

# **DISCIPLINARY COMMISSION**

*Sitting on behalf of the Dorset Football Association*

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IN THE MATTER OF A PERSONAL HEARING  
OF  
CRAIG LOVE

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## **DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION**

### **BACKGROUND & HEARING**

1. The Disciplinary Commission (“the Commission”) convened on 3 December 2018 by way of a personal hearing. The Commission adjudicated in respect of charges brought by Dorset FA against Craig Love as a result of alleged misconduct in a match between Sturminster Newton United U16 and Poole Town FC Wessex U16 Rovers on 4 November 2018.

### **THE COMMISSION**

2. The members appointed to the Commission were: -
  - i. Colin Stupack (Chair and Independent member)
  - ii. Geoff Theobald (Council Member of Dorset FA)
  - iii. David Corbin (Council Member of Dorset FA)
3. Peter Hough (Dorset FA) assisted the Commission as Secretary.

### **THE CHARGE**

4. Dorset FA charged Craig Love as follows:

Charge 1 - Breach of FA Rule E3 - Improper Conduct against a Match Official (including abusive language/behaviour).

Charge 2 - Breach of FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive behaviour).

Charge 3 - Breach of FA Rule E3 - Improper Conduct (not including threatening and/or abusive language/behaviour).

## **THE REPLY**

5. Craig Love denied all three charges and requested a personal hearing.

## **THE RULES**

6. Pursuant to The FA Handbook 2018-19 Season, FA Rule E3(1) provides as follows:

“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 disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”

## **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 of: a Referee's report dated 4 November 2018, an email dated 6 November 2018 from the manager of Sturminster Newton United, an email dated 7 November 2018 from another official of Sturminster Newton United, an email dated 5 November from Craig Love, an undated a statement from the Poole Town FC Wessex club linesman, an undated statement from the assistant manager of Poole Town FC Wessex, a statement dated 15 November 2018 from a parent of Poole Town FC Wessex and two positive character references provided in support of Craig Love.

10. The Referee's report detailed three separate specific instances when Craig Love had used either foul or abusive language towards him. It also detailed when Craig Love threatened physical violence against him. It further detailed that Craig Love caused the match to be abandoned when he refused to leave the side of the pitch when so instructed. The report also stated that Mr Love had been asked to move to the opposite side of the pitch following the initial use by Mr Love of foul language.
11. The referee was in attendance as a witness for Dorset FA, accompanied, for support purposes only, by his mentor. Mr Love, when questioning the referee, established that the referee had frequently been appointed to referee Sturminster Newton United. However, he did not know the players outside the football environment, although he lived fairly locally. It was further established that the referee was independently appointed to this match.
12. Mr Love strongly suggested to the referee that although he was angry and frustrated by the referee's performance, he had not used foul or abusive language. The commission members also asked the referee if he was certain that the exact words quoted in his report were used by Mr Love. Despite these searching questions, the referee was steadfast in maintain the full accuracy of his report. He was also certain that Mr Love had directed the comments towards him at all times.
13. The Commission noted that Mr Love did not ask any questions of the referee regarding the alleged threat of physical violence towards the referee.
14. Mr Love asked the referee if he had warned him that he would abandon the match if Mr Love did not go to the car park, as instructed. The referee initially agreed that no warning had been given although, when subsequently questioned on this point by the Commission, stated that a warning had been given.
15. The referee was also asked by the Commission to clarify if the Respect protocols were in operation and he confirmed that this was the case. The Commission asked the referee why, in the first instance, when Mr Love used foul language towards him, Mr Love was asked to move across the pitch from where the club officials and substitutes were standing to where the spectators stood behind the Respect barrier. The referee said that he did not wish to deprive Mr Love of his involvement in the match and felt that this was an appropriate course of action. The referee observed that he felt that there were approximately 25 spectators in attendance. After giving his evidence the referee and his mentor then left the hearing.
16. As there were no other witnesses for Dorset FA, the Commission then heard from Mr Love, who presented his defence in person. Mr Love accepted that he had mouthed his disappointment with the referee's performance with sufficient volume

that it could be clearly heard. However, he initially maintained that he had not used any foul or abusive language and that his comments were not directed at the referee. He felt that the referee was strongly biased towards his opponents, thus causing Mr Love's frustration. He maintained that the alleged threat of violence simply did not happen. He also said that he did not go to the car park due to the discourteous and rude manner of the referee.

17. The Commission, in questioning Mr Love, drew Mr Love's attention to his own email, as detailed in paragraph 9 above. In that email, Mr Love stated that he had indeed used foul language towards the referee and was also abusive towards the referee after the match had ended.
18. The Commission also asked Mr Love if he was aware that the referee wished him to leave the pitch and go to the car park. Mr Love confirmed that he was indeed aware but that he was asked in a rude and extremely blunt manner. However, when pressed further, Mr Love accepted that he should have followed the referee's instruction, notwithstanding the referee's rudeness.
19. Mr Love then called Mr Andrew Clerihew, his assistant manager, as his only witness. Mr Clerihew was also clearly of the opinion that the referee was biased against his team and felt that Mr Love's frustration was entirely understandable. He confirmed that Mr Love had voiced these feelings in a manner that could be heard by others, before he moved to the opposite side of the pitch. However, he was unaware of the use of any foul language and did not think that Mr Love's comments were directed at the referee. Mr Clerihew did not hear any of the words used after Mr Love moved position and was not a witness to any exchanges after the match was abandoned. He was able to confirm the sequence of events, as agreed by both the referee and Mr Love.
20. Mr Love then made a brief final submission to the Commission before leaving, whereupon the Commission deliberated as to the findings.

## **FINDINGS**

21. By the admission of Mr Love in paragraph 17 above, the Commission were unanimously satisfied that Charge 1 was proved.
22. Similarly, by the admission of Mr Love in paragraph 18 above, the Commission were unanimously satisfied that Charge 3 was proved.
23. The Commission then carefully considered Charge 2, the most serious before them. They noted the referee's unwavering position, when pressed by the Commission, that the precise words quoted in the referee's report threatening violence on him by

Mr Love were the actual words used. The referee had also been independently appointed and did not know any of the players other than in a footballing capacity. The Commission also took into consideration that Mr Love had not raised any direct questions of the referee, when given the opportunity, regarding this charge. Mr Love's entire defence to this charge was a simple denial that the comments in the referee's report had been used. Although there were clearly a number of supporters who could have verified Mr Love's version of events, he had not called any of them as his witness(es). Mr Clerihew was unable to assist, as he was on the opposite side of the pitch and did not hear any of the words used in exchanges between Mr Love and the referee, although he was aware that there had been such exchanges. After a detailed and thorough analysis, the Commission unanimously decided that, on the balance of probabilities, they preferred the referee's version of events and thus found Charge 2 also proved.

24. In summary, all 3 Charges were unanimously found proved. Mr Love then re-joined the hearing.

#### **PREVIOUS DISCIPLINARY RECORD**

25. The Secretary confirmed Craig Love had no previous misconduct offences on his record.
26. Mr Love, in mitigation, drew the Commission's attention to the two provided character references, both from referees, albeit only in a club capacity. He also stressed that his actions were entirely out of character, as exemplified by his unblemished previous record. He also noted that removal from the game would be a real emotional strain. Mr Love then again left the hearing whilst the Commission deliberated as to sanction.

#### **SANCTION**

27. The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by The FA.
28. The Commission considered the sanction for Charge 2. Whilst noting the recommended punishment of a suspension of 112 days or 12 matches, together with a fine of up to £100, the Commission did not think that this was an appropriate sanction in these particular circumstances. They did not think that this was a serious or meaningful threat but rather an extremely ill-advised comment borne out of anger or frustration. They also took into consideration Mr Love's provided character references and his previous exemplary record. They were therefore minded to impose the minimum punishment of a suspension of 6 matches, together with a fine in the order of £50.

29. The Commission, however, then needed to take into consideration the aggravated features of findings of guilt regarding Charges 1 and 3. The Commission thus felt an increased period of suspension and a higher fine was inevitable.

30. It was unanimously decided that Mr Love be suspended from all football and football activities for a period of eight (8) matches and that Mr Love be fined the sum of £100.

### **APPEAL**

31. This decision is subject to appeal in accordance with the relevant FA Appeal Regulations.

Colin Stupack (Chair)

Geoff Theobald

David Corbin

4 December 2018