

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

**FOXTON OLD BOYS (S)
Case ID:10309020M**

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 25th October 2020 Foxton Old Boys First Team played Grange United First Team in a match in the Terry Reed North West Essex Sunday League ("the match").
2. A report was forwarded to Essex County Football Association ("Essex FA") by the Referee, Andrew Wheaton, on 25th October 2020. This contained details that:

"Following A Foxton Old Boys goal on the 28th minute. A spectator, Dean Mason, sett off a Roman candle firework at the side of the pitch.

This firework fell over halfway through pointing towards the pitch firing the remaining shots onto the field of play at myself and the players making their way back for the restart.

A player of Grange United was struck by one of the fireworks and his shirt was burnt. I have a photograph of the burn mark on his shirt. No injury was caused to this player.

I approached home team manager once the firework had finished and asked for the name of the person who set the firework off. I was told Dean Mason was responsible.

I went to the away team (Grange United) and asked whether they were happy to play on or if they would like me to abandon the game if they didn't feel safe. They were happy to continue and finish the game.

Thankfully as far as I was aware no one was injured as a result."

3. Following receipt of this report Essex FA raised a charge on 18th November 2020 against Foxton Old Boys (S) with a response required by 2nd December 2020.

The Charge

4. Foxton Old Boys (S) were charged with Breach of FA Rule E20 – Failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion.

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."*

5. The charge notification also stated the recommended sanctions should the charge be found proven:
Low: £0 - £50 fine
Mid: £25 - £75 fine
High: £75 - £150 fine

Documentation

6. Essex FA included within the charge notification the following evidence they intended to rely on:
 - i. Statement from Referee Andrew Wheaton, dated 25th October 2020
 - ii. Photograph of opposing player in the burnt shirt supplied by referee Andrew Wheaton

- iii. Email from Gavin Calder of Foxton Old Boys, dated 10th November 2020
- iv. Email from Gavin Calder Of Foxton Old Boys, dated 12th November 2020

The Reply

- 7. The Club responded to the charge by selecting option A on the Discipline Promforma pleading Guilty to the charge and wishing the case to be dealt with in their absence. They submitted an undated statement from Donna Ratcliff.

The Commission

- 8. The Discipline Commission members appointed by the Essex County Football Association were:
 - Ms Sheryl MacRae (Chairman)
 - Mr Wayne Deller (ECFA Council)
 - Mr Stephen Murphy (Independent)
- 9. Mr Rob Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.
- 10. The Commission took place by WebEX on 9th December 2020 commencing at 10:15am.
- 11. This was a non-personal hearing so the Club Charged were not in attendance.
- 12. The Commission had received and read all the documents prior to the hearing.

Standard of Proof

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

- 15. 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.
- 16. As the Club requested that the matter be dealt with by correspondence the commission were unable to test the evidence submitted, and as such were wholly reliant on the statements presented.
- 17. The Commission agreed that the threshold for a proven charge had been met as the club themselves admitted the charge and did not dispute the referees report.
- 18. The Commission noted that although the opposing player was not hurt there was damage caused to his shirt and had the firework fallen over earlier then the outcome could have been more serious.
- 19. The Commission took into account that Foxton Old Boys had apologised to the referee, the opposing club and had paid for a replacement shirt but that this did not deter away from the seriousness of the incident.

20. Donna Ratcliff has said that their team is innocent in her statement, but the Commission agreed that it is the club's responsibility to ensure that all spectators conduct themselves in an orderly fashion and not just their players.
21. The Commission unanimously found the charge of failing to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion. Proven and in the High bracket of Sanction.

Sanction

22. The Sanction Guidelines for a Proven charge of E20 – Failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion is:
The recommended Sanctions to be considered by a Disciplinary Commission are:
Low: £0 - £50 fine
Mid: £25 - £75 fine
High: £75 - £150 fine
23. The Commission considered the clubs five-year disciplinary record which showed no previous history.
24. The Commission agreed that the level of danger to letting off a firework at the pitch side was an aggravating factor.
25. The decision of the Commission is to impose a fine of £100.00
26. 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)
10th December 2020