

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

*on behalf of Gloucestershire Football Association*

NON-PERSONAL HEARING

*of*

**Mark Coles**

Bitton Ladies FC

[Case ID: 11008809M]

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THE DECISION AND REASONS OF THE COMMISSION

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## **Introduction**

1. On 06 November 2022, Bitton Ladies FC First ("Bitton", the "Club"), played a Gloucestershire County Women's League Division One fixture against Gloucester City Women FC First ("Gloucester") – collectively the "match".
2. Following the fixture, the appointed Match Official submitted an Extraordinary Report regarding the alleged misconduct of Mr Mark Coles of Bitton Ladies.
3. Gloucestershire Football Association ("Gloucestershire FA") investigated the reported incidents.

## **The Charges**

4. On 15 November 2022, Gloucestershire FA charged Mr Mark Coles:
  - 4.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour);
  - 4.2. It is alleged that Mark Coles used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Physical Contact or attempted Physical Contact against a Match Official as defined in FA Regulations.
  - 4.3. This refers to the allegation that Mr. Coles made Physical Contact with the Referee after the game, and/or used threatening language/behaviour, or similar.
  - 4.4. Gloucestershire FA advised in the charge letter that the range of sanction for this offence was a suspension of between 112 days and 2 years with an entry point, prior to considering any mitigating or aggravating factors is 182 days; a fine of up to £150, with a mandatory minimum fine of £75 and a mandatory education programme to be completed before the time-based suspension is served.

- 4.5. The charge letter further informed Bitton Ladies that Mr Coles, due to the serious nature of the offence, is immediately suspended from all football and football activities from 15 November 2022 until the case has been dealt with by the Association.
- 4.6. The relevant section of FA Rule E3 states<sup>1</sup>:
- “E3.1 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.*
5. Gloucestershire FA included with the charge letter the evidence they intended to rely on in this case.
6. Mr Coles was required to respond to the charge by 22 November 2022.

### **The Reply**

7. As of the date of the hearing no formal response has been received.
8. During the investigation, evidence was submitted from:
- 8.1. Match Referee, Extraordinary Incident report and further e-mails;
- 8.2. Statements from Gloucester City Women FC;
- 8.3. Statements and videos from Bitton Ladies FC.

### **The Commission**

9. The Football Association (“The FA”) appointed me, Steve Francis, as a Chair member of the National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in this case.

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<sup>1</sup> p. 141 of FA Handbook

### The Hearing and Evidence

10. The case bundle was sent via e-mail to the appointed Chair 25 November 2022 to be completed within 3 working days.
11. I adjudicated this case on 26 November 2022 as a correspondence hearing.
12. The following is a summary of the principal submissions provided. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to this case. Where relevant names have been removed from evidence.
13. The appointed Match Official for the fixture submitted an Extraordinary Incident Report via WGS 06 November 2022 which states the following:
  - 13.1. The statement begins with an incident 40 minutes into the match when the ball was *"down the left wing 2 players were going for it the Bitton player slid in and put it out for a throwing to Glos. City. nothing wrong with how it was put out I was less than 5 meters away and a bit behind the play the Bitton player [redacted] was holding her leg so I stopped the play and got physios on"*. The Official notes the player received a *"nasty gash on her leg from sliding in and all I can think she caught the opposition players boot while sliding"*. For this reason, no free kick was awarded by the Official.
  - 13.2. At this point the referee notes a *"a bit of lip from the home manager"* and kept his distance from the manager as the player went off. Following the end of the half the referee returned to their changing room where *"a person was waiting inside my room who then proceeded to grab my shirt on my chest and threatened to punch my lights out I managed to break free he again grabbed me I tried to keep at arm's length while he had hold of me and watching his fist at the same time just in case he took a swing at me I broke free and left"*

*and went and got the home manager and explained that I am abandoning the game due to assault by a spectator”.*

- 13.3. The referee went outside and pointed out the alleged perpetrator to the Bitton manager who informed him the individual had nothing to do with the club. This person then approached the referee a second time and *“grabbed my arm this time and then followed a barrage of abuse " I will knock your lights out you fucking cheating cunt.”*. The referee broke free and, having got changed, left the venue escorted by the management of Gloucester City Womens FC.
- 13.4. The statement finishes identifying the individual who he alleges assaulted him is Mark Coles; he further alleges the gentleman is in a relationship with the injured player.
14. The next part of the case bundle is also from the Match official, in response to further questions from Gloucestershire FA via e-mail dated 08 November 2022 at 16:42 hrs he adds the following information;
  - 14.1. He initially responds the same day at 1659 hrs stating he did not suffer any injury and was only *“just shook up”* however in a follow up e-mail just 6 minutes later at 1705 hrs adds *“he did have me by the throat and I was watching his clenched fist kept him at arm’s length as I’m sure a head butt was coming my way but the way he was positioned”*.
  - 14.2. The e-mail response at 1659 hrs notes there were around *“20 odd people outside referees room watching as I kept the door open noone helped”*. He was able to identify the person as they informed him about the relationship with the player and *“did ask Bitton who he was they were very lacking in providing information about him. even saying he had nothing to do with the club at all. I did a quick search on social media face book & Twitter and found [redacted] profile and as they are engaged it was linked to him. And its definitely him by his picture”*.

- 14.3. The referee adds he has a Crime Reference Number and he notes the manager of Bitton and another who intervened in the incident *"out side the Referees room when he grabbed me for the 4th time"*.
15. There follow the statements from Gloucester the first, dated 06 November 2022, is from one of the players and relays the following:
- 15.1. The author begins noting they were waiting to start the second half when a team official from Bitton informed them the match was abandoned due to *"the husband of a player that got injured in the first half, had grabbed the referees arm trying to get him to look at the players leg, to which he'd told him to not to touch him and was abandoning the game. He repeated this several times, as we (Gloucester City), were really confused as we'd stayed on the pitch for half time. The guy who had come over then had to talk to our manager, Chris, who went to find the referee to talk about this as the referee nor home team returned to the pitch at all."*
- 15.2. They gathered their equipment to return to the changing room when the Bitton manager came onto the field of play to talk to them. They were told *"the players husband (then corrected himself to say husband to be), had already put the palms of both his hands on the chest of the referee to get him to look at the players leg (the manager showed us what the guy had done). He then said that at this point the referee had claimed he'd been assaulted and told the guy to get off him"*.
- 15.3. The manager continued and told them *"the same spectator then went on to follow the referee and grabbed his arm, again telling him to look at the players (his fiance's), leg. I was then told, that the referee had told the spectator to get off him, he'd been assaulted twice and was abandoning the game"*. The witness did not see the contact themselves but was told this information by the manager and linesman of Bitton that one of their spectators had done this to the referee.
16. The second from another player, also dated 06 November 2022, adds the following;

- 16.1. The statement in full reads *“During the half time break the linesman for Bitton came over and told us that the game was called off. This was due to the husband/boyfriend of the girl who got injured during the first half physically grabbing the referee during half time complaining that there was no foul given. As I walked over to the changing rooms I heard a Bitton player say “first the Tuffley game and now this” in response to the situation that had happened”*
17. The final Gloucester statement is from a parent of a player, dated 09 November 2022 contains the following;
- 17.1. The author was at the fixture and reports the fixture *“was stopped at half time due to an apparent altercation between the referee and a parent of one of the Bitton ladies parents”*. They did not see the actual incident but *“witnessed the parent in question walking away from the referee’s changing room shouting F\*\*\*ing c\*\*t. This was in front of other parents and children of a primary school age. The parent then exited the main pitch and walked to a pitch close by where he then walked away with a young male aged approximately 7 who I take was his son”*.
- 17.2. The statement then alleges poor behaviour from the Bitton linesman, questioning decisions and this *“was further fuelling aggression from Bitton ladies’ supporters. The main Bitton coach has always been aggressive to watch in previous matches and makes comments to upset/cause aggravation to both opposing coaches and players”*. The statement then stops abruptly with *“My daughter stated afterward s that some of the”*.
18. The case bundle then contains a series of communications between Bitton Ladies FC and Gloucestershire FA, these note the following;
- 18.1. The first is dated 08 November 2022 and is a request from Gloucestershire FA for information regarding the report of abandonment and the alleged confrontation. The club respond the same day noting firstly, the club have banned the individual *“with immediate effect Sunday evening after the game from the premises and watching any Bitton games that include his partner and son, home and away and will not*



*accept any type of abuse from anyone to anyone at our games or on our grounds".*

- 18.2. They confirm Police involvement and also contact by a local newspaper adding they *"will not comment on anything to the press until we get a full review on the situation"*. They add *"All I do know is that the players from both teams and management had nothing to do with this and was bitterly disappointed the game didn't continue. This is deeply frustrating for us as we don't condone any type of abuse as previously stated and it's equally frustrating the fact no Bitton or Gloucester players or officials was involved"*.
19. The second piece of correspondence between the club and Gloucester FA is dated 09 November 2022 and aims to identify the individual better to confirm if they have any active roles within football; Bitton respond and provide some information.
20. The third is from the same team official, also dated 09 November 2022 but sent later that day, and relays the following;
- 20.1. This begins by noting the fixture was competitive and entertaining. They reference the coming together as described by the referee and the Bitton player coming off worse and needing to be subbed off. The statement notes Mr Coles was at an adjacent pitch with his son and they can *"only assume he was contacted to get her at this point"*.
- 20.2. As he approached the area *"once seeing the state of the injury which led to 4/5 hours in hospital and having internal and external stitches on a bad stud hole in [redacted] lower leg, Mark confronted the referee by his changing rooms and again this is on assumption he quizzed him on the challenge. This is where things seemed to escalate as Mark and [redacted] are leaving to go to the hospital the match Official followed them out and seems to be antagonising and being abrupt towards Mark. This happened outside the main pitch area and we do have CCTV footage of this"*.

- 20.3. The statement continues adding Mr Coles returned to the area of the field of play to *“follow the Official where an altercation took place where Mark grabbed the officials arm, there was words said from both men but again I don’t want to state something that wasn’t said! Mark again left the facility to take his partner to hospital. It’s then the official went back to his changing room and abandoned the game”*.
- 20.4. Neither team were aware of what was going on and the Bitton assistant manager approached the official’s changing room to be told by the referee the game was abandoned as he felt he had been assaulted. The Bitton team officials and two senior Bitton players, attempted to reason with the official to get the match completed but *“he wasn’t having any of it, and was very rude and abrupt in particular to one of our players. The referee never spoke to both managers correctly to abandon the game and left us to tell Gloucester City side. Both sets of players and managers had nothing to do with this and where completely gobsmacked and frustrated at the decision”*.
- 20.5. Bitton are not making excuses for Mr Coles behaviour and within 30 mins of the departure of the referee the manager had spoken to the club welfare officer and they agreed Mr Coles was immediately banned from the premises or watching any Bitton matches home or away; this includes his son’s games as well. This has been confirmed in an e-mail sent to Mr Coles as Bitton *“won’t tolerate this kind of behaviour from anyone”*.
- 20.6. The statement concludes noting Police involvement following a complaint from the Match Official *“They have asked for any CCTV footage we do have, which we have gave them. We’re happy to share this with you as well if you need it along with any further statements or reports if required”*.
21. The case bundle includes the WGS view of Mr Coles showing the active roles with a different club.

22. Two separate videos are provided by Bitton, both show a clear view of the entrance to the changing facilities, the first is 32 seconds in length, at the start is timestamped as taking place 06 November 2022 beginning at 15:48:32 hrs.
- 22.1. The video begins showing a referee pointing talking to two of three individuals and pointing to someone out of shot. At 01 secs into the video it sounds as if the referee is identifying the individual as a voice is heard to say *"that one there with the purple top"*. The referee can be heard telling one of the people near him *"he has become a [inaudible] and I will put in a report okay"*
- 22.2. 07 Secs – The person with the referee then says *"no that's her husband"* to which the referee responds *"I don't care he don't come in my changing room and push me around [inaudible] don't want him coming in"*;
- 22.3. 17 secs – Other voices can be heard making it difficult to hear the referee and the individual he is conversing with. The referee turns and walks away.
- 22.4. 21 secs – Another adult moves in to shot and the words *"come and have a look at her fucking leg, you cant even give a fucking free kick you cunt"* as the referee moves out of view. The individual is wearing a red/maroon colour top and also says *"I will I'll fucking sort you out"* as he moves at a fast-walking pace after the referee. The person who was stood with the referee moves alongside him and appears to be trying to hold his hand/arm and slow him down.
- 22.5. 27 secs – Both individuals move out of view in the same direction the referee went. Nothing further is seen of either individual and nothing further can be heard.
23. The second is 27 seconds in length and at the start is timestamped as taking place 06 November 2022 beginning at 15:49:25 hrs. Audio is available but nothing can be clearly heard.

- 23.1. The video begins showing a player in kit surrounded by 3 adults helping them as they are limping away from the area. There are three other adults and a child in view.
- 23.2. 05 Secs – as the player moves out of shot one adult stays with them and two appear to hold back. The child joins the player; of the other adults two have walked away towards the buildings and the third has walked ahead of the player out of the shot;
- 23.3. 13 secs – three adults move out of the gated area one is the individual from the first video that went to follow the referee and walks out of shot in the same direction as the player.
- 23.4. The other turns at 20 secs and moves towards the changing rooms. As the video stops at 27 secs the individual has been joined by another adult and they are looking into the open door of the changing facility.
24. That concluded the relevant evidence in the case.

### **Standard of Proof**

25. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, we would be satisfied that an event occurred if we considered that, on the evidence, it was more likely than not to have happened.

### **The Findings & Decision**

26. For case **11008809M** Mr Coles for physical contact on a match referee there has been no response therefore it will be considered as a deny by correspondence.
27. The threshold for a charge such as this is contained within the FA handbook and states as follows;
- 27.1. *“96.2 Physical contact or attempted physical contact: physical actions (or attempted actions) that are unlikely to cause injury to the Match Official but are nevertheless confrontational, examples include but are not limited to: pushing*

*the Match Official or pulling the Match Official (or their clothing or equipment)”*

28. The Commission considered the written and video evidence presented to them. The statement from the referee is clear in the allegations that he was pushed in the changing area followed by further physical contact by Mr Coles when engaging with him trying to get him to go to the injured player to view the injury. He also alleges use of foul language and further threats towards himself. The statements from Gloucester do not note anything other than information they were told. The statements then provided by Bitton confirm the referee has told them at the time of the incident in the changing area and they also reference the contact on the referee of Mr Coles grabbing the referee by the arm.
29. The videos, whilst not showing the physical contact do appear to show the referee identifying the alleged perpetrator and the accusation of being pushed is made. The identified individual is also clearly using foul and abusive language to the referee of *“come and have a look at her fucking leg, you cant even give a fucking free kick you cunt”* with small children present. This is followed by a clear threat of *“I will I’ll fucking sort you out”* as they approach the Official and follow them at a brisk pace. There is no statement provided by Mr Coles to explain their version of the events or to refute the charge that has been levied against them.
30. Of the events the referee reported that are shown in the video, whilst the words used may not be exact they do add credibility to what has been said to him and some of the actions of Mr Coles. The threshold notes the physical contact constitutes physical actions that are not intended to injure but are confrontational. The action of Mr Coles in both pushing the match referee and then grabbing them by the arm and issuing threats do meet the threshold for the charge of Physical Contact against a Match Official.
31. Therefore, on the balance of probability the Commission believe it was more likely than not the events occurred as described by the referee and have found the charge as **Proven**.

### **Previous Disciplinary Record**

32. Mark Coles' five-year offence history contains no other misconduct relating to this offence.

### **Mitigation**

33. Mr Coles has not provided anything in mitigation.

### **The Sanction**

34. For case **11008809M** Mr Mark Coles relating to physical contact, the sanction range for this offence is as follows:
- 34.1. Suspension of 112 days to 2 years with an entry point before considering mitigating and aggravating circumstances of 182 days
  - 34.2. A fine up to £150 with a mandatory minimum of £75
  - 34.3. Mandated FA Education
35. After taking into consideration Mr Coles's previous record, alongside the aggravating factors of at least two instances of physical contact on the Match Official, repeated use of foul and abusive language with further threatening comments towards the referee and being the cause of the abandonment of the fixture, the sanction will be:
- 35.1. To serve a suspension of 434 days from all football activity to include ground/venue ban, backdated to 15 November 2022;
  - 35.2. fined a sum of £115;
  - 35.3. Mr Mark Coles is to satisfactorily complete a mandatory face-to-face education programme before the suspension is served or Mr Coles be suspended until such time, he successfully completes the mandatory education programme, the details of which will be provided to Mr Coles.
36. The decision is subject to the right of appeal under the relevant FA Rules and

Regulations.

37. Signed...

**Steve Francis** (Commission Chair)

28 November 2022