

# **DISCIPLINARY COMMISSION**

Sitting on behalf of the Gloucestershire Football Association

## **IN THE MATTER OF A PERSONAL HEARING OF**

Alan Tyers

**OF University of Bristol Mens FC**

**DATE OF COMMISSION:** 11 June 2019

**CASE NUMBER:** 9872322-M

## **DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION**

### **Disciplinary Commission Decision:**

The following is a summary of the principal submissions considered by the Commission. It does not purport to contain reference to all points considered, 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 the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.

### **BACKGROUND & HEARING**

Following an extraordinary report filed by Mr Alex McInch the match referee for the BUCS Western Conference 1A match between Cardiff Metropolitan University 2<sup>nd</sup> team and University of Bristol Men's 1<sup>st</sup> team that took place on 3 February 2019, Mr Alan Tyers was charged with misconduct by Gloucestershire FA. This original charge was heard in the absence of a response from either Mr Tyers or his Club. Following an Appeal to The FA by Mr Tyers, the charge was re-issued on 8 May 2019. In response Mr Tyers had entered a plea of Not Guilty to the charge raised and requested a Personal Hearing. The hearing took place at Gloucestershire FA Headquarters on Tuesday 11 June 2019, commencing at 1935 hrs and concluding at 2100 hrs.

### **THE COMMISSION**

The members appointed to the Commission were:

Mr Roger Pullin (Chair)  
Mr Roy Schafer (Wing Member)  
Mr Asif Rehmanwala (Independent Member)  
Mr Chris Lucker (Secretary)

### **OTHERS ATTENDING THE HEARING**

Mr Alex McInch Referee (County Witness)  
Mr Alan Tyers University of Bristol FC (Participant)

## **THE CHARGE(S)**

The Gloucestershire Football Association charged Mr Alan Tyers as follows

**Charge 1** – FA Rule E3 – Improper conduct against a Match Official (threatening and/or abusive language/behaviour)

## **THE REPLY**

The members of the commission had the following items provided to them prior to the Hearing and a copies were available to each member on the evening of the hearing.

- a) Misconduct Charge notification dated 8 May 19
- b) Mr Alex McInch Referees report dated 14 February 19
- c) Response from Participant Mr Alan Tyers denying charges and requesting a personal hearing dated 18 May 19
- d) Correspondence relating to the Appeal lodged by Mr Alan Tyers with The FA dated circa 26 April 19

## **THE RULES**

Pursuant to The FA Handbook 2018-2019 Season, FA Rule E3 (1) provides as follows:

*“A Participant shall at all times act in the best interests 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”.*

## **THE BURDEN & STANDARD OF PROOF**

The applicable standard of proof for this case is the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.

## **THE EVIDENCE**

The hearing began at 1935, having established that Mr Alan Tyers had seen all evidence relating to the case the commission began by examining the written statements and took the opportunity to question the participants and witnesses regarding the incident and is summarised below

County witness – Mr Alex McInch Match Referee

1. The Referee confirmed that he was content with his report and did not wish to correct, alter or add anything to it.
2. Mr Tyers then took the opportunity to ask questions of the Referee part of which related to his appointment to this fixture which he felt was not in accordance with the rules and regulations of the BUCS Competition rules. It was explained to Mr Tyers that this was not a matter for the Disciplinary Commission and should be taken up as a separate matter with the Competition organisers. Mr Tyers questioned the position of the Referee and the words allegedly used by him. When he had completed his questions the Chairman then asked the Commission if they had any questions for the Referee.
3. The Commission then asked about the overall game and established that it was a match that Bristol University needed to win to become Champions and Cardiff required a point to stave off

relegation. The Commission also established that during matches which took place within the jurisdiction of the Welsh Football Association that Club Assistant Referees were not permitted to give offside decisions.

4. The Commission asked the Referee how he felt that he had been threatened by Mr Tyers and he said it was due to the invasion of his personal space and the abusive language directed towards him. The commission established the positions of the relevant parties when this incident took place. Mr Tyers had placed the incident at the Centre circle but the Referee and the witness had placed it towards the dug out areas. The significance being that was where the spectators had gathered.
5. Mr Tyers during his evidence had said that he approached the referee and wished to speak to him regarding an offside decision which occurred about 5 minutes from the end of the match. He denied using offensive language and said that the Captain of the Bristol University team was stood between him and the Referee and denied therefore invading the personal space of the Referee. Mr Tyers also said that the Referee had grabbed hold of him at one stage during this incident.
6. In pursuing this matter the Commission asked the witness about this and whilst there was contact it was of a minor nature and done in a manner to prevent Mr Tyers becoming involved in a confrontation between some players from both sides. This confrontation occurring at the same time as the incident between Mr Tyers and the Referee and directly as a result of the approach to the Referee.
7. Mr Tyers said that his team were warned about the Referee who approached his players some 5 minutes before the scheduled commencement of the match and said in what he felt was an aggressive tone 'We will be starting in 5 minutes'. Mr Tyers felt that this set the tone for the match and the Captain warned the players about their conduct.
8. The witness, Jack Haire, confirmed that he was the captain of the Bristol University team and had approached the Referee shortly after the final whistle. He wanted to ask about an offside decision given by the Referee and this seemed to be the same incident that Mr Tyers wished to speak to the Referee. He did not receive an answer mainly due to Mr Tyers approach and the confrontation that took place at the same time.
9. Mr Haire confirmed that he had not heard any abusive comments directed at the Referee by Mr Tyers and described the incident as lasting a very short time. He also stated that he did not feel that Mr Tyers had invaded the personal space of the Referee.
10. This concluded the evidence heard in relation to this case and Mr Tyers confirmed that he had been given a fair hearing. All parties were asked to leave the room whilst the commission members deliberated and this was at 2030hrs.

## **FINDINGS**

The commission having heard evidence from the Referee, Mr Tyers and the witness Mr Haire came to the decision that the charge relating to the Referee being threatened was Not Proven.

The commission found the Charge of abusive behaviour by Mr Tyers towards the Referee Proven.

The referee in his evidence said the threat to him was because Mr Tyers had invaded his personal space and had also used abusive language towards him. The Commission did not find that the words allegedly used amounted to a threat and therefore on the balance of probability found this part of the charge not proved. In their consideration of this charge the commission did find the behaviour of Mr Tyers to be abusive towards the Referee and on the balance of probabilities found the charge proven on the grounds of Improper Conduct and abusive behaviour.

## **MITIGATION**

The participant when given the opportunity to plea for mitigation explained his lengthy involvement in football stretching back a number of decades and this was the first time that he had received a disciplinary charge.

## **PREVIOUS DISCIPLINARY RECORD**

The Commission then examined the previous disciplinary record of Mr Tyers and found that he had an exemplary record over the past 5 years.

## **SANCTION**

The Commission took into account the previous excellent record of Mr Tyers and unanimously imposed a sanction which amounted to a warning as to his future conduct. It was emphasised that should he be involved in any other incident within the next 5 years then this case will be taken into account.

Mr Tyers was also ordered to forfeit his deposit for the personal hearing and to pay the Referees costs amounting to £19.40.

University of Bristol Mens FC will receive 5 penalty points in relation to this case.

## **APPEAL**

This decision is subject to appeal in accordance with the relevant FA Appeal Regulations.

Chairperson... ..*Roger Pullin*.....

Wing Member... ..*Roy Schafer*.....

Wing Member... ..*Asif Rehmanwala*.....

Date of written reasons: 13 June 2019