

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

NEWHALL RANGERS (S)

Case ID: 10046694M

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 17th November 2019 Newhall Rangers Reserves played Parsonage Leys (s) Reserves in a match "The Reserves Division Cup" in the "Hertfordshire and District Football League" ("the match").
2. A report was forwarded to Essex County Football Association ("Essex FA") by the Referee, Carl Whay, on 17th November 2019. This contained details that *Play continued with no further incident until approx 35 minutes when Mr Graham was himself fouled tackled towards the opponents penalty area. I awarded the free kick and approached Mr Graham to s sure the ball was placed correctly before I paced out my 10 yards, at this point Mr Graham shrugged his shoulders and asked me "whats the difference", a typical response during a game when someone feels they have not had consistent treatment. I went to explain when Mr Graham said "I don't need an explanation". I like to explain when a player feels aggrieved but realised I would be wasting both time and energy and started to pace out my 10 yards when Mr Graham shouted to me "Shall I change my mask". I stopped and walked back as I quickly realised I was most likely being accused of something, Mr Graham is black. I stood alongside him, summonsed one of his players whom I believe to be Mr John Davies, as he had been acting as spokesperson throughout (the captain was way down the field as he was their goalkeeper). I wanted him there as witness to any conversation. I spoke to Mr Davies and said I felt I was being accused of something at which point Mr Graham said "What, what am I accusing you of?". I replied that his comment about changing masks only meant one thing to me. "What does it mean?" He replied. I then said "you are accusing me of being a racist" to which he replied "No I am not, you must be if you said it". I spoke to Mr Davies explaining I would be putting a report in to County and allowed play to continue. Shortly after the accusation of being a racist escalated with the majority of Newhall players calling me racist. It culminated with Mr Jack Polykett committing yet another foul (he had already been cautioned). Upon my blowing for the free kick he shouted "that's it, another card happy referee, you bald fat cunt and you're a racist". At this point I blew o abandon the game. I spoke briefly to the away team manager, Mr Lewis Twiner, who said he had heard no racist comment from me and that he would add any report that was needed. The game was abandoned on 45 minutes."*
3. Following receipt of this report Essex FA raised a charge on 28th November 2019 against Newhall Rangers (S) with a response required by 5th December 2019.

The Charge

4. Newhall Rangers (S) were charged with Breach of FA Rule E20 – Failed to ensure Players and/or Officials and/or Spectators conduct themselves in an orderly fashion, which resulted in the match being abandoned.
5. 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 onto the pitch."*
6. The charge notification also stated the recommended sanctions should the charge be found proven:
"Should the charge be found Proven, the recommended sanctions to be considered by a Disciplinary Commission are as follows; Low a fine of £0 to £50, Mid a fine of £25 to £75, high a fine of £75 to £150."

Documentation

7. Essex FA included within the charge notification the following evidence they intended to rely on:
 - (i) The Referee report from the match as indicated above.
 - (ii) Statement from John Davies, Newhall Rangers Reserves manager, dated 18th November 2019
 - (iii) Statement from Warren Graham of Newhall Rangers, dated 20th November 2019
 - (iv) Statement from Ben Levy of Parsonage Leys, dated 19th November 2019
 - (v) Statement from Chay Homan of Parsonage Leys, dated 19th November 2019
 - (vi) Statement from Jack Spearman of Parsonage Leys, dated 19th November 2019
 - (vii) Statement from Joshua Mansfield of Parsonage Leys, dated 19th November 2019
 - (viii) Statement from Lewis Twiner manager of Parsonage Leys, dated 19th November 2019
 - (ix) Statement from Luke Crichton of Parsonage Leys, dated 19th November 2019
 - (x) Statement from Michael Barton of Parsonage Leys, dated 19th November 2019
 - (xi) Statement from Rhys Williams of Parsonage Leys, dated 19th November 2019
 - (xii) Statement from Sam Hester of Parsonage Leys, dated 19th November 2019
 - (xiii) Statement from Tommy Foster of Parsonage Leys, dated 19th November 2019

The Reply

8. The Club responded to the charge by selecting option C on the WGS Portal pleading Not Guilty to the charge and wishing the case to be dealt with in their absence. They submitted statements as detailed above 7 (ii) & 7 (iii).

The Commission

9. The Discipline Commission members appointed by the Essex County Football Association were:
Ms Sheryl MacRae (Chairman)
Mr Kevin Curran (Council)
Ms Laura Austin (Independent)
10. Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.
11. The Commission took place at the Essex County Football Association Headquarters on 12th December 2019, commencing at 8:00 p.m.
12. This was a non-personal hearing so the Club Charged were not in attendance.
13. The Commission had received and read the documents prior to the hearing.

Standard of Proof

14. The Commission reminded itself that the burden of proving a charge falls upon the County FA.
15. 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

16. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, or to all the statements and information provided, however the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, or submission, into consideration when it determined the matter.

For avoidance of doubt, the Commission have carefully considered all the evidence and materials furnished in this case.

- 17.** The Commission took into account that the referee, with, continually being called a racist, by the majority of Newhall Rangers Players/Officials/Spectators must have had an impact on him. He could have felt quite scared and isolated.
- 18.** The Commission noted that many of the statements received from Parsonage Leys Reserves players and management confirm the account of the referee in that Newhall Rangers players/spectators/Officials were calling him a racist.
- 19.** The Commission unanimously found the charge of failing to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion which resulted in the match being abandoned, Proven and in the High bracket of Sanction. The fact that the match was abandoned was taken into account when deciding on whether it was Low, Mid or High and also when deciding on the sanction.

Sanction

- 20.** The Sanction Guidelines for a Proven charge of failing to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion, High, indicates a recommended fine of between £75 and £150.
- 21.** The Commission considered the clubs five-year disciplinary record which showed that they are a new club of two years and have two teams, they have previously had two E20 charges one of which was also causing the game to be abandoned. The Commission also took into consideration the seriousness of the offence and the implication made upon the referee.
- 22.** The decision of the Commission is to impose a fine of £125.
- 23.** The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

Signed

Ms Sheryl MacRae (Chairman)
Mr Kevin Curran
Ms Laura Austin
17th December 2019