

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

CRAWLEY TOWN FOOTBALL CLUB

WRITTEN REASONS AND DECISION OF
THE INDEPENDENT REGULATORY COMMISSION FOLLOWING THE
HEARING
ON 5 JANUARY 2017

Background

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat by WebEx on 5 January 2017.
2. The Regulatory Commission members were Mr G Farrelly, Chairman, Mr M Kearns and Mr M Robinson.
3. Mr P McCormack of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.
4. By letter dated 28 December 2017, The Football Association (“The FA”) charged Crawley Town Football Club with misconduct for a breach of The FA Rules pursuant to Rule E20 (a) in respect of the Football League fixture between Leyton Orient FC and Crawley Town FC.
5. For completeness, the Rule E20 states that –

Each Affiliated Association, Competition and Club shall be responsible for ensuring:

(a) that its directors, players, officials, employees, servants, representatives, spectators, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour, (including, without limitation, where any such conduct, words or behaviour includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability) whilst attending at or taking part in a Match in which it is involved, whether on its own ground or elsewhere; and

(b) that no spectators or unauthorised persons are permitted to encroach onto the pitch area, save for reasons of crowd safety, or to throw missiles, bottles or other potentially harmful or dangerous objects at or on to the pitch.

6. It was alleged that in or around the 90th minute of the fixture, Crawley Town FC failed to ensure that its players conducted themselves in an orderly fashion and/or refrained from provocative behaviour.

7. The FA designated this as a Non Standard Case as Crawley Town FC was charged with breaches of FA Rule E20 (a) following fixtures against Accrington Stanley FC on 13 February 2016 and Newport County AFC on 17 December 2016. It was acknowledged by the Regulatory Commission that this was nine days before the current breach.
8. The Charge was admitted on 3 January 2017. This plea was accepted despite the response being made outside the timings outlined in the relevant regulations.
9. Crawley Town FC did not request a personal hearing and the case was dealt with on the papers only.
10. The Regulatory Commission viewed the video evidence in detail and gave consideration to a number of factors - the reaction of the Crawley Town FC players, the duration of the incident and the number of Crawley Town FC players involved. They found no justification for the players' reaction and behaviour. The referee was to be commended for how he dealt with the incident.
11. The Regulatory Commission considered previous sanctions imposed on Crawley Town FC with regard to breaches of Rule E20 which are detailed as follows:
 - (1) On 14 February 2012, the Club was fined £1,000 for an incident that occurred in a fixture v Swindon Town FC;
 - (2) On 27 March 2012, the Club was fined £18,000 for an incident that occurred in a fixture v Bradford City FC;
 - (3) On 10 February 2015, the Club was fined £2,500 for an incident that occurred in a fixture v Doncaster Rovers FC;
 - (4) On 13 February 2016, the Club was fined £2,500 for an incident in the fixture v Accrington Town FC; and
 - (5) On 17 December 2016, the Club was fined £3,000 for an incident in the fixture v Newport County AFC.
12. In relation to sanction, the Regulatory Commission were drawn to the Guidance for Participants and Clubs 2016-17. The Guidelines state that – *“in non-standard cases where a breach has been admitted or found proven, a Regulatory Commission may impose sanctions as high as those shown in the guidelines below...”*.
13. In addition, the Guidelines state – *“where appropriate to do so, a Regulatory Commission may double the above sanctions for any subsequent breach which occurs either within the same fixture or in any previous fixture within the preceding 12 months.*

Please note that a Regulatory Commission may exceed the above sanctions in circumstances where it deems appropriate at its absolute discretion”.

14. It was noted by the Regulatory Commission that this is the sixth incident of this nature in under five years, the second incident in short succession.

15. The Regulatory Commission did take into account the fact that the Charge was admitted.

Conclusion

16. The Regulatory Commission came to the unanimous decision, having carefully considered all the relevant factors, and have imposed the following sanction on Bury Football Club:

(i) The Club is fined the sum of £5,000.

17. This decision is subject to the relevant Appeal Regulations.

Mr G Farrelly, Chairman

Mr M Kearns

Mr M Robinson

6 January 2017