

FA NATIONAL SERIOUS CASE PANEL
DISCIPLINARY COMMISSION
CHAIRPERSON SITTING ALONE
on behalf of Surrey FA
Non-Personal Hearing
o f
Mytchett Athletic
[Case ID: 11262364M]

THE DECISION AND REASONS OF THE COMMISSION

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Surrey FA and Mytchett Athletic Decision & Reasons of The Commission

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Introduction

1. On 18 March 2023 Mytchett Athletic Eagles played a North East Hants & border League Fixture against Alton Youth Tornados - collectively "The match".
2. The Affiliated County received a Match Report relating to an alleged incident that had occurred at the match.
3. Hampshire FA investigated the reported incident.

The Charge

4. On 12 May 2023 Surrey FA charged Mytchett Athletic as a participant.
5. With misconduct for a breach of FA Rule E21 – Failed to ensure Spectators and / or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any match. The details of the charge are as follows;
 - 5.1. It is alleged that Mytchett Athletic failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour contrary to FA Rule E21.1. This refers to the allegation that a spectator has threatened the linesman with comments "Ill spin your fucking jaw round" or similar.
6. The relevant sections of FA Rule E21 states;
 - 6.1. E21 A club must ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending and Match and do not:
 - 6.2. E21.1 Use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative.
 - 6.2.1. Pg.146 of FA Handbook 2022/23.
7. The Association included with the charge the evidence that was intended to rely upon in this case. Evidence was received from.
 - 7.1. Report(s) and information supplied by the Match Official(s).
 - 7.2. Statements from Mytchett Athletic.
 - 7.3. Statements from Alton Youth.
8. The Club was required to respond to its charge by 26 May 2023.

The Reply

9. The Participant submitted a response via the FA Whole Game System on 12 May 2023, indicated that they wished to accept the charge in its entirety. The

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participant wished for the case to be adjudicated on written submissions as a non-personal hearing.

- 9.1. The participant charged, Mytchett Athletic acknowledged the following statement; I am pleading guilty to all of the charges, and I wish all of the cases to be dealt with in my absence. I request any correspondence I have submitted to be considered and I will await the decision of the Disciplinary Commission as to my punishment.

The Commission.

10. The Football Association ("The FA") appointed me, Mrs. Victoria Fletcher, as a chair member of the National Serious Case Panel, to this Discipline Commission as the Chairperson Sitting Alone to adjudicate in these cases in accordance with Section 11 Regulation 119, page 219 of the 2022/2023 FA Handbook.

The Hearing and Evidence

11. I adjudicated this case on 18 May 2023 as a Non-Personal Hearing (the "Hearing").
12. I had received and read the bundle of documents prior to the Hearing.
 - 12.1. The case bundle contained 37 pages of A4 pages.
13. This offence was alleged to have been committed during the same match as that of another participant and or club charged and as there was related or common associated evidence the proceedings were consolidated pursuant to Regulation 13 of the FA Disciplinary Regulations.
14. 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 the evidence and materials furnished with regard to these cases.
 - 14.1. The following evidence was provided in the case bundle.
15. The Match Official Elliot A Gulliver submitted an email statement dated 24 March 2023 which stated ["... Then I was walking out of the stadium I had my linesman come over to me and ask for a few words witch of course I agreed to and we went into the alton club house. He said to me one of the away teams dad's and maybe mum (will get back to that one) We're threatening him as the game was going on witch none of this was to my knowledge during the game..."] (sic).

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16. Coach of Alton FC submitted a typed, undated, unsigned and unnamed statement via Kirsty Payne CWO Alton FC which stated [... I was made aware of an incident that occurred after the game between the opposition linesman and one of our players. I don't know how the incident started but at some point (according to witness') the linesman called the child "a ginger idiot" to which the child's parent then made some form of threat to the linesman,.."] (sic).
17. Team of Alton FC submitted a typed, undated, unsigned and unnamed statement via Kirsty Payne CWO Alton FC which stated [... After match our linesman said he has been physically and verbally abused and threatened with rearranging his face by away supporters. He was very shaken up! Both our Assistant Manager and linesman reported this to the referee, who spoke to opposition management and will submit a report...] (sic).
18. Karen Goody, Spectator Alton Tornadoes submitted a typed statement that was unsigned and undated which stated [...I saw Martin exchanging conversation with a couple of the Alton players, this was at normal conversational volume and I couldn't hear what was said. I did then hear this parent say loudly "Don't you laugh at my kid you fucking mug". I was really surprised at this comment and the associated aggression with how it was spoken. I saw a surprised look pass across Martin's face, but he did not say anything. The parent then said "laugh at me and I'll spin your jaw round your face". This was completely shocking and I was quite frightened, as the parent was clearly escalating the matter, and this was whilst we were filing out of the ground, so we couldn't quickly leave the situation. It was unclear to me whether this was directed to my husband, or a child from the Alton players..."] (sic).
19. Jo submitted a statement that was typed, unsigned and undated which stated [... After the game as everyone was leaving, Martin and some of the Alton team walked past and I could hear him saying "well done that got a bit crazy" and a guy pushed forward and shouted words to the effect of "You taking the piss out of my kid you mug?" Martin paused for a split second, I don't think he could quite believe what was going on, but continued walking and chatting with the boys. The guy then shouted "Are you laughing at me, I'll swing your jaw around your face," again words to that effect. Martin carried on walking and left the enclosure..."] (sic).
20. Martin Goodlay assistant referee/linesmen submitted a typed undated, unsigned statement which stated [... A male adult in the spectator area (just behind the pitch barrier) said loudly "Don't you laugh at my kid you fucking mug". I said nothing in response to this, but I recall opening my mouth in shock at the language directed at a child player. I could not see the reaction of the players behind me, but I did not hear any reaction. The same adult then said

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“Laugh at me I’ll spin your jaw round your face”. The text that I have highlighted in bold I wrote as a Note in my phone shortly after the incident as a record. It is saved with a time stamp of 18 February..”] (sic).

21. Karl Marshall – U15 Tornadoes Assistant Coach submitted an undated statement that was typed, digitally signed stating [“... As I was walking off the pitch, Martin came up to me looking very shaken and visibly upset. I asked if he was ok. He mentioned to me that during the game he was verbally and physically abused by one of the parents. He said that that parent had threatened ‘to f**king rearrange his jaw and face’...”] (sic).

Response to the Charge

22. The participant charged has not provided any further evidence in support of the charge.

That concluded relevant evidence in this case.

Standard of Proof

23. 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 Finding and the Decision

24. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in this case it falls upon the Surrey County FA.
25. The Commission notes that the Assistant Referee / Linesman has stated that a spectator said to him “Laugh at me I’ll spin your jaw round your face”. The Commission notes this was reported to the Match Official and the appropriate Team Coach. The alleged offence was witnessed by two spectators and the participant charged, Mytchett Athletic have not disputed any part of the charge raised against them. The Commission concludes that on the balance of probabilities it was more likely than not that the spectator used the words “I’ll spin your fucking jaw round” or similar which caused the Assistant Match Official / Linesman to believe he was being threatened and that he may be subject to any form of physical harm either immediately or later, weather realistic or not.
26. Therefore, on own admission I find the charge of: FA Rule E21 – Failed to ensure Spectators and / or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any match PROVEN and;

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- 26.1. I assessed the level of seriousness to be at a High level.

Previous Disciplinary Record

27. After finding the charge proven, I sought the offence history of the participant charged.

- 27.1. Mytchett Athletic has no previous E21 proven misconduct charges for the 2022-2023 season or previous five seasons for E20 Charges involving spectator conduct.

27.1.1. Mytchett Athletic currently has 39 (Thirty-Nine) affiliated teams.

Aggravating & Mitigating Factors

28. p. 178 of FA Handbook 2022/23 - A regulatory commission will have due regard to the circumstances and seriousness of the incident when determining the appropriate sanction and whether (and to what extent) to depart from the sanctioning range. In so doing, the regulatory commission shall give consideration to any aggravating and mitigating factors.

28.1. Aggravating factors are any relevant circumstances, supported by the evidence provided, that increase the potential sanction against the offending party.

28.2. Mitigating factors are any evidence presented regarding the participants character or the circumstances of the incident which might cause the Disciplinary Commission to apply a lesser sanction.

Mitigating Factors

29. The commission may take the following into consideration;

- 29.1. Admission at the earliest opportunity;
- 29.2. Club Welfare Officer has spoken directly with parent
- 29.3. The clean record of the club regarding spectator conduct.

Aggravating Factors

30. The commission may take the following into consideration;

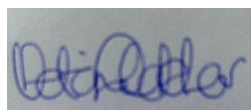
- 30.1. This offence related to threatening behaviour towards a Match Official;
- 30.2. The overall impact and integrity of the game.

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The Sanction

31. I noted that the FA Recommended Sanction Guideline for FA Rule E21 – Failed to ensure Spectators and / or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any match.
32. If the case is found Proven the commission will refer to the standard sanctions and guidelines.
- 32.1. The sanctioning range for Youth Teams are as follows;
- 32.1.1. Low - £0 - £50
- 32.1.2. Medium - £50 - £100
- 32.1.3. High - £100 - £200
33. After taking into consideration all circumstances in this case, Mytchett Athletic is: Fined a sum of £100 (One Hundred Pounds).
34. Failure to comply with this order will result in a Sine-Die suspension being issued against the Club until they have fulfilled this order in its entirety.
35. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...



Victoria Fletcher (Chairperson)

18 May 2023

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