

# **DISCIPLINARY COMMISSION**

**On behalf of the Essex County Football Association**

**Non-Personal Hearings**

**NORTH WEALD ATHLETIC**

**Case ID: 10104616M**

**LIONS FC**

**Case ID: 10104595M**

## **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 January 11th 2020 North Weald Athletic played Lions FC in a match in the Centenary Trophy Competition ("the match").
2. A report was forwarded to Essex County Football Association ("Essex FA") by the Referee, Samuel Bernstein, on January 11th 2020. This contained details that *"With 25 minutes of the match to play, I awarded a free kick to North Weald FC. As previously reported, the Lions keeper had been sent off and North Weald reported for not controlling their spectators. I was about to restart play with the previously awarded free kick, when a mass confrontation occurred, I didn't see what started the situation but all 22 players were involved, punches were being thrown in all directions, by all of the players, pushing was happening and all 22 players were out of control. I was 15 yds from the incident which occurred at the half way line. I had a clear view of the melee as I was facing all of the fighting players. It was not possible to get the individuals to stop despite the fact I was blowing my whistle repeatedly to get their attention and I was not going to get near any of the players as all of them were out of control. Therefore I abandoned the match. In my opinion, both teams were at fault for the abandonment, however, this incident occurred as a continuation of the goading and retaliation. All of which occurred one after the other, with no pause by both teams. I was not involved in any of the issues, nor did anyone try to involve me, so not threats attacks on me whatsoever. Once abandoned both teams walked off and were talking to each other, both managers were calm."*

Samuel Bernstein further reported on the 11th January 2020 *"With 25 mins of the game to play, the North Weald Spectators (two of them) came onto the field of play, this was at the half way line and they were running towards the Lions keeper, Craig Walker. He had come out of his penalty area and was running towards the spectators. These two spectators had been goading Craig Walker (I could not hear what was being said but it continued for two minutes). A confrontation ensued with these two individuals. They had not been invited on the pitch by me, nor should they have entered the field of play, the were not coaching staff, assistants or physios, so had no right to be on the pitch. As previously reported, I had sent Craig Walker off for violent conduct after he had punched one of the spectators. I informed North Weald that I would be reporting the club for not controlling their spectators."*

3. Following receipt of these reports Essex FA raised a charge on January 17th 2020 against North Weald Athletic & Hertfordshire FA raised a charge against Lions FC with the responses required by January 24th 2020.

## The Charge

4. North Weald Athletic were charged with Breach of FA Rule E20 – Failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion, which resulted in the match being abandoned.
5. Lions FC were charged with Breach of Rule FA Rule E20 – Failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion, which resulted in the match being abandoned.

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."*

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 between £0 & £50, Mid a fine of between £25 & £75, High a fine of between £75 & £150.*

## **Documentation**

7. Essex FA included within the charge notification the following evidence they intended to rely on:
  - i. Referee Reports as detailed above, dated 11th January 2020.
  - ii. Witness statement from Craig Walker of Lions FC, dated 12th January 2020.
  - iii. Witness statement from Ross Gray of Lions FC, dated 13th January 2020.
  - iv. Witness statement from Matt Brown of North Weald Athletic, dated 17th January 2020.

## **The Reply**

8. North Weald Athletic responded to the charge by selecting option D on the WGS Portal pleading Not Guilty to the charge and wishing to attend a Disciplinary Hearing.

Lions FC responded to the charge by selecting option A on the WGS portal please Guilty to the charge and wishing for the case to be dealt with in their absence.

## **The Commission**

9. The Discipline Commission members appointed by the Essex County Football Association were:
  - Ms Sheryl MacRae (Chairman)
  - Mr Roger Crane (Council)
  - Mr Anthony Mercer (Independent)
10. 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 31st January 2020 commencing at 7:00p.m.
12. This was scheduled to be a personal hearing for North Weald Athletic as per their response to the charge, opting for Option D and a non-personal hearing for Lions FC.
13. The Commission was ready at 7:00pm for the agreed start date and time for the discipline hearing and the referee was in attendance in the waiting area. However the representatives from North Weald Athletic had not arrived. Therefore Robert Craven, Secretary, contacted Matt Brown the Secretary of North Weald at just past 7:00pm to ask if their representative was delayed. Matt Brown informed Robert Craven that an email had been sent to Jake Fairman of Essex FA. As the office was now closed Robert Craven tried to contact Jake Fairman to ask about the email. After a short while Robert Craven was able to contact Jake Fairman and he forwarded the email to Robert Craven. We noted that this email was sent at 6:40pm which is one hour and 40 minutes after the office closes, and only 20 minutes prior to the scheduled discipline hearing commencing, no attempt had been made to contact anyone on the out of hours number that all clubs are notified of. On reading the email of which was very short and contained the reason “the two representatives are unable to attend due to work could they reschedule or if not we will pay whatever fine”.

The relevant section of The FA's On Field Regulations states: *“Any written request to the Disciplinary Commission for a postponement of the personal hearing should be given consideration. If the reason submitted is considered valid, then a postponement should be granted, and in such circumstances costs may be charged.”*

The Commission did not feel that they met the correct criteria, the reasons given, the timescale to adhere to for abandoned matches, the 20 minutes notice for failing to attend, so it was agreed that to go ahead

with the discipline hearing but by way of Correspondence and we would send the match official home after our thanks for his attendance. Neither of the clubs charged 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 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.

**18.** The Commission recognised that the Referees report and the witness statements all mentioned “A Mass Brawl”, “Confrontation”, “All players were involved”. The referee reported that “22 players were out of control”.

**19.** The Commission noted that neither club disputed, in their statements, the referee’s report.

**20.** The Commission noted in the witness statements “what can only be described as a mass brawl”, “A mass brawl broke out”, “confrontation” as terms used by all who submitted reports/statements.

**21.** The Commission recognised that the ‘mass brawl’ ensued after two North Weald Athletic spectators entered the field of play without permission and had a physical altercation with Lions FC Goal Keeper.

**22.** The Commission unanimously found the charge against North Weald Athletic 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.

**23.** The Commission unanimously found the charge against Lions FC 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**

**24.** The Sanction Guidelines for a Proven charge of FA Rule E20 – Failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion, which resulted in the match being abandoned in the High bracket is a fine of between £75 & £150.

**25.** For North Weald Athletic FC the Commission considered the club’s five-year disciplinary record which showed this is their first year of competing and they have not had a previous E20 charge. They did not accept the charge.

**26.** For Lions FC the Commission considered the club's five-year disciplinary record which showed they have had one previous proven E20 charge which also included the match being abandoned in season 2017/2018. Lions FC accepted the charge.

**27.** The decision of the Commission is to:

For North Weald Athletic FC impose a fine of £125 and in addition impose costs of £30.

For Lions FC impose a fine of £100.

**28.** 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)

1st February 2020