

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

**TODD AYLING (Airesford Colne Rangers)
Case ID: 9880483M**

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 19th April 2019 Alresford Colne Rangers Reserves played Great Bentley Reserves in the Final of the Essex & Suffolk Border League Reserve Knock-out Cup (“the match”).
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the Referee, Phillip Molloy, on 19th April 2019. This contained details that following the match Todd Ayling had used foul and abusive language toward the Referee and was issued with a red card. The Referee goes on to report “*AYLING continued to abuse me verbally and he came up to me and was within my personal space and continued to call me a fucking useless cunt and that I was a shit referee, or words to that effect. AYLING was raising his arms sideways and kept saying, go on then hit me, go on then you are a fucking shit referee. He was trying to provoke me into having a fight with him. His behaviour was threatening towards myself and I had concerns that he may want to try and assault me.*” In his report the Referee indicated that, as it was a Cup Final, there were a number of League officials present.
3. Following receipt of this report Essex FA commenced an investigation and requested witness statements from the League officials. Statements were received but none could provide any further detail on the incident.
4. Essex FA raised a charge on 17th June 2019 against Todd Ayling with a response required by 1st July 2019.

The Charge

5. Todd Ayling was charged with Breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) after being sent from the field of play.
6. 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.”
7. The charge notification also stated the recommended sanctions should the charge be found proven: *“Should the charge be found Proven, the recommended punishment for threatening behaviour towards a match official is a suspension of 112 days or 12 matches and a fine up to £100. The minimum sanction to be applied should the charge be found Proven is a suspension of 56 days or 6 matches and a fine of £50.”*

Documentation

8. 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) The email exchange between Essex FA and the League Officers.

The Reply

9. The Club Secretary responded to the charge on the player’s behalf by returning the form with a letter offering no defence of the charge and stating that the player has damaged the reputation of the Club. The Club offered its apologies to the Referee and hoped that the player received a big suspension as he “will never play for the Club again”.

The Commission

- 10.** The Discipline Commission members appointed by the Essex County Football Association were:
Mr David Emerton (Chairman)
Ms Sheryl MacRae (Council)
Mr Stephen Murphy (Independent)
- 11.** Ms Frances Smith, of the Essex FA Governance Team, acted as Secretary to the Commission.
- 12.** The Commission took place at the Essex County Football Association Headquarters on 20th August 2019, commencing at 11.00 a.m.
- 13.** This was a non-personal hearing so neither the Player Charged nor the Referee were in attendance.
- 14.** The Commission had received and read the documents prior to the hearing.

Standard of Proof

- 15.** The Commission reminded itself that the burden of proving a charge falls upon the County FA.
- 16.** 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

- 17.** The Commission noted that Todd Ayling had not signed the response form and that the Club has responded on his behalf.
- 18.** The Commission also noted the admission of guilt in the Clubs statement and the action the Club had taken in excluding the player from the Club.
- 19.** The Commission unanimously found the charge of Improper Conduct against a match official (including threatening and/or abusive language/behaviour) Proven.

Sanction

- 20.** The Sanction Guidelines for a Proven charge of Improper Conduct against a match official (including threatening and/or abusive language/behaviour) indicates a recommended suspension of 112 days or 12 matches and a fine up to £100, with a minimum sanction of 56 days or 6 matches and a fine of £50.
- 21.** The Commission considered the player's five-year disciplinary record which showed two previous E3 charges of improper conduct to a Match Official in 2015. There were no previous charges of threatening behaviour. The Commission also took into consideration the seriousness of the offence, the presence of children at a high profile cup final and the lack of any actual verbal threat.
- 22.** In view of this mitigation, the decision of the Commission is to impose a suspension from All Football for a period of 91 days and a fine of £80.
- 23.** 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. Stephen Murphy
25th August 2019