DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Correspondence Hearing

of

MICHAEL COLE
(Oak Royals FC)
Case ID: 9701212M

Linked to Case 9701219M and 9701221M

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 14th October 2018 Oak Royals F.C. ("Oak Royals") played East Ham Inter F.C. ("East Ham") in a match in the Essex Sunday Corinthian League ("the match").

2. A report was forwarded to Essex County Football Association ("Essex FA") by the Match Official, Grant Conway, on 14th October2018.

3. Essex FA commenced an investigation into the allegations and raised charges on 11th January 2019.

The Charges

4. Michael Cole was charged under FA Rule E3 – Improper Conduct against a Match Official (Including Threatening and/or Abusive Language/Behaviour) after the match had ended.

5. Oak Royals were charged under FA Rule E20 – failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion.

6. East Ham were charged under FA Rule E20 – failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion.

7. The details of the charge against Michael Cole, contained in the charge letter, were: *"At the end of the match during an amicable discussion between myself and the two teams managers Mr Cole came onto the pitch. He began to argue with the manager of East Ham Inter. I requested that he leave the pitch area as requested earlier by myself to which he said to me "I will chin you as well". This threat was heard by both teams' managers and they confirmed they had heard the threat directed at myself. I advised I would be reporting the matter as appropriate." Satnam Singh has reported: "I went over to pay Grant the ref fee, and then had chat with Oak Royals Manager, then the player in question who was sent off along with our player Harjeet Singh, come back on the pitch shouting he had be hit in the face and assault, shouting at the Ref Grant, we all asked him to move away, he didn't then threatened to punch Grant, said that couple time to him, Grant did say are you threatening me? He said the same again, Grant asked me to be witnesses to this, I said yes I would."*

8. The details of the charges against Oak Royals and East Ham, contained in the respective charge letters, were: *"During the second half of extra time there was an incident involving Harjeet Singh from East Ham International and Michael Cole from Oak Royals. Both players were dismissed for violent conduct. The incident led to several players and others becoming involved in a melee. There may have been other incidents which merited disciplinary action but I was unsure of the perpetrators so I decided to dismiss the two players involved at the start of the incident who had both committed clear acts of violent conduct. The incident continued for some time and I threatened to abandon the game unless both teams desisted from continuing their unruliness. After dismissing Mr Cole and Mr Singh I requested that they both leave the vicinity of the pitch. Both clearly understood this request which was also relayed to both teams respective Managers".*

9. The relevant section of FA Rule E3 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."

10. 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

11. Essex FA included within the charge letter the following evidence they intended to rely on:
    (i) Match Official report form submitted by Grant Conway dated 14th October 2018;
    (ii) An email from Mike Locke dated 25th October 2018;
    (iii) An email from Emma Guest, Essex County F.A Referee, dated 14th October 2018;
    (iv) An email from Hinni Binni, incorporating a statement from Satnam Singh, Manager of East Ham Inter F.C., dated 26th October 2018;
    (v) An email from Ella Day, Manager of Oak Royals F.C., together with photographic images of Michael Cole, dated 20th October 2018;
    (vi) A statement from Michael Cole dated 3rd November 2018.

The Reply

12. Michael Cole responded to the charge, pleading Not Guilty, requesting that the matter be considered at a non-personal hearing.

13. Oak Royals F.C. responded to the charge, pleading Not Guilty requesting that the matter be considered at a non-personal hearing.

14. East Ham Inter F.C. responded to the charge, pleading Guilty.

The Commission

15. The Discipline Commission members appointed by the Essex County Football Association were:
    Mr Andy Chaplin (Chairman)
    Mr Roger Crane (Essex FA Council Member)
    Mr Paul Deller (Independent)

16. Ms Fran Smith, of the Essex FA Governance Team, acted as Secretary to the Commission.

17. The Commission took place at the Essex County Football Association Headquarters on 15th February 2018.

18. The Commission had received and read the bundle of documents prior to the hearing.

Standard of Proof

19. The Commission reminded itself that the burden of proving a charge falls upon the County FA.

20. 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

21. The report submitted by the Match Official, Grant Conway, was unambiguous and gave clarity to the incident

22. From the documentation that we read there was no doubt that there was a mass confrontation between both sets of players and others which lasted for some time before the Referee was able to calm the situation, this is also supported by the independent witness statement provided by Emma Guest, who found it necessary to leave her game and enter the field of play to assist her colleague. The Commission noted that the Referee stated in his report that he could have taken further disciplinary action as a consequence of this confrontation, but given the number of players involved was unable to identify the perpetrators.

23. The Commission noted that Michael Cole re-entered the field of play following the conclusion of the match, despite having previously been dismissed and requested by the Referee to leave the vicinity of the pitch, this instruction was also relayed to the Manager of Oak Royals F.C.

24. The Commission also noted from both the Referee's report and that of the Manager of East Ham Inter F.C. that on re-entering the field of play Michael Cole acted in an overly aggressive manner which was directed towards him..

25. The Commission were satisfied that Michael Cole had threatened the Referee verbally on more than one occasion.

26. Whilst Michael Cole may have been upset given his allegation that he had been physically assaulted, the Commission having seen the photographic evidence produced, although there was no further evidence provided to support this claim, there was no reason for Michael Cole to re-enter the field of play and at no time is it appropriate for a player to physically threaten a Referee.

27. Having carefully considered the whole of the documentation before us, the Commission members:
    (i) unanimously concluded that the charge against Michael Cole, under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) was Proven;
    (ii) unanimously concluded that the charge against Oak Royals F.C. under FA Rule E20 – failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion, was Proven;
    (iii) unanimously concluded that the charge against East Ham Inter F.C. under FA Rule E20 – failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion, was Proven.

28. The Commission determined that the level of sanction in all Proven cases was Mid.

Sanction

29. The Commission considered the relevant rules and The FA's Sanction Guidelines for Season 2018/19. In relation to these cases which for Michael Cole the recommended punishment was 182 days plus up to £150 fine but minimum 84 days and £100 fine, and for both Clubs was a fine between £25 and £75.

30. The Commission carefully considered the statement made by Oak Royals F.C. in mitigation and noted there was no previous discipline record for Michael Cole.

31. The Commission unanimously agreed that Michael Cole be suspended for 84 days and fined £75.00.

32. The Commission unanimously agreed that both Oak Royals F.C. and East Ham Inter F.C. be fined £50.00.

33. The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

Signed

Mr. Andy Chaplin (Chairman)
Mr. Roger Crane
Mr. Paul Deller
Sunday 17th February 2019