

**FAIR GAME BRIEFING**  
**Football Governance Bill**  
**22 November 2023**

On 7 November 2023, in the King's Speech, the Government announced plans for a Football Governance Bill.

Fair Game welcomes the announcement as a historic moment for football, presenting a genuine opportunity to break the cycle of overspending and mismanagement that has plagued the National Game and jeopardised the existence of various clubs.

In this critical juncture, there is significant pressure to dilute the regulator's authority, precisely when robust protection and scrutiny of the National Game are imperative. Those responsible for establishing the regulator must resist such pressure and maintain a steadfast focus on ushering in a fairer future for football and the essential cultural change the sport requires.

This briefing note addresses all eight steps highlighted by the Government and Fair Game's verdict on each step. It also includes the top three priorities and missing areas that Fair Game believes need to be addressed in the bill.

**1. New Regulator with proportionate powers**

**Fair Game verdict:** ✓✓✓✓✓

A new independent regulator is long overdue and welcomed by Fair Game. The financial problems within the game are well-documented. A study by Fair Game revealed that in 2020, most Premier and EFL clubs were technically insolvent.

**2. A new Owners' and Directors' Test**

**Fair Game verdict:** ✓✓✓

There is universal acceptance that there needs to be a new Owners and Directors Test, so the inclusion here is welcome. The existing tests focus heavily on financial behaviour, which, while valid, does not address broader concerns. In particular, issues of ethics and criminality should also be included in the regulator's remit. These include concerns around state ownership and human rights.

**3. Protection of club heritage**

**Fair Game verdict:** ✓✓✓✓

A welcome improvement on the Government's Policy Paper published on 7 September suggested that the powers would reside with the FA.

**4. Addressing "The Wimbledon Clause"**

**Fair Game verdict:** ✓✓✓

This is a welcome improvement on the September Policy Paper, which prioritised financial considerations and only required consultation from fans in the event of stadium sale or relocation. This would have made it easier for a club to relocate and repeat the decision that permitted Wimbledon FC to relocate to a town 60 miles away. Whilst improved, the clause should be strengthened to give fans the final say.

**5. No to a European Super League**

**Fair Game verdict:** ✓✓✓✓✓

It is a very welcome step and marries up with one of Fair Game's founding principles: Integrity. Primarily, this means protection of the Football Pyramid at all levels.

## **6. Fairer Financial Flow in Football**

**Fair Game verdict:** ✓✓

Fair Game believes the decision on football's financial flow should rest with the IREF. If that does not happen, the regulator should at least define the parameters around an acceptable deal. The flow must also reward well-run clubs to help deliver much-needed culture change in the game.

## **7. New Governance Code for Football**

**Fair Game verdict:** ✓✓✓✓

Fair Game fully supports this step, and our experts have already produced a draft Code, which is currently out for consultation. A key element left unclear here and in the policy paper is the regulator's enforcement powers.

## **8. Top five divisions covered**

**Fair Game verdict:** ✓

A significant number of clubs that have disappeared off the map in recent years are not in the top five divisions, and as a bare minimum, the regulator's remit should extend at least one step further down.

As the bill is introduced in Parliament, Fair Game believes the top three priorities should be to ensure:

- a) There is scope to introduce regulations regarding Equality, Diversity and Inclusion and Environmental sustainability;
- b) There is clarity on the regulator's powers of enforcement; and
- c) There is adequate support to all licensed clubs to ensure there is no extra burden on clubs caused by the regulator's requirements, either financially or staffing-wise.

### **About Fair Game:**

Fair Game is a fast-growing band of clubs campaigning to improve football governance. Supported by over 40 world-renowned academics, we are backed by politicians nationwide and committed to providing realistic solutions to the challenges football faces. We want to see football governed with fairness, openness and transparency.