

Section 1. Why Are We Consulting?

The Community Empowerment (Scotland) Bill, was introduced in the Scottish Parliament on 11 June 2014, and reached Stage 3 on 17 June 2015. When the bill was debated, the amendments relating to supporter involvement in football were unanimously passed, creating a Part 7 of the now 'Act' on this area. This provides a framework to develop legislation to enhance the rights of football supporters.

Scottish Ministers recognise that there are different views on what this legislation should look like, and, therefore committed to consulting on the options available to ensure all views were captured before bringing legislation before parliament.

This approach is now written in to the Community Empowerment (Scotland) Act 2015 and states

“...before making regulations.....Scottish Ministers must consult such body or bodies as appears to them to be representative of the interests of football clubs, the leagues in which they play, their players and supporters and; such other persons as they consider appropriate”.

This consultation paper is intended to provide the basis for the conversation on how best to enhance the rights of Scottish football supporters.

Scottish Ministers are keen that as many as possible contribute to and engage in this so that any future regulations address the interests and concerns of fans whilst also ensuring that, so far as possible, there are no unintended consequences from the regulations brought forward.

Section 2. Background and Overview

Football is often described as Scotland's national sport and the passion for the sport recognised internationally through its travelling fan base which includes the 'Tartan Army'. Beyond the Scottish Professional Football League (SPFL) itself, Scotland also has a strong network of community and social clubs, ranging from school teams to clubs in the Highland and Lowland Leagues.

It is widely accepted that football in this country, as an industry, has changed considerably over recent times. Supporter attendance remains an important element of the match day experience and sponsorship now plays an increasingly significant role – with matches streamed live on a variety of platforms – a fact which is now reflected in business management decisions.

Domestic or European success that results in a club gaining a competition qualification or promotion can bring financial rewards, with investment levels more pronounced than in the past. Conversely, relegation or an earlier than anticipated elimination from a competition has the potential to place a heavy financial burden on a club with the loss of potential income. These dynamics may influence decision-making at the board level of football clubs and, at times, so-called 'quick-fixes' may be sought in the short-term.

This exposure to volatile market forces has increased awareness amongst supporters about the relative financial stability of their clubs. There is increasing appetite from supporters to be involved in the decisions affecting their club and a hope that greater involvement can promote long-term sustainable success. Recent examples of supporter involvement include Dunfermline Athletic, Heart of Midlothian and Rangers Football Clubs.

The Scottish Government recognises the importance of football supporters having the opportunity to be involved in the decision making or the running of their clubs.

Supporter involvement will not resolve all issues facing Scottish football. However, decision-making at clubs could be assisted by ensuring the voice and views of supporters are represented appropriately.

The Working Group for Supporter Involvement in Football Clubs was established by the Scottish Government in April 2014 to identify, consider and recommend ways to increase and improve supporter involvement in Scottish football clubs. The group was chaired by Stephen Morrow, Senior Lecturer in Sport Finance at the University of Stirling and included representatives from the Scottish Football Association (SFA), Scottish Professional Football League (SPFL), Supporters Direct Scotland and **sportscotland**.

A full copy of the report can be found at:

<http://www.gov.scot/Topics/ArtsCultureSport/Sport/football/WorkingGroupSupporterInvolvement/UsefulDocs>

Once implemented, the Scottish Government believes that these recommendations will go a long way towards improved supporter involvement, strengthening the relationship between clubs and the communities they represent.

The Working Group Report suggested that a mixed ownership model was preferable for Scottish football, and that efforts should focus on increasing involvement regardless of ownership structures.

Is there a problem?

Although it's probable that the vast majority of fans do not want to be directly involved in the day-to-day decision making of their football club, the Scottish Government recognises that there is an appetite from some supporters and supporter groups to go even further than these recommendations.

While what happens on the pitch is the most important issue to the majority of fans and keeps them and their families committed to their club, there are many fans who are concerned that both the short and the long-term viability of the club isn't always at the forefront of the decisions taken by those who manage clubs and they want clubs to respect the views of the fans with them in an open, honest and transparent manner.

There have been a number of examples when decisions and activities undertaken by owners and Directors have led to a dramatic and unexpected change of a club's fortune with fans often being unaware that there was a substantial issue until they learned from a media report about these or a club is put up for sale.

That is why The Scottish Government is committed to further understanding how we could use a legislative framework to enshrine the rights of fans. We have identified a range of options for what shape supporters' involvement could take, and wish to seek views on these.

Who is a Football Supporter?

There is much debate about how to define a football supporter. At one end of the spectrum it could be someone who has an interest in a club and keeps an eye on the results. At the other, it could be someone who invests a great deal of time and resources in their club, for example purchasing a season ticket and merchandise and attending matches across Scotland or Europe.

Although there may have been times when investors could expect reasonable return on investment in Scottish football, many now become involved in clubs at considerable financial cost. It may therefore be reasonable to assume they do so as committed supporters, with the development and advancement of the football club taking priority over any short term financial gain.

What is a Football Club?

This is an issue that has challenged many when considering ownership of clubs. The majority of the SPFL clubs are companies limited by guarantee, and a football club can comprise a number of constituent parts. This can include:

- Stadium
- Training Ground
- Merchandise
- Brand
- Community activity / trust
- Season Tickets / hospitality
- Players and/or staff

Each football club will be constituted in such a way as to meet their own needs, but the administration process of a number of football clubs has highlighted the often complex inter-relationship of these with many being undertaken by separate companies established in their own right. Therefore defining what is a football club in relation to the specific assets and liabilities – which is essential if a single business entity is being sold (or is entering administration) can be challenging. Often the most recognisable component of a club is the stadium, but football supporters will have their own view on the relative importance of what it is to them that defines their club.

Section 3. Options for Legislation

The Scottish Government is seeking views on four broad options, for developing legislation (through regulation) to improve supporter involvement in their clubs. The options which have been identified are:

- **A Right to Influence** – to enshrine the rights of supporters to influence their football club.
- **A Right to Govern** – to give supporters a right to govern their football club.
- **A Right to Bid** - to give supporters the right to bid for their football club in the case of its sale.
- **A Right to Buy**- to give supporters the right to buy their football club.

A Right to Influence

The Working Group Report for Supporter Involvement in Football Clubs evidenced that supporters want to become more involved in the governance and management of their clubs, and to hold their clubs to account. In order to do this, it is important to know what is going on at a club to provide support and this can be a natural extension for many community-based clubs that engage constructively and proactively with their fan base.

From the point of view of a club, involvement not only helps demonstrate wider corporate social responsibility, it could be the catalyst to increase financial, human and social returns to help achieve its aims. Strengthening relationships with key stakeholders is of the utmost importance to any organisation, and is intrinsically linked to performance.

Supporter involvement comes in many guises, for example supporter engagement in clubs' community and social activities, supporter communications, supporter involvement in governance and approaches to accountability.

The Working Group Report for Supporter involvement in Football Clubs recommended:

- **That initiatives, facilitated by the football authorities but led by independent experts, be provided for football club directors, owners and staff, these focusing on enhancing clubs' understanding of potential benefits arising from enhanced supporter involvement. Future SFA Conventions would provide an appropriate forum for such initiatives. One example would be engaging with Volunteer Scotland to discuss best practice in involving supporters as volunteers.**

The Working Group Report recognised the central role of supporters to the social and financial vibrancy of any football club and proposed an approach based on identifying, encouraging and rewarding best practice through a '**Supporter Involvement Award**'. Criteria identified as being appropriate to assess the performance of clubs involving supporters included: supporter:

- communication including financial communication
- accountability including financial accountability
- involvement in governance
- representation
- involvement in decisions pertinent to their community
- involvement in clubs' social and community engagement activities

The Working Group Report considered that such an award would be beneficial to supporters, clubs, leagues and public agencies, but Scottish Ministers are open to considering if a legislative framework on this would be helpful.

Since 2012, all SPFL Premiership clubs have been required under UEFA's Club Licensing Regulations to appoint a Supporter Liaison Officer (SLO). A SLO should facilitate the sharing of knowledge and best practice, and to improve the relationships between various stakeholders, in particular, the relationship between supporters and club directors and/or owners. The UEFA Supporter Liaison Handbook (2011) identifies the benefits as including:

- Improved Relations
- Direct Communication Channels
- Greater Transparency
- Financial Rewards

The Working Group Report recommended:

- **That all clubs make available on their websites and directly to recognised supporter groups:**
 - **Details of their SLO, including role outline, responsibilities and activities associated with the post**
 - **That an annual review of the effectiveness of the SLO role and of the achievements therefrom is undertaken by individual clubs and that information is shared with both the SFA's SLO manager and with clubs' recognised supporter groupings**

The Board of Directors plays a critical role in the governance of a football club. At the core of a successful Board are competent leaders with the correct skillset and experience, and perhaps just as importantly, adequate time to perform their duties. While a number of clubs already demonstrate good practice in regards to transparency of appointment, others could better demonstrate the processes behind the appointment process to demonstrate that the successful board members have the appropriate skills and relevant experience to fulfill the role.

The Working Group Report recommended:

- **For all Board positions, clubs should provide: the names of directors; their involvement with the club; and the reasoning for their appointment. This information should be made available on the club's website and communicated directly to its recognised supporter groupings.**

- **Clubs should provide information annually on the number of board meetings held and on the number of directors attending.**

As explained previously, the majority of Scottish professional football clubs are limited companies with shareholders. There are presently two clubs with this structure which are supporter owned: Stirling Albion, where a trust has the majority shareholding, and East Stirlingshire, where a Trust has a controlling shareholding.

Recently, a small number of clubs have taken on alternative structures, for example, Clyde and Stenhousemuir are Community Interest Companies (CIC). Dunfermline Athletic Football Club (DAFC) has a hybrid approach in which 94% of shares in DAFC are owned by Pars United CIC, with its single largest shareholder being the Pars Supporters Trust. Such hybrid structures exist elsewhere in Scotland, with Ayr United Football Academy incorporated as a not for profit company limited by guarantee, and is a registered Scottish charity. Members include the club, in addition to community organisations such as Ayr United Community Initiative (The Honest Men's Trust).

Although ownership of most Scottish clubs is known, there are occasions where identification of owners has been challenging. A lack of transparency of ownership may serve to undermine the trust between supporters and their club.

The Working Group Report recommended:

- **To participate in the Scottish Professional Football League, a club must declare to the SPFL and to the SFA, and publish, the identity of the ultimate beneficial owner of the club. Should that owner be a trust, the club must disclose the ultimate beneficiaries of the trust and the names of the trustees.**

Q1. What are your views on making a law to give supporters the right to influence their club?

As Scotland's independent regeneration network, SURF represents over 280 public, private and third sector organisations that are concerned with the regeneration of disadvantaged communities across the country.

SURF network activity include seminars, conferences, research programmes, a national awards scheme for best practice, study visits, workshops, policy influencing activities and the dissemination of information in a variety of formats.

SURF is keenly aware of the contribution many football clubs in Scotland make to their respective communities. Beyond economic benefits, entertainment and heritage value, and physical facilities, many clubs provide a wide range of community benefits such as outreach health, education, employability and cultural participation activities.

In the eyes of local stakeholders and supporters, this value far exceeds that of many conventional businesses. SURF agrees strongly that football supporters should have the opportunity to influence the developments of their club.

The first step for a supporters group seeking to influence their club is identifying who to influence. The Working Group recommendations concerning transparency of the names and responsibilities of directors and owners – including the names of trustees in the event that a trust is a significant owner or part-owner – and Supporter Liaison Officers are logical and desirable in this regard.

A Right to Govern

Governance arrangements in Scottish football have been criticised, including The McLeish Report on Scottish Football in 2010, around a failure of clubs to involve supporters and/or supporter groups in their governance structures. The very nature of football clubs, being grounded in economics yet being socially grounded in its wider outcomes, should encourage inclusive models of governance where the rights and responsibilities of stakeholders are considered in decision-making processes. Such inclusive governance models if put in place could help strengthen relationships to the overall benefit of a club's performance.

There has been a great deal of debate around how best to involve supporters in governance of football clubs. Although clubs may consider all its directors to be supporters, some suggest supporters should be represented on the Board of Directors in their own right. A number of issues have been identified around this, including the requirements of directors to act in the best interests of the company, rather than a stakeholder group, in this case supporters. In this context, a 'supporter director' may come under pressure in terms of accountability and disclosure of commercially-related (or otherwise confidential) information to the supporter community.

In addition to formal representation at Board level, a number of alternative mechanisms exist, including:

- **Dual Board Structure or Supporter Advisory Board Models** – while the club's board performs an operational role, a separate 'supporters' board provides either an advisory or supervisory function.
- **Fan's Parliament Model** – clubs seek nominations from across supporter groups, with regular meetings to discuss issues such as annual reports and accounts
- **Other Tailored Models**, such as a Supporter Involvement Forum

Regardless of the particular model, we believe there are common principles around supporter involvement: supporters must be **representative** of the wider group and have accountability to them; the process of appointment or involvement must be **transparent**; and there must be an alignment between requirements of the position and the competencies brought by the individuals involved, i.e. **appropriate skillset**.

The Working Group Report recommended:

- **All clubs should give consideration as to the most appropriate structures and other informal mechanisms through which to ensure supporter involvement in their governance. (It is anticipated that governance mechanisms and their effectiveness will be assessed under the proposed Supporter Involvement Award)**
- **Training and guidance should be made available to supporter representatives to ensure that individuals understand the nature of any governance role they are taking on, and are adequately equipped to fulfill the requirements of that role.**

Q2. What are your views on making a law to give supporters the right to govern their club?

SURF is an enthusiastic proponent of community led regeneration, but has expressed a concern that some policy-makers and politicians espouse the greater involvement of community groups in the delivery of regeneration projects as a panacea for all social and economic problems.

In some cases, the transfer of public sector assets into community group ownership and management can be inappropriate and can represent an abdication of local government responsibilities. With football clubs, particularly professional ones that operate with large budgets, direct governance by supporters who lack experience, expertise, time or energy may prove damaging rather than beneficial to the club in the longer term. This concern may not apply to smaller clubs, and the Working Group recommendation on training and guidance may address this to some extent.

It would perhaps be more useful for supporters to be involved in football club governance in less direct representative structures, as recommended in the McLeish report. One example is the electing of a supporters' representative on to a club's Board of Directors with a view to highlighting the desires and concerns of the supporters.

SURF agrees that clubs should consider the benefits of such mechanisms and the value to club owners in improving their reputation and relationship with, and understanding of, their supporters. An increase in informal engagement activities on strategic development and planning, such as fans' forum public events and online question and answer sessions with club officials, would also be welcome.

A Right to Bid

Whilst the previous two options provide a safeguard throughout the ongoing decision-making of a football club, an alternative would be to focus in on an option that provides an ultimate safeguard when a club is sold.

A right to bid could ensure that football supporters are firstly treated as a priority and given the full opportunity to bid for their football club should the owner(s) decide to sell it. Notwithstanding the issues identified on defining both supporters (and establishing which groups have legitimacy) and what is for sale that defines the club, there are a number of ways this could operate in practice. For example, the Working Group for Supporter Involvement in Football Clubs considered the benefits of extending relevant sections of the Localism Act 2011 to Scotland and, in particular, the opportunity for individuals to request that a particular community facility or amenity (in this context, a stadium) be listed as an 'Asset of Community Value' (ACV).

Within the Localism Act 2011, Community assets can be nominated by relevant groups with a connection with the community, for example a supporters trust. If the nomination is accepted, local groups will be given time to come up with a bid for the asset when it is sold. It provides the community group with a six week period in which to express an interest in bidding for the asset should it be put up for sale. In addition there is a further period after a community group's initial expression of bidding has been made to allow a community interest group to put a bid together.

The Working Group Report recommended:

- **That further consideration is given as to how best to protect supporters and communities, in circumstances where an owner may be seeking to exploit the value of a club's assets for personal gain.**

Although this approach could only be limited to a physical asset (such as a stadium) it might provide an element of safeguard. The first instance of a football stadium being successfully registered as an asset of community value was the Oxford United Supporters Trust (the Kassam Stadium) in May 2013 but more recently an application made to Trafford Council by the Manchester United Supporters Trust was accepted, with Old Trafford, one of the most prestigious stadia in England, now listed as an Asset of Community Value.

Another alternative approach may be to place a duty on the Board of Directors of football clubs to fully consult with supporters of the club in the event of a sale (or transfer) of the football club, which may have the benefit of ensuring that fans have access to all of the necessary information to make an informed judgment on any bid. Although of course neither of these options would require the current owner to sell the club (or assets) to the supporter groups expressing (or registering) an interest.

Q3. What are your views on making a law to give supporters the right to bid for their club?

SURF agrees that irresponsible ownership can place an unwelcome risk on the financial wellbeing of a club and the security of its assets, to the potential detriment of the local community.

The Right to Bid appears to be a welcome tool for supporters groups to potentially address these risks when they arise by bidding for assets such as stadiums and training facilities that have clear value to supporters and local people.

In some cases, the community bid may be inadequate in value or feature unacceptable risks, and the right of clubs to refuse a bid, or select an alternative bid, is reasonable.

In any event, the Right to Bid would be a high-profile policy development and would be likely to raise the profile of community ownership in football clubs. In doing so it would encourage all football club stakeholders to evaluate relevant possibilities more closely.

A Right to Buy

A Right to Buy option attracted attention and debate during the development and passage of the Community Empowerment (Scotland) Act and initially was limited to a 'Right to Buy' football clubs by supporters' trust's for an agreed price, or an independent valuation.

Whilst Scottish Ministers accept there may be demand for this, there was recognition there are a number of ways in which a 'Right to Buy' could be developed beyond the one debated during the passage of the Act.

During the development of the Act, some supporters' groups indicated that their position is that a 'right to buy' is an important safeguard in order to protect the interest of football supporters. Notwithstanding the difficulties identified in defining what is a football club (and therefore eligible for protection) or defining which supporter group has greater legitimacy, this is an area where some groups believe any legislation brought forward should be focused.

However, during the development of the Act there were also a number of community owned football clubs, who raised concern over a 'Right to Buy' model highlighting risks and potential consequences.

Q4. What are your views on making a law to give supporters the right to buy their club?

SURF recognises that football clubs large and small have considerable social and economic value to people and places across Scotland. In 2007-08, SURF delivered a well-received activities programme that explored the relationship between football clubs and community regeneration, which involved leading academics and senior representatives of, among others, the SFA, SPL, Supporters Direct, Sport Scotland and a number of SPL and lower league clubs.

One key learning outcome of this project was that extensive 'intangible assets and goodwill' are provided by football clubs to their local neighbourhoods, towns and cities, but are often undervalued and overlooked in public policy. We are pleased to note that since then, football clubs have participated in a number of initiatives that have capitalised on these abstract strengths. One example is the widely admired 'Football Fans in Training' healthy lifestyle programme, which effectively engages middle-aged and overweight men that have proved hard to reach via conventional mainstream health improvement initiatives.

We are aware of the risks indicated in this paper that, in the event of a football club getting into financial difficulties and administration, which is far from uncommon in Scottish football, 'Right to Buy' legislation may add unhelpful legal complexities, financial risks and delays to efforts to secure the club's future. These issues may deter other would-be bidders and leave the club with no alternative options if it transpired that the supporters' group could not raise adequate funding or demonstrate appropriate governance arrangements.

While we welcome the aim of 'Right to Buy' in encouraging greater community ownership, such a policy may therefore have unintended consequences that could lead to the liquidation and disappearance of some clubs and/or the damaging loss of key assets such as valuable players and facilities, to the tangible and intangible detriment of the local community(ies).

In SURF's view, the 'Right to Influence', 'Right to Govern' and 'Right to Bid' would provide a more welcome package of measures in supporting community ownership in the generally difficult financial climate for Scottish football.

Any 'Right to Buy' or 'Right to Bid' option would likely need to provide a period of time to allow an interested supporters' group to raise the necessary funds or put in place the governance arrangements necessary to take over ownership or lodge a bid.

It is not known how the market value of a club and/or its assets would be impacted by a period of uncertainty until such time as the supporters group exercised its right. Consideration would need to be given as to whether there are risks, such as players, coaches and other key assets choosing to exit the club, in turn devaluing it. Also in order to be effective, throughout this period others would be locked out of bidding and there may, therefore, be an increased risk of liquidation or a reduction in the value of the club as well as implications in the ability to secure future investment.

Most SPFL clubs, particularly at Premiership and Championship level, require substantial and continual investment to survive. Buying a club usually means the purchaser agreeing to inject large amounts of capital into the club. The Working Group identified fund-raising as a key challenge to ownership along with the absence of 'bridging capital'. It recognised that in order to raise the finance necessary, there is a need to provide a period of time for any supporters group to seek out the sources of funding and mobilise the wider supporter base.

One suggestion put forward during the passage of the Act was that Scottish Ministers should provide funding to supporters groups to allow them to make an offer to buy a football club, or provide loans and/or underwriting a purchase.

The Working Group on Supporter Involvement in Football Clubs reported that it was not the role of Scottish Government to provide financial support to groups wishing to take over football clubs. Instead, it suggested a role for an arms-length advisory agency. The Working Group Report recommended:

- **The establishment of a Business, Community and Football Enterprise Unit to provide expert legal and financial supporter (including provision of bridging acquisition capital) to football club supporters and owners seeking to restructure a football club to one focused in form and substance on social and community impact and/or to provide advice and financial supporter to clubs, however structured, which seek to align their social and community activities with national policy initiatives**
- **Widening the investment criteria and role of social investment institutions to allow them to act as vehicles which could support football supporter collectives**

Q5. 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?

SURF recognises needs on both sides. Supporters would need an adequate period of time to prepare for (and promote fundraising through) an inclusive bid process, and clubs (or their administrators) would need the security of a short time window to minimise uncertainty and the need to sell assets.

A balanced approach considering the needs of both parties would therefore be vital. The Working Group Recommendation on establishing an expert advisory body to work with both owners and supporters in tandem is agreeable in this regard.

As noted in our response to Q4, SURF is concerned that the 'Right to Buy' may have too many risks to be an effective policy tool and is not prepared to support it.

Other Considerations

This section seeks your views on further considerations which are relevant to the complexities of the options outlined.

Defining Assets

As previously discussed, whilst the majority of clubs within the SPFL are companies limited by guarantee, the structure is complex and it cannot be assumed one entity owns all the assets. For example, a club may not own its stadium or training facilities. This is something which the Working Group Report on Supporter

Involvement in Football Clubs identified, i.e. a “*lack of transparency over the ultimate ownership of a club*”.

Each football club will be constituted in such a way as to meet their own needs, but the administration process of a number of football clubs has highlighted the often complex inter-relationship of these with many being undertaken by separate companies established in their own right. Therefore, defining what is a football club in relation to the specific assets and liabilities – which is clearly important if a single business entity is being sold is sometimes challenging.

Q6. 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?

Trends among football clubs to create arms-length independent companies and transfer assets to them may prevent the 'Right to Bid' policy working effectively. There may also be issues around clubs' part-ownership of assets such as land, stadiums, and training facilities.

SURF agrees that football club ownership transparency is vital to encouraging greater supporter involvement, and that the identification of de facto club assets under subsidiary or third party ownership is an important element of this.

Commissioning a suitable legal expert group (the Business, Community and Football Enterprise Unit may well have the necessary capacity) to examine this issue and explore legislative measures that may be able to address it would be welcome.

Defining a Supporter

As explained earlier, there is much debate about how to define a football supporter. At one end of the spectrum it could be someone who has an interest in a club and keeps an eye on the results, or a season ticket holder or those who are financial investors in a club. Given the wide range of supporters' groups, it could be a challenge to know which one has the greater legitimacy in the context of rights.

Q7. 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?

SURF appreciates the definitional challenge, which also applies to communities and community groups more generally. Who does and doesn't count as a member of a community of place: people with a permanent home in the community, people who work there, people who grew up in the community but now live somewhere else, people who have never lived in the community but have family members there?

SURF agrees that people who identify themselves as being a supporter of a particular football club demonstrate a wide range of commitments. A keen supporter, for example, may attend all matches in person (including travel abroad) and invest a great deal of time, energy and investment consuming media and merchandise, and

participating in supporters' representative bodies, internet/radio forums and shareholder opportunities. A very casual supporter, however, may live in another continent to their club and demonstrate no commitment beyond occasionally reading a news item.

Many supporter groups, such as that The Heart of Midlothian FC Supporters Trust, allow any adult to join as a member. In doing so, the member would be expected to self-identify as a supporter and show a level of commitment towards the club's future by completing a registration form and paying a membership fee.

This open and inclusive approach is welcome in allowing anyone with a stake in the club's future to potentially be involved in its development. SURF therefore recommends that a legislative definition is not restrictive or discriminatory to enable keen and casual supporters alike to work together to support their club's future.

With regard to supporters' groups, SURF would expect their legitimacy to be demonstrated by an adequate level of membership (such as exceeding a given proportion of the club's regular match attendance), an independent and non-profit status, and an appropriate governance arrangement. As with clubs, the Directors/trustees of supporters' groups should also be published in the interests of transparency and accountability.

Right of Appeal

To protect the rights of both trusts and owner(s)/operator(s) of a club, it might be argued to be important that there is an appeals process put in place.

Q8. 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?

Following from our response in Q4 and Q5, a formal appeals process may add further legal and financial complications to clubs with cash-flow or administrative difficulties, potentially putting their assets or even existence in jeopardy.

It may be preferable to take a less formal 'sunshine policy' approach towards highlighting effective community influence/governance/ownership arrangements when they occur, rather than being seen to 'punish' failed attempts through potentially embarrassing appeals processes.

In any case, the introduction of an appeals process could be considered at a later date, after any new Rights for supporters are established and given time to bed in on the back of this consultation.

Q9. Do you wish to make any other comments about supporter involvement in football?

SURF would like to see football clubs with a high level of supporter involvement and community outreach to be considered as 'community anchor organisations'.

These organisations, as referred to in regeneration-related policies and resources such as the Scottish Government's Achieving a Sustainable Future regeneration strategy and its People and Communities Fund, include place-based community groups such as Development Trusts, community-based Housing Associations, and community arts organisations. Community anchors have a distinctive role in uniting local people and engaging them in collaborative efforts to consider local regeneration priorities and how they could potentially be achieved.

Community anchors are often included in formal engagement and consultation processes with local bodies such as Community Planning Partnerships. They can also make applications to certain community led regeneration funding programmes to support their wider regeneration aspirations.

Spartans Football Club, who are based in an economically challenged part of north Edinburgh and play in the Lowland Football League, support a wide variety of local initiatives outwith sport and recreation. The club provides a strong example of a football club that is also an effective community anchor organisation, and is not alone.

Spartans FC was highly commended in the 'Place' category of the 2009 SURF Awards for Best Practice in Community Regeneration. The SURF Awards are delivered in partnership with the Scottish Government and are designed to identify and promote initiatives that successfully address physical, social and economic challenges in disadvantaged places in Scotland.

SURF is keen to see more regeneration-related organisations consider how greater interactions with football clubs and their supporters can build on shared interests and add value to mutual objectives around addressing poverty and supporting sustainable places.

Other information

Business and Regulatory Impact Assessment (BRIA)

The Scottish Government is committed to consulting with all parties potentially affected by proposals for new regulation, or where any regulation is being changed significantly. Through consultation and engagement with business, the costs and benefits of the proposed legislation can be analysed. It also ensures that any impact on business, particularly small enterprises, is fully considered before regulations are made. A BRIA will be carried out once a preferred option has been identified on which regulations are to be prepared.

Alternative formats or translations of this document can be made available on request by e-mail to footballconsultation@gov.scot



Football Consultation

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

SURF - Scotland's independent regeneration network

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Rankine

Forename

Derek

2. Postal Address

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3. Permissions - I am responding as...

Individual	/	Group/Organisation
<input type="checkbox"/>	Please tick as appropriate	<input checked="" type="checkbox"/>

(a)	Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)? Please tick as appropriate <input type="checkbox"/> Yes <input type="checkbox"/> No
(b)	Where confidentiality is not requested, we will make your responses available to the public on the following basis
	Please tick ONE of the following boxes

(c)	The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Scottish Government web site).
	Are you content for your response to be made available?
	Please tick as appropriate <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

	Yes, make my response, name and address all available	<input type="checkbox"/>
		or
	Yes, make my response available, but not my name and address	<input type="checkbox"/>
		or
	Yes, make my response and name available, but not my address	<input type="checkbox"/>

(d)	We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise? Please tick as appropriate Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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