

**THE FOOTBALL ASSOCIATION
REGULATORY COMMISSION**

**IN THE MATTER OF DISCIPLINARY PROCEEDINGS BROUGHT
AGAINST**

NOTTINGHAM FOREST FC

The Commission comprised:-
BARRY W. BRIGHT - CHAIRMAN
ROGER PAWLEY
PETER FLETCHER

MR. P. McCORMACK [Judicial Services Manager] acted as Secretary to the Commission

Commission held on Monday 21st March 2016

Nottingham Forest FC were charged with misconduct for a breach of FA RULE E20 in respect of their game with Derby County FC in the Football League Championship on Friday 06th November 2015.

It was alleged that Nottingham Forest FC [‘The Club’] failed to ensure that no spectators or unauthorised persons were permitted to encroach onto the pitch area whilst attending at the above fixture.

It was stated that the Club failed to discharge its duty in respect of due diligence in that, having identified a risk of pitch incursion, the Club failed :

- a. To execute an appropriate strategy in order to prevent or deter a pitch incursion;
and/or
- b. To adequately and/or appropriately respond when the potential for a pitch incursion became apparent;
and/or
- c. To provide a sufficient number and/or appropriately located stewards to protect players and/or match officials in the event of a pitch incursion.

In bringing the charge on the 27th January 2016 The Football Association informed Nottingham Forest FC that they may rely upon;

1. Match-Day Briefing and Risk Assessment Document dated 6 November 2015;
2. Report of the Match referee, Mr. S. Hooper, dated 7 November 2015;
3. Letter from Mr. C. Whalley, Senior Manager, Stadia Safety and Security of The FA, to Miss Cheryl McCluskey, Club secretary Nottingham Forest FC, dated 9 November 2015.
4. Response to 9 November letter from Mr. A Bexon, Nottingham Forest FC Safety Officer, to the FSA [undated];

5. Letter from Miss C. Morris, Club Secretary, Derby County FC to Mr. C Whalley, Senior Manager, Stadia Safety and Security of The FA dated 9 November 2015.
6. Email from Mr. R. Eastwood, Operations & Security Advisor to the Football League, to Mr. A. Bexon, Safety Officer for Nottingham Forest FC, dated 12 November 2015.
7. Letter from Miss W. Harnan-Kajzer, Chair of Nottingham Forest FC Safety Advisor Group, Nottingham City Council, to Mr. C. Whalley, Senior Manager, Stadia Safety and Security of The FA dated 10 December 2015.
8. Match Day Visit Report, by Miss Sue Storey, Inspector of Sports Grounds Safety Authority, dated 6 November 2015 & Nottingham Police Match debrief.
9. Email from Mr. A. Bexon, Safety Officer for Nottingham Forest FC, to Mr. C. Whalley, Senior Manager, Stadia Safety and Security of The FA, dated 4 December 2015.
10. Report of Mr. C. Whalley, Stadia Safety and Security of The FA, dated 30 December 2015.
11. Video Clips of the incident.

The Members of the Regulatory Commission had all such detailed correspondence/reports before them.

The Members of the Regulatory Commission noted that Nottingham Forest FC denied the charge by way of response from Cheryl McCluskey on the 19th February 2016 and requested the matter be dealt with in their non-attendance by way of a paper hearing.

The Members of the Regulatory Commission had a range of video clips relating to the matter available in advance of the hearing which they had studied but likewise at the hearing again referred to various clips particularly that relating to Sky.

While having read all reports they particularly noted that from Chris Whalley – Crowd Control Advisor of The FA, who having made various opinions/notes in his paragraph 12 of his paper of the 28th February 2016, including,

...in his paragraph 25, Alan Bexon shows that the club has carried out a review of further measures that it could introduce the risk of such an incursion happening in the future, in terms of minor structural alternations to the stand in [A] Block. The training up of turnstile staff to be used as additional stewards to increase the stewarding presence in the second half towards behaviour in the stadium. The fact that the Club is now considering additional measures that it might introduce for future matches shows, in my opinion, that the club accepts that it could have done more to prevent the incidents at this match and therefore it did not use all due diligence on this occasion.

Furthermore the following was noted from Sue Storey's report, Sports Ground Safety Authority, "during added time and just before the final whistle Alan Bexon was asking the supervisors to ensure their staff were in position ready for the final whistle, however the supervisors were a little slow to react. At the point of the final whistle not all stewards were in position and therefore were not creating a visible deterrent to the home supporters in A Block in relation to entering the pitch. As the final whistle blew there were some stewards still climbing over the wall and hoardings to get into position." Later in said report it was stated "there were times during the pitch incursion and the scuffles in the car park where the response was a little reactive rather than being in place in time..."

Similarly in his previous detailed viewpoints stretching over nine pages Mr. Alan Bexon – The Safety Officer of Nottingham Forest FC indicated that the club were reliant on FA Rule E21 in defence of the charge and submitted that all events, incidents and occurrences complained of were the result of circumstances over which it had no control, and that its responsible officials or agents had used all

due diligence to ensure its responsibilities were discharged.

Having studied the various matters described in defence of the charge Members particularly noted Mr. Bexon's conclusions in paragraphs 26 to 28.

Members of the Commission noted that the match had a high risk assessment at [C].

They noted the level of stewards engaged for the match.

Amongst various matters The Members of the Commission noted:-

- i. The lack of stewards pitch side at the final whistle and from the video evidence there was, as Mr. Whalley stated in his paragraph 8, significant gaps.
- ii. Likewise the response of many of the stewards was in the view of the Commission slow and they only appeared to react once the spectators entered the field of play.
- iii. It was accepted that most of those involved in the incursion – with one very regrettable exception – were in celebratory mood but as Mr. Bexon stated that is no excuse for entering the pitch.
- iv. Were surprised that there appeared no immediate steward support towards the match officials who may have required protection.

FINDINGS

The applicable standard of proof was the balance of probabilities.

Having carefully considered all matters before them the Members of the Commission found unanimously that the charge as laid under FA Rule E20 was PROVED. It was noted Mr Bexon stated that he had put in place for this fixture a Response team to address pitch incursions, however that Response team consisted of 4 stewards, each steward being deployed in a corner of the ground. The Commission were of the opinion that this did not represent a team but four individuals situated at great distances from each other and unable to work together to address the pitch invasion that took place.

The Commission saw no evidence of a planned and co-ordinated sweep of the pitch by stewards after the pitch invasion took place and from the CCTV footage that was produced it appeared that individual stewards were acting independently of each other to try and remove spectators from the pitch.

Likewise they concluded that Nottingham Forest FC had failed to discharge items [a]; [b] and [c] as detailed in the charge and hence their defence under FA Rule E21 also failed.

In discussing sanctions the Members of the Regulatory Commission noted the previous good record of the club in relation to any similar charge and while regarding the whole scenario as very regrettable similarly felt the proven charge was at the lower end of the scale by way of sanction. Furthermore, having denied the charge and considering the level of football, along with all other relevant aggravating and mitigating factors, it was unanimously agreed that a reasonable and proportionate sanction on Nottingham Forest FC be:-

- 1. Warned as to their future conduct.**
- 2. Fined the sum of £20,000.**

The Commission also recommended that the Club allocate a steward, or stewards, to accompany the

match officials from the pitch at both half and full time for all future matches.

This decision may be appealed in accordance with the relevant regulations within the prevailing FA Handbook.

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BARRY W. BRIGHT
CHAIRMAN - 25th MARCH 2016