

DISCIPLINARY COMMISSION

Sitting on behalf of the Bedfordshire Football Association

IN THE MATTER OF A NON-PERSONAL HEARING OF PAUL NUTTALL OF LIDLINGTON UNITED SPORTS CLUB

DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION

BACKGROUND & HEARING

1. The Disciplinary Commission (“the Commission”) convened on Tuesday, 13th November 2018 by way of a personal hearing. The Commission adjudicated in respect of charges brought by Bedfordshire FA against Paul Nuttall as a result of alleged misconduct in a match between Lidlington United Sports and Wixams Wanderers played on 20th October, 2018.

THE COMMISSION

2. The members appointed to the Commission were:
 - i) Peter Brown (Council Member of Bedfordshire FA)
 - ii) Alan Moorhouse (Council Member of Bedfordshire FA)
 - iii) Tony Gee (Independent Member)
3. Stewart Jeeves (Staff Member of Bedfordshire FA) assisted the Commission as Secretary.
4. Robert Leonard (Council Member of Bedfordshire FA) assisted the Commission as Steward.

THE CHARGES

5. Bedfordshire FA charged Paul Nuttall as follows:

You are hereby charged with a breach of FA Rule E3 in respect of the above fixture. It is alleged that during the above mentioned fixture, you pushed the Wixams Club Assistant Referee, contrary to Rule E3 (1). You are suspended from all football with immediate effect.

THE REPLY

6. Paul Nuttall denied the charge and requested the case be dealt with by means of a Personal Hearing.

THE BURDEN AND STANDARD OF PROOF

7. In this instance the burden of proof is on the County. The applicable standard of proof is the civil standard of the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not. Therefore, if the evidence is such that the Commission can say 'we find it more probable than not' the burden is discharged, but if the probabilities are equal it is not.

THE EVIDENCE

8. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all the evidence and submissions; however, the absence in these reasons of any particular point, evidence or submission, should not imply that the Commission did not take such point, evidence or submission into consideration when the Members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.
9. The documents before the Commission comprised:
 - i) a report from Lee Matthews (Club Assistant Referee) dated 23.10.2018
 - ii) a statement from George Roberts (Referee) dated 22.10.2018
 - iii) a statement from D. France (Team Manager/Coach, Wixams Wanderers) dated 20.10.2018
 - iv) a statement from C. Mitchell (Spectator) dated 20.10.2018
 - v) a statement from M. O'Neill (Club Secretary, Wixams Wanderers) dated 20.10.2018
 - vi) a statement from Paul Nuttall (Coach, Lidlington United Sports) dated 20.10.2018
 - vii) a statement from Stephen Didlick (Player, Vice-Captain Lidlington United Sports)
10. The report from the Club Assistant Referee that during an altercation over an offside decision Paul Nuttall shoved him in the chest.

THE VERBAL EVIDENCE

11. Lee Matthews stated that following an offside decision he had given he was surrounded by players from Lidlington United Sports and during the altercation he was shoved in the chest by Paul Nuttall the coach of Lidlington United Sports. Lee Matthews demonstrated on Tony Gee the nature of the shove but could not recall if he was shoved once or twice.

12. George Roberts stated that after he had blown his whistle to accept the offside decision he had turned to look the other way. His attention was immediately drawn to an altercation behind his back and he turned to see a group of people. He did not see a shove or anything else that disturbed him and he stated this was in keeping with the game which had been played in a good spirit.
13. Mark O'Neill described Lee Mathews being surrounded by players of Wixams Wanderers abusing him and then as Paul Nuttall approached him he saw him pushed twice in the chest.
14. D. France stated that Lee Matthews was surrounded by players officials and supporters of Wixams Wanderers. During this Paul Nuttall pushed Lee Matthews.
15. C. Mitchell who had submitted a written statement did not attend the hearing

THE DEFENCE

16. Paul Nuttall stated that his players and he had disputed an offside decision and when Lee Matthews came towards him he pushed him away using two hands in the chest. He stated it was not an aggressive push but the action was defensive in nature.
He stated he apologised to Lee Matthews and they shook hands, which made him surprised that the incident had been escalated to this stage.

FINDINGS

17. The Commission considered the evidence very carefully, being mindful of the burden of proof. It was clear that Paul Nuttall had pushed Lee Matthews.

It was apparent the Commission needed to consider

- i) the nature of the offence
- ii) the seriousness of the offence

PREVIOUS DISCIPLINARY RECORD

18. The Secretary confirmed that Paul Nuttall had no previous misconduct offences on his record.

SANCTION

19. The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by the FA.

- 20.** The Commission felt the offence lay at the very bottom of the Sanction guidelines but did not feel able to go below the recommended minimum. The Commission unanimously decided to impose the following sanction.

Paul Nuttall be suspended from all football activity for a period of 84 days and fined £100.00. It was noted that Paul Nuttall had been under suspension since the date of the offence and this would count as time served.

Five (5) disciplinary points to be recorded against Lidlington United

APPEAL

- 21.** This decision is subject to appeal in accordance with the relevant FA Appeal.

Peter Brown (Chairman)
Alan Moorhouse
Tony Gee