**KENT COUNTY FOOTBALL ASSOCIATION LTD.**

**VERSUS**

**DAVID GOSTLING**

**CASE I.D. REFERENCE 9581858M**

**WRITTEN REASONS – DISCIPLINARY COMMISSION**

**13th JANUARY, 2019**

1. **INTRODUCTION**

**These are the written reasons for the Findings of a Disciplinary Commission held to consider an**

**Appeal by Personal Hearing by DAVID GOSTLING, Assistant Manager of Bredhurst Juniors**

**Under 14 Football Club, against a charge of breach of FA Rule E3 – Improper Conduct against a**

**Match Official (including threatening and/or abusive language / behaviour) - laid by the**

**Kent County Football Association Ltd. (KCFA) in response to a written report made by Referee**

**James Reed alluding to an incident that allegedly occurred after the Kent Youth League (Under**

**14 Central) fixture between Bredhurst Juniors Under 14 F.C. and Greenways Aces Under 14**

**Hearts FC played on 21st October, 2018.**

1. **PARTIES**

**The Disciplinary Panel members appointed to hear the Appeal were :**

**Terry Lawrence (KCFA Disciplinary Panel Chairman) in the Chair**

**Roger Corkhill (Independent Panel member)**

**Alban Brahimi (Independent Panel member)**

**Mark Bright (KCFA Football Services Officer) acted as Secretary to the Commission.**

**James Reed – Match Referee. Witness on behalf of KCFA.**

**David Gostling – Appellant**

1. **MISCONDUCT CHARGE**

**A charge had been laid against DAVID GOSTLING by KCFA on 22nd October, 2018, of breach of FA Rule E3 (Improper Conduct against a Match Official including threatening and/or abusive language/behaviour). This was supported by the Match Report dated 21st October, 2018, received from referee James Reed.**

1. **RESPONSE FROM APPELLANT**

**An undated “Letter of Response” was received from David Gostling plus notification of his plea of Option 4 – NOT GUILTY to the charge and a wish to attend a Disciplinary Hearing.**

1. **SUMMARY OF WRITTEN EVIDENCE**

**Members of the Commission considered the written Report from Referee James Reed that stated that after the game he was threatened with violence. “Later the match I was leaving when the Bredhurst Juniors assistant Manager David Gostling said something to me which I did not hear. I said “excuse me?” He replied “f – k you, suck my c – k” He then said he was going to see me in the car park and give me a slap. I left immediately and drove away.**

**Members then considered the written submission of David Gostling, claiming that he was standing outside the home dressing room and was approached by the referee. He was shaking his head rather aggressively and saying “disgrace”. I asked him “what is the problem” and the referee then tried to grab Mr Gostling’s lanyard. Mr Gostling said “do not touch me please” but this seemed to anger the referee more. The referee then allegedly aggressively said “You’ll be reported” before Mr Gostling calmly asked the referee to leave, which he did.**

**Written reports had been submitted by Jakub Doman – a spectator at the game – and David Searle – Bredhurst Juniors Under 14 Team Manager. Members considered both reports although that from Mr Searle was brief since he had not witnessed anything other than hearing someone saying “I am going to report you”**

1. **VERBAL EVIDENCE**

**Under questioning from Mr Gostling, but more extensively by Commission members, Mr Reed stated that there was no physical contact made by either himself or Mr Gostling. The remarks which he had reported were made from a distance of ten to fifteen yards and were heard very clearly. After immediately returning to his car, Mr Reed noted the remarks in his notebook before leaving the ground.**

**Under questioning from Commission members, David Gostling alleged that the referee was apparently angry upon walking from his own dressing room and going past the Home dressing room. He was aggressively shaking his head and repeating the word “disgrace” After calmly asking the referee what the problem was, Mr Reed had allegedly attempted to “grab” Mr Gostling’s Kent Youth League lanyard, bearing his name. Mr Reed’s aggression continued so Mr Gostling calmly suggested that the referee leave the ground. Mr Gostling denied that he was angry at the heavy defeat suffered by his team and advised that the game was only his second since being appointed Assistant Manager, so he was still feeling his feet. At no stage had he threatened to see the referee in the car park or to use violence.**

**Since neither Mr Doman or Mr Searle was in attendance it was not possible to seek clarification of their reports.**

1. **FINDINGS**

**Members fully considered the evidence – both written and verbal – put forward by the referee and by Mr Gostling. There were no FACTS to consider since there were two largely conflicting reports of what had occurred. Therefore, the decision would necessarily be made on the “balance of probability.” Members considered the full meaning of the charge and of the evidence strongly reaffirmed by the referee. They adduced that the charge of Improper Conduct against a Match Official (including threatening and/or abusive language / behaviour) was proven.**

1. **ADVICE OF DECISION**

**Mr Gostling was accordingly recalled before the Commission and was advised the decision of the Commission. His misconduct record over the previous five years was advised by the Secretary as being completely clean with the exception of this case. He was invited to submit a plea of mitigation – which he did before being asked to retire from the room.**

1. **SANCTION**

**Members of the Commission considered the sanction recommended by The F.A. and took into account the previous good record of the appellant. It was unanimously agreed that the appellant receive a six match grounds ban and a fine of £50.00.**

1. **ADVICE OF SANCTION**

**Mr Gostling was recalled and was advised the decision of the Commission. He was also advised that he had the right of appeal to The F.A.**

**Thursday, 17th January, 2019.**

**On behalf of the Kent County Football Association Ltd.**

**Terry Lawrence – Commission Chairman.**