

Football Association Disciplinary Commission
In the matter of AEK Boco Ladies (Case number 10806511M)
'Chair Alone' Disciplinary Decision

6 June 2022

1. I, Ms. Stacy Newnham-Payne, am appointed to the Commission as Chair to conduct a non-personal hearing.
2. AEK Boco Ladies were charged with breach of FA Rule E20 in relation to the allegation that they had failed to ensure that player(s), official(s), spectator(s) and/or all person(s) purporting to be its supporter(s) or follower(s) conducted themselves in an orderly fashion and refrained from improper, violent, threatening, abusive, indecent, insulting and/or provocative words and/or behaviour.
3. The relevant sections are FA Rules E20 and E21 states:

E20: 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.*

E21: Any Affiliated Association, Competition or Club which fails effectively to discharge its said responsibility in any respect whatsoever shall be guilty of Misconduct. It shall be a defence in respect of charges against a Club for Misconduct by spectators and all persons purporting to be supporters or followers of the Club, if it can show that all events, incidents or occurrences

complained of were the result of circumstances over which it had no control, or for reasons of crowd safety, and that its responsible officers or agents had used all due diligence to ensure that its said responsibility was discharged.

This defence shall not apply where the Misconduct by spectators or any other person purporting to be a supporter or follower of the Club included 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.

4. This case was brought by Gloucestershire F.A. following a complaint made of words and conduct at a match played against Chipping Sodbury Town Ladies on 23 March 2022. It is alleged AEK Boco Ladies used improper, violent, threatening, abusive, indecent, insulting and/or provocative words and/or behaviour towards Club Assistant Referee, Samantha Fearnley.
5. It is reported abuse suffered included comments "cheating cunt", "dirty little fucking dyke", "blind bitch", "fat ugly lesbian", "stupid blind prick", "fucking slut" and "fat bitch". Further, pints of beer were thrown at her from the sideline.
6. AEK Boco Ladies formally responded to the charge, pleaded not guilty and requested that the matter be dealt with at a non-personal hearing. The burden of proof was on Gloucestershire FA to prove on the balance of probability; meaning I would be satisfied an event occurred if I considered that, on the evidence, the occurrence of the event was more likely than not.
7. I had been provided with a small bundle of documents; including, a Match Official Report, statements from Samantha Fearnley, Steve Wiltshire, Jodie Hood, Izabel Smart, Abigail Nicholas, Alana Ferris, Ellen Parker, James Sanderson, Steve Lavis, Steve Price and Wayne Sanderson.
8. I took time to consider all the evidence and to deliberate upon the same. I found, upon the balance of probabilities, the E20 charge proven. All would appear to accept a verbal exchange occurred between AEK Boco Ladies and the Assistant Referee; including the referee. Of course, homophobic references were denied. However, on the balance of probabilities, on the evidence before me, I was persuaded by the account of Samantha Fearnley. I considered she made telling concessions, particularly with regards to her admitting her use of offensive language towards a spectator. Others heard offensive language and so I concluded that her account was sufficiently corroborated.

9. Having found the charges proven, I proceeded to determine sanction and consulted the 2021-2022 Sanction Guidelines. AEK Boco Ladies' record was considered, and I noted there was one relevant previous charge to be taken into account.
10. I found the offence to be within the "high" category and concluded the appropriate sanction to be imposed in this matter was:-
 - a. Fine of £125; and
 - b. 7 disciplinary penalty points
11. This decision is subject to the right of appeal in accordance with the relevant regulations within The FA Handbook.

Stacy Newnham-Payne,
Chairperson
6 June 2022