

In the Matter of
The Football Association Ltd

-v-

Swindon Town FC

-and-

Millwall 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.

PARTIES:

Mr Seamus Brady the Sporting Director of Swindon Town FC was present at the hearing and addressed the Commission with the Clubs mitigation.

The Football Association was represented by Mr Y. Elagab.

CHARGES:

1. Swindon Town FC was charged with misconduct for a breach of FA Rule E20 (a) in respect of the Football League 1 fixture Swindon Town FC v Millwall FC played on the 12th March 2016. It was alleged that in or around the 67th minute of the fixture, Swindon Town FC failed to ensure that its players conducted themselves in an orderly fashion.
2. Further The Football Association designated this as a Non Standard case as Swindon Town FC was charged with a breach of FA Rule E20 (a) in the preceding 12 months following a fixture against Port Vale FC on the 18th August 2015.
3. Millwall FC was charged with misconduct for a breach of FA Rule E20 (a) in respect of the Football League 1 fixture Swindon Town FC v Millwall FC played on the 12th March 2016. It was alleged that in or around the 67th minute of the fixture, Millwall FC failed to ensure that its players conducted themselves in an orderly fashion.
4. Further The Football Association designated this as a Non Standard case as Millwall FC was charged with a breach of FA Rule E20 (a) in the preceding 12 months following a fixture against Gillingham FC on the 21st December 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 (Swindon Town FC dated the 17th March 2016 and Millwall FC dated the 15th March 2016), both clubs admitted the charge against them. However Swindon Town FC requested the opportunity to attend a Commission for a personal hearing whereas Millwall FC did not request a personal hearing and 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 Swindon Town FC was concerned the Commission had before them the following:
 - Charge letter dated 14th March 2016;
 - Report by the match official Kevin Wright dated the 12th March 2016;
 - Report by the Match Assessor Richard Melinn dated the 13th March 2016;
 - Reply Form and Witness List Form dated 17th March 2016;
 - Letter from Seamus Brady (Sporting Director of Swindon Town FC) dated 17th March 2016; and
 - Video Recording of the incident.
10. In so far as the charge against Millwall FC was concerned the Commission had before them the following:
 - Charge letter dated 14th March 2016;
 - Report by the match official Kevin Wright dated the 12th March 2016;
 - Report by the Match Assessor Richard Melinn dated the 13th March 2016;
 - Reply Form dated 15th March 2016;
 - Letter from Andy Ambler (Chief Executive of Millwall FC) dated 15th March 2016; and

- Video Recording of the incident in question.

MITIGATION:

11. The Regulatory Commission was presented with the record of both clubs, and which it has to be said did not make pleasant reading, especially that of Swindon Town FC.

12. A brief Summary for both clubs is set out below

Swindon Town FC;

1. February 2012 – Orderly conduct – Fine £1,000.
2. April 2013 – Multi player misconduct – Fine £2,500.
3. May 2013 – Multi player misconduct – Fine £5,000.
4. January 2014 – Orderly conduct – Fine £3,750.
5. October 2014 – Orderly conduct – Fine £5,500.
6. January 2015 – Multi player misconduct – Fine £2,500.
7. February 2015 – Orderly/violent conduct - Fine £10,000.
8. August 2015 – Orderly conduct – Fine £20,000.

Millwall FC:

1. January 2014 – Championship – Orderly/violent conduct – Fine £10,000.
2. February 2014 – Orderly conduct – Fine £6,000.
3. January 2015 – League 1 – Orderly/violent – Fine £6,000.
4. October 2015 – Multi player misconduct – Fine £2,500.
5. December 2015 – Orderly conduct – Fine £2,750.

Mr Brady addressed the members of the Regulatory Commission and presented the mitigation on behalf of Swindon Town FC, and which was duly noted.

SANCTION:

Before reaching a decision on either case we reminded ourselves that in League 1 the Standard Penalty 1 for an Admission and acceptance of the Standard Penalty would attract a penalty of £2,500 and the Standard Penalty where a charge was denied but found proved attracts a penalty of £3,750. These were both Non Standard Charges. It was further noted that in Non Standard cases of this nature the maximum financial penalty open to a Regulatory Commission for League One clubs was £25,000.

Swindon Town FC

- 13 The clubs extremely poor record, as summarised above, was taken into account, and we also reminded ourselves that the club had made an early admission. That said, bearing in mind the video evidence, they really had no choice but to admit the charge against them.
- 14 The Club be warned as to its future conduct.
- 15 The Club be fined the sum of £15,000 (fifteen thousand pounds).
- 16 The personal hearing fee be retained.
- 17 There be no order as to costs of the hearing.

Millwall FC

- 18 The Clubs previous record of misconduct, as summarised as above, was taken into account.
- 19 The Club be warned as to its future conduct.
- 20 The Club be fined the sum of £5,000 (five thousand pounds).

These decisions are subject to the relevant Appeal Regulations.

Brian M. Jones (Chairman)

Marvin Robinson

Peter Fletcher

Thursday 24th March 2016.