

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRPERSON SITTING ALONE

Sitting on behalf of the Amateur Football Association

CORRESPONDENCE HEARING

of

STEVE GIBBS

Winchmore Hill Vets B

[Case ID: 11499412M]

&

WINCHMORE HILL VETS B

[Case ID: 11529467M]

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document contains discriminatory and abusive language.

The Amateur Football Association and Steve Gibbs and Winchmore Hill Vets B
The Decision & Reasons of The Commission

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Introduction

1. On Saturday 25th November 2023 Winchmore Hill Vets B (“**the Club**”) played Civil Service Veterans in an over 40’s Cup fixture, collectively “**the match**”.
2. The Amateur Football Association (“**the Amateur FA**”) received a report of Improper Conduct following the match.
3. The Amateur FA investigated the reported incident.

The Charge

4. On 20th December 2023 the Amateur FA charged Steve Gibbs, a player of Winchmore Hill Vets B, with:
 - i. Misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official - (including threatening and/or abusive language/behaviour).

ii. It is alleged that Steve Gibbs used threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Gibbs approached the referee with a raised fist which made them feel threatened or similar. And/or it is further alleged that after they had been shown a red card, Mr Gibbs approached the match official and used abusive and/or insulting words towards them by saying “*prick*” or similar and/or “*cunt*” or similar.

5. Also, on 20th December 2023 the Amateur FA charged Winchmore Hill Vets B, with:

i. Misconduct for a breach of FA Rule E20 - Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match.

ii. It is alleged that during the fixture the Winchmore Hill Vets B players surrounded the referee after the match official awarded a penalty to Civil Service Veterans.

6. The Amateur FA investigated the reported incident.

7. The relevant section of FA Rule E3.1 states: ¹

“E3.1 A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour”.

8. The relevant section of FA Rule E20.1 states: ²

“E20 Each Affiliated Association, Competition and Club shall be responsible for ensuring that its Directors, players, officials, employees, servant, representatives, conduct themselves in an orderly fashion whilst attending any Match and do not:

¹ Page 143 of the FA Handbook 2023/2024

² Page 148 of the FA Handbook 2023/2024

E20.1 use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative”. [sic].

9. The relevant section of FA Rule 96.1 (Threatening behaviour against Match Officials) states: ³

“96.1 Threatening behaviour: Words or action that cause the Match Official to believe that they are being threatened. Examples include but are not limited to : the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not: the raising of hands to intimidate the Match Official” [sic].

10. The Amateur FA included with the charge letter the evidence that it intended to rely on in this case.

11. Mr Gibson was required to respond to his charge by 3rd January 2024.

12. Winchmore Hill Vets B were required to respond to their charge by 3rd January 2024.

The Reply

13. The Club responded online via the FA Whole Game System on behalf of Mr Gibson on 3rd January 2024. Mr Gibson **denied** his charge and requested that the matter be dealt with in his absence as a **Correspondence Hearing**.

14. Similarly, the Club responded online via the FA Whole Game System on 3rd January 2024 in response to their charge. The Club **denied** their charge and requested that the matter be dealt with in their absence as a **Correspondence Hearing**.

The Commission

³ Page 148 of the FA Handbook 2023/2024

15. The Football Association (“**The FA**”) appointed me, Ian R. Stephenson, as a Chairperson Member of the Football Association National Serious Case Panel, to this Discipline Commission, as the Chairperson Sitting Alone to adjudicate in this case.

The Hearing & Evidence

16. I adjudicated this case on 19th January 2024 as a Correspondence Hearing, (“**the Hearing**”).

17. I had received and read the bundle of documents prior to the Hearing.

18. The following is a summary of the principal submissions provided to me. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all of the evidence and materials furnished with regard to this case.

19. The relevant section of Regulation 13 of the Disciplinary Regulations states ⁴:

“Where the subject matter of or facts relating to a Charge or Charges against one or more Participant(s) is sufficiently linked (including, but not limited to, where offences are alleged to have been committed in the same Match or where there is common evidence of The Association or the defence) and where appropriate for the timely and efficient disposal of the proceedings, The Association and/or the relevant panel shall have the power to consolidate proceedings so that they are conducted together and the Charges may be determined at a joint hearing. In respect of such matters: evidence adduced by or on behalf of a Participant shall be capable of constituting evidence against another Participant (the relevant panel shall give appropriate weight to such evidence)” [sic].

20. The following evidence was provided in the case bundle:

⁴ p. 173 of FA Handbook 2023/2024

21. An FA Extraordinary Report from Les Kyprianou dated 26th November 2023 which was submitted to the Association. Mr Kyprianou was the Match Official. Mr Kyprianou stated, and I quote:

“In the 40th minute of the second half of normal time and with Winchmore Hill, leading 2-1, I awarded a penalty to Civil Service. The penalty was hotly disputed by WH and a number of their players surrounded me objecting to this decision. I quickly created space between the players and myself, at which time the WH number 7 approached me angrily, raised his fist and then called me a ‘cunt’. I dismissed him and showed a red card as he was already walking off the field, so I noted his name from the team sheet as Steve Gibson. I also sent the WH number 2, Theo, to the sinbin for comments made at this time.

At the end of normal time, the WH number 7 approached me where I was standing near the centre circle and on being asked to leave the field called me a ‘prick’ and a ‘cunt’ before doing so.

While preparing to start the first period of extra time I noticed that WH had 10 players on the field instead of the expected 9. I then realised that Steve Gibson had lined up for the kick off so I called his name out and asked him to leave the field. Extra time started with 9 v 11 up to when the sinbin period expired.

22. A Football Association Participant Misconduct Report Form relating to the match. This was submitted by Mr Kyprianou, dated 26th November 2023 at 13:27 hrs. I noted that the form (Reference 3) showed the details of “*Gibson Steve Winchmore Hill S6*”.

23. An email from Mr Kyprianou to Robert King, Football Services Assistant at the Amateur FA, dated 1st December 2023 at 12:58 hrs. Mr Kyprianou’s email was in response to clarification questions sent by Mr King to Mr Kyprianou by email dated 30th November 2023 at 18:17 hrs. For ease of reading, I have shown Mr Kyprianou’s responses in red. Mr Kyprianou stated, and I quote:

“Could you please respond to the below questions that require further clarification:

1. How close did the #7 for Winchmore Hill get to you when they approached you after the penalty was awarded?

Between 1 to 2 feet.

2. How did you feel when this player approached you in the manner they did?

I found his manner threatening and aggressive”.

24. A further email exchange between Mr King and Mr Kyprianou. On 28th November 2023 at 10:50 hrs, Mr Kyprianou replied to an email received from Mr King, sent on 27th November 2023 at 15:13 hrs. For ease of reading, I have shown Mr Kyprianou’s responses in red. Mr Kyprianou stated, and I quote:

“1. In your report you say that a number of Winchmore Hill players surrounded you- can you remember how many players were involved in this?

There were 3, maybe 4. One right, one left, one or two frontal.

2. You say that the #7 for Winchmore Hill approached you angrily and raised his fist- How close did this player get to you, Could you please provide more information regarding the raised fist e.g. were they motioning anything?

The #7 approached me from the front. I noticed his right arm was by the right side of his chest, bent at the elbow, with a clenched fist. I extended my left arm forward at chest height to maintain a safe distance. The #7 paused and shouted ‘don’t point your finger at me’. I replied, ‘I am not pointing a finger, I am protecting my space’. At this point a player from my right put his arm across the #7 and steered him away from me”.

25. A screenshot showing the names of the players that played for Winchmore Hill Vets B team on the match result sheet. I noted that Steve Gibbs is listed under the team name Winchmore Hill Vets B on the screenshot.

26. An email exchange between the Amateur FA and Civil Service Veterans Football Club. On Thursday 30th November 2023 at 3:59pm “Tim (CSFC Vets Manager) stated in an email, and I quote:

“Just wanted to confirm that we got this mail and I’ve talked to the team about it.

I wasn’t at the game but I’m assured by the boys that literally everyone on the pitch will have seen the melee after the penalty was awarded, and I’ve asked those who were closest to it to provide statements of what they saw/heard.

I’m afraid that no one recalls hearing anything specific said to the referee by the opposition after the end of the 90 minutes. Our side were all walking off to the sidelines then.

My assistant manager, who was in charge on the day, said the opposition manager apologised in the bar afterwards for the behaviour of his players and some of the things that were said on the pitch. Gav thought he was basically quite embarrassed by it”.

27. A further exchange of emails between the Amateur FA and Civil Service Veterans Football Club. On 27th December 2023 at 11:19am “Tim” stated in an email, and I quote:

“I’m sorry – I wasn’t actually at the game but I chased my players again for a response on this before Christmas and I’m not sure that anyone got back to you.

It may be too late now, but I’ve had one more response sent to me. It’s from Gavin Jardine, who was managing the CSFC team that day in my absence. He wrote:

‘Problems started when the referee awarded a penalty to Civil Service with around 10 minutes of normal time remaining in the game, when Winchmore Hill were leading 2-1. Five or six WH players were angrily arguing with the referee about the decision - claiming that the challenge wasn't a foul and that it had been outside the

penalty box. Several WH players remonstrated with our player that had been fouled, saying that he should admit that the contact was outside the penalty box. After several minutes of this continuing, with 4 or 5 WH players generally crowding the referee to argue with him, he sent off one of the WH centre backs.

For most of the period I was stood on the half way line, 30-40 yards from where the referee was at the edge of the WH penalty area. I was too far away to clearly hear what was being said.

It was maybe as long as 5 minutes in total before the game was able to resume with taking the penalty, which we scored to make it 2-2. Before the KO to restart the game, the referee 'sin-binned' the WH right back, presumably for dissent. Again, I wasn't close enough to the incident to hear specifically what was said.

I did not see or hear any specific incident between any of the WH players and the referee after the game'.

My understanding, from talking to the players, is that everyone on the field and around it saw the situation with the Winchmore Hill players surrounding the referee after he gave the penalty. All of our players thought it was completely inappropriate and aggressively over the top. But they were not close enough to hear what was said to the ref during those exchanges, and didn't hear what was said to the ref at 90 mins, as they were heading to the sideline then to regroup for extra time.

I hope that the opposition get charged for this incident, and I'm sorry if there's more our players could/should have done, either at the time or in their statements since, to back up the ref. Having not been there, I've found it difficult to chase up".

28. A Witness Statement from Jeff Arnold dated 1st December 2023. Mr Arnold was a player of Civil Service Veterans in the match. Mr Arnold stated, and I quote:

"On Saturday 25th of November 2023 I was participating in a football match for Civil Service Vets (CS) against Winchmore Hill Vets(WH). I was playing in the forward left position, and in the second half CS were attacking from left to right (as you look at the pitch from the front of the clubhouse).

Late in the second half (approx .85 mins played) one of the CS forwards, Luiz Rodrigues (LR) ran through in the forward left position, approximately 10-20 feet ahead of me. As he ran at full speed to collect the pass LR was closely followed by a WH defender. LR got to the ball first and was then clearly fouled by the defender, and both players fell to the ground. I could see from my position that the defender did not get to the ball first before making contact with LR (therefore committing a foul) and that the initial foul had occurred just inside the penalty area. Due to the speed and momentum of both players, combined with the wet surface of the pitch, both players slid after the collision and ended up well inside the penalty area when they landed.

Several of the CS players immediately claimed for a penalty, and after a brief delay to decide, the referee verbally awarded a penalty and gestured towards the penalty spot. It was at this point that several WH players began shouting angrily and trying to intimidate both the CS players and the referee (in the hope of reversing the referee's decision). I heard several WH players accuse LR, myself and other CS players of cheating, their belief being that either (a) it was not a foul at all or (b) it was a foul but had occurred outside the penalty area.

One WH player came right up to me (approx .1 foot away) and screamed aggressively in my face, accusing me of being a 'fucking cheat'. I can't remember which player this was but he was a white male. When I protested that it was clearly a foul, the player angrily shouted, 'no you're a fucking cheat'. It was at this point I realised the player had mistaken me for my teammate LR who had actually been the one fouled for the penalty. When I pointed out this error the player simply accused myself, LR and our whole team of being 'cheats' and 'liars'.

I then observed several WH players surrounding the referee trying to physically intimidate him into changing his decision to award the penalty. The players were extremely aggressive, constantly shouting and swearing and some were standing very close to the referee in a threatening and intimidating manner. After several minutes of this behaviour, I heard one WH player loudly advising the other that 'if he doesn't change it (the decision to award CS a penalty) we should all just walk off', meaning WH as a team should leave the field and force the match to be abandoned.

It was shortly after this threat that I saw one of the WM players was ordered to leave the field by the referee, the result of a 'sin bin' decision. My perception at the time was that this player had been sin binned either (a) for continued aggressive conduct towards the referee, and/or (b) for threatening the referee that he would organise his team to leave the field. I was then informed by CS teammate that another WH player had actually been sent off by the referee, although I did not witness this decision. I believe this was for using foul and abusive language directly towards the referee.

As a result of the referee maintaining his original decision to award a penalty to CS, and then sending off one WH player before sin binning another, many of the remaining WH players continued arguing with the referee and CS players for several minutes. By the time my CS teammate (Rob Hodgson) took and scored the penalty, I estimate that the game had been delayed by approximately 10 minutes in total due to the aggressive and intimidating conduct by numerous WH players. [Sic].

I would like to state that I have played football for CS for almost 20 years now and this was one of the worst incidents of referee and player abuse that I have ever witnessed. I was truly shocked and disappointed by the conduct of many of the WH players during this game following the referee's decision to award CS a penalty, and I felt genuinely intimidated by the conduct of the player who approached me in a very aggressive and threatening manner and verbally abused me, accusing me and my teammates of cheating”.

29. An email exchange between the Amateur FA and Winchmore Hill Vets B Football Club. On 4th December 2023 at 4:50 pm Robert Gyles replied to the Amateur FA by email on behalf of the Club. Mr Gyles is the President of the Club. Mr Gyles stated, and I quote:

“Hi Guys, we have been getting the relevant statements together. I asked questions of a number of players, the summary of which was:

1 The ref generally struggled throughout to keep up with play – even though, as a Vets cup tie, it wasn't actually a fast game and was on a relatively small pitch. This led to a lot of doubtful decisions in the view of the players of both sides.

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2 *What was perceived to be a perfectly fair tackle well outside the penalty area (a scar in the turf was witness to where it happened) led to a free kick decision to Civil Service a few minutes from the end with WH winning 2-1.*

3 *Whilst it was a disputed decision the WH boys began to prepare for the free kick when the ref then decided it was a penalty. This led to very strong protests although not a large gathering around the ref at any time.*

4 *The ref decided to red card Steve Gibbs for his verbal comments (note the surname, it was not Gibson as mentioned – a mistake by the WH captain on the team sheet), and he sin binned another. It was Steve Gibbs whose tackle was penalised by the ref some 30yds distant*

5 *This led to an equalizer and meant extra time with WH reduced to 9 men.*

6 *Gibbs did not re-enter the field of play at extra time. The penalty was taken before he had left the pitch.*

7 *The anger and frustration of WH players after the game (lost 3-7) was palpable although there were no further confrontations to the ref.*

I hope the statements explain the situation for you. The first attachment is from Jim Webb, captain of Vets B. The second attachment is from Paul Chapman, Chairman of the parent club, long term player, and occasional referee, and a player in the game. Third attachment is from Dave Chapman who was helping to run the side on the day.

The one missing statement is from Steve Gibbs himself. I am still expecting it so will forward as soon as I have it”.

30. An email from Mr Gyles to the Amateur FA dated 10th December 2023 at 11:25am, the email contained a statement from Steve Gibbs. Mr Gyles stated, and I quote:

“As requested, here is the statement from Steve Gibbs (I was out all day Friday so wasn't able to respond by the close of play).

I also took the opportunity to further question Paul Chapman and Jim Webb – you have their statements and they were both reasonably close to the incident. You will have seen the comments from all statements about the award of a penalty when the tackle itself was well outside the penalty area and the ref made his decision from up to 30 yards away. Clearly he wasn't prepared to change his mind and Steve Gibbs,

who had made the tackle, was upset and frustrated and obviously used inappropriate language.....and was sent off. However both Paul and Jim are adamant his reaction was verbal and there was no other aggressive action or intent. There was no surrounding of the ref. The penalty was disputed by those who were nearby but the bad language was restricted to Steve. One other player was sin binned for his reaction, as you probably know”.

31. An undated Match Report submitted to the Amateur FA by David Chapman, Chairman of Winchmore Hill Veterans FC. Mr Chapman stated, and I quote:

“Running the team from the sideline whilst Jim webb was playing, I can report the following regarding an incident towards the end of 90 mins.

Winchmore being 2-1 up with 5 mins to go were being counter attacked by civil service. Centre forward for civil service & winchmore centre half were chasing the ball approx 5 yds from the edge of the penalty box. Winchmore player made a challenge to clear the ball with a tremendous connection, clearing the ball cleanly, but trailing foot of centre forward was heard to connect after the interception. Centre forward proceeded 2 more steps at pace into the penalty box & dramatically made his descent to claim a penalty.

Referee without exaggeration, but with consideration for his age, was 25 yds from the challenge. He hadn't made any clear indication of his decision until he had made progress to the centre forward who remained in place in the box. The clue to the referee was where Stephen Gibbs (winchmore centre half) was on the floor after his interception (he was 3 yds outside the penalty box.) Unfortunately it was my considered opinion the referee had made a terrible error of judgement as he gave a penalty to civil service which took the match into extra time. Unfortunately our player Stephen Gibbs was understood to communicate with the referee which resulted in him being sent off”.

32. A Witness Statement from Paul Chapman dated 4th December 2023. Mr Chapman stated, and I quote:

“I was 5 metres away from the incident

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- *Steve Gibson and the opposition forward were in a race onto a forward pass. Around 5 metres outside the penalty box Steve stretched into a tackle. His right foot made very clear contact on the ball and kicked the ball away. As he landed his left foot made contact with the forward causing him to fall to the ground.*
- *The referee was about 30 metres away. He blew for what we all felt was rather a harsh free kick.*
- *There was no appeal whatsoever for a penalty*
- *The referee then walked towards the penalty area. There was much confusion.*
- *To the amazement of both sides the referee had awarded a penalty. We are quite an old side and having battled back to lead 2-1 with 5 minutes left we felt very aggrieved*
- *I gather that Steve had been offensive to the referee and had been sent off. Very few players were aware of this. Another player, Theo Symou, had also expressed his disappointment, as a left back, he was also quite close to the original incident. He was sin binned for 10 minutes.*
- *One mistake in the report was that Steve was still on the pitch at the start of extra time. This was incorrect. Steve was still on the pitch after the penalty and the game was about to restart. We started extra time with 9 men on the pitch.*
- *I do not accept that many players surrounded the referee. To be honest nobody knew what the initial decision was. The referee seemed reluctant to make any comments.*
- *The decision was a very clear mistake, generally agreed by the opposition. For us the decision spoilt a very good, even game. Clearly the mistake was difficult for some players to fully accept given the circumstances.*

33. An undated Statement from Jim Webb. Mr Webb is the Captain of Winchmore Hill Veterans B team. Mr Webb stated, and I quote:

“The match was played by both sides in a sporting and respectful manor. There were discissions made by the referee during the match from a distance mostly offsides, which were disputed by both sides but accepted without any heated dialog with the referee.

The penalty incident occurred in the 85min with the score 2 – 1 to Winchmore Hill. Steve Gibbs made a sliding challenge a meter outside the left-hand side of the penalty area. I was adjacent to Steve when he made the challenge, Steve connected with the ball and the Civil Service player rolled into the box.

The referee was at least 30 metres behind play he blew his whistle and made his way over to the location of the tackle. Initially we were preparing for a free kick a few of our players at that time were questioning his decision presuming it was a free kick. He then declared it was a penalty. I approached him asked him how he had come to that conclusion there was a scar in the turf where the challenge was made one meter outside the penalty area. He refused to comment and told me to go away. If he originally thought it was a penalty, he should have blown his whistle, pointed, and walked to the spot.

Obviously considering the timing of the decision and the fact he got completely wrong incensed some of our players who then reacted in a way which was out of character. Steve Gibbs was sent off and another player sin binned. It spoiled a match which until then had been played without any incident.

I spoke with some the Civil Service players during and after the match who all agreed the challenge was outside the penalty area”.

34. An undated Statement from Steve Gibbs, the Participant charged. Mr Gibbs stated, and I quote:

“I was running for the ball with a player from the opposite team and made, in my opinion, a clean and fair challenge. The ref must have been 30 yards away and blew up for a free kick. I questioned the referee's decision in a calm manner but this was disregarded. What I didn't realise is that he actually gave a penalty for the challenge. I was shocked at how he came to that decision and asked he take a moment to reconsider. He refused to reconsider and sent me off. For the record, I recall swearing at the ref, however, this was purely out of utter frustration. This action was also totally out of character for me. Other than swearing, at no point did I become aggressive towards the referee. The referee had been consistently distant and

inconsistent when making decisions throughout the game and this compounded my frustration, and my out of character reaction but, to repeat, I was not in any other way aggressive towards him ”.

35. A response to the charge submitted to the Association by an unknown Author. The response is undated, unidentified as to who has written and sent the report, however the report states, and I quote:

“The incident concerning the tackle and the penalty award have been described by many. From Steve’s position, being totally convinced the tackle was fair and then seeing a penalty awarded, he was immediately angry and frustrated, knowing full well what it might mean for his team and the tie. He was then over the top in his verbal reaction and he accepts and is sorry that he said things he shouldn’t have.....but that was the limit of his ‘aggression’. He is very upset his reaction is being interpreted as posing a physical threat to the referee. He is adamant that nothing could be further from the truth. Yes he approached the ref, he has no recollection of where his hands were, but that was to say what he was thinking and he was led away by the captain, Jim Webb. The referee states that Steves hand was against the right side of his chest in a clenched position. It wasn’t raised towards the ref nor waived in the direction of the ref and nothing of a physical nature/threat was said by Steve. Steve has never been a person of physical action other than tackling in a game of football and it would never enter his head to be a physical threat to the referee. His physical appearance is a lad with a shaven head so it is possible he appeared more aggressive to the ref than he actually was. In the bar after the game the interaction between the two teams was absolutely fine and some of the Civil Service lads seemed to be acknowledging the tackle was probably outside the box – the statement from Jeff Arnold, the Civil Service player, is considered by our team as completely at odds with the spirit of the game, which had been fine throughout and a fair contest only spoilt by the incident. Jeffs version of events is felt to be way off the mark and not reflecting the game properly. Steve was sent off for the verbal responses he gave but, beyond that, he and the Winchmore players mentioned above who were close to the incident are adamant there was no physically aggressive approach towards the referee by Steve and certainly no intent of such and we trust you can accept this was the case and the charge should not stand ”.

36. That concludes all of the evidence that was provided to the Commission.

37. I can confirm that I examined and carefully considered all of the evidence that was submitted to me in the case pack.

Standard of Proof

38. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

39. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in this case it falls upon the Amateur FA.

40. In a Commission such as this the assessment of the evidence is entirely a matter for the Commission. I have to assess the credibility of the witness, that is whether the witness is attempting to tell the truth, and the reliability of the witness, that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon.

41. Where there are discrepancies between witnesses, it is for the Commission to decide upon which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness's own evidence, it is for the Commission to assess if the discrepancy is important. Having considered which evidence to accept and which to reject, the Commission then has to decide if, on the balance of probability, the alleged breach of the FA Rules is established.⁵

⁵ Paragraph 5

42. It should be noted that where direct speech is quoted in a witness statement, I have recorded it exactly in the wording and grammar in which it appears in the witness statement, without making any grammatical or typing alterations to obvious typographical errors.

In summary:

The cases of both Steve Gibbs and Winchmore Hill Vets B:

43. It was alleged that Steve Gibbs, a player of Winchmore Hill Vets B team used threatening and/or abusive words or behaviour towards the Match Official during a fixture played between Winchmore Hill Vets B and Civil Service Veterans on Saturday 25th November 2023, and in so doing Mr Gibbs' conduct was Improper.

44. Mr Gibbs denied the charge.

45. It was alleged that during the fixture the Winchmore Hill Vets B players surrounded the referee after the match official awarded a penalty to Civil Service Veterans.

46. Winchmore Hill Vets B denied the charge.

47. Les Kyprianou was the Match Official. Mr Kyprianou submitted an FA Extraordinary Report to the Association following the match. In his report, Mr Kyprianou detailed the incident which allegedly occurred following Mr Kyprianou's awarding of a hotly disputed penalty in favour of Civil Service Veterans.

48. Mr Kyprianou described a player, wearing number 7 for Winchmore Hill Vets B, as approaching Mr Kyprianou "*angrily*", the player having a "*raised fist*". Mr Kyprianou alleged that the player then called Mr Kyprianou "*a cunt*".

49. Mr Kyprianou then sent the player off the field of play and showed the player a red card. Mr Kyprianou noted the name of the player from the team sheet that had been provided to him and noted the name as "*Steve Gibson*".

50. Mr Kyprianou further alleged that at the end of normal time the Winchmore Hill Vets B player, number 7, approached Mr Kyprianou, who was standing in the centre circle, with the player calling Mr Kyprianou “*a prick*” and “*a cunt*” before leaving the pitch.
51. This fixture was a Cup fixture which ended in a draw at the end of regulation time. The match then went to extra-time. Mr Kyprianou reported that whilst preparing for the first period of extra time he noticed that the player who he had sent off had lined up again to play in the extra time period of the fixture. Mr Kyprianou called out the players name and asked the player to leave the field of play.
52. In consequential email correspondence that followed between Mr Kyprianou and the Amateur FA, Mr Kyprianou stated that the player got to within one to two feet of Mr Kyprianou when he approached. Further, Mr Kyprianou stated that he (Mr Kyprianou) found the player’s behaviour to be “*threatening and aggressive*”.
53. During the subsequent email exchange that followed between Mr Kyprianou and the Amateur FA, Mr Kyprianou confirmed that the player, Winchmore Hill Vets B number 7, approached Mr Kyprianou from the front, the player had his right arm by the side of his chest, bent at the elbow, with a clenched fist.
54. Mr Kyprianou stated that he, (Mr Kyprianou), extended his left arm forward at chest height to maintain a safe distance. Such was Mr Kyprianou’s visible defence action that the number 7 player allegedly said, “*don’t point your finger at me*”, allegedly just before a player from the right-hand side of Mr Kyprianou put his arm out and steered the number 7 player away from Mr Kyprianou.
55. I found the evidence submitted by Mr Kyprianou to be clear and concise. He was able to describe the behaviour and actions of the player, who he described as being the Winchmore Hill Vets B number 7 player, from a distance of about 1-2 feet.
56. I noted that Mr Kyprianou did not ask or record the player’s name directly. Mr Kyprianou reported the number 7 player’s name as Steve Gibson from a team sheet provided prior to the match by the Captain of Winchmore Hill Vets B team who had erroneously (according to Mr Gyles, the President of Winchmore Hill Vets B) recorded Mr Gibbs’ name as Steve Gibson.

57. The screenshot of the teamsheet taken from the match report shows a player by the name of Steve Gibbs as having played for Winchmore Hill Vets B team, there is no player by the name of Steve Gibson recorded on the match report.
58. I was satisfied, with the Club confirming the player's correct name to be Steve Gibbs and not Steve Gibson, that the charge had been raised against the correct player.
59. Gavin Jardine was managing the Civil Service team at the match. Mr Jardine reported that problems started after the award of the penalty, and he described 5 or 6 Winchmore Hill Vets B players surrounding the referee immediately after the penalty was awarded. Mr Jardine described these players as "*angrily arguing with the referee*". I noted that Mr Jardine did not specifically describe the actions of Mr Gibbs, Mr Jardine describing his own position as being stood on the halfway line 30-40 yards away. Mr Jardine's evidence provides corroboration of the reaction of a group of Winchmore Hill Vets B players which corroborated much of what the referee alleged had happened.
60. Jeff Arnold was a player of Civil Service Veterans in the match. Mr Arnold provided a statement in which he stated that several players of Winchmore Hill Vets B team angrily surrounded the referee shouting angrily and trying to intimidate the referee and the Civil Service players.
61. The evidence in defence of this charge appears mainly based on the referee performance and the referee decision in awarding a penalty that players of Winchmore Hill Vets B hotly disputed. In terms of determining liability in this case neither the referee performance, or indeed whether his penalty decision was correct or incorrect, is largely irrelevant. This charge relates to the behaviour of Mr Gibbs against Mr Kyprianou.
62. David Chapman provided a match report on behalf of the Club in defence of the charges. Mr Chapman's report relates only to the penalty decision and provided no direct evidence in relation to the actions of Mr Gibbs in the alleged incident.
63. Paul Chapman was a player of Winchmore Hill Vets B in the match. Mr Chapman stated that he was only 5m away from the penalty incident and he described the

referee's decision to award a penalty which he himself clearly disputed. Mr Chapman stated that "*he gathered that Mr Gibbs had been offensive towards the referee and had been sent off*". This comment led me to believe that he had not seen or heard the matter relating to this charge. His evidence led me to wonder if his evidence was evidence that someone had told him, by the fact that he stated that he "*gathered*" what had happened in relation to what had allegedly been said between Mr Gibbs and Mr Kyprianou.

64. I did note that Mr Chapman did not comment on Mr Gibb's behaviour directly. Having described himself as being only about 5m away I was unable to draw any inference from whether he had seen anything as Mr Chapman did not confirm or deny what actions Mr Gibbs had, or had not made, towards the referee.

65. Jim Webb was the Winchmore Hill Vets B Captain in the match. Mr Webb provided somewhat partisan evidence from his team relating to the referee's decision to award a penalty. Mr Webb did not make any reference to the specific behaviour of Mr Gibbs in relation to what happened following the decision of Mr Kyprianou to award a penalty. Mr Webb did however, confirm that it was Mr Gibb's challenge that had been penalised by the referee relating to the penalty award, and that the decision "*incensed some of his players who then reacted in a way which was out of character*".

66. In his defence Mr Gibbs conceded to "*swearing at the ref*", stating that this was purely out of frustration, due to the decision to award a penalty for a challenge that Mr Gibbs had made himself, and that his reaction was completely out of character.

67. In the Club's response to charge, the unidentified person submitting the response stated that Mr Gibbs had no recollection of where his hands were at the time of the conversation with the referee before Mr Gibbs was to be led away by Mr Webb, his team Captain. The Club response was to challenge the reliability of the evidence provided by the County Witnesses.

68. In determining liability in both of these charges I had no reason to doubt the reliability or integrity of the written submissions made by Mr Kyprianou. I saw no

credible evidence to make me believe or suspect that Mr Kyprianou had made a mistake in what he had reported hearing and seeing in this matter.

69. Mr Kyprianou made it clear that he felt threatened by Mr Gibbs' actions. Mr Kyprianou took defensive action by raising his left arm to prevent physical conduct from Mr Gibbs, action which drew a response from Mr Gibbs according to the evidence submitted by Mr Kyprianou.

70. In assessing and determining both parties' evidence, I was not persuaded by the evidence submitted in defence of the charges.

71. I considered that the evidence submitted by the County Witnesses to be consistent and clear, and I found that much of the evidence from Mr Kyprianou was corroborated by the witnesses from Civil Service Football Club.

72. I therefore accepted Mr Kyprianou's evidence was evidence in which I could rely upon and after careful consideration of all of the evidence in this matter I determined the charges as follows:

The charge of Steve Gibbs:

73. After careful consideration of all of the evidence in the charge raised against Mr Gibbs, I determined that on the civil standard of liability, namely on the balance of probability, that Mr Gibbs' behaviour was Improper, and that it was more likely than not that he did behave in a threatening and abusive manner towards the Match Official. I found that the threshold of FA Rule 96.2 had been met and the E3 charge is **PROVEN**.

The charge of Winchmore Hill Vets B:

74. Having detailed my assessment of the evidence in the aforementioned paragraphs ⁶ and having accepted the County evidence of witnesses, both individually and collectively, I was satisfied that a number of players of Winchmore Hill Vets did surround the referee and behaved in a disorderly fashion whilst doing so. The Club

⁶ Paras 43-71

concede to their players being frustrated at the time, some of the players were hotly disputing the award of the penalty decision.

75. I therefore determined that on the civil standard of the balance of probability that it was more likely than not that a number of Winchmore Hill Vets B players did behave in a disorderly fashion and therefore Winchmore Hill Vets B did fail to ensure that their players conducted themselves in an orderly fashion and I found the E20 charge **PROVEN**.

Previous Disciplinary Record

76. After finding the charges proven, I then sought both Mr Gibbs' and Winchmore Hill Vets B's respective previous Misconduct histories going back 5 years.

Steve Gibbs Misconduct Record

77. I noted that Mr Gibbs had no previous Misconduct recorded against him.

Winchmore Hill Vets B Record

78. I noted that Winchmore Hill FC has 10 teams.

79. An FA charge of Misconduct for a breach of FA Rule E20 is a Club charge, I noted that the Club had one previous charge for a breach of FA Rule E20 recorded against it, that being in the previous month. The details of the previous charge are as follows:

- i. 02/10/2023: For Misconduct for a breach of FA Rule E20 fined £65.00. I noted that this sanction was for a match not involving the Vets B team, however it was for a team playing from the Club.

Mitigation

80. As both charges were denied there was no formal mitigation presented by either Mr Gibbs or the Club.

The Sanction

Steve Gibbs' Case

81. When considering the appropriate sanction, I had regard to the relevant provisions in the FA's Rules and Regulations, in particular the Standard Sanctions and Guidelines for Offences Against Match Officials stated in the FA Handbook 2023/2024.⁷

- i. The sanctioning range available to me is as follows:
- ii. A suspension from all football activity for a period of between 56 days and 182 days. The recommended entry point, prior to considering any mitigating or aggravating circumstances is 112 days.
- iii. A fine of up to £100.00 with a mandatory minimum fine of £50.00.
- iv. An order that the Participant completes an Education Programme before the time-based suspension is served.

82. Prior to determining the appropriate sanction to impose I did identify Aggravating factors in this case, namely:

- i. Mr Gibbs, having been sent off, should not have returned to the field of play and approach the Match Official where he again used foul and abusive language towards the Match Official.
- ii. Mr Gibbs, having entered the field of play to confront the Match Official then used two further foul and abusive words towards the Match Official.
- iii. Mr Gibbs, having been dismissed from the field of play, should not have returned to the pitch and attempt to rejoin the game during a period of extra-time that was to be played.

⁷ Page 219 of the FA Handbook 2023/2024

83. After careful consideration of all factors in this case I determined that I would enter the sanction range at the recommended entry point of a 112 days suspension. I would add a further 7 days to that suspension for the aggravating factor that Mr Gibbs re-entered the pitch at the end of the match and approached the Match Official. This would see the sanction raised to 119 days suspension. I would add a further 14 days to the suspension for the two further foul and abusive words that were said to the Match Official at the end of the match when Mr Gibbs confronted the Match Official in the centre circle of the pitch. This would increase the sanction to 133 days. Finally, I would add a further 7 days to the suspension for the aggravating factor of Mr Gibbs rejoining the team as it prepared to kick off for the extra time period of the match. This would take the sanction to 140 days suspension prior to considering Mitigating factors in this case.
84. With no Mitigating factors submitted by Mr Gibbs or his Club I was unable to consider any discount for Mitigation. Mr Gibbs had denied the charge, and I was therefore unable to consider awarding credit for **Guilty Plea**. I noted that Mr Gibbs had a **Clean Record**, and I would allow a discount of 14 days in recognition of this. That would reduce the overall sanction to 126 days suspension.
85. I determined that I would enter the sanction range at £50.00 for the fine that I was required to impose in this case. I would increase this fine for the Aggravating factors identified in this matter by a further £30.00, taking the total fine to £80.00. I would allow a £20.00 discount in recognition of Mr Gibbs' previous **Clean Record**. This would reduce the fine to £60.00.
86. I therefore determined that the appropriate sanction in Mr Gibbs' case is:
87. Steve Gibbs is suspended from all football activity for 126 days.
88. Steve Gibbs is fined £60.00 (Sixty Pounds).
89. Steve Gibbs must attend an **ONLINE Education programme**. This must be undertaken before the time-based suspension is served. Failure to comply with this order will result in a Sine-Die suspension being issued against the Participant until they have fulfilled this order in its entirety.

90. 9 Club Penalty Points are awarded.

91. The sanction is formally imposed.

92. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Winchmore Hill Vets B's case

93. I noted that this fixture involved a team playing outside of the National League System. The FA Sanction Guideline for the E20 breach of Rule for clubs playing at this level is a fine ranging between £0 and £300.00.

- i. I am required to place the case in either the low, mid, or high category when determining the appropriate sanction.
- ii. In determining the appropriate sanction, I noted that the charge had been denied and I am therefore not able to award credit for **Guilty Plea**.
- iii. The noted that the club operates with 10 teams and with one breach of FA Rule E20 recorded against the club during the last five seasons, the Club record is good overall, however I could not overlook the fact that the Club received an E20 sanction in the preceding month when once again a team from the Club surrounded the Match Official after disputing the awarding of a goal in that match. This would prevent me from being able to award credit for **Clean Record**.

94. I determined that this case should be placed in the mid category for sanction.

95. I would enter the sanction range at £80.00. With no additional Aggravating factors identified and with no Mitigating factors to consider this would be the appropriate Sporting sanction to impose in this case. I therefore determined that the appropriate sanction is:

96. Winchmore Hill Vets B are fined £80.00.

The Amateur Football Association and Steve Gibbs and Winchmore Hill Vets B
The Decision & Reasons of The Commission

97. Winchmore Vets B are warned as to their future conduct.

98. The sanction is formally imposed.

99. This decision is subject to the right of Appeal under the FA's Rules and Regulations.

Signed: *Ian R. Stephenson*

FA National Serious Case Panel Chair

19th January 2024.