

DISCIPLINARY COMMISSION

Sitting on behalf of the Gloucestershire Football Association

IN THE MATTER OF A VERBAL PLEA OF

...Mr Luke Selman

OF ...Filton Athletic FC.....

DATE OF COMMISSION: ...03 Jun 19.....

CASE NUMBER:9831412M.....

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 Paul Collier the match referee for the Bristol and Suburban League Premier One match between Filton Athletic FC 1st and Old Georgians FC 1st that took place on Saturday 30 March 2019, Mr Luke Selman was charged with misconduct by Gloucestershire FA. In response Mr Selman had entered a plea of Not Guilty to some of the charges raised and had requested a Personal Hearing. The hearing took place at Gloucestershire FA Headquarters on Monday 03 June 2019, commencing at 1925 hrs and concluding at 2050 hrs.

THE COMMISSION

Due to the fact that one of the County witnesses being the Vice Chairman of Gloucestershire FA the members appointed to the Commission were all from outside of the county and were:

Mr Steve Francis RAF FA (Chair)
Mr Andy Ratcliffe Wiltshire FA (Wing Member)
Mr Roger Brimsford Somerset FA (Wing Member)
Mrs Jennifer Gregory Somerset FA (Secretary)

OTHERS ATTENDING THE HEARING

Mr Paul Collier Referee (County Witness)
Mr Roy Schafer Match Observer (County Witness)
Mr Luke Selman Filton Athletic FC (Participant)

Mr Mike Humby Filton Athletic FC Club Captain (Participant Witness)
Mrs Pat Burge Filton Athletic FC Secretary (Observer)

THE CHARGE(S)

The Gloucestershire Football Association charged Mr Luke Selman as follows

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

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

THE REPLY

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

- a) Misconduct Charge notification dated 10 April 19
- b) Mr Paul Colliers Referees report dated 30 March 19
- c) Referees Observer Mr Royston Schafer's witness statement
- d) Response from Participant Mr Luke Selman denying charges and requesting a personal hearing
- e) Response from Mrs Pat Burge stating that Mr Selman is denying the charges and requesting personal hearing
- f) Mr Selman written submission regarding incident
- g) Mr Michael Humby Filton Athletic Club Captain's written witness statement

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 1925, having established that Mr Selman 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 1 – Mr Paul Collier Match Referee

- a) Mr Collier was first asked if he had anything that he would like to add, retract or change to his match report which he stated that he did not.
- b) Mr Selman had no questions for the witness.

- c) The commission asked Mr Collier about the overall atmosphere of the fixture to which he replied that the match was a good contest played in good spirits with minimal misconduct and that when the situation arose he deemed it out of the context of the rest of the fixture.
- d) Using the A4 paper template Field of Play (F.O.P.) Mr Collier drew the positions of the individuals involved at the start of the incident and described the player movements during the following events.
- e) Regarding the incident he elaborated stating that at the beginning of the incident he was stood around the edge of the penalty area with Mr Selman stood in the goal area near the post approximately 15-16 yards away. Following the initial comments he had called Mr Selman towards him and that the player had instead starting to make his way towards the Filton Athletic team officials on the touchline but then following further calls for him by the referee to come to him he did make his way towards the referee.
- f) Whilst approaching the referee Mr Collier stated that the player adopted an aggressive posture with his body and arms tensed whilst shouting the comments listed in his report of “Fucking come on then, I will fucking knock you out “ and “Fucking come on“. Having previously called the captain for Filton Athletic FC Mr Mike Humby over to assist in diffusing the situation he stepped in and restrained his own player approximately 4-5 feet away, Mr Selman then responded by making an aggressive movement forward with his head before finally leaving the F.O.P.
- g) The commission asked Mr Collier regarding the final part of the misconduct charge to which he replied that Mr Selman had returned to the touchline and subsequently made further disparaging marks of “You are fucking disgraceful” and “you are a fucking disgrace” amongst other comments until he finally left the vicinity of the F.O.P.
- h) Mr Collier confirmed that the initial words spoken to him were said by Mr Selman as he was looking straight at him at the time, he added that as he had cautioned Mr Selman earlier in the fixture he could readily identify him.
- i) When questioned by the commission as to the recall of the exact words used Mr Collier stated that as an ex serving Police Officer of 9 years he was experienced in the need to recall exact words and upon further questioning further stated that the report was written within hours of the fixture being completed as is his normal practice.
- j) The final point of clarification requested by the commission was had there been any contact at all between himself and Mr Selman which was categorically denied.

County witness 2 – Mr Royston Schafer Match Observer

- a) Mr Schafer was first asked if he had anything that he would like to add, retract or change to his match report which he stated that he did not.
- b) Mr Selman had no questions at this time for the witness.
- c) The commission asked Mr Schafer to show on the F.O.P. templates the position of all those involved including his as match observer, these positions were very similar to where Mr Collier had positioned each one.
- d) When asked to recall the incident Mr Schafer said that following the referee awarding a consecutive corner he heard Mr Selman shout “Fuck off” to the match referee from his position on the touchline. The player then moved away towards the touchline but following further requests from the referee to come to him he then changed his direction and approached him. From his vantage point the witness stated that he could not hear any further comments but that the approach to the referee was, in his opinion, aggressive. When asked to elaborate on aggressive posture he

stated that due to the way the player was striding towards the referee coupled with his mannerisms and body language with his arms raised slightly and tensed he considered it to be so. He was restrained by his club captain from a few feet away to prevent him getting close to the referee who had moved back; Mr Schafer also stated that at this point he was concerned for the referee and believed that an incident would occur.

- e) When asked about the aggressive head movement Mr Schafer stated that he was unable to confirm this as he did not see it from his position but he did confirm that there was no contact between player and match referee.

The commission at this point thanked the County witnesses for their time and statements and allowed them to leave at 1949 hrs

Participant – Mr Luke Selman

At 1950 the commission, having dismissed the county witnesses continued the hearing with the participant.

- a) The commission asked Mr Selman to show on the A4 template the position of all those involved; again these were very similar to the previous examples from the County witnesses.
- b) When invited by the commission to state what had happened Mr Selman said that the initial comments he had made to the referee were not aimed at him directly but were born of frustration at the way the game had unfolded. With Filton pushing for the League title they were behind against a team that were ranked lower in the division stating “it was a hot day and I was getting frustrated with how the team were playing” further stating that “his emotions were running high”.
- c) He then stated that as he had previously been cautioned he believed that he was about to receive a second caution and was moving off from the F.O.P. Aware that the referee was still calling him over he did return to the match official and freely admits to using foul and abusive language, an action that he says he sincerely regrets and realises should not have been used. He agreed that his captain did intercept him but that he did not restrain him rather that he was asking him to stop using the offensive language as he did not want him sent off. He categorically states that the captain did not physically restrain him and that whilst he did use offensive language he did not say the comments attributed to him by the referee of “Fucking come on then I will knock you out” or “fucking come on”
- d) He further stated that he did then return to the side of the F.O.P. and admits to making he further comments from the touchline that the referee had put in his report of “fucking disgraceful” etc.
- e) Mr Selman did ask the commission to explain what was meant by aggressive as he had not used the threatening words and was informed that if a player is walking towards the referee and is using offensive language this combined with their body language and facial expressions could well be construed as aggressive.
- f) The participant also denies making any physical contact with the referee stating that he did not get within 4-5 feet of him.

Participant’s witness – Mr Mike Humby Filton Athletic Club captain

Mr Humby had submitted a written statement and had attended as a witness on behalf of the participant.

- a) The commission asked Mr Humby to show the position of each individual on the A4 template this was also similar to the other templates produced.

- b) Mr Humby was asked by the commission to relay the events of the incident in his own words. He stated that he heard the initial comment from Mr Selman and that as he moved to the touchline he was still using offensive language and was gesturing with his arms towards the referee, an action that he believed was down to his player being frustrated. When Mr Selman did return to the referee and whilst he was approaching him he was still making abusive comments at which point the witness stated that he moved towards his player in an effort to get him to calm down. As he neared his player Mr Humby stated that he was asking his player to calm down to stop himself getting sent off as “his mouth has got him in trouble before”.
- c) Under further questioning from the commission Mr Humby categorically states that he did not physically restrain his player and that he did not hear him use the threatening comments attributed in the referees report. He also stated that there was no physical contact between his player and the referee commenting that they were yards apart.

This concluded the evidence to be heard in relation to this case; Mr Selman was asked if he had been given a fair hearing which he confirmed that he believed that he had. At this point all were asked to leave the room to allow the commission to consider the evidence, the time was 2030 hrs.

FINDINGS

The commission members agreed that all witnesses were credible and gave their evidence to the best of their ability.

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

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

- a) In relation to **charge 1**, following deliberation the commission agreed that there was no physical contact with the referee and that there were doubts as to the comments attributed to the player. In light of the evidence produced and heard the commission believed that as there was no physical contact and that the on the balance of probability the comments were abusive and not threatening unanimously found charge 1 **not proven**.
- b) In considering alternate charge 1 both the participant and his witness have stated that abusive language was used and due to this evidence the commission, in line with the comments in paragraph a) regarding the threatening comments, have unanimously found the alternate charge **proven** on the grounds of Improper Conduct of abusive behaviour.

MITIGATION

The participant when given the opportunity to plea for mitigation expressed heartfelt remorse for allowing his frustration at himself and the performance of his side during this fixture to lead to his actions on the day and has offered his sincere apologies to the match official Mr Paul Collier for his behaviour. He has since been stripped of the vice-captaincy by his club and has stated that as a coach of a youth team he is aware of the required standard of behaviour and that he did not meet that standard for which he can only apologise.

PREVIOUS DISCIPLINARY RECORD

Mr Selman’s previous disciplinary for the last 5 years was as follows

- a) 24 Cautions (including one from this fixture)
- b) 2 dismissals (including one from the match in question)

- c) 1 sanction for reaching 5 cautions
- d) No other Misconduct charges

SANCTION

The recommended sanction for this offence is 12 Matches and a fine of up to £100 with a minimum of 6 matches and up to £50, when considering the sanction it was agreed that the recommended sanction as stated within the FA guidelines was for threatening behaviour. As the commission were of the opinion that this was abusive behaviour as opposed to threatening behaviour, coupled with the sincere apology and admittance of the abusive language the commission agreed that the sanction be lowered by 3 matches and reduced by £25. Therefore the commission unanimously decided that the following sanction be applied to Mr Luke Selman.

- a) A warning as to future conduct
- b) 9 Match suspension
- c) Monetary fine of £75

Filton Athletic FC will also receive 8 penalty points in relation to this offence.

APPEAL

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

Chairperson... ..*Steve Francis*.....

Wing Member... ..*Andy Ratcliffe*.....

Wing Member... ..*Roger Brimsford*.....

Date of written reasons: 04 June 19