

# **DISCIPLINARY COMMISSION**

*Sitting on behalf of the Middlesex Football Association*

---

IN THE MATTER OF A PERSONAL HEARING

OF

**George Lavender**

---

## **DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION**

### **BACKGROUND & HEARING**

1. The Disciplinary Commission ("the Commission") convened on **Thursday 25<sup>th</sup> October 2018** by way of a personal hearing. The Commission adjudicated in respect of charges brought by Middlesex FA against George Lavender as a result of alleged misconduct in a match between Spartans Youth FC and Horsley FC on 25<sup>th</sup> August 2018.

### **THE COMMISSION**

2. The members appointed to the Commission were:-
  - i. Michael Heavey (Chair)
  - ii. Alyson Angelides (Council Member of Middlesex FA)
  - iii. Steve Williams (Independent Panel Member)
3. Kayleigh Saunders (Middlesex FA) assisted the Commission as Secretary.

### **THE CHARGE(S)**

4. Middlesex FA charged George Lavender as follows:
  - i. Charge 1: Breach of FA Rule E3 – Assault by Participant on Participant.
  - ii. Alternate Charge FA Rule E3 – Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour)

### **THE REPLY**

5. George Lavender denied both charges and confirmed he was content for the matter to be heard.

## **THE RULES**

6. Pursuant to The FA Handbook 2018-19 Season, FA Rule E3 provides as follows:

“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 any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”

## **THE BURDEN AND STANDARD OF PROOF**

7. In this instance the burden of proof is on the County. The applicable standard of proof is the civil standard of the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not. Therefore, if the evidence is such that the Commission can say 'we find it more probable than not' the burden is discharged, but if the probabilities are equal it is not.

## **THE EVIDENCE**

8. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all the evidence and submissions; however, the absence in these reasons of any particular point, evidence or submission, should not imply that the Commission did not take such point, evidence or submission into consideration when the Members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.
9. The documents before the Commission comprised of: a Referee's statement dated 29<sup>th</sup> August 2018; a statement dated 31<sup>st</sup> August 2018 from Julie Jenne (Horsley FC Club Chairman); follow up emails from Julie Jenne dated 3<sup>rd</sup> and 4<sup>th</sup> September, 15<sup>th</sup> and 16<sup>th</sup> October 2018; a statement from Tim Irving (Horsley FC Treasurer) dated 4<sup>th</sup> September 2018; Three photographs, one of the player allegedly assaulted after the game and two video still pictures of the person alleged to have carried out the offense; Email correspondence between Les Heaton (Horsley FC Barman) and Kayleigh Saunders (Middlesex FA) dated 25<sup>th</sup> & 27<sup>th</sup> September 2018; A video supplied by Horsley FC lasting 3 minutes 28 seconds of the Horsley FC players leaving the clubhouse and the alleged assault. Email correspondence between Andrea Bennet (Spartans Youth FC) and Kayleigh Saunders dated 4<sup>th</sup>, 5<sup>th</sup>, 12<sup>th</sup> & 13<sup>th</sup> September 2018 including a Statement from Spartans Youth FC headed "Match Day Observations"; Email correspondence

headed by email from Mohan Pandian (Spartans Youth) to Kayleigh Saunders 21<sup>st</sup> September 2018; Email correspondence between George Lavender and Kayleigh Saunders 24<sup>th</sup> & 25<sup>th</sup> September 2018; Email correspondence between George Lavender and Kayleigh Saunders dated 3<sup>rd</sup>, 4<sup>th</sup> & 9<sup>th</sup> October 2018. Mr George Lavender included a typed statement from Spartans Youth FC players, Mark Stow, Reanu Grossett, Deris Sesay, Peter Eboegbulem, Damien McCabe, Simon Pandian and Logan Peel; In addition, three photographs were included, two of George Lavender's face and one showing three fingers.

10. The Referee's statement indicated that George Lavender had been subjected to an offence during the game, where the opponent's foot had come into contact with George Lavender, resulting in an opponent being dismissed and necessitated treatment both on and off the field of play for George. When the Referee was leaving the Horsley FC venue, he had attempted to speak to George Lavender in the car park and was sufficiently concerned that a potential incident may occur that he returned to the clubhouse to speak with a Horsley FC official to make them aware. He then left the venue, again attempting to speak to George Lavender on his way but he did not respond.
11. Julie Jenne's statement described a heated debate in the clubhouse after the game regarding an on field incident. Julie Jenne advised that she was in the bar when the son of the club Treasurer had come into the club to advise of fighting taking place in the car park. Julie Jenne advised that she went out to the car park where she saw a Spartan Youth FC player and Horsley FC player on the ground. After the Spartan Youth FC player had left Julie Jenne saw the Horsley FC player dripping blood from his mouth and holding his lip. After the Horsley FC player had cleaned up, Julie Jenne stated he had a swollen, still bleeding lip, a broken tooth and his ear had teeth marks.
12. Tim Irvine's statement also described an incident in the clubhouse where he witnessed a Spartans Youth FC player challenge a Horsley FC player to a fight outside. Tim Irvine advised that after Horsley FC players had left at 17:30 his son came in to the bar and advised him there was a fight outside. Tim Irvine advised that the Spartans Youth player involved was the same one that had been involved in the clubhouse incident.
13. The video shows the car park area of Horsley FC with the time starting at 17:27:48. We can initially see 9 people leaving the clubhouse at 17:28:00 predominantly wearing red shirts with kit bags walking to the cars. At 17:28:13 the camera moves slightly to the left and in the top left had we can see what appears to be a car windscreen in the road outside the car park. A further two players follow shortly afterwards. At 17:29:07 the first car begins to move towards the exit. At 17:29:12 the vehicle outside in the road begins to move and at 17:29:15 reaches the exit and blocks the pathway of the exiting vehicle. Two further players wearing red tops and carrying kit bags are also leaving the

clubhouse. At 17:29:25 someone wearing a white top appears to have got out of a vehicle at the exit, the other vehicles in the car park begin to move to commence their exit from the car park. The person in the white top is seen walking past the other vehicles towards the clubhouse. At 17:29:52 we can see the person in the white top moving towards someone who is moving backwards quickly. The person in the red top continues to back away as the person in the white top moves forward and appears to make several lunges. This continues until 17:30:18 when the person in the red top moves forward and appears to wrestle the person in the white top to the ground. They remain on the ground appearing to wrestle until 17:30:44. Towards the end of the wrestling on the ground we can see approximately eight others around the two people on the ground. At 17:30:45 the person in white stands up and starts to back away slowly until 17:30:55 when he appears to turn and move quickly towards the exit. At 17:30:31 another person comes out of the clubhouse and at 17:30:48 we see four more people exiting the clubhouse towards the incident. We also see movement of the camera as if it is being operated. At 17:30:48 we see a person on the right hand side appear to be in some distress and a person going towards them. At 17:31:15 we see the car that has been blocking the exit begin to be driven away and the video ends shortly afterwards.

14. George Lavender's first email on 22<sup>nd</sup> September requests information from Middlesex FA as he wishes to review the evidence and prepare his defence. This will include medical records detailing the injuries he had received during and after the match and witness statements. George Lavender emailed Middlesex FA on 25<sup>th</sup> September in which he questioned the correspondence between Spartans Youth FC and Middlesex FA. In addition he stated that to his "knowledge at the time of the alleged incident only myself and one other member of Spartans was present". George Lavender again made mention of his medical records from the "injuries I sustained both during and after the match". George Lavender emailed Middlesex FA on 9<sup>th</sup> October and made reference to the on field incident involving him. George Lavender stated that the Horsley FC player had stamped on his head during the game "causing me to lose consciousness and severe bleeding", he included two photographs which appear to show a cut and mark on his forehead and a cut and mark on his cheek. The third photograph shows his fingers, one of which George Lavender states was broken. George Lavender also submitted a summarised statement on behalf of seven Spartans Youth FC witnesses. The statements each made reference to the on field incident which they all consistently indicate was a stamp to George Lavender's head. They also referred to how the Horsley FC player refused to apologise to George in the clubhouse and instead laughed at him. The statements also indicated that all the Spartans Youth FC players had left the ground. Reanu Grossett's statement ended with the sentence "George and the team eventually left the lounge and the team departed the ground".

15. George Lavender made a verbal statement to the commission in which stated that he had been unconscious for approximately 10-15 seconds following a stamp to his head during the game. He stated that he had later been advised by medical staff that he had suffered a concussion. He also stated that Horsley FC players had been concerned for his wellbeing following the on field incident and had placed him in the recovery position. George Lavender had approached the Horsley FC player in the clubhouse to request an apology but that he was met with the comment “enjoy the rest of your season”. Having been unable to obtain an apology he left the clubhouse “calmly and politely”. George Lavender stated that he had returned to the Horsley FC Clubhouse as he had felt unwell and wished to get a drink. He stated that the Horsley FC player had thrown the first punch and that none of the other players had attempted to stop the confrontation.
16. At the hearing George Lavender submitted an unsigned statement from Reanu Grossett who he advised was in the car with him when he returned to the Horsley FC clubhouse. George Lavender advised the commission that Reanu Grossett was working and therefore unable to attend the hearing. The Commission accepted and read the statement before George Lavender answered questions from the panel which included where he had gone when he left the clubhouse. George Lavender stated that he had left the clubhouse and drove approximately 15-20 seconds down the road before he felt unwell. He had then stopped and turned his car around before parking up. He stated that he wanted to get a drink, and that when attempted to enter the car park his progress was blocked. He stated he got out of the car to ask the car blocking his way to reverse, but that before that could happen someone swore at him. He then also heard the player he had been in confrontation with earlier shout “Harry Potter”. This was apparently a reference to the mark on his forehead that he had received during the incident during the game. George Lavender stated he did not feel endangered by the comments. George Lavender stated that the Horsley FC player walked towards him and that it was the Horsley FC player that threw the first punch. George Lavender consistently stated that all he wanted to do was get a drink. George Lavender did not consider reversing his car to allow the other car to exit even when there were a further 4/5 cars behind him blocking his way. When asked that the video appeared to show that George Lavender’s car was parked just 3 seconds from the entry to the club car park and had he considered walking in, he advised that he could not see the club from his car and did not realise it was so close.
17. In his closing statement George Lavender reminded the commission of the injuries he had received on and off the field of play. He explained that he works to stop violence happening and he didn’t yet know if he would continue to play. He also stated that the doctor’s notes on his injuries should be taken into consideration.

## **FINDINGS**

18. The Commission studied the evidence very carefully, being conscious of the burden and standard of proof. The Members noted again that George Lavender had responded by denying the allegation. The Members were aware that none of the Horsley FC witnesses had been present to answer questions regarding their statements from George Lavender or the commission. George Lavender had provided a summarised version of statements regarding events during the game and in the clubhouse. George Lavender had indicated that there were medical records to support his case, although these were not produced this for the commission. The unsigned statement from Reanu Grossett did not address the reason the exit to the car park had been blocked, or why given that George Lavender was parked so close to the Horsley FC clubhouse, he had not entered earlier, or walked in. George Lavender had indicated that the person in the video was him. The video evidence clearly shows the person walking from the car blocking the exit moving towards the Horsley FC player forcing him to back away. Before eventually they end up on the ground together. The picture evidence of the Horsley FC player involved supports the statements that he suffered damage to his teeth.
19. The Commission Members reminded themselves that for the charges to be proven, on the balance of probabilities, the following must be taken into consideration:
  - i. Did George Lavender act in an improper manner (including violent conduct and threatening and/or abusive language/behaviour)
  - ii. Did any violent conduct result in an assault on another participant causing an injury?
20. The Commission first considered whether if George Lavender was the person that had been involved in the incident in the car park. Given that George Lavender had indicated he was involved in the incident the Commission then considered if the incident was an assault by participant on participant.
21. The Commission considered the nature of the incident. The evidence appeared to show George Lavender as the aggressor in the car park resulting in the confrontation and the two participants ending up on the floor.
22. The Horsley FC player had suffered injuries, most obviously to his teeth as seen in the photograph.
23. For these reasons the Commission finds it more likely than not that George Lavender assaulted another participant. Within the meaning of FA Rule E3.

24. In summary, the Commission unanimously found the charge against George Lavender as proved.

### **PREVIOUS DISCIPLINARY RECORD**

25. The Secretary confirmed George Lavender had no previous misconduct offences on his record.
26. In mitigation George Lavender stated that he had been provoked in the bar and that this followed an extremely serious incident during the game. George Lavender stated that he had worked very hard to change lives through sport despite his relatively young age.

### **SANCTION**

27. The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by The FA.
28. The Commission found this to be a premeditated act to assault another participant. The actual assault had not been the most severe, there was also evidence to show that George Lavender had been the subject of serious foul play during the game, and had additionally been provoked in the clubhouse before the incident. In the circumstances, the Commission decided by majority to impose the following sanction:
- i. George Lavender is fined the sum of £150.00.
  - ii. George Lavender is suspended from all football for 2 years;
  - iii. Spartans Youth FC receive ten (10) penalty points on their Club disciplinary record.

### **APPEAL**

29. This decision is subject to appeal in accordance with the relevant FA Appeal Regulations.

Michael Heavey (*Chair*)

Alyson Angelides

Steve Williams

[1/11/18]