

IN THE MATTER OF AN APPEAL TO A PREMIER LEAGUE APPEAL BOARD

B E T W E E N:

EVERTON FOOTBALL CLUB

Appellant

-and-

THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED

Respondent

**STATEMENT OF THE EVERTON FOOTBALL CLUB
FAN ADVISORY BOARD**

Introduction

1. This statement has been jointly produced by the representatives of the Everton Football Club Fan Advisory Board (“FAB”). It is made for consideration by the Appeal Board appointed to hear the appeal brought by Everton Football Club (“EFC”).
2. The purpose of this statement is to provide the perspective of the Everton fans on the issues in the Appeal. The fans are as much, if not more, affected by the punishment imposed on the Club than anyone. They live and breathe the club, and in many cases have dedicated their lives to it. They are the long-term custodians of the club and have the responsibility to protect it. They have a bond with the Club that has been sustained through generations. The fans are not concerned only

with Matchdays; Everton Football Club is far more than a football team. It is a cultural institution which sits at the very heart of the community and radiates through it via the many and varied community projects that it has produced, some which we will introduce in this statement. The stark reality is that without Everton Football Club the lives and livelihoods of many in the Liverpool City area would be devastated.

3. It is therefore only right that the fans have a voice in this process: not just in this case, but also in future cases, whatever the club. The fans, through their democratically elected and independent representatives, are best placed to speak to the broader consequences of damaging sanctions on their club. It is often said that “football would be nothing without the fans”, but this is less often practised. We strongly believe that fans of all clubs, even rival ones, should be heard in these circumstances. The Premier League’s emphasis on Fan Engagement must be more than a soundbite.
4. Through this statement we aim to give the fans their voice. In doing so, we will also set out for the Appeal Board the broader context of Everton as one of the best examples of a Community Club, and a prime example of why the government has recognised that football clubs are far more than simply commercial operations. That is nowhere truer than at Everton. It is properly – and proudly – the People’s Club.

The FAB

5. Everton’s Fan Advisory Board (FAB) was set up prior to the 2022-23 season, following recommendations in the Fan-Led Review of Football Governance, and extensive consultation with Everton supporters.

6. Following an independent and democratic process, the FAB was set up with 10 members, who met for the first time on 7 July 2022 in the Club's boardroom. The attendees from the Club included the then CEO, Denise Barrett-Baxendale, Board Member (and former player) Graeme Sharp, as well as other Senior Club management. Elections for officers were held.

7. Elections were held again this season and the current Executive of the FAB is made up of Dave Kelly (Chair), Tony Sampson (Vice-Chair) and Julie Clarke (Secretary), who are the co-authors of this statement. There are 11 members. These are made up of four directly elected members, who are voted for by fans in a process open to any fan who has a supporter number, and seven members representing fan groups: Everton Fans' Forum (EFF), Everton Disabled Supporters' Association (EDSA), Everton Supporters' Club Committee (SCC), Everton Heritage Society (EHS), Everton Women's Supporters' Club (EWSC), Everton Representative of the Football Supporters' Association (EFSA) and Everton International Supporters' Clubs Network (ISCN). Representative groups hold independent meetings each year to vote in their representatives of the FAB. The FAB meets monthly and meets with the Club quarterly, in person at Everton's HQ in Liverpool. There is provision for extraordinary meetings to be called by leaders and members.

8. The FAB is completely independent of the Club, and is at liberty to call fan engagement meetings, conduct media interviews, produce its own content for publication on social media platforms, conduct fan surveys and organise events and initiatives etc. Meetings with the Club follow a format, whereby an agenda is produced and agreed by both the Club and the FAB, depending on the FAB's agreed priorities. Representative groups, mentioned above, hold regular meetings between themselves and with the Club, to discuss operational issues within their remit. The FAB also concerns itself with strategic issues, such as the new stadium

development, finance, development of the women's game and business and technology.

EFC - a Brief History

9. The history of Everton Football Club was etched into the hearts and minds of supporters throughout English football when the Club took a record in 2002 that can never be beaten: the first football club to play 100 seasons in the top division of English football. As this illustrates, Everton's rich history long pre-dates the Premier League.
10. The Club was formed in 1878, formerly known as St Domingo's FC, named after the Methodist church they played for in Stanley Park. Everton went on to become one of the founders of the Football League in 1888, with 11 other clubs. They moved into the UK's first purpose-built football stadium, Goodison Park, in 1892, leaving Anfield for the use of a newly formed Liverpool FC.
11. During this period, the Goodison Park that is more familiar to today's supporters started to take shape. A first double decker stand appeared at the Park End of the ground in 1907. By 1909 it was joined by the huge Main Stand on Goodison Rd which stood until 1971. In English football history, fans witnessed a number of Everton "firsts". Goodison became the first league ground to host an FA Cup Final when over 69,000 spectators watched the 1910 Cup Final replay. Goodison Park became the first league ground to be visited by a ruling monarch when King George V and Queen Mary visited local school children in 1913 and (much later, in 1958) Everton would become the first club to install undersoil heating. Having won the FA Cup for the first time against Newcastle Utd in 1906, Everton picked up their second league title in 1914-15, before the first world war brought football

to a close for four seasons, during which time Everton remained as uncontested champions.

12. The 1920s saw the Club maintain its elite status in the Football League and the emergence of William Ralph "Dixie" Dean. He was to become Everton's all-time favourite son and a household name throughout the country. In his first two seasons Dean had scored 49 goals in 54 matches, but is most renowned for his best season, 1927-28, when the English goalscoring record was set: 60 goals from 39 league games: a record that many think will never be beaten. Had cup, international and representative matches been taken into account, they would record that Dixie ended the 1927-28 season on 100 goals. Following Dean's retirement another great pre-war Everton team soon emerged including the likes of Dean's replacement Tommy Lawton, TG Jones, Cliff Britton and Joe Mercer. Once again, however, the joy Evertonians felt in securing the club's fifth League title was short-lived as the club was once more robbed of creating a footballing dynasty by a World War. 6 years of war service ate massively into the careers of some great players and the team that won the League immediately before the war broke out and the likes of Lawton and Mercer plying their trade with London clubs.

13. In a remarkable twist of anachronistic fate, Everton were at the wrong end of a grossly unfair case of football governance when a player, Tony Kay, who had contravened a betting rule in 1962, before he signed for Everton, was sanctioned to the detriment of the Club. The fact that Kay had been a Sheffield Wednesday player at the time of the reported incident was of no consequence to the outcome. Kay was jailed for nearly two years for his part in the scandal and a subsequent lifetime ban on playing all forms of football. It was not just Kay who lost out, but also Everton. Everton's Manager at the time, Harry Catterick, had described Kay as his unofficial captain. Through no fault of their own the club and its supporters, had been dealt an injustice; punishment for a crime it did not commit. Kay had

cost a sizeable £55,000 fee. The fans had lost a hero and someone who could deliver trophies.

14. The Kay case is an illustration of how overly punitive, draconian sanctions can, looking back, be seen as just that. The expectation for such a player now would be a suspension, but also for them to be supported through counselling for gambling addiction. The case is a stark illustration of the need for circumspection, and for working with players and clubs to address the underlying issues. Sanctions should not be reactionary; they should be considered, measured and, where possible, constructive.
15. For many football supporters 1966 is synonymous with England winning the World Cup, but for Evertonians the most significant Wembley match that year happened a few months beforehand, when Everton were victorious in a remarkable FA Cup Final, beating Sheffield Wednesday 3-2.
16. Everton's Manchester neighbours, United, would become lauded in the 1990s for having produced the "Class of '92", but Everton had already accomplished such a feat almost 30 years earlier, with their team of 1963, including Labone, West, Morrissey and Ray Wilson with the home-produced youth of Wright, Harvey, Husband, Hurst, Royle, Kenyon and Whittle alongside youthful yet expensive Keith Newton, Howard Kendall and Alan Ball. Together these players improved incrementally each year culminating in a Championship triumph - the Club's seventh in 1969-70.
17. Following a decade of trophy near misses, returning as manager, Howard Kendall led the club to its most successful era: two league championships in 1985 and '87 either side of a runner-up spot in 1986, three FA Cup finals with victory in '84 and a European Cup Winners Cup in 1985. With dreams of European glory awaiting, Evertonians' hopes again were dashed again, following the Heysel Stadium disaster. A devastating loss of life was followed by a blanket ban which

placed blame on the behaviour of fans without acknowledgment of the contribution of a dilapidated stadium, poor policing and ticketing issues. For Everton there was to be no mitigation for our fans' impeccable behaviour throughout our European campaign, nor consideration for the loss of players seeking European glory, or the impact on revenue and recruitment. It was the prospect of no European competition that persuaded Kendall, the club's most successful manager, to leave for Bilbao.

18. The Club saw regular appearances at Wembley and in Europe throughout the 1980s and up to the 2000s, with notably great teams and world-renowned players, such as Wayne Rooney: one of many graduates of EFC's Academy to have gone onto great achievements. During this period the Club played at Wembley Stadium 14 times.

19. Having been founder members of the Football League in 1888, Everton went on to become founder members of the Premier League in 1992. At a time in history when football attendances were dropping dramatically and grounds were experiencing attendances of less than half of their capacity, with the full impact of the European ban being felt across English football and the country coming out of a financial crisis, clubs moved to ensure their futures and to encourage a return to full crowds. The benefits of increased exposure, through broadcasting rights, however, still took time to show for Everton, despite its recent league, cup and European successes and, like many other clubs Everton had to work hard to get back to the sort of crowds it had seen in the past. Throughout this period, its core of loyal fans has stuck by the club and there are a sizeable number of fans who can claim to have missed very few (or even none) of the Club's games, home and away, for decades.

20. Bill Kenwright, a lifelong Everton supporter, took ownership of the Club in 1999, as its major shareholder. Soon afterwards, in 2001, a move to a state-of-the-art

stadium at the Kings Dock on Liverpool's waterfront was proposed. This gained some traction but, due to funding issues, those plans were scrapped in 2005. Another proposal, in 2006 was for the Club to move to a proposed site in Kirkby in Liverpool's neighbouring Metropolitan Borough of Knowsley. This proposal split the fan base, who were fiercely against moving outside the city boundaries. Fans set up a group, called 'Keep Everton in Our City' who fought against the proposals and spoke at a subsequent hearing on the matter. Plans for a move to this site were abandoned in November 2010.

21. Bill Kenwright began the process of looking for another investor and, after a succession of short-time investors, Mr Kenwright announced that he was to sell the majority of his shares to Farhad Moshiri, who took overall control as the major shareholder with 49.9% of the Club in February 2016. He later increased his shareholding to 94%. Despite significant investment, it continued to underperform with a succession of high-profile managers.
22. That sets some of the context for where the club currently finds itself: facing a precarious period of instability and an uncertain future. The Grand Old Club playing at the Grand Old Lady (Goodison Park); Founder members of both the Football League and the Premier League; a club that has led by example through the ages, with more 'firsts' to its name than any other; a club that has led when others have followed throughout its history. 'Nils Satis Nisi Optimum' is its mission statement: nothing but the best is good enough. The Club has enjoyed great success over the years, yet regularly, and peculiarly, whenever success has been achieved, events external to the club have conspired against it, dashing the hopes and dreams of supporters, who will continue to support and love the Club their entire lives.

Club Values

23. Goodison Park, the centre of Evertonians' lives for the past 132 years is based in the Parliamentary constituency of Liverpool Walton. In 2017 this was considered the most deprived constituency in England. Everton Football Club lies at the heart of the constituency; it is inter-woven into the lives of the community. Lying just a stone's throw from the main thoroughfare County Road / Walton Lane, Everton has been a major contributor to the area's economy throughout that time.
24. As a club Everton is driven by four values that themselves were determined by its own staff: Family, Authenticity, Determination and Ambition. Those values underpin all that the club aims to do and is seen to do. Employing around 500 permanent staff and 1,000 casual matchday workers Everton was recently voted in the top 75 companies in the UK to work for over a period of 4 consecutive years. The Club's staff are based at Goodison Park, the Everton Free School, the Football College and the Blue Base - home to the club's charity, Everton in the Community. All are based in Walton as well as at the city's iconic Royal Liver Building.
25. The Club is also a principal partner of the Living Wage Foundation and plays an active role on the Living Wage Advisory Council. The club, already the first Premier League club to sign up to the #HerGameToo movement, has an expanding women's network. Working within the community, it supports the career development of women in all aspects of business life, particularly sport.
26. The Everton in the Community charity (EitC), first established in 1988, is now recognised as having developed and delivered many examples of best practice in the world of community-based sports provision. It now secures over £2 million per year in such outreach activity.
27. EitC is one of the UK's top sporting charities and firmly established on the world stage of community sports development. As the Blues' official charity, it is

considered one of the PL's leading community schemes due to the quality and reach of its various programmes.

28. Over the past 35 years, EitC has been at the forefront of social intervention across Merseyside, unafraid to tackle issues which others shied away from. Through its 120 plus dedicated full-time staff and 160+ volunteers, the charity offers more than 50 programmes covering a range of social issues including health, employability, anti-social behaviour, crime, education, dementia, poverty, youth engagement, youth justice and disability.
29. Operating 7 days a week, 365 days a year, EitC supports the most vulnerable and underprivileged members of local communities, and the charity aims to instil confidence in others by creating life-changing opportunities. Throughout its 36 years hundreds of thousands of people have benefited from the magnificent work that they do.
30. The charity's work is vast and includes providing routes into education, training and employment, steering young people away from crime and anti-social behaviour and engaging children and adults, regardless of ability, in physical activity. In addition to helping individuals, EitC helps other charitable groups improve the lives of local people.
31. EitC created history when it became the first "Club - Community" scheme in the country to be awarded funding by the government to open a free-school, a groundbreaking initiative for young people across Merseyside.
32. The school itself takes in around 120 youngsters aged between 14 and 16 who may have not benefitted from traditional methods of education and who have subsequently dropped out of mainstream education. It also offers a sixth form aimed at up to 80 students, 16-19-year-olds who choose to study sport in the environment of a leading PL football club.

33. Housed in a state-of-the-art structure built in the shadows of Goodison Park, the £4.2million facility includes a teaching block, sports hall, a covered 'street' running through the complex and a curving 'creative block' close to the existing buildings. As a centre of learning, Everton Free School dedicates itself to ensuring that every student has access to the best possible curriculum which suits their needs.
34. Overall, the Everton Free School and Everton Football College work to ensure that students reach their full potential in a secure, supportive and stimulating environment while equipping them with the values, skills, attributes and experiences they need for personal success and wellbeing in a multicultural society. They are complemented by the People's Hub, which provides specific community interventions to provide local children with positive activities whilst helping to reduce crime and anti-social behaviour
35. During the Covid pandemic, the club, through its charity, really came into its own. Ten days before the government called for a national lockdown, Everton in the Community decided to postpone its delivery of programmes and sessions. The charity immediately put in place special measures to provide additional support for its participants and, less than one week later, EitC and EFC launched Blue Family: a co-ordinated outreach and engagement campaign aimed at maintaining contact with participants and fans and providing vital support and assistance to some of the most vulnerable, socially isolated and at-risk members of the community. People generously donated money and food to support the campaign, while new and existing partners supported Blue Family with the donation of food and toiletry parcels, home learning materials and baby supplies.
36. Everton staff, volunteers and players united in working together to support those in need. Their efforts included picking up the phone to make welfare calls to elderly Season Ticket Holders and vulnerable participants. Players also recorded workout sessions and read bedtime stories for children, while the Club's chefs and

nutritionists provided healthy recipes for fans to make at home. EitC's Neighbourhood team supported the 10,000+ residents living within the immediate vicinity of Goodison Park. It also provided housing and money management support as well as advice on benefits and Universal Credit, in addition to support for local refugees and asylum seekers through the charity's ongoing relationship with British Red Cross.

37. The charity also worked to provide additional support for the families of its young participants, as well as ensuring appropriate assistance was in place for vulnerable families of its 60 partner schools across the Liverpool City Region.
38. As its delivery takes place in areas of mass deprivation across Liverpool City Region, EitC has increased its outreach work to provide further support to families who have been identified as a top priority and may be struggling due to loss of income.
39. In 2023 EitC became the first charity attached to a Premier League club to open a purpose-built mental health and wellbeing hub. Known as "The People's Place" it provides a dedicated space for the charity to promote mental and physical wellbeing and suicide prevention. The building itself houses the charity's 15 mental health projects and provides wellbeing activities alongside educational and employment support, using virtual reality, immersive experiences and artificial intelligence to complement delivery. The People's Place also offers professional care from health and wellbeing practitioners, GPs and mental health professionals.
40. The Blue Pantry initiative follows on from Everton's Blue Family campaign, which supported over 29,000 individuals and families with urgent support during the COVID-19 pandemic. EitC, in partnership with Fans Supporting Foodbanks and other local charities supports individuals and families with a member-run food pantry available for all in the community. With the effects of the pandemic,

alongside the rise in the cost of living continuing to take its toll on families, the pantry aims to reduce food poverty by providing communities with access to a wide range of top-quality food for a small subscription fee.

41. Established in 2018, 'All Together Now' is the Club's campaign to celebrate diversity and increase awareness of everything done by Everton FC and Everton in the Community to promote equality.

42. Everton's reputation as a Club of 'firsts' has seen pioneering work in promoting inclusivity across the Everton Family. Recent examples include:

- i. Utilising ground-breaking technology to deliver the world's first virtual matchday mascot experience for a boy with severely reduced mobility;
- ii. Everton becoming the first Premier League team to be recognised as breastfeeding friendly;
- iii. Becoming the first professional English club to unveil a new kit using the Club's women's team;
- iv. Partnering with Lil-Lets to battle period poverty and offering free sanitary products across Goodison Park and all EitC facilities.

43. The 'All Together Now' campaign ties together EFC and EitC's collaborative work regarding equality and diversity to ensure all fans, and anyone visiting Goodison Park or its community facilities, feel welcome and catered for at all times.

44. In the summer of 2018, EitC launched The Blue Base, a former derelict building in Salop Street, close to Goodison Park, which was transformed into a function centre to act as a pre and post-match lounge for vulnerable and disabled fans on matchdays. The building also hosts 'Pass on the Memories' - a programme that supports the elderly living with dementia or suffering from social isolation while encouraging them to immerse themselves into the Everton family.

45. In 2025, Everton will move away from Goodison Park to its new home on the Liverpool waterfront. The club has, however, taken the decision that it wishes to remain as a presence within the Walton L4 district. Plans have been drawn up to retain the existing buildings in the area with the exception of the stadium itself, but the area currently occupied by the stadium will contain various community facilities.

46. This is a club that has people at its heart. It is impossible to separate the bond between club and people; people and club. The two are inter-woven. This is a unique football led institution; it is a unique football club.

The Fans

47. Like all football fans, Everton fans believe they are the most passionate, fervent and loyal, but when former Manager, David Moyes, described the Club as “the People’s Club” it was for very good reason. It was a quote that landed well with the supporters, who saw themselves as different from fans of local rivals Liverpool, in that there was a stronger connection not only between them and their club, but between them and their community. Many Clubs can garner support from far afield and even overseas. Everton are renowned for having a global and loyal fan base, about which the Club and their fans are extremely proud, but the Club’s place in its community is immutable.

48. It is documented in a survey conducted by YouGov that some 49% of match-going Evertonians live in the Merseyside region, compared to 29% of Liverpool fans. The Club is embedded within the fan base and the fan base is embedded within the Club. There are few places where sports fans regularly turn up for each home game armed with both a match ticket and a bag of groceries for the foodbank that holds a collection within the ground, with the full blessing and support of the

Club. There are many reasons why Everton fans are special, and this is just one of them.

49. Everton's global fanbase is estimated at some 1.4 million people. This is reflected in its huge social media reach, with followings on the various platforms of more than 10 million people. This outstrips the social media reach of other PL clubs, including Aston Villa, West Ham and Newcastle. Everton's reach in North America is particularly strong, in part reflecting its recent history of recruiting high-profile US stars such as Tim Howard and Landon Donovan. Everton is a huge draw in terms of worldwide PL television audiences. Everton FC is unique in being locally grown, but globally loved.

50. The crowd at Goodison Park are often referred to as the proverbial "twelfth man" and Sir Alex Ferguson once said, *"It's always a nightmare going to Goodison. The atmosphere is fantastic"*. After Everton beat Manchester United in a Cup tie in 1953, the wife of the late Sir Matt Busby, who was at the game, said *"It must have been those spectators. I have never heard such sustained roars of encouragement"*. Howard Kendall famously used the roar of the crowd as his team talk, when he opened the dressing room window, for the players to hear the singing and chanting of the 10,000 fans who had travelled to watch the team play at Stoke City. When the Club found itself struggling at the end of the last two seasons, after being forced to sell one of its two highest goal-scorers to stay within financial constraints imposed by PSR, and the other suffering long-term injury, there seemed no way to avoid relegation. To the very end of both those seasons, the 12th man was there, in the stands, to scream and shout its encouragement and drag the ball over the line to secure the much-needed wins. From gathering to send off the team bus from the training ground, to greeting it at the other side, as the team arrived at Goodison Park for games, no fan base could have done more to demonstrate its loyalty and love for its club. Every member of the team said they could not have survived without the loyal support and encouragement of the fans.

51. Loyalty and match support apart, there is one even more important aspect to being an Everton fan. They have, throughout their history, responded to a call to arms any time they see their Club served an injustice, or even when they believe the Club itself is not fulfilling its role as custodian with the probity and due respect they demand as the Club's biggest stakeholders. Nothing demonstrated this more than the hard work that went into campaigning for the past 3 seasons, when the Club was dealt devastating blows, both within and without its control. Representation by fan groups resulted in the Club reflecting on its practices and decision-making and making changes at the top of its organisation to try to resolve issues which many clubs faced in the aftermath of a global pandemic and a war in Europe.

52. The fans are totally committed to their club. It is one among many reasons why we feel that a sporting sanction is punishing the innocent. It is adversely affecting the lives of the fans. It is no coincidence that Everton was the first club in the Premier League to set up a completely independent FAB. Long-established fan groups are represented on the FAB and these groups engage in regular dialogue with the Club, which has long recognised the value of not only listening to supporters' views but also explaining decisions they have taken. In compiling this statement, representatives of all those groups have been included in the process. All the groups are of one voice; that they deserve to be heard during the appeal so that the Appeal Board can fully understand the context of its decision, and the ramifications.

The Stadium Project

53. The development of Everton's new stadium at the Bramley-Moore Dock site has been and always will be one of the most significant episodes in the history of the football club. As the Fan-Led Review into Football Governance correctly stated:

“Football clubs are not simple economic assets, [and] are part of the heritage and culture of their local communities and the country more generally.”

54. Goodison Park has been the home of Everton Football Club since 1892. It has not just represented an historic link to where the Club has played football, but has become a critical focal point and feature for the local community in the Liverpool 4 area.

55. Restricted by being unable to rebuild stands or a new stadium on the footprint of the Goodison Park site, the decision was made to look for an alternative location that matched the ambitions of a successful club in the modern age – on and off the pitch – as well as preserving the Club's rich heritage within the City of Liverpool. This has resulted in one of the Region's and indeed, the country's, largest and most high-profile developments.

56. Since first signing Heads of Agreement with Liverpool Waters Peel in March 2017, and subsequently exchanging contracts in November of the same year to secure a 200-year lease for site, the development has promised to not only bring benefits for Everton Football Club and its supporters, but for the City and the wider City Region.

57. There has been overwhelming support for the development, enhanced by extensive engagement not just with Everton supporters through focus groups and surveys, but also with residents of the Bramley Moore Dock, Goodison Park and the wider City Region. Two public consultations between November 2018 and

2019 prompted over 60,000 responses, expressing support for the stadium location, design, plans to protect historic features, transport and reinvestment in the local community.

58. The new 52,888 capacity stadium has the potential to deliver real improvements for Evertonians. It will mean that more supporters will be able to see their team week in week out and help meet the demand to watch their team (it is estimated that there are currently almost 30,000 on the waiting list for a season ticket). This will offer an improved matchday experience as well as helping attract the best playing and coaching staff.
59. For the City region, the development provides a truly once-in-a-generation opportunity to transform North Liverpool, generating a £1.3bn boost to the local economy, including the creation of more than 15,000 jobs for local people. The stadium, on the banks of The Royal Blue Mersey, will be one of the first sights for many visitors to the city, provide a new city destination and attract 1.4m visitors to the city.
60. It will serve as the catalyst for the regeneration of the Liverpool Waters and Ten Streets developments, provide income for local families working on new developments, generate returns to the City Council that can be reinvested in frontline services, and create significant social value at a time when the pressures on cost of living have never been more acute.
61. The Club has committed £55m towards the preservation, restoration and celebration of Bramley Moore Dock's maritime heritage. This includes the Grade II listed hydraulic tower and Engine House, which will be used year-round as a visitor centre, and the dock walls under the stadium have been preserved should the site ever be required to revert to use as a dock. Outline planning approval has also been received to deliver a unique regeneration programme at Goodison Park

to create new housing, health facilities, education amenities, sheltered housing for elderly people, youth zone and business start-up facilities.

62. Most recently, and importantly, the stadium has been selected as the sole venue across Merseyside to host matches for the UEFA European Football Championship in 2028, underlining the further potential to host major cultural and sporting events, along with the economic and cultural value they will inevitably bring to the Region.

63. At a time when more emphasis is rightly being placed on protecting club heritage, stadiums and the impact football clubs have and how much they contribute to local communities, the imposition of a sanction which could put at risk a development which will bring such clear and obvious benefits to the local community, and beyond, would be an act of the most profound short-sightedness.

The Fan-Led Review

64. The Fan-Led Review was authored by Tracey Crouch MP in response to instruction from the Secretary of State for Culture Media and Sport, in April 2021. This followed an aborted attempt by a group of clubs, including six English clubs to form a breakaway so-called “European Super League” without any consultation with football authorities, or with the government, *but “worst of all, they announced it without any dialogue whatsoever with their own fans”*. Other disturbing matters in English football governance had come to the attention of the Department, including, for example, the expulsion of Bury Football Club from the Football League in 2019, due to serious debt resulting from mismanagement and the perilous state of other long-established clubs, through a combination of financial mismanagement and bad strategic decisions taken by boards, when considering incoming investors and owners, buying and selling of players and inability to

conduct professional due diligence. Ms Crouch set up an expert panel to determine the extant state of finance, regulation and governance in English football and to make recommendations for statutory regulations to protect not only the game and clubs involved, but the communities where those clubs are such an important part of the landscape and social function. One of the recommendations in the report was that clubs should introduce ‘Supporter [*Shadow*] Advisory Boards’.

65. Everton fans took the early findings of the Review extremely seriously and, at the Club’s invitation, immediately formed an independent group of stakeholders called the Everton Stakeholder Steering Group (ESSG) to start the process of developing a proposal for effective and meaningful fan representation at Board level. Everton was the first Premier League club to set up its FAB and we believe it is still the only FAB which is completely independent of the Club. Other clubs’ FAB equivalents have club-appointed members, or even club employees on their boards. The FAB supports the findings of the Fan-Led Review and considers its recommendations should be properly interpreted as fans being able to have *meaningful* engagement with their Club. Furthermore, the FAB believes that the PL’s response to the Fan Led Review, in April 2022, declared a commitment to improved engagement with fans, when they said, “*We agree that fans are of vital importance to the game and their voices should be better listened to across the League*”.

66. Crucially, in terms of enforcement and sanctions, the Review recommended that:

- a. Enforcement is not always the most effective solution, and the Regulator should work with them to ensure compliance; and
- b. Where there is enforcement and sanctions this should be subject to a “**Guiding Principle**” of avoiding impacting fans, wherever possible (p.46).

67. Engagement with the issues arising in this appeal is the wider, non-partisan, duty of all fans of the game. Better governance at club and league level should produce a fairer game where sporting merit is at the fore. The role of fans from all clubs is critical going forward, and entirely consistent with the aims of the Fan-Led Review.

68. The introduction to the government White Paper “A Sustainable Future – Reforming Football Governance” says:

“Football is nothing without its fans - and yet in the last two decades, too many of those fans have been let down, ignored or shut out by their own teams. Historic clubs like Bury have gone to the wall, while others have been governed poorly or put at risk of financial collapse - threatening the stability of the wider pyramid. Too often, some owners have forgotten that they are only the custodians of their club, responsible for just one chapter in its history.

So now we are stepping in to protect our national game and put fans right back at the heart of football...”

69. After the sanction against Everton was announced, the Football Supporters’ Association (“FSA”), a national, democratic and representative body for football supporters in England and Wales, released a statement on 17 November 2023, noting:

“...We’ve seen far too many clubs across the game find themselves in financial trouble, and our sympathy is always with the supporters – they didn’t create the problems, but they are punished alongside their club”¹.

¹ <https://thefsa.org.uk/news/fsa-statement-on-everton-points-deduction/>

The Sanction – the Fans’ Perspective

70. The fans’ response to the sanction is understandable when considered alongside their expectations. Everton fans are informed, intelligent and articulate. Their basic expectations were that the Club would be treated fairly and in accordance with established procedures and earlier decisions. They expected a decision which reflected the fact that the PSR supposedly exist to protect the long-term viability of community assets such as Everton Football Club. The fans reasonably expected that the impact of the sanction would not just be measured in terms of its impact on the commercial operation, but also in terms of its impact on the fans, the players, and the many community projects allied to the Club.

71. Everton fans are left bemused by the assertion that *“a financial penalty for a club that enjoys the support of a wealthy owner is not a sufficient penalty”*. This implies that clubs will be penalised according to whether their owner has personal wealth. It also assumes that such personal wealth is freely available to EFC. Neither inference is proper.

72. In terms of perception, the fans also see that in in the case involving West Ham United, and the signings of Carlos Tevez and Javier Mascherano, the PL Commission took account of the impact on the fans. We see too that this is reflected in the Fan-Led Review, which recommended that there should be a **“Guiding Principle”** of avoiding sanctions which unfairly impact the fans. We understand that this has now been accepted by the government and will be applied moving forward. We therefore cannot see any reason why fan impact should not be considered here.

73. The fans agree wholeheartedly with the PL on one thing: that sustainability and preserving the long-term viability of the Club is essential. Where we differ, but differ significantly, is on the means by which this aim is best achieved. It is illogical to reason that the way to achieve the long-term sustainability of clubs is through the imposition of severe punishments. This may deter others, but yet jeopardise the viability of the club on the receiving end of the punishment. A points deduction is a blunt instrument for dealing with a complex issue. It is neither practical nor pragmatic in addressing the underlying issues that the PSR exist to address.
74. It is not lost on the fans that costs associated with the Stadium Project have been a significant factor in the current predicament. It seems to us that the PL should be doing everything within its power to support the completion of the Stadium Project. The Stadium has economic and cultural benefits that extend far beyond the football pitch, and indeed beyond Everton Football Club. It seems to us that punitive sanctions risk exacerbating the very problems that they are designed to address.
75. In cases where it is deemed that a points penalty must be imposed, the least that the fans expect is that the penalty should be predictable and proportionate. We see that in the very recent decision from the Court of Justice of the European Union in the European Super League Company Case (C-333/21) the Court said that any sanctions policy must be “**transparent**, objective **precise** and non-discriminatory”². What the fans perceive is rather different. They see that there are no sanctions guidelines built into the PL Rules, and as such no transparency or precision. Rather it seems as if the Commission has arrived at an arbitrary punishment.

² Paragraph 151

76. Fans are also aware that there is fixed penalty of 9 points for clubs who become insolvent. The fans cannot understand why Clubs should be subject to a more punitive sanction for a breach of the PSR than what it would have received had the Club become insolvent. They see that in the guidelines used by the EFL the maximum penalty for a breach of the PSR will never exceed that which applies to insolvency: 12 points.
77. The sanction has also led fans, and not just Everton fans, with the sense that powerful and wealthy clubs will be treated more favourably. The “big 6” clubs enjoyed enormous and rapid investment over many years, giving them greater revenue, and so a huge competitive advantage, when the PSR were introduced. They see investigations into more serious and sustained breaches by those clubs being delayed, and in one case an owner spending more than £1 billion on players subject to deliberately lengthy contracts. The fans see too that the clubs who tried to form a breakaway league faced no action after making ‘voluntary contributions’ into a PL fund of less than £4m each. This prompted the recommendation for an independent regulator which should, once implemented, provide more certainty and consistency. Everton fans feel a deep sense of injustice that their Club has been subject to a process that they are told will soon be overhauled; perhaps as soon as this summer.
78. Our concerns about these issues are not only shared by Everton fans. Fans of many other clubs have reached out to the FAB in support and have voiced their concerns, not only at the unprecedented sanction, but at its impact on the reputation of the PL. Fans want to enjoy the spectacle of an elite sporting competition, contested on the pitch, not in the Courtroom. Fans want to see fairness, consistency and transparency. The failure to apply these principles should act as a warning signal for the fans of other Clubs, Club owners and executives and for the footballing authorities.

79. The sanction imposed on Everton ultimately has ramifications that go far beyond the Team's standing in the league table. Although framed as a "sporting sanction", it will inevitably have direct and indirect financial consequences. The fans are rightly concerned that this brings about the sort of uncertainty which may jeopardise the viability of our historic club, and with it its many and varied community projects, as well as the Stadium. From the fans' perspective there are more proportionate ways that any breach of the PSR can be marked which do not involve such an unfair and long-term impact on the Club, the fans, and the wider community.

Signed: 
Dave Kelly, FAB Chair

Signed: 
Tony Sampson, FAB Vice Chair

Signed: 
Julie Clarke, FAB Secretary

Date: 16 January 2023