

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

Sitting on behalf of Oxfordshire Football Association

CONSOLIDATED NON-PERSONAL HEARING

of

GREATER LEYS YOUTH

and

THE VILLAGE INN

THE DECISION AND REASONS OF THE COMMISSION

INTRODUCTION

1. The Football Association (“The FA”) convened a Disciplinary Commission (“the Commission”), on behalf of the Oxfordshire Football Association to adjudicate upon disciplinary charges levied against Greater Leys Youth (Case ID number: 10183902M) and The Village Inn (Case ID number: 10183906M) arising from a match between the teams on 1st March 2020 in the Upper Thames Valley League (Doug Williamson Trophy).
2. The Disciplinary Commission was constituted of a single member, Mr Davide Corbino, an Independent FA appointed Chair.
3. By letter dated 14 April 2020, Greater Leys Youth was charged with misconduct for a breach of FA Rule E20, namely for an allegation that the Club failed to ensure players and/or officials and/or spectators conducted themselves in an orderly fashion. It is alleged that: On the 1st March 2020 in the Upper Thames Valley League (Doug Williamson Trophy) game between Greater Leys Youth Men’s Blues v The Village Inn First the club failed to control their players and supporters when those players and supporters shouted out remarks of an abusive and obscene nature including

"You fucking Nigger" to opposition players, "Cheating Bastard" and "Cheating Cunt" to the Assistant Referee. It is further alleged that the use of words "You fucking Nigger" is aggravated by reference a persons Ethnic Origin, Colour, Race, Nationality.

4. By letter dated 15 April 2020, The Village Inn was charged with misconduct for a breach of FA Rule E20, namely for an allegation that the Club failed to ensure players and/or officials and/or spectators conducted themselves in an orderly fashion. It is alleged that: On the 1st March 2020 in the Upper Thames Valley League (Doug Williamson Trophy) game between Greater Leys Youth Men's Blues v The Village Inn First the club failed to control their players and supporters when those players and supporters shouted out remarks of an abusive and obscene nature. These included the use of the word "Zulu" to opposition players; a term used four or five times during the game. It is further alleged that the remark is aggravated by reference to a persons Ethnic Origin, Colour, Race and Nationality.
5. Greater Leys Youth denied the charge and asked for the matter to be dealt with by way of correspondence.
6. The Village Inn tendered a guilty plea to the charge and they too sought for the matter to be dealt with by way of correspondence.
7. As the offences were alleged to have been committed during the same match and there was related or common Association evidence, the proceedings against both clubs were consolidated, as per Regulation 13 of FA Disciplinary Regulations 2019-2020, and were therefore considered at a joint hearing.

EVIDENCE

8. The following is a summary of the principal evidence provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or evidence,

should not imply that the Commission did not take such point, or evidence, 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 Commission considered the County Association Report Form of the Match Referee, dated 1st April 2020. The report states:

“After the game both clubs reported hearing comments of a racist nature from opposing spectators and/or substitutes/substituted players from the sidelines. Greater Leys Blue coach Eddie Hutton and player Rickie Falloon-King reported hearing racist comments including the phrase "Zulu" being used in derogatory manner. The Village Inn club assistant referee Joe Royall and coach Richard Hinkin reported hearing comments of a racist nature but not specific terms. There was no suggestion the comments had been made from players on the field of play. I did hear the racist slur "Zulu" several times coming from the sidelines but could not identify a person or persons responsible for the comments.”

10. The Commission considered the statement of Joe Royall (undated). Mr Royall states that in the second half he heard a “racist remark which came from down the touch line” where the Greater Leys substitutes and supporters were. Mr Royall states that somebody said “you fucking nigger” and that when he heard this he looked down the line and one substitute who had a kit on took one step onto the pitch and said in his direction “I did not say that” and threw his arms up. Mr Royall states that the referee spoke to those people about the abuse they were giving him. Mr Royall states that some of their players were using foul and abusive words towards him and the referee cautioned one of the players. Mr Royall states that there was some trouble on the other side of the pitch, which he could not see or hear, but after the game, the referee informed him that somebody had made a racist remark. Mr Royall states that he then reported what he had heard and seen to the referee and he also told Richard Hinkin. Mr Royall further provides that he has spoken to the players and they heard lots of abuse from the sidelines but no one said they heard any racist remarks.

11. The Commission considered the second statement of Mr Royall dated 10 March 2020. Mr Royall states that the only other person that may of heard the racist remark he heard was the substitute that put his hands up and said, "I did not say that". He could not see the player's number as he was facing him. Mr Royall states that he was getting a abuse from players on the pitch, substitutes and supports. He states that one player called him a "cheating bastard" and a "cheating cunt" and this player was cautioned. He states that he was also told, "your (sic) cheating you bastard you don't know the rules you fucking idiot".
12. The Commission considered the statement of Ms Gill Royall, Secretary of The Village Inn. Ms Royall states that in the first half, she witnessed a Greater Leys player abuse the linesman by calling him a "cheating bastard" and a "cheating cunt". The referee cautioned the player but the player continued to abuse the linesman for some time after. In the second half, there was a scuffle on the pitch involving a player from The Village Inn and a Greater Leys player.
13. The Commission considered the statement of Mr James Walker. Mr Walker states that in the first minute of the game one of the Blues players called the linesman a "cheating bastard" and he was cautioned. From then on, Mr Walker states that there was a lot of abuse and foul words being said and opposing fans on the other side of the pitch were "shouting and screaming all sorts of rubbish". Mr Walker states that in the second half, there was a half on one of the opposing players and the opposing player grabbed The Village Inn player by the neck and a scuffle ensued involving a lot of players. Mr Walker states that Greater Leys players were swearing a lot at Village Inn players but he did not hear any racist comments, although he states "most of the abuse was towards our two black players". Mr Walker states that there was a bit of pushing and shoving after the game.
14. The Commission considered the statement of Mr Eddie Hutton, Manager of Greater Leys Blues (Mens). Mr Hutton states:

“...After about 70 minutes I took over running the line in front of the Village Inn bench and supporters. During this time comments were made about my team, which upset me. It started when some of my players were heading back to the changing rooms. The first comments was that my team were probably going to be stealing petrol from the away team's cars or they were going to rob the changing rooms because they all have five children. Which I replied that they need to have some respect. This was met with the reply of no and some laughter. Five minutes later a comment came from the away team again that my team sounded like Zulus. Which once again was greeted by lots of laughter. The word Zulu was then used more than 4 or 5 times towards my team. I'm not sure if these words were said by the subs or supporters because my back was towards them. After the first response from them I chose not to challenge them again. Instead I reported the incident to the referee at the final whistle...”

15. The Commission considered the second statement of Mr Eddie Hutton. Mr Hutton states:

“...I'm really devastated to hear about this accusation against my team. I have six players that are black and several others from different nationalities in my team. I have spoken to the nine players who could have possibly been involved in the incident and they were all totally shocked that they accusation have been made. They all denied any involvement in this too. I wish I could be of more help with this but as I mentioned in my earlier e-mail, I was running the line on the opposite side of the pitch. I did witness the referee have a word with my subs but when I questioned him about it after the final whistle there was no mention from him that there was any racism. After the game I had words with my players and told them that their actions were not acceptable...”

16. The Commission noted the email of Steve Honey, Governance Manager of Oxfordshire FA, in which he asks Mr Hutton to name the substitute who said, “I did not say that” and asked that they provide a statement outlining what was heard and from who it was said.

17. The Commission considered the further statement of Mr Hutton which states:

“...I’ve spoken to all of the substitutes on my team and I’m afraid that I didn’t make any progress. However, one thing did become very clear to me. When I told the players what they were actually being accused of saying they were really angry. This made me feel 100% convinced that they never said anything that they’re being accused of...”

18. The Commission considered the statement of Rickie Falloon-King dated 7 March 2020. Mr Falloon-King states:

“...I was running the line in the second of game last Sunday. I felt uncomfortable by some of the comments made towards myself and my teammates. Stuff like "they belong in a zoo", "we better be quick because they will steal our cars" and they was also a comment made about they steal to feed their 10 kids.

I feel that comments like these have an underlying racial attack because of the number of players of colour we have and I am one of them. Normally I would laugh and get on with but this is not the first time with this club and had problems with them at their home game. I would like to add that it wasn't the players on the pitch. It was the spectators and the people with the club on the touchline...”

BURDEN & STANDARD OF PROOF

19. The Commission reminded itself that the burden of proving a charge falls upon the County FA.

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

DECISION

21. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission. The Commission has to assess the credibility of the witness (that is whether a 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).

22. Where there are discrepancies between witnesses, it is for the Commission to accept 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. Where, even within a witness's own evidence there are discrepancies, the Commission is entitled to accept part of a witness's evidence and reject part of the same witness's evidence. Having considered which evidence the Commission accepts and rejects, it is for the Commission to decide if, on the balance of probabilities, the alleged breach of the FA Rules is established.

23. The Commission did not consider that there was any reason to doubt the credibility of Mr Royall. Further, his evidence was clear that he heard the comments as alleged and that it came from an area where Greater Leys substitutes, and supporters were. The evidence of Mr Walker and Ms Royall corroborate his evidence that comments of an abusive nature were aimed towards him and that the referee had cause to caution a player for making such comments. With respect to the discriminatory comment, the match referee details that it was reported to him after the game by Mr Royall that a comment "of a racist nature" had been made.

24. The Commission was therefore satisfied, on the balance of probabilities, that Greater Leys players or supporters made the comments, "You fucking Nigger", "Cheating Bastard" and "Cheating Cunt" and thus found the charge against Greater Leys proven on that basis.

SANCTION

25. The Commission reminded itself of the FA Sanction Guidelines. For both Clubs, the Commission was required to consider as to whether the misconduct should be classed as a low, medium or high level of seriousness. In deciding sanction the Commission takes in to account any aggravation or mitigating factors which may increase or decrease the recommended sanction, which are as follows:
- i. Low: £0-£50 fine.
 - ii. Medium: £25-£75 fine.
 - iii. High: £75-£150 fine.

Greater Leys

26. The Commission was informed the Club's disciplinary record. It noted that the Club had 2 previous breaches of FA Rule E20 in the past 5 years in which the Club was fined £50 in 2016 and £55 in 2019. The Commission noted that neither breach was aggravated under the definition of FA Rule E3(2).
27. The Commission considered that the misconduct was aggravated by the following features; one abusive comment was aggravated by reference to a person's Ethnic Origin, Colour, Race and Nationality and the words used abhorrent; and the abusive comments aimed towards the assistant referee were repeated on more than one occasion.
28. Taking all the circumstances of the case into account the Commission found this case fell within the high bracket of the guidelines.
29. Accordingly, the Commission imposed the following sanction:
- i. £90 fine.
 - ii. 7 Club disciplinary points.

The Village Inn

30. The Commission was informed of The Village Inn's disciplinary record. It noted that the club had no previous breach of FA Rule E20 in the past 5 years. The Commission also gave credit for the club's early admission to the charge.
31. The Commission considered that the misconduct was aggravated by the following features; the abusive comment upon which the charge related was aggravated by reference to a person's Ethnic Origin, Colour, Race and Nationality and that such comment was repeated on at least 4 occasions.
32. Taking all the circumstances of the case into account the Commission found this case fell within the high bracket of the guidelines involving as it did, repeated abuse of an aggravated nature and considered a starting point of a fine of £120 as appropriate. The Commission thereafter afforded credit for the early acceptance of the charge and the Club's previously unblemished record and imposed the following sanction:
- i. £90 fine.
 - ii. 7 Club disciplinary points.
33. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

Mr Davide Corbino (Chair)

27 April 2020