

## Case 9996623M

### The Football Association Disciplinary Commission sitting on behalf of the Amateur Football Alliance In the matter of Paul Cotterell

Hearing date 9<sup>th</sup> December 2019

#### Written Reasons for Decision

1. These are the written reasons for the FA Disciplinary Commission decision made on Monday 9<sup>th</sup> December 2019.
2. The appointed Commission member was Mr. F. Duku, a member of the County Chairman's panel.
3. Paul Cotterell (PC) of Old Tiffinians was charged with a breach of FA Rule E3 – Improper Conduct (including foul and abusive language) and FA Rule E3(2) – Improper Conduct – aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability. It is alleged that in an AFA Junior Cup match between Old Tiffinians Reserves and Old Aloysians Third on 19/10/19, PC insulted a player from the opposition by calling him "an effing cheating Arab." This was deemed to be an aggravated comment by reference to ethnic origin, colour and / or race.
4. PC accepted the charge and asked for the case to be heard by correspondence in his absence.

#### 5. Relevant FA Rules

Rule E3(1) provides that:

*A participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into dispute or use anyone, or a*

*combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.*

Rule E3(2) provides for:

*Improper conduct, aggravated by a reference, whether express or implied, to any one or more of the following – ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.*

Rule 47.1 of the Disciplinary Regulations read:

*where a Participant commits an Aggravated Breach for the first time, a Regulatory Commission shall impose an immediate suspension of at least six Matches on that Participant. The Regulatory Commission may increase the suspension where additional aggravating factors are present.*

6. The full bundle of evidence provided to the Commission consisted of a statement from the referee Martin Lavelle (ML) and the respondent PC.
7. Having reviewed the evidence bundle the following observations were made. These reasons do not purport to contain reference to all the points identified, however the absence in these reasons of any particular point, or submission, should not imply that such point, or submission, was not taken into consideration when the matter was determined. For the avoidance of doubt, all the evidence and materials furnished regarding this case have been carefully considered.
8. ML reported having heard the comment in question himself. It was not something that was reported to him by another party but something he was a witness to himself and this was the reason that ML chose to send off PC.
9. PC responded to the charge by accepting it and apologising for the comment made, describing it as a “heat of the moment” reaction to his perception that the player in question was cheating. PC claimed to have accepted the red card without issue and to have apologised to all concerned at the time of his sending off, and then again after the game, as well as in the statement submitted in the bundle.
10. The burden of proof rests with the County FA. The standard of proof is the civil standard of the ‘balance of probability’. In simple terms that means the Commission has to be satisfied on the evidence, that it was more likely than not that an event had occurred.

11. After considering the information provided to it, the Commission found that on the balance of probabilities, the charge raised against PC was found proven by admission. There was felt to be no reason for the Commission to reject the admission that had been made by PC.
12. On checking his previous disciplinary record, PC was found to have a previously clear disciplinary record. His seemingly repeated and genuine apologies were also noted.
13. In line with FA guidelines on sanctions for proven E3(2) cases, it was decided that PC is to be sanctioned with a 6-match suspension, £75 fine, the issue of 6 club penalty points and the need to complete an online education course within the next four months or be suspended from all football until such time as the course has been completed. PC had been sent off for the comment in question and per his disciplinary record had already been sanctioned with a 2-match suspension and fines totalling £55. These were considered so he will therefore be required to serve a further 4-match suspension and pay a further £20 fine in addition to the need to complete the online course and the issue of 6 club penalty points.
14. These decisions may be appealed in accordance with the provisions in The FA Handbook.

Francis Duku.

9<sup>th</sup> December 2019