

In the Matter of Manchester Football Association

-v-

Mr Robert Brocklehurst

Reasons for Discipline Commission decision Tuesday 20th November 2018.

The Discipline Commission members appointed by Manchester Football Association were:

Mr Mark Jules (Chairman),

Mr Keith Marsden,

Mr Chris Dyson.

Mr Paul Roots (Manchester FA) acted as Secretary to the Commission.

The hearing took place at the National Cycling Centre Manchester on Tuesday 20th November 2018 commencing at 19.00 and finished shortly after 19.50.

The following is a record of the salient points which the Discipline Commission considered and is not intended to be and should not be taken as a verbatim record of the hearing.

Charge:

1. Mr Robert Brocklehurst, a player for Holdsworth Working Mens Club received a charge, for FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour), the alleged misconduct having taken place in a match between Holdsworth Working Mens Club and AFC Millers on the 2nd September 2018.
2. The details of the charges, as outlined in the Charge letter were as follows:

The charge is raised against Mr Brocklehurst due to an alleged incident where, following the conclusion of the above fixture, and after his dismissal from the field of play, he put his hands on the official's chest' and continued to shout abuse. Which amounts to a breach of FA Rule E3 – Improper Conduct including Physical contact against a match official. This charge is in addition to the red card already received.

3. It was noted both by the Commission but also within the Charge letter, in accordance with The FA Sanction Guidelines 2018-2019 that this offence carries a minimum 84 days & £100 fine but the recommended sanction for a proven case is 182-day suspension from all football & football activities & £150 fine for the Physical contact on a match official. The Commission will consider both offences in totality in regards to sanction.
4. The Participant denied the charges and requested the opportunity to attend a Discipline Commission for a personal hearing.

DOCUMENTATION:

5. The members of the Commission had a bundle of documents before them, as detailed below, and which they had read before convening:
 - a. Misconduct Charge Notification dated 25th October 2018;
 - b. Referees report by Mr Thomas Boardman dated 2nd September 2018;
 - c. Referees additional Observations by Mr Thomas Boardman dated 18th September 2018;
 - d. Reply form from Mr Robert Brocklehurst requesting a Personal Hearing, dated 31st October 2018;
 - e. Letter from Mr Lee Roberts, Manager, Holdsworth working men's club, dated 15th November 2018;

ALLEGATIONS:

6. The allegations against the player are as set out in the Misconduct Charge Notification and in paragraphs 1 and 2 above.
7. We reminded ourselves that we were only dealing with the charge of Physical contact against a Match official.

COUNTY FA WITNESS EVIDENCE:

8. We heard and noted detailed evidence from the following persons:
 - a. Mr. Thomas Boardman (Match Referee);
9. Mr Boardman's referees report states that after giving Mr Brocklehurst (the number 8) a red card, he then squared up to me putting his hands on my chest and continuing to shout abuse.
10. Mr Boardman stated Mr Brocklehurst did not push him but put his hands on his chest and clarified that he did not think it was physical assault. Mr Thomas thought it was verbal abuse from Mr Brocklehurst.
11. Mr Thomas felt threatened by Mr Brocklehurst and other spectators who shouted a load of abuse at him, this is the point after the match had concluded where Mr Brocklehurst put his hands on his chest.
12. As Mr Brocklehurst approached Mr Thomas he held his ground and did not back away or put out his hand to stop Mr Brocklehurst from approaching him.

PARTICIPANT CHARGED WITNESS EVIDENCE:

13. We heard and noted detailed evidence from the following persons:

- a. Mr Robert Brocklehurst (Holdsworth Working Mens Club);
- b. Mr Lee Roberts (Manager Holdsworth Working Mens Club) ;
- c. Mr Matthew Buntin (Player Holdsworth Working Mens Club);
- d. Mr Nathan Jackson (Player Holdsworth Working Mens Club);

14. Mr Roberts explained that there was no physical contact and the captain Mr Buntin was there to intervene and stood in between Mr Brocklehurst and Mr Thomas.

15. Mr Buntin did not see Mr Brocklehurst touch the referee, after the final whistle he observed Mr Brocklehurst approaching the referee. As Mr Brocklehurst got closer to the referee, Mr Buntin put himself between the two and pulled Mr Brocklehurst away.

16. There were verbals from Mr Brocklehurst aimed at the referee, this all happened in the middle of the pitch. This is where Mr Buntin dealt with Mr Brocklehurst to defuse the situation.

17. Mr Jackson a Holdsworth spectator also stated that Mr Brocklehurst did not touch the referee and Mr Buntin jumped in between Mr Brocklehurst and the referee. Mr Jackson was stood just off the pitch around the halfway line and had a good view of the incident. He corroborated the evidence given by Mr Buntin by stating that the incident happened in the

middle of the pitch.

CONCLUSION:

18. We reminded ourselves that the standard of proof is the civil standard of the “balance of probability” which means that the Discipline Commission is to be satisfied, on the available evidence that the incident was more likely than not to have occurred (51% against 49%). Put simply, we had to weigh up the evidence before us and decide what was more likely to have happened than not.

19. We heard the evidence from Mr Boardman regarding the alleged incident accusing Mr Brocklehurst of putting his hands on his chest after the match had concluded. Written and verbal evidence were all taken into consideration during the commissions deliberation.

20. The commission considered the evidence from Mr Brocklehurst’s three witnesses (Mr Roberts, Mr Buntin and Mr Jackson), all corroborated that Mr Buntin stood in between Mr Brocklehurst and Mr Boardman. The commission therefore placed great weight in favour of the evidence given by the three witnesses.

21. We therefore conclude that Mr Brocklehurst whilst looking to confront Mr Boardman after the match concluded did not make physical contact with the referee.

22. Having carefully considered the whole of the documentation before us and the live evidence that we heard, the commission members unanimously concluded the charges under FA rule E3 - Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour) are not proven.

SANCTION:

23. The personal Hearing fee will be reimbursed.

Mr Mark Jules (Chairman),

Mr Keith Marsden,

Mr Chris Dyson.

Tuesday 20th November 2018