

In the Matter of
The Football Association Ltd

-v-

Queens Park Rangers FC

-and-

Brentford FC

CONSOLIDATED CHARGES.

Reasons for Regulatory Commission decisions Tuesday 22nd March 2016.

The Regulatory Commission members were Messrs. B. M. Jones (Chairman), M. Robinson and P Fletcher appointed by The Football Association. Mr. P. McCormack the Manager of the Judicial Services Department of The Football Association acted as Secretary to the Commission. Mr M. Ives the Head of the Judicial Services Department of The Football Association was also in attendance.

CHARGES:

1. Queens Park Rangers FC was charged with misconduct for a breach of FA Rule E20 (a) in respect of the Football League Championship fixture Queens Park Rangers FC v Brentford FC played on the 12th March 2016. It was alleged that in or around the 48th minute of the fixture, Queens Park Rangers FC failed to ensure that its players conducted themselves in an orderly fashion.
2. The Football Association designated this as a Standard case.
3. Brentford FC was charged with misconduct for a breach of FA Rule E20 (a) in respect of the Football League Championship fixture Queens Park Rangers FC v Brentford FC played on the 12th March 2016. It was alleged that in or around the 48th minute of the fixture, Brentford FC failed to ensure that its players conducted themselves in an orderly fashion.
4. The Football Association designated this as a Non Standard case as Brentford FC was charged with a breach of FA Rule E20 (a) in the preceding 12 months following a fixture against Nottingham Forest FC on the 21st November 2015.
5. The charges have been consolidated pursuant to Regulation 3.3 of the Regulations of the Disciplinary Procedures Regulations at page 319 of The FA Handbook for Season 2015-16. The hearings were conducted together and the charges determined at a joint hearing.
6. By their Reply Forms both dated the 18th March 2016, both clubs denied the charge against them but did not request the opportunity to attend a Commission for a personal hearing

and both confirmed that they understood that the charge would be dealt with at a paper hearing on the content of the documents served upon the club by The Football Association and any documents that the club supplied to The Football Association. They were perfectly entitled to that course of action.

7. The hearing took place on Tuesday 22nd March 2016 at the offices of The Football Association at Wembley Stadium, London.

DOCUMENTATION:

8. The members of the Commission had two bundles of documents before them, as detailed below, and which they had read before convening.
9. In so far as the charge against Queens Park Rangers FC was concerned the Commission had before them the following:

- Charge letter dated 15th March 2016;
- Report by the match official Frederick Graham dated the 12th March 2016;
- Report by the Match Assessor David Phillips dated the 14th March 2016;
- Reply Form dated 18th March 2016;
- Submissions and comments and video recordings of other games;
- Signed statement of Nedum Onuoha;
- Signed statement of Clint Hill;
- Signed statement of Karl Henry;
- Signed statement of Junior Hoilett;
- Email from The FA dated 18th March 2016 and the clubs email reply of the 21st March 2016 and
- Video Recording of the incident in question.

10. In so far as the charge against Brentford FC was concerned the Commission had before them the following:

- Charge letter dated 15th March 2016;
- Report by the match official Frederick Graham dated the 12th March 2016;
- Report by the Match Assessor David Phillips dated the 14th March 2016;
- Letter to The FA from Lisa Hall, Club Secretary, dated 18th March 2016;

- Reply Form dated 18th March 2016;
- Submissions and comments by Lisa Hall;
- Signed statement by Dean Smith (Manager);
- Email from Lisa Hall to The FA dated 21st March 2016; and
- Video Recording of the incident in question.

CONCLUSION

11. The members of the Commission viewed the video evidence of the incident on a number of occasions. That evidence is clear and convincing and cannot be doubted.
12. The members of the Commission carefully considered the criteria for such charges and noted that the guidance to clubs clearly states: - *“Where two or more players and/or club officials from a team are involved in a confrontation with opposing players and/or club officials”*.
13. It was perfectly clear from the video recording of the incident in question and without any doubt whatsoever that there were “two or more players” from each side involved in a “confrontation”. That is beyond any doubt whatsoever and it cannot be argued otherwise.
14. The Commission then looked at the factors to be considered and they are set out below
 - The number of players and/or club officials involved;
 - The nature of the behaviour of those involved;
 - The duration of the incident;
 - Disciplinary action taken by the Match Referee as a result of the incident.
15. As the charge against Brentford was classed as a Non Standard charge we also considered the following:
 - The potential incitement of the crowd;
 - The proximity of the incident to the crowd;
 - The level of violent behaviour;
 - The involvement of bench personnel;
 - The necessity of police and/or steward involvement;
 - The overall context of the fixture.
16. The relevant standard of proof was the balance of probabilities.

17. The video recording of other games was not relevant to any decision we made today, as each case has to be determined on its own facts and merits, and as stated earlier the video evidence of the incident in question was clear and convincing.
18. Having considered the whole of the documentation presented as identified above and having viewed the video evidence a number of times there was no doubt at all that both charges were proven and this was a unanimous decision.
19. That said the Commission were of the opinion that the level of misconduct seen in the video evidence was very much at the lower end of the scale.

MITIGATION:

20. Both charges having been found proven the Regulatory Commission was presented with the record of Brentford FC due to their case having been designated Non Standard and a brief summary is set out below:-

Brentford FC:

1. April 2011 –Multi player misconduct – Fine £2,500.
2. March 2014 – Orderly/Violent conduct – Fine £2,500.
3. November 2015 –Orderly conduct – Standard Fine £5,000.

Neither club put forward any separate mitigation.

SANCTION:

Before reaching a decision on either case we reminded ourselves that in the Football League Championship the Standard Penalty 1 for an Admission and acceptance of the Standard Penalty would attract a penalty of £5,000 and the Standard Penalty 2 where a charge was denied but found proved attracts a penalty of £7,500. The charge against Queens Park Rangers was a Standard Charge but the one against Brentford was a Non Standard Charge. It was further noted that in Non Standard cases of this nature the maximum financial penalty open to a Regulatory Commission for Championship clubs was £50,000.

Queens Park Rangers FC

- 13 The Club be warned as to its future conduct.
- 14 The Club be fined the sum of £7,500 (seven thousand five hundred pounds), that being the Standard Penalty 2 (Charge denied and subsequently found proved by a Regulatory Commission).

Brentford FC

- 15 The Clubs previous record of misconduct, as summarised as above, was taken into account.
- 16 The Club be warned as to its future conduct.

17 The Club be fined the sum of £10,000 (ten thousand pounds).

These decisions are subject to the relevant Appeal Regulations.

Brian M. Jones (Chairman)

Marvin Robinson

Peter Fletcher

Friday 25th March 2016.