

**PARTIES IN THE MATTER OF
HAMPSHIRE FOOTBALL ASSOCIATION**

-v-

**LUKE BEWLEY
(CASE REFERENCE 9799585M)**

REASONS FOR DISCIPLINE COMMISSION DECISIONS

WEDNESDAY 1st MAY 2019

INTRODUCTION

1. These are written reasons for the findings of a Discipline Commission held on behalf of Hampshire FA on Wednesday 1st May 2019, following a charge raised against LUKE BEWLEY (LB). The charge is based on events alleged to have taken place at a fixture between Diggers Elite First and Frogmore First on 10th March 2019
2. The Discipline Commission members were Mr Keith Allen, Independent Member Hampshire FA Disciplinary Panel (Chair), Mr Peter Sowton Hampshire FA Council and Mr Trevor Brock Independent Member of Hampshire FA Disciplinary Panel.
3. Mrs Debbie Sowton Hampshire FA Disciplinary Dept. acted as Secretary to the Commission.

CHARGE

4. By Hampshire FA Misconduct Charge Notification, dated 15th April 2019, the following charge was raised: FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour).

DETAILS OF THE CHARGE

5. The details of the charge against LB is that following his dismissal the player threatened and assaulted the referee, forcibly pushing and shoulder barging him.

PLEA

6. The Commission was informed on the WGS on 23rd March 2019, LB had denied the charge and had asked for a personal hearing.

WRITTEN EVIDENCE

7. The written evidence available consisted of:
 - a) A comprehensive report from Match Referee Mr Morgan McLellan dated 12th April 2019.
 - b) A comprehensive undated email from Mr McLellan, giving further details of events before, during and after this fixture, many of which were not directly related to the charge against LB.

EVIDENCE

8. The Match Referee stated in his report that:

“I dismissed Diggers Elite’s number 9 Luke Bewley around the 75th minute Mr Bewley reacted overwhelmingly in an aggressive manner threatening “I’ll get you after the match, don’t worry”. I asked Mr Bewley a few times to calm downhe finally gave his name and proceeded by forcibly pushing and shoulder barging me, with players from both teams needing to step in to avoid him assaulting me further. The player concerned directly said to me “you fucking send me off, go on”.Mr Bewley acted hysterically and aggressively, personally threatened and assaulted me.
9. The Match Referee Mr Morgan McLellan was called to the hearing as an Association Witness and the hearing was scheduled for a later time at his request.

On the day of the hearing Mr McLellan informed the Commission Secretary that due to personal arrangements that evening, he may not be able to attend, he was then offered the option of giving his evidence by telephone.

In the event Mr McLellan did not appear at the Commission and did not accept the offer to give his evidence by telephone, which gave neither the person charged nor the Commission the opportunity of asking questions and testing his evidence.

10. LB then gave evidence in defence of the charge, in which he vehemently denied all the allegations contained in the Match Officials report.

LB further claimed that events in the referee's report were confused with other events and allegations against another player and the Club, not being attributable to him.

When questioned by the Commission LB confirmed that at no time did he push, barge or threaten the referee, that no player pushed barged or threatened the referee, that he did not act in an hysterical or aggressive manner and that he was not pulled away by any player.

11. LB then called Diggers Elite player Manager Craig Fry to give evidence on his behalf, Mr Fry having played in the game up front alongside LB and who was close to the alleged incident.

Mr Fry was questioned by LB and the Commission, his replies being LB's version of events and that he did not see or hear any threats, neither did he see any pushing or barging of the referee by LB or any other player. He also confirmed he was 10 yards away from the incident and no one touched or threatened the referee.

12. LB then confirmed to the Commission Chair that, despite the non-attendance of the referee, he was satisfied he had received a fair hearing and made a final submission, in which he confirmed that at no time did he threaten the referee or touch him physically.

He expressed further disappointment that the Match Official was not present to enable him to question him on his version of events and pointed to the evidence of the only witness produced.

DELIBERATION

13. The Commission noted with considerable disappointment that the Match Official Mr McLellan had not taken the opportunity of presenting his evidence in person or by telephone. This did not enable either the defendant or the Commission to question and test the evidence of the referee.

14. Notwithstanding that the referee's most comprehensive report and undated comprehensive follow up email, were studied carefully in every aspect and their contents given due weight.

15. The Commission considered the verbal evidence of Mr Fry, the only witness, who was considered credible and whose version of events confirmed those of Mr Bewley.
16. The Commission considered the verbal evidence of Mr Bewley, which was considerably different to that of the referee.
17. The Commission noted and considered the claim by Mr Bewley that the referee had mixed up incidents when making his report, although considered this to be unlikely.
18. The Commission noted and considered other events contained in the referee's report and follow up letter, which clearly evidenced that the behaviour of Diggers Elite players in general was poor, being the subject of separate charges arising from the game.
19. The Commission were satisfied that behaviour on that day from players of Diggers Elite was far from acceptable, but that there were no witnesses to confirm the referee's allegations against Mr Bewley and that there was insufficient evidence of the alleged assault.
20. Having deliberated at length and considering the referee's allegations, which in his absence were not able to be questioned or tested, either by Mr Bewley or the Commission, it was unanimously decided that the charge against Mr Bewley was found not proven.

There is a right of appeal against these decisions in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

Keith Allen (Chair)

Peter Sowton

Trevor Brock

3rd May 2019

