

**IN THE MATTER OF
HAMPSHIRE FOOTBALL ASSOCIATION**

-v-

**RYAN COLE
(CASE REFERENCE 9791014M)**

**REASONS FOR DISCIPLINARY COMMISSION DECISION
THURSDAY 4th APRIL 2019**

INTRODUCTION

1. These are written reasons for the findings of a Disciplinary Commission, held on behalf of Hampshire FA (HFA) on Thursday 4th April 2019, following a misconduct charge raised against Ryan Cole (RC) of West Howe Reserves (WHR). The misconduct offence is alleged to have taken place in a game between WHR and Poole Rovers First in a Bournemouth Sunday League Division 6 game on 24th February 2019.

PARTIES

2. The Disciplinary Commission members were Anthony Rock (Chair, HFA Council) and two Independent members, Trevor Brock and John Spalding.
3. Debbie Sowton (Discipline Manager, HFA) acted as Secretary to the Commission.

MISCONDUCT CHARGE NOTIFICATION

4. By HFA Misconduct Charge Notification, dated 7th March 2019, the following charge was raised against RC: Charge - FA Rule E3 - Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour).

FA RULE E3

5. FA Rules of the Association - FA Handbook Season 2018-2019, Part 10, Section E, Paragraph 3(1) states:

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.

CHARGE

6. The details of the charge are that at the end of the game the WHR player/manager, RC, approached the Referee asking for the match fee back. As the Referee was then walking away RC squirted his water bottle at him. Some of the water hit the Referee.

PLEA

7. The Commission was informed that on 13th March 2019, via the Whole Game System (WGS), RC pleaded not guilty to the charge and requested a personal hearing. We noted that as from 7th March 2019, RC was suspended from all football and football related activities pending the outcome of his personal hearing.

WRITTEN EVIDENCE

8. The written evidence available to us before the hearing consisted of:
 - a. HFA Misconduct Charge Notification (RC) dated 7th March 2019.
 - b. County Association Report Form dated 24th February 2019, submitted by the Referee, Jaydon Smith.
 - c. Undated statement from RC.
 - d. Undated statement from Dave Jackson (WHR, Spectator).
 - e. Undated statement from Rebecca Howarth (partner of RC).
 - f. Undated statement from Maura Mowlem (WHR, Secretary).
 - g. WGS screenshot from Shayne Gallant (HFA) dated 13th March 2019 (confirming RC's not guilty plea).

EVIDENCE IN SUPPORT OF THE CHARGE AGAINST RC

9. We first heard evidence from the Referee. A copy of his report was before all parties and it was accepted that it had been received and read by all.
10. By way of questioning, Jaydon Smith gave oral evidence as follows:
 - a. He confirmed, on a field of play sketch, where he was at the end of the game when confronted by RC.
 - b. He remembered RC having a water bottle in his hand when the second confrontation took place near to the touchline. He also recalled one other player standing a few yards behind RC. He couldn't remember how many players were within the general area, but later accepted that there may have been other WHR players close by.

- c. When walking away with his back to RC, he became aware of something, which he thought was a few drops of water, hitting him on the back. He would have been about 6-8 yards away from RC at the time. He did not see who squirted the water, and whilst not 100% sure, assumed that it was RC. He did not turn around to see who it was, and at the time took no action. He accepted that a number of WHR players within the immediate area had water bottles and that the water could have been squirted by any one of them.
- d. As he continued walking, a WHR player apologised for RC's actions. Jaydon was not sure if the player was apologising about the water squirting or for the fact that RC was asking for the match fee back.
- e. He felt that the incident was not serious and probably warranted a warning. During the game, there had been no issues with RC.

EVIDENCE IN DEFENCE OF THE CHARGE AGAINST RC

11. We next heard verbal evidence from the Appellant, RC.

- a. He confirmed that four statements had been submitted to HFA in his defence of the charge. These statements were not in the original case papers, but were viewed by the Commission Members immediately prior to the hearing. RC accepted that the Commission had considered these submissions.
- b. He acknowledged asking the Referee for the match fee back, but was adamant that he had not squirted water at him. He said that the water had been squirted from someone behind him. He assumed it was water but accepted that it might have been anything. At the time he wasn't concerned and didn't turn around to see who or what it was.
- c. RC confirmed that most of the players within the immediate vicinity were drinking from water bottles. This was normal at the end of any game.
- d. He felt that the Referee had no idea who had squirted the water and took no action to find out who it was. The whole accusation had made him feel horrendous and he had never been accused of such a thing before. There was insufficient evidence to prove that he had squirted the water, and again denied that he did it. He was sorry that he had asked the Referee for the match fee to be returned.

SUMMARY OF EVIDENCE

12. The foregoing is a summary of the evidence provided to us, both in writing and in person. 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.
13. By his own admission, the Referee did not see who squirted the water, and acknowledged that it may not have been RC. The WHR statements from Dave Jackson, Rebecca Howarth and RC, all state that the water was squirted by someone stood behind Ryan. However, none of them identify the individual involved. From Maura Mowlem's statement, she clearly did not see the incident. In fact, it is not clear if she was actually at the game.
14. RC accepted that he asked for the match fee back, but was adamant that he had not squirted water at the Referee. He did not know who it was because many of the players within close proximity of the Referee had a water bottle in their hands.

FINDINGS

15. The onus is on the County FA to prove the case. We were reminded of the standard of proof required in order to find the charge proven, which is on a balance of probability. We noted that the balance of probability standard means that we would have to be satisfied an alleged event occurred if we considered, based on the evidence, the occurrence of an alleged event was more likely than not to have taken place. [L] [SEP]
16. We determined that there was insufficient evidence to support the charge that RC had squirted water at the Referee. As such, by a unanimous decision, we found the charge of improper conduct against a match official, including physical contact, NOT PROVEN.
17. In accordance with FA Regulations, there is a right of appeal against the decision.

Saturday 6th April 2019

Anthony Rock (Chair)

Trevor Brock

John Spalding