcing through SPS is a straightforward path for the police to follow, as it provides some financial compensation and allows the police a basis to be risk averse around their deployments (see Heaton, 2011; Crawford and Cunningham, 2015; Black and Lumsden, 2020). If SPS were abolished, it makes the police be more considered with resources and potentially less risk averse, with police resourcing becoming more considered and efficient. This also requires football clubs to take more ownership of policing their own environment, however evidence from an extended period of time (see McArdle, 2000; O'Neill, 2005; Atkinson and Graham, 2020) shows that not all football clubs have the same level of competency with this. The improvement of professionalisation of match day stewarding is required in order for clubs to police their own environment effectively, and reduce the requirement for police resources, it is reassuring that Atkinson and Graham (2020) suggest there have been some improvements in this area. Abolition of SPS would eradicate the disagreements and costly legal disputes that have occurred between football clubs and police forces and should foster a more positive working relationship between the two parties. It is not in the interest of any party, and in particular the local community, for police forces and football clubs to be engaged in lengthy, costly and avoidable legal disputes. Further research needs to be conducted, perhaps through a case study approach, to establish the dynamics of SPS being abolished and how effective this would be in practice, as there is potential of unintended consequences. Furthermore, more research is required to considered whether the wider abolition of SPS from other events (such as music festivals) is required, as this has not been addressed in this research. Regardless of future directions with SPS, the police service is calling for a greater contribution from football clubs towards the cost of policing football. This research adds to a growing body of work (see Stott et al., 2018; Stott et al., 2019; Hester, 2020; Hope et al., 2023) which suggests that perhaps the answer lies more with proportionate, threat and risk based resourcing as a means of reducing the overall cost of policing football.

### CRediT authorship contribution statement

**Richard Hester:** Writing - review & editing, Writing - original draft, Methodology, Formal analysis, Data curation, Conceptualization. **Jonathan Hobson:** Writing - review & editing, Supervision. **Demelza Jones:** Writing - review & editing, Supervision.

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