

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

of

FLITCH UNITED FC

Case ID: 9520262M

Linked to Case 9520260M

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document may contain offensive language. Any reference to participants under the age of 18 has been redacted

Introduction

1. On 15th August 2018 Flitch United First played Dunmow United First in a friendly match (“the match”).
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the Referee, Daniel Charlwood, on 21st August 2018. This contained details of alleged misconduct by the Manager of Flitch United both during and after the match which was dealt with at the time and under the linked case (9520260M). This misconduct is not part of this charge. The report also contained allegations that following the match, members of Flitch United acted improperly by harassing the Referee and attempted to cause a road traffic accident by using full-beam headlights while tailgating and then cutting in front of his car causing him to swerve off the road.
3. A report was also received from Tony Hilson, manager of Dunmow United, alleging that a player from Flitch United threw sand into the eyes of a Dunmow United player and that the players refused to leave the ground for an hour after the match.
4. Essex FA raised charges on 20th September 2018.

The Charge

5. Flitch United were charged under FA Rule E20 – failure to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion.
6. The details of the charges against Flitch United, contained in the charge letter, was: *“As I was leaving the car park there was myself, two DUNMOW players standing at the gates and FLITCH PLAYERS leaving the ground behind me. As I turned left out of the car park I had a FLITCH PLAYERS car following me with there high beam headlights on and getting really close to the rear of my car. Then as I turned the next corner the had come racing next to me and CUT right in front of me which made me swerve towards the left and I ended up in the bushes on the grass vergel. The car had not STOPPED and speeded off down the road. (I COULD NOT BELIEVE WHAT JUST HAPPENED). AS it was so dark at this point I could not identify the driver or recall the registration plate it all happened so quickly! The worst and worrying thing about the whole ordeal was I had my 9 year old son with me. I'm 100% sure this was a FLITCH PLAYER as it left the car park behind me, also there was no other cars on the road at this time.”*
7. The relevant section of FA Rule E20 states:
*“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.”*

Documentation

8. Essex FA included within the charge letter the following evidence they intended to rely on:
 - (i) The Referee report from the match as indicated above.
 - (ii) An email from Tony Hilson, manager of Dunmow United, dated 17th August 2018;

The Reply

- 9.** On 27th September 2018 Bill Sykes, secretary of Flitch United responded to the charge, pleading Not Guilty to the charge and wishing the case be dealt with by correspondence.
- 10.** Flitch United also provided the following evidence for consideration:
 - (i) A statement from Marina Bull, chairman of Flitch United, dated 26th September 2018;
 - (ii) A statement from Justin Winter, the Flitch United manager dated 26th September 2018 in defence of the linked charge.

The Commission

- 11.** The Discipline Commission members appointed by the Essex County Football Association were:
 - Mr David Emerton (Chairman)
 - Ms Sheryl MacRae (Essex FA Council Member)
 - Mr Andrew Schooler (Independent)
- 12.** Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.
- 13.** The Commission took place at the Essex County Football Association Headquarters on 23rd October 2018, commencing at 10:45 am. This was a non-personal hearing so neither the Player Charged or the Referee were in attendance.
- 14.** The Commission had received and read the documents prior to the hearing.
- 15.** The Commission were advised that the Police had been notified of the incident and had not taken the matter further due to insufficient evidence to secure a prosecution. It was noted, however, that the standard of proof required by the Police to proceed is “beyond all reasonable doubt”.

Standard of Proof

- 16.** The Commission reminded itself that the burden of proving a charge falls upon the County FA.
- 17.** The applicable standard of proof required for this case is the civil standard of proof namely, the balance of probability. This standard means the Commission would be satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

Findings

- 18.** Having read all the statements provided for this match the Commission noted the following significant facts:
 - (i) At half time the Referee spoke to both teams regarding their behaviour in the first half and said that if he would start issuing cards if the behaviour did not improve. Both teams acknowledged this.
 - (ii) During the second half the Referee reports he cautioned three players from Flitch United. There is no indication he cautioned any Dunmow United players although Justin Winter indicates both teams had 2/3 cautions as both teams were committing “reckless fouls”.
 - (iii) Players from Flitch United remained at the side of the pitch for some time after the match while their manager was talking to the players.
 - (iv) Following their team debrief the Flitch United players changed in two groups. This is confirmed by Justin Winter who left with the last group.
 - (v) Marina Bull states that the last Flitch players left in a convoy of four cars.

- 19.** The Commission considered that the Flitch United players would have been in a heightened state of frustration following the match having been subjected to alleged reckless challenges that went unpunished by the Referee in a friendly match. Their difficulties in gaining entry to the venue and their rushed exit from the ground. Due to this we believe the events the Referee experienced in his car whilst leaving the ground were meant to cause distress and that it was more likely than not to have been carried out by Flitch United players.
- 20.** The Commission also believed that the attempted road traffic accident was carried out by members of Flitch United as the offending vehicle had rapidly departed the scene. This behaviour was considered to be a deliberate attempt to cause damage to the Referee or his property.
- 21.** The Commission therefore concluded that the charge against Flitch United under FA Rule E20 – failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion, was Proven
- 22.** Having found the case proven the Commission determined that the level of sanction was High.

Sanction

- 23.** The Commission considered the relevant rules and The FA's Sanction Guidelines for Season 2018/19. In relation to this case this was a fine between £75 and £150.
- 24.** The Secretary to the Commission advised that there were no previous similar E20 charges on the Club's five-year disciplinary record and this was accepted as mitigation.
- 25.** The Commission unanimously agreed that Flitch United are fined £100 and warned to their future conduct.
- 26.** The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

Signed

Mr. David Emerton (Chairman)
Ms. Sheryl MacRae
Mr. Andrew Schooler
23rd October 2018