

THE FOOTBALL ASSOCIATION

versus

Mr PAUL INCE
Manager,
Blackpool FC

and

Mr ALEX RAE
Assistant Manager,
Blackpool FC

THE DECISION AND REASONS
OF THE FA REGULATORY COMMISSION

<u>Content</u>	<u>Page</u>	<u>Paragraphs</u>
Introduction	3	1 – 4
The Charges	3	5 – 8
The Pleas	4	9 – 19
Relevant FA Rules and Regulations	6	20 – 22
The Regulatory Commission	7	23 – 62
The Burden of Proof	28	63
The Finding of Facts	28	64 – 81
The Decision	30	82 – 83
Mr Ince’s Previous Disciplinary Record	30	84 – 86
Mr Ince’s Mitigation	31	87 – 88
The Sanction	31	89 – 90

Introduction

1. On 14 September 2013, Blackpool FC (“Blackpool”) was the away team against AFC Bournemouth (“Bournemouth”) in the Football League Championship match (“the match”).
2. Mr Paul Ince is the Manager of Blackpool and Mr Alex Rae is the Assistant Manager of Blackpool.
3. The appointed Match Officials were Mr Oliver Langford, the Referee; Mr Gary Jerden and Mr Ian Crouch, the two Assistant Referees; and Mr Mark Pottage, the Fourth Official.
4. The Match Officials reported incidents involving Mr Ince and Mr Rae in the tunnel area after the match.

The Charges

5. On 16 September 2013, The Football Association (“The FA”) charged Mr Ince with misconduct for three breaches of FA Rule E3 (see para 20). It was alleged that in or around the tunnel area at the end of the match:
 - 5.1. Mr Ince used abusive and/or insulting words towards a Match Official;
 - 5.2. The behaviour of Mr Ince towards a Match Official constituted violent conduct; and
 - 5.3. Mr Ince used threatening words and/or behaviour towards a Match Official.
6. On the same day, The FA charged Mr Rae with misconduct for a breach of FA Rule E3 (see para 20), alleging that Mr Rae used threatening behaviour towards a Match Official.
7. The FA designated these cases as Non Standard Cases due to:
 - 7.1. The aggressive and/or threatening nature of the reported behaviour (for Mr Ince only);
 - 7.2. The threatening nature of the reported behaviour (for Mr Rae only);

- 7.3. The serious and/or unusual nature of the alleged behaviour (for both Mr Ince and Mr Rae); and
- 7.4. The necessity of steward involvement (for both Mr Ince and Mr Rae).
8. The FA also sent both Clubs the following evidence it intended to rely on:
 - 8.1. Extraordinary Incident Report of the Referee, Mr O Langford, dated 14 September 2013 (for both Mr Ince and Mr Rae);
 - 8.2. Extraordinary Incident Report of the Assistant Referee, Mr G Jerden, dated 14 September 2013 (for both Mr Ince and Mr Rae);
 - 8.3. Extraordinary Incident Report of the Assistant Referee, Mr I Crouch, dated 15 September 2013 (for Mr Ince only); and
 - 8.4. Extraordinary Incident Report of the Fourth Official, Mr M Pottage, dated 14 September 2013 (for both Mr Ince and Mr Rae).

The Pleas

Initial Replies from Mr Ince and Mr Rae

9. On 20 September 2013, Mr Ince responded by admitting to the charge(s) and requested an opportunity to attend a Commission for a personal hearing.
10. On the same day, Mr Rae responded by denying the charge and requested an opportunity to attend a Commission for a personal hearing.
11. The following documents were submitted with their replies:
 - 11.1. Statement from Mr Ince, dated 20 September 2013;
 - 11.2. Statement from Mr Rae, undated; and
 - 11.3. Letter and Statement from Mr Matt Williams, the Club Secretary of Blackpool, both dated 20 September 2013.

Response from The FA to Mr Ince and Mr Rae

12. After reviewing the submissions from Mr Ince, The FA responded to him on 25 September 2013, pursuant to paragraph (b)(iv) of Schedule B of the Standard Directions (see para 21).

13. The FA stated that Mr Ince's account of the events constituted a denial of all or part of the three alleged breaches of the FA Rule E3 and that it would resist any application made by Mr Ince for any credit or reduction in sanction on the basis of his equivocal plea.
14. As Mr Rae had denied the Charge, The FA also responded to him on 25 September 2013, pursuant to paragraph (b)(iv) of Schedule B of the Standard Directions (see para 21).
15. The FA further served the following documents with their responses:
 - 15.1. 3 photos of Bournemouth tunnel area submitted by Bournemouth; and
 - 15.2. A video clip of Mr Ince being sent from the touchline.
16. The FA had also advised both Mr Ince and Mr Rae that it was applying for the Charges against Mr Ince to be consolidated with the Charge against Mr Rae arising from the same incident pursuant to paragraph 8.1 of the General Provisions relating to Regulatory Commissions (see para 22).
17. The FA was applying for the hearings to be consolidated on the grounds that:
 - 17.1. The subject matter of the Charges against Mr Ince and Mr Rae were significantly linked and had arisen out of the same incident occurring at the end of the same match;
 - 17.2. The Association was relying on the same witness evidence in relation to the Charges against Mr Ince as it was in respect of the Charge against Mr Rae;
 - 17.3. The defence evidence adduced by Mr Ince was common or similar to that adduced by Mr Rae; and
 - 17.4. It was in the interest of the timely and efficient disposal of the proceedings against Mr Ince and Mr Rae for these proceedings to be consolidated so that they were conducted together and the Charges determined at a joint hearing.

Response from Mr Ince to The FA

18. Mr Ince responded on 30 September 2013, by re-affirming his admission and stated that it was a matter for The FA how it interpreted his admission, and the course of action it deemed appropriate.
19. Mr Ince asserted his intention to seek maximum credit for his admission of the Charges and requested that a copy of the PGMOL Match Day Procedures to be included in the evidence.

Relevant FA Rules and Regulations

20. The applicable paragraph of the FA Rule E3 (1), page 120 of The FA Handbook Season 2013/14, states:

“A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”

21. The paragraph (b)(iv) of Schedule B of the Standard Directions, page 400 of The FA Handbook Season 2013/14, states:

“Where a Participant denies a charge, The Association will have three working days to provide its responses, if any, to the Reply, submissions, evidence and any other relevant material provided by the Participant. The Association’s responses must be provided to the Participant and the Regulatory Commission. Submissions, evidence and any other relevant material not submitted within this time limit may not be considered by the Regulatory Commission.

Where a Participant admits a charge but submits mitigation or any other material for a Regulatory Commission to consider which the Association considers constitutes a denial of part or all of the Charge, the Association reserves the right to the Reply. Any such response must be provided to the Participant and the Regulatory Commission within three working days.”

22. The paragraph 8.1, “Consolidated Proceedings”, of the General Provisions relating to Regulatory Commissions, page 383 of The FA Handbook Season

2013/14, states:

“Notwithstanding the power of The Association pursuant to Regulation 3.3 of the Regulations for Football Association Disciplinary Action, where the subject matter of or facts pertaining to a Charge or Charges against one or more Participant(s) is sufficiently linked (including, but not limited to, where offences are alleged to have been committed in the same match or where there is common Association or defence evidence) OR where a Commission believes it appropriate for the timely and efficient disposal of the proceedings, the relevant Commission shall have the power to consolidate proceedings so that they are conducted together and the Charges may be determined at a joint hearing. Evidence adduced by or on behalf of a Participant shall be capable of constituting evidence against another Participant. The relevant Commission shall give appropriate weight to such evidence. Participants or their representatives shall be entitled to cross-examine other Participants and their witnesses.

The relevant Commission may hear evidence in any order and shall have complete discretion to take matters out of order for timely, efficient and appropriate disposal of the proceedings.”

The Regulatory Commission

23. The following members were appointed to the Regulatory Commission (“the Commission”, “We/us”) to hear these cases:
 - 23.1. Mr Thura KT Win, JP (Chairman);
Dr Malcolm Clarke; and
Mr Gary Mabbutt, MBE.
 - 23.2. Mr Mark Ives, The FA Disciplinary Manager, was the Secretary to the Commission and assisted by Mr Robert Marsh, The FA Assistant Disciplinary Manager.
24. We read the bundle of documents submitted by the parties prior to convening at 12noon on 07 October 2013 at Wembley Stadium for this Personal Hearing (“the Hearing”).

25. Mr Dario Giovannelli was the Counsel for The FA.
26. Mr Paul Gilroy QC was the Counsel for both Mr Ince and Mr Rae.
27. Mr Matt Williams, the Club Secretary of Blackpool, and Mr John Duncan, of League Managers Association, attended as Observers.
28. We accepted that these two cases should be dealt with under Consolidated Proceedings, and sought parties' understanding and clarifications with regards to the Pleas.
29. We were advised of the latest situation that Mr Ince admitted to the first breach of the FA Rule E3 in full (in para 5.1); partial admittance and partial denial of the second breach (in para 5.2) – whereby Mr Ince accepted that there was a physical coming together but it was an instinctive push and not a violent forceful push; and accepted using the words except “*cunt*” on the third breach (in para 5.3).
30. Mr Rae maintained his denial of the Charge and that his look or behaviour was not threatening.
31. We were also informed that the three photos of the tunnel area would assist us in placing key people when evaluating the evidence and that the video clip of Mr Ince being sent to the stand would provide us with the background and demeanour of Mr Ince.
32. Mr Langford, the Referee, was the first to give live evidence. We had already noted Mr Langford's report (in para 8.1), and we quote [emphasis added]:

“At the end of the game as we left the field of play into the tunnel area as a team of match officials we were confronted by a clearly irate Mr Paul Ince. On confronting us Mr Ince asked why he had been sent to the stand. I explained to Mr Ince the reason why he politely had been asked to leave the technical area. It was then a clearly frustrated Mr Ince said ‘and where’s your busy fucker of a 4th?’

Mark Pottage, the 4th official, was stood behind Mr Ince at this time and said ‘I’m here.’ Mr Ince then turned around and violently shoved Mr Pottage with 2

hands in to the chest. Stewards then quickly stepped in and tried to usher Mr Ince to the dressing room area. As this occurred Mr Ince, being restrained by stewards and players of Blackpool was repeatedly shouting in an aggressive manner 'I'll knock you fucking out you cunt' to Mr Pottage.

I then witnessed Mr Alex Rae aggressively stand staring in to the face of Mr Pottage before being led away to the dressing room area. Stewards ensured my team of match officials were safely in our dressing room.

Matt Williams the secretary of Blackpool came in 30 minutes after the final whistle to be informed of the incident."

33. In examination-in-chief by Mr Giovannelli, Mr Langford told us that:
- 33.1. It was around 81st or 82nd minute of the game, when he was informed by Mr Pottage, the Fourth Official, that Mr Ince had thrown a bottle and it had gone into the crowd and he was asked to remove Mr Ince from the technical area;
 - 33.2. Mr Ince was annoyed when ordered to do so but he eventually left the technical area;
 - 33.3. At the end of the game, Mr Rae wanted to speak about the dismissal of a Blackpool player and Mr Langford had requested Mr Rae to wait in the tunnel area for this discussion;
 - 33.4. He left the field of play with his two Assistants and entered the tunnel area. The Fourth Official was already inside the tunnel;
 - 33.5. He was having a discussion with Mr Rae when Mr Ince appeared. Mr Ince appeared irate, aggrieved and wanted to know why he had been removed from the technical area. He told Mr Ince that Mr Pottage had informed him of what had happened and advice received from Mr Pottage to remove Mr Ince from the technical area;
 - 33.6. Mr Ince was loud, with his arms moving, and aggressive when asked "and where's your busy fucker of a 4th?" Mr Pottage then replied "I'm here"

from behind Mr Ince;

- 33.7. Mr Ince then turned around and violently shoved Mr Pottage – they were about half-a-yard away from each other. Mr Langford added that it was a proper two handed push into Mr Pottage’s chest, which resulted in Mr Pottage being moved backwards towards the wall;
- 33.8. There were players coming in and the stewards, who were behind, took Mr Ince towards the Away dressing room. Mr Ince’s eyes were bulging, he was clearly pointing as being pushed backwards by the stewards and repeatedly saying *“I’ll knock you fucking out you cunt”*;
- 33.9. After that, Mr Pottage was by the wall and Mr Rae was in front of Mr Pottage. He could not hear what was being said by Mr Rae;
- 33.10. The stewards advised the Match Officials to go into the dressing room, which they did. He sent a text message to the Match Assessor to come down to the dressing room without the need for normal waiting time due to the incidents in the tunnel area;
- 33.11. He prepared the draft notes based on his own recollection and asked what the other Match Officials witnessed. He concentrated on the facts;
- 33.12. About 30 minutes after the final whistle, Mr Matt Williams came to the dressing room. Mr Williams said he was already aware and was coming to enquire *“the other half of the story”*.
34. In cross-examination by Mr Gilroy, Mr Langford told us that:
- 34.1. When making the notes, he took on board what the two Assistants and the Fourth Official witnessed and it was more of checking *“have I just seen that right?”*;
- 34.2. His recollection was Mr Pottage stated Mr Ince had thrown a bottle into the crowd, which Mr Gilroy suggested was a different scenario to a bottle being thrown down that bounced into the crowd. Mr Langford stated that it was still an irresponsible behaviour;

- 34.3. The language he reported was the exact words used by Mr Ince;
- 34.4. He recollected Mr Pottage moving down the tunnel towards Mr Ince and himself, as Mr Pottage would have been aware of Mr Ince’s provocative attitude. Mr Pottage had stood behind Mr Ince;
- 34.5. He would not have thought that Mr Pottage had anything in his hands;
- 34.6. All he could see was the back of Mr Rae and Mr Rae’s head was looking up at Mr Pottage, who was facing Mr Rae with the wall being behind Mr Pottage;
- 34.7. He confirmed that all information relating to all the incidents were conveyed to Mr Williams when he visited the dressing room.
35. In re-examination by Mr Giovannelli, Mr Langford said that the Match Assessor had asked the Bournemouth staff to photocopy the handwritten notes compiled of the recollections of the incidents for the Match Officials to take away.
36. In response to our questions, Mr Langford told us that the stewards were from Bournemouth; it was a proper push by Mr Ince on Mr Pottage with the elbows back and pushed out; he was about 5 yards away; and he could not see Mr Rae’s eyes.
37. Mr Pottage, the Fourth Official, was next to give live evidence. We had already noted Mr Pottage’s report (in para 8.4), and we quote [emphasis added]:

“After the final whistle was blown I took the electronic board and flags and went into the tunnel to wait for the Referee and Assistants and to monitor the players in the tunnel.

*As the Referee with the two Assistants entered the tunnel area Mr Paul Ince walked past me and approached them. Mr Ince then confronted the Referee (Mr Langford) asking, ‘why was he sent to the stand?’ The Referee calmly explained the reason why and in doing so was interrupted by Mr Ince who then said, ‘**and where’s your busy fucker of a 4th?**’ At this point I was immediately behind Mr Ince and I said, ‘I’m*

here’.

Mr Ince then turned round looked at me in the eyes and violently shoved me by pushing me with two hands on my chest making me slightly lose my balance and banging my back into the wall. The stewards then quickly stepped in and restrained Mr Ince and they then tried to usher Mr Ince towards his team’s dressing room. As they were trying to do this Mr Ince shouted to me saying ‘I’ll knock you fucking out you cunt’ repeatedly in an aggressive manner.

As Mr Ince was ushered away by the stewards, Mr Alex Rae then approached me and came right up to my face as if to try and put his forehead on my chin. But no contact was made on myself. He was then led away too by a steward and at this point a steward told me to go to the dressing room. I did so immediately and waited for the Referee and two Assistants to come to the dressing room.”

38. In examination-in-chief by Mr Giovannelli, Mr Pottage told us that:

- 38.1. Mr Ince threw a bottle towards the ground at 45 degrees which bounced and went into the spectator area and inadvertently hit a spectator;
- 38.2. Mr Ince was not happy and he then talked to the Referee. Mr Ince might have apologised to the spectator but he did not notice it as he was speaking with the Referee;
- 38.3. Mr Ince then said “*you fucking wanker*” to him but he did not report this;
- 38.4. He was carrying the flags, balls and electronic board and went into the tunnel area to witness any possible incidents as the players come in. He was stood near the entrance to the Away dressing room and the Match Officials’ dressing room;
- 38.5. The players were coming in dribs and drabs. Mr Ince came from the right hand side direction of him, walked past him and approached the Referee and the Assistants (who were coming in from the pitch on his left hand side);
- 38.6. Mr Ince then questioned the Referee asking why he was sent to the

- stand. He had not moved originally but walked up towards Mr Ince as Mr Ince was being aggressive and to be a witness to possible incidents;
- 38.7. He had walked up the tunnel for about 4m or 5m. He was behind Mr Ince by about 1 or 2 feet away, with Mr Ince's back to him and about 1 foot away from the wall;
- 38.8. Mr Ince then said, "*where's your busy fucker of a 4th?*" and he replied "*I'm here*", and did not move. Mr Ince then turned around, a slight pause, made eye contact, and Mr Ince shoved him on the chest;
- 38.9. He had the flags in one hand and electronic board in the other. The stewards intervened by grabbing and restraining Mr Ince;
- 38.10. Mr Ince then shouted in a very aggressive manner "*I'll knock you fucking out you cunt*" repeatedly – two or three times;
- 38.11. Mr Rae came over from Mr Pottage's left and said something but was not sure what was said. Mr Rae was gesticulating his head and Mr Pottage had to move his head two or three times to avoid contact with Mr Rae;
- 38.12. The stewards then came to move Mr Rae away and asked him to go to the dressing room, which he did;
- 38.13. The Match Officials talked about what happened in the dressing room and everyone gave their versions of what they had witnessed;
- 38.14. Mr Williams was informed of all the events when he came to the dressing room and none of the Match Officials had showered at that time.
39. In cross-examination by Mr Gilroy, Mr Pottage told us that:
- 39.1. He had no regrets of any actions taken on the day;
- 39.2. The Referee removed Mr Ince from the technical area on his instructions;

- 39.3. There was a high tension in the tunnel area with the irate Manager;
 - 39.4. He took 4 or 5 steps, stood behind Mr Ince, had chosen to stand where he was to hear what was being said;
 - 39.5. He was surprised by Mr Ince pushing him and, even if Mr Ince was not expecting him to be standing behind Mr Ince, it did not give Mr Ince the right to do what Mr Ince did;
 - 39.6. He was certain of his recollections and he was being 100% in what he was telling us;
 - 39.7. He neither accepted that it was heat of the moment reaction by Mr Ince nor he was being provocative by where he was standing;
 - 39.8. The Match Officials sat down in the dressing room after the incident and sought clarifications from each other, and had written the reports;
 - 39.9. The bottle incident was irresponsible behaviour and might even be a misconduct;
 - 39.10. He was holding the flags and electronic board in his hands and he did not want to leave them unattended;
 - 39.11. Mr Ince did use the word “*cunt*”;
 - 39.12. Mr Rae appeared to have been trying to put his forehead on his chin and Mr Rae was trying to say something but he could not hear it as there was too much noise in the tunnel area at that time;
 - 39.13. Mr Rae’s head was very close and he had to move his head left and right to avoid contact;
 - 39.14. He disagreed that he had caused incidents on the day and confirmed that the Match Officials told Mr Williams in their dressing room about Mr Ince’s alleged threatening comments in the third breach.
40. In re-examination by Mr Giovannelli, Mr Pottage said he took 4 to 5 steps

towards Mr Ince to better observe what had been said and to get a clearer view than where he was originally.

41. In response to our questions, Mr Pottage told us that: the Match Officials discussed the language used by Mr Ince and it was confirmed by others that they heard the same language too; these were included in the notes made on the evening and he completed his report on the afternoon of the following day; he was definitely carrying the flags and electronic board; he disagreed that Mr Ince might have pushed him away to suggest ‘get out of my way’ as possibly he and Mr Ince were in each other’s personal space; if the wall was not behind him then he would have fallen over; he did not feel threatened by Mr Rae and did not drop items in his hands to protect himself.

42. Mr Jerden, one of the Assistant Referees, was next to give live evidence. We had already noted Mr Jerden’s report (in para 8.2), and we quote [emphasis added]:

“After the match had concluded and as we walked through the tunnel Mr Ince approached us and asked why he had been sent from the technical areas. After explaining the reasons why, Mr Ince asked ‘where’s your busy fucker of a 4th’. Mark Pottage the 4th Official was standing behind Mr Ince as he said this and replied ‘I’m here’. Mr Ince then turned around and violently pushed Mark Pottage with both hands in his chest area. Stewards arrived and tried to take Mr Ince away from the area, whilst doing this Mr Ince was repeated shouting ‘I’ll knock you fucking out you cunt’. Mr Alex Rae then also approached Mr Pottage and aggressively stood in the face of Mark Pottage, before being taken away by the players and stewards.”

43. In examination-in-chief by Mr Giovannelli, Mr Jerden told us that:

43.1. After not being long entering the tunnel, Mr Ince came down and approached them. Mr Ince was very polite when he asked why he was removed from the technical area. They all carried on moving into the tunnel as the Referee explained the reason to Mr Ince;

- 43.2. Mr Ince then said *“where’s the busy fucker of a 4th?”*. At this stage, the players were coming and going in the tunnel. Mr Pottage said, *“I’m here”* from behind Mr Ince and they all had come to a stop by then. He could not remember if Mr Pottage had anything in his hands but remembered Mr Pottage’s hands were by his sides;
- 43.3. Mr Ince then turned around and violently pushed Mr Pottage. It was not a lunge but an instant push, which made Mr Pottage ending up against the wall;
- 43.4. The stewards came and tried to remove Mr Ince, players came out of the dressing rooms and Mr Ince then said *“I’ll knock you fucking out you cunt”* two or three times;
- 43.5. Mr Pottage moved down towards the entrance of the tunnel by the pitch. He had an unobstructed side on view of Mr Rae being very close to Mr Pottage’s face. There was shouting but could not hear what was said, as a lot of commotions were going on in the tunnel. Mr Rae was aggressive, in the face and gesticulating in Mr Pottage’s face, which lasted for only a few seconds. The stewards then intervened;
- 43.6. In the dressing room, all the Match Officials sat down and talked about what they had seen. The Referee started to write the notes;
- 43.7. Mr Williams then arrived at the dressing room and everything in the report was told to Mr Williams but Mr Williams did not take notes then.
44. In cross-examination by Mr Gilroy, Mr Jerden told us that:
- 44.1. Mr Pottage had chosen where to stand and he did not see Mr Pottage walk up to stand behind Mr Ince. Mr Pottage was stood still by the time he saw him and then the push took place. All happened very quickly;
- 44.2. Mr Rae remonstrated with Mr Pottage but did not hear what was said. He saw Mr Rae gesticulate by moving his head at the chin level of Mr Pottage. He accepted that this was not mentioned in his report;

- 44.3. He disagreed with the suggestion from Mr Gilroy that Mr Ince did not use the word “*cunt*”. He is a schoolteacher and does not like that word, and therefore it was easy to recognise the use of this word.
45. In response to our questions, Mr Jerden told us that: Mr Ince turned around to face Mr Pottage; it was definitely a violent two-handed push and not ‘get out of my personal space’ reaction.
46. Mr Crouch, the other Assistant Referee, was next to give live evidence. We had already noted Mr Crouch’s report (in para 8.3), and we quote [emphasis added]:

“After the conclusion of the match we entered the tunnel area, where the Blackpool manager, Mr Paul Ince approached the referee (Mr Oli Langfo[r]d) in a confrontational manor asking why he was sent to the stand. As the referee was explaining the reason Mr Ince said in a raised voice ‘where’s your busy fucker of a fourth’. The 4th official (Mr Mark Pottage) who was standing directly behind Mr Ince said ‘I’m here’. At this point Mr Ince turned round and without any provocation slammed two hands, very aggressively into Mr Pottage’s chest. Stewards who were standing alongside us match officials ‘jumped in’ and attempted to remove Mr Ince from the area. As they were doing this Mr Ince pointed at Mr Pottage repeating at least 3 times ‘I’ll knock you fucking out you cunt’. I placed myself by the door of the away dressing room as players were attempting to come out and see what was going on, before the stewards ushered us (Match Officials) back to our dressing room.”

47. In examination-in-chief by Mr Giovannelli, Mr Crouch told us that:
- 47.1. Mr Ince approached the Referee on the right hand side of the tunnel [as looking down the tunnel from the pitch]. He was alongside and to the left of the Referee, and did not know where Mr Pottage or Mr Rae was at that time as his attention was drawn to Mr Ince;
- 47.2. Mr Ince was about one or two paces in front of the Referee when the Referee, in response to Mr Ince’s question, explained why he was sent to the stand. It was quite amicable at that time;

- 47.3. Mr Ince then raised his voice, became more aggressive and said, *“where’s your busy fucker of a fourth?”*. Mr Pottage was standing by the wall and about 1m behind Mr Ince and said, *“I’m here”*;
 - 47.4. Mr Ince then turned round and quite violently slammed two hands into Mr Pottage’s chest;
 - 47.5. He was not sure if Mr Pottage was holding anything in his hands but he did not believe Mr Pottage was carrying anything;
 - 47.6. Mr Ince then said, *“I’m going to knock you fucking out you cunt”*. It was an unusual order of words which made him remember the words used;
 - 47.7. The stewards then started to usher the Match Officials into their dressing room;
 - 47.8. He did not witness anything relating to Mr Rae as he was looking at the incident involving Mr Ince and his removal by the stewards. Mr Pottage was taken aback and did not react;
 - 47.9. When Mr Williams came into the dressing room, Mr Williams took on board everything very well but heard today that Mr Williams had contradicted this. Everything in the report was repeated to Mr Williams then and Mr Williams had accepted on the day.
48. In cross-examination by Mr Gilroy, Mr Crouch told us that:
- 48.1. The Match Officials had spoken about the incidents and he had learnt today that Mr Williams was contesting some of the events but he could not recall who had told him;
 - 48.2. He knew what he had seen and heard of the incidents and the Match Officials had sat down in the dressing room and made notes to ensure that nothing was missed;
 - 48.3. He saw what happened in the tunnel clearly and his recollections were accurate about what exactly happened;

- 48.4. He did not see any provocations for Mr Ince to have acted in the way he did. Mr Ince was talking to the Referee and then incidents happened. The Match Officials normally move closer together to gather information and to witness the incidents. As Mr Ince was not aware where Mr Pottage was, and hence Mr Ince asked the question, and therefore he did not agree that where Mr Pottage standing was a provocation;
- 48.5. He agreed that Mr Pottage could have chosen to stand at half a dozen different places but Mr Pottage just moved down the tunnel towards the incident. Mr Pottage could have taken a long way round to come and face Mr Ince. There was a gap of approximately 1.5m to 2m between Mr Ince and Mr Pottage;
- 48.6. Mr Ince definitely used the word “*cunt*” and he was certain that Mr Williams was informed of this and about the “...*knock you fucking out...*” comment too.
49. In response to our questions, Mr Crouch told us that: he thought Mr Pottage was content for nothing to come of the Mr Rae incident but he felt that action needed to be taken; Mr Ince moved forward, one foot forward, and gave a big push; it was logical for Mr Pottage to move towards the incident and stood where he did.
50. This concluded the live evidence from The FA’s witnesses.
51. We reconvened with Mr Ince giving his live witness evidence first. We had already noted Mr Ince’s written statement submitted (in para 11.1), and we quote the relevant, as well as some background information, sections below [emphasis added]:
- 51.1. *“I admit, and whole heartedly apologise for, my post-match reactions as reported by the match officials involved in the game.”;*
- 51.2. *“My admission is based on the following factual account.*
- I disagree with some of the points made in the statements in support of*

the charge and am especially concerned with important incidents that have not been included in any of the reports.

I wish the following points to be considered in mitigation. I also maintain, and ask the Commission to take into account, that Mr Pottage's actions were a contributory factor in the escalation of this regrettable incident...";

- 51.3. *"After we had defended so stoutly and admirably following the sending off, our player Nathan Delfouneso squandered a fantastic opportunity to score and make it 3-1 to Blackpool, when his finish hit the side netting. As he did so, I spun around in frustration and threw the bottle of water I was holding to the ground. The bottle bounced off the ground and through the advertising boards where it struck the foot of a female steward in the front row. My actions were out of frustration at such a chance being missed by our player. I understand that there is a responsibility of behaving in an appropriate manner in the technical area, however, this incident was not aggressive as has been suggested and was one of frustration. I had not expected my bottle to strike anywhere other than the floor. As soon as I realised where the bottle had gone, I immediately identified the female steward without prompting, and apologised for my actions. She accepted my apology and thanked me for apologising so quickly.";*
- 51.4. *"I understand that whilst I was offering my apologies to the female steward, Mr Pottage informed the match referee of the 'incident' and that my behaviour was aggressive and suggested that I should be removed from the technical area. The referee, clearly acting on the advice of Mr Pottage, asked me to leave the technical area. I asked him a number of times why he was sending me to the stand, particularly when I had apologised for my actions, but the referee would not discuss the matter and reaffirmed his instruction for me to leave the technical area, which I did. Given that there was no intent in my action, I could not understand why, if any sort of action involving me was deemed inappropriate, the fourth official, Mr Pottage, or the referee, Mr Langford did not simply manage the situation by having a word with me, instead of sending me to the stand. PGMOL guidelines state that the fourth official 'is expected to*

control the technical area in a preventative rather than confrontational manner.”;

- 51.5. *“As soon as the final whistle was blown I made my way back to the tunnel area where I stood and congratulated my players for the result. As I stood congratulating my players, the officials came towards me, and I asked the referee why he had sent me to the stand. His reply was that it was on the instruction of the fourth official.”;*
- 51.6. *“My response was to seek out the location of Mr Pottage to find out why he had suggested that I be sent to the stand. I cannot recall the exact words I used, but would not deny that I could have referred to the fourth official using an ‘f’ word, because I was frustrated not only with having been sent to the stand, but also because of his refusal to enter into any dialogue during the match on the thought process concerning various decisions.”;*
- 51.7. *“Mr Pottage, in a confrontation tone announced from behind me that he was ‘here’, and I turned around planning to ask Mr Pottage for an explanation. As I turned around, Mr Pottage stepped forward and was ‘fronting me up’ in my face. I felt intimidated, so I instinctively pushed him away. The push was not aggressive – only enough to move him from where I was, in order to avoid a real possibility of a one to one confrontation, however, I know I should not have pushed him and I wholeheartedly apologise. I should have handled the situation better, even under the provocation outlined above”;*
- 51.8. *“As I was being escorted by the stewards, I shouted a number of words in the direction of the fourth official. I was angry and whilst I know I will not have been pleasant, I can categorically deny using the word ‘cunt’ – it is not a word I have ever used no matter what the incident. I would also deny that I threatened to knock anyone out. I will accept that I probably used a number of swear words and non-complimentary phrases but everyone who knows me will vouch that the ‘c’ word is a word I do not use nor accept being used by any of my players, staff or friends.”;*

- 51.9. *“I want to stress strongly, regardless of the perceived injustice, that I realise in retrospect that whatever the reasons, my outburst and actions were unacceptable and I apologise unreservedly for that. In hindsight I should have been the bigger person and stepped away from Mr Pottage after he fronted me up and I should have reported Mr Pottage and his behaviour through the correct channels.”;*
- 51.10. *“ ... I am a very passionate and proud man and I pride myself on treating people in a correct and professional manner, ...*
- ... I have via my Club Secretary apologised to the officials concerned for my behaviour.*
- I deeply regret the incident and the embarrassment it has caused my family and the Club and I would ask that you take these circumstances into account.” .*
52. In examination-in-chief by Mr Gilroy, Mr Ince told us that:
- 52.1. He threw the water bottle down in frustration after his player missed the opportunity to take a 3-1 lead;
- 52.2. After the game, he was pretty calm and wanted to know why he had been sent to the stand after he had already apologised and the apology was accepted by the spectator;
- 52.3. He came to ask the Referee and the Referee explained that he acted on the information from the Fourth Official;
- 52.4. He then asked where the Fourth Official was and he admits that he might have used the words reported;
- 52.5. Mr Pottage then answered, *“I’m here”* in a loud manner from behind him. When he turned around Mr Pottage was standing in his face, so he pushed Mr Pottage away but not violently;
- 52.6. He admitted saying *“I’ll fucking knock you out”* but denied using the word *“cunt”*;

- 52.7. He explained that use of the “*f*” word was as a common phrase but he was not being aggressive when asking where the Fourth Official was;
- 52.8. He was in a good mood as they had won and his focus was on the Referee to ask the reason for his removal from the technical area and not on the Fourth Official;
- 52.9. He found Mr Pottage close in front of him, and the push was neither premeditated nor in a violent manner;
- 52.10. He is seeking the assistance from the Football League, LMA and PGMOL to have a better understanding of the roles and responsibilities of the Fourth Official, as well as to further understand the interpretations of the rules and their application.
53. In cross-examination by Mr Giovannelli, Mr Ince told us that:
- 53.1. On the first breach of FA Rule E3, he accepted that similar words were used as alleged;
- 53.2. On the second breach of FA Rule E3, he accepted that he had pushed Mr Pottage and the contact might have been too far but denied that it was in a violent manner. If he were 2m away from Mr Pottage at the time he pushed then he would have had to move forward. He did not move, stood on his feet and no force was used. He was surprised to see Mr Pottage very close to him and the push was intended as ‘get out of the way’. There was no anger or aggression;
- 53.3. On the third breach of FA Rule E3, he accepted he might have used “... *knocking out...*” but denied using the “*c*” word. He said this from a distance of about 10 yards away and he definitely said it once. Mr Giovannelli would leave it to us to consider whether the inclusion of the “*c*” word would make material difference on the sanctions;
- 53.4. He accepted that he was frustrated at being removed from the technical area but denied holding some frustrations towards the Fourth Official. It

- was the Referee who sent him to the stand and accepted that he was not happy when sent to the stand, as shown in the video clip;
- 53.5. He was calm when he asked the Referee why he was sent to the stand and pointed out the discrepancies of being irate and calm in the Match Officials' evidence;
- 53.6. He accepted that his voice was raised when he asked where the Fourth Official was and it would not have been in a polite manner;
- 53.7. Whilst he accepted that Mr Pottage is a "big chap", he maintained that Mr Pottage raised his voice when answering "*I'm here*" and it was in a provocative manner;
- 53.8. He also accepted that he should not have done what he did but when he turned around Mr Pottage was immediately in front of him and only inches away, and instinctively pushed Mr Pottage away with no more force than necessary to remove Mr Pottage "*from his face*";
- 53.9. He did not see Mr Pottage falling back to the wall but would not dispute it, as he did not see it. Mr Giovannelli suggested that it must have taken some force to move Mr Pottage as he is a broad and big man but Mr Ince could not recall exactly how much force was used;
- 53.10. He accepted that the stewards intervened but did not know whether the stewards' intervention was necessary or appropriate;
- 53.11. He also accepted that he said "*I'll fucking knock you out*" at least once.
54. In response to our questions, Mr Ince told us that: he did not expect Mr Pottage to be so near and the push was the reaction; and he did not step forward to push Mr Pottage.
55. Mr Rae was next to give live witness evidence. We had already noted Mr Rae's written statement submitted (in para 11.2), and we quote the relevant, as well as some background information, sections below [emphasis added]:

- 55.1. *“I deny the charge...”;*
- 55.2. *“I have seen the statements made by the referee and fourth official. Both accept that I did not make any contact with the fourth official, not did I touch him in any way. Neither make any reference to me being verbally abusive either.”;*
- 55.3. *“At the end of the game, when the officials came off the field I had a short discussion with the referee and his assistants regarding the red card given to one of our players and walked up the tunnel on the right side of the officials.”;*
- 55.4. *“About half way up the tunnel Paul Ince met us and asked Mr Langford why he had been sent to the stand. The referee explained the reasons, mentioning the fourth official.”;*
- 55.5. *“Paul Ince then asked Mr Langford, in his own words, where the fourth official was. Paul, who had his back to me, and the referee were the only ones talking when Mr Pottage, standing further to my right, also behind Paul Ince, joined in and said ‘I’m here’, which, in the way he said it, I took to mean he was ready to engage with Paul. He then walked in front of me, in front of the officials towards Paul Ince and stood close up to him.”;*
- 55.6. *“Paul Ince, who appeared to be shocked and intimidated at Mr Pottage’s confrontational manner, pushed Mr Pottage away, with the stewards quickly intervening and Paul being ushered to the dressing room.”;*
- 55.7. *“After the altercation, Mr Pottage and I now faced one another. I had my back to the other officials, and I said to him ‘you’ve gone at him there, you’ve caused that’ or words very similar. There is no reference to this in any of the reports.*

Mr Pottage is 6’2” or 3” tall, and I said nothing else. At no stage was I threatening or aggressive towards him. His accusations against me are incorrect and not substantiated in the two other reports. Surely, if I had tried to move my forehead on to Mr Pottage’s chin the other officials would have noticed and included in their report.”;

- 55.8. *“The only explanation that they perceived my behaviour to be threatening is that **they say I stood close to the fourth official and stared at him.** I was extremely disappointed by some of the decisions and fourth official had made, and was also extremely disappointed on behalf of the Manager that he was sent to the stand with no rational explanation.”;*
- 55.9. *“However I believe that I controlled my annoyance extremely well and as you can see from the statements the officials made, **I was not abusive nor physically aggressive in any way,** so am shocked to have been informed of this charge. It is absolutely objective to confirm whether somebody is ‘looking at’ or ‘staring at’ someone. **I would not say that I stared at the fourth official at all, I probably looked at him with a look of annoyance or disappointment, and yes I agree that I was stood close proximity to him – we were all stood close together.**”;*
- 55.10. *“I do not accept though that this was in any way threatening behaviour towards an official and strongly deny the charge. What I can say, is that if by standing close to the fourth official and looking straight at him, if he perceived this to be threatening then I apologise that he perceived it in this way, but there was certainly no intention to threaten anybody on my part.”.*
56. There was no examination-in-chief by Mr Gilroy, other than to confirm Mr Rae was standing by his written statement submitted.
57. In cross-examination by Mr Giovannelli, Mr Rae told us that:
- 57.1. He was walking alongside the Match Officials and having a conversation with the Referee about the dismissal of one of their players and recalled the positions of various people in the tunnel. He did not see where Mr Pottage was initially as he was talking to the Referee;
- 57.2. He heard Mr Ince enquiring where the Fourth Official was and saw Mr Pottage coming along the wall and crossing in front of him to stand behind Mr Ince;
- 57.3. Mr Pottage was in line with Mr Ince and Mr Ince pushed Mr Pottage. He

grabbed Mr Pottage's hand to stop him losing balance and leaning back into the wall;

- 57.4. It was his belief that Mr Pottage had caused the incident and he told Mr Pottage so;
- 57.5. Mr Pottage was about 6 inches away and "square" to Mr Ince, and Mr Ince was shocked and intimidated. Mr Ince then pushed in a reactive response;
- 57.6. He confirmed that he was not frustrated or angry and he heard Mr Ince saying "*I'll fucking knock you out*" but he could not see Mr Ince clearly by then, and did not know Mr Ince's frame of mind at that time;
- 57.7. He did not make deliberate movements of the head towards Mr Pottage.
58. In re-examination, Mr Gilroy sought clarifications from Mr Rae on his head movements as stated by The FA's witnesses, which Mr Rae confirmed what he had already stated.
59. In response to our questions, Mr Rae told us that: Mr Ince and Mr Pottage were stood still and 6 to 8 inches apart, and he did not have any grievances with Mr Pottage.
60. Mr Gilroy and Mr Giovannelli agreed that Mr Williams' written statement could be taken as read without the need for Mr Williams to give live evidence. Both parties agreed to paragraph 17 being not relied upon and the parties did not seek a resolution of the alleged use of "c" word. Mr Williams did not witness the incidents and his statement provided the background information, and subsequent events, which were not directly relevant for our deliberation.
61. In summing up, Mr Giovannelli told us that: there were three breaches of the FA Rule E3; the language used in first breach had been accepted by Mr Ince; there was an admission of the push by Mr Ince on Mr Pottage and it was a matter for us why Mr Ince pushed Mr Pottage as well as the force used, both of which had some differences; Mr Ince accepted all the words except the "c"

word, which would not make material difference, in the third breach and it was a matter for us whether the phrase was said once or repeatedly.

62. In summing up, Mr Gilroy told us that: both Mr Ince and Mr Rae had give an extremely candid and credible account; he would apply for a maximum credit for Mr Ince’s early admissions; Mr Ince had consistently denied using the “c” word; the context and the involvement of the Fourth Official; the provocative behaviour of Mr Pottage; why did he have to stand directly behind Mr Ince; fundamental inconsistencies of the evidence from the Match Officials – and it was all a bit correct and too clear; he did not get the case for Mr Rae – for staring at someone and we had two versions; it was for The FA to prove the case; Mr Ince accepted his behaviour slipped below the acceptable standards but did not agree with all the events in entirety; and Mr Rae did not accept the charge and invited us to dismiss the case.

The Burden of Proof

63. The applicable stand of proof required for this case is the civil standard of the balance of probability.

The Finding of Facts

64. *Mr Ince*

65. We noted that Mr Ince accepted the first breach of the FA Rule E3, in that he used abusive and/or insulting words towards a Match Official.
66. We noted that Mr Ince had partially accepted the second breach of the FA Rule E3, in that his behaviour towards a Match Official constituted violent conduct.
67. Mr Ince accepted that he had pushed Mr Pottage but maintained that it was a reaction from Mr Pottage’s provocations.
68. We considered the push by Mr Ince on Mr Pottage to be very serious and that whether the provocation was real or perceived, the professional footballer or Club Official should not lay a hand on the Match Officials.
69. We noted that whilst a push by a player on another player would not

- necessarily constitute violent conduct, a push on a Match Official would constitute violent conduct.
70. We also considered that the force applied in the push by Mr Ince was more than just “brushing off” Mr Pottage to “get out of the way” as being maintained by Mr Ince. We saw Mr Pottage in attendance and it was also accepted in both Mr Ince’s and Mr Rae’s evidence that Mr Pottage is a broad and tall man. Mr Pottage lost balance as a result of this push and was falling back towards the wall behind him. Even Mr Rae told us that he had to grab Mr Pottage’s hand “to stop him losing balance and leaning back into the wall”. This would have required some force.
 71. We also noted that Mr Ince was not happy with Mr Pottage at the time – especially after Mr Langford had just told Mr Ince, during Mr Ince’s enquiry in the tunnel area, that Mr Ince was removed from the technical area earlier on the information and advice from Mr Pottage – and was seeking him out (as per the accepted first breach). We believed this added to the possible motive that Mr Ince wished to confront Mr Pottage.
 72. We were, therefore, satisfied that Mr Ince’s action in pushing Mr Pottage was deliberate violent conduct and found that the second breach of FA Rule E3 was proved as charged.
 73. In coming to Mr Ince’s alleged third breach of the FA Rule E3, in that Mr Ince used threatening words and/or behaviour towards a Match Official, we noted that Mr Ince had already admitted to the phrase something along the line that “I’ll fucking knock you out” but denied using the word “cunt”.
 74. In considering the disputed use of “c” word, we had representation that this word would not make a material difference and that parties were not seeking a resolution so we have not made a finding of facts on the use of this word.
 75. We found that this phrase was made towards Mr Pottage and we considered this phrase to be threatening. We accepted that Mr Ince said this threatening phrase at least once. We, therefore, found that the third breach of the FA Rule E3 proved against Mr Ince.

76. *Mr Rae*

77. We noted that Mr Rae denied his one Charge.

78. We noted that it had been agreed by parties that there was one occasion where Mr Rae and Mr Pottage came to face each other in the tunnel area after the incidents involving Mr Ince.

79. We had evidence of Mr Rae suggesting he said something along the line of “*you’ve gone at him there, you’ve caused that*” to Mr Pottage and other Match Officials, including Mr Pottage, suggesting something was said by Mr Rae but they did not hear what was said.

80. We saw Mr Rae in the hearing, in the video clip of the incident of Mr Ince being removed from the technical area, and when giving live evidence. We noted Mr Rae’s expressions and demeanour when speaking. We believed that his looking and saying something to Mr Pottage in the close proximity in the tunnel area with his inadvertent movements of the head when speaking might had been mistaken by the Match Officials as though Mr Rae was trying make contact with his head and Mr Pottage’s chin. We also noted that some angles of view of this incident from the other Match Officials was either the back or side of Mr Rae’s head and they could not have seen if Mr Rae was staring at Mr Pottage in a threatening manner.

81. We therefore found that the Charge against Mr Rae not proven.

The Decision

82. Having admitted some of the Charges and having considered the evidence presented, we found all three alleged breaches of FA Rule E3 against Mr Ince proven.

83. Having denied of the Charge and having considered the evidence presented, we found the alleged breach of FA Rule E3 against Mr Rae not proven.

Mr Ince’s Previous Disciplinary Record

84. Mr Ives informed us of the following previous disciplinary record of Mr Ince:

- 84.1. In September 2009, a breach of the FA Rule E3 for Improper Conduct – Admitted: 2 match touchline ban and £2,000 fine;
 - 84.2. In December 2009, a breach of the FA Rule E3 for Improper Conduct – Admitted: Warned as to future conduct and £500 fine;
 - 84.3. In March 2010, two breaches of the FA Rule E3 for Abusive and/or Insulting Words – Partial Admittance: 5 match touchline ban and £5,000 fine;
 - 84.4. In March 2011, a breach of the FA Rule E3 for Improper Conduct – Admitted: 1 match touchline ban and £2,000 fine; and
 - 84.5. In August 2013, a breach of the FA Rule E3 for Improper Conduct, Media Comments: Warned as to future conduct and £3,000 fine.
85. After consultation, Mr Gilroy agreed this record on behalf of Mr Ince.
86. The August 2013 Media Comments record would not be taken into our consideration, as it was not deemed relevant in the case we were considering.

Mr Ince's Mitigation

87. Mr Gilroy invited us to give full credit for admissions and Mr Ince not being evasive when giving his account in evidence. The incidents were in quick succession and Mr Pottage was happy not to proceed, we were invited to view this as a victim statement similar to criminal cases.
88. The parties invited us to have a holistic approach and consider the sanction for all three breaches in the principle of totality.

The Sanction

89. After having considered the mitigation presented and Mr Ince's previous relevant disciplinary record, we ordered with immediate effect that:
- 89.1. Mr Ince be banned from attending, at anytime on the match day, the stadium or ground at which Blackpool First Team are playing until such time as Blackpool have completed 5 (five) First Team matches in approved competitions;

- 89.2. Mr Ince be fined a sum of £4,000 (four thousand pounds); and
- 89.3. Mr Ince makes a contribution to costs of £500 (five hundred pounds).
90. This decision is subject to the relevant FA Appeal Regulations.

Signed...

Thura KT Win, JP (Chairman)

Malcolm Clarke

Gary Mabbutt, MBE

Thursday, 10 October 2013