

DISCIPLINARY COMMISSION

Sitting on behalf of the Norfolk County Football Association

IN THE MATTER OF A NON-PERSONAL HEARING

of

MR. ROBIN WEBDALE OF NORTH WALSHAM TOWN VETERANS

THE COMMISSION'S DECISION AND REASONS

BACKGROUND & HEARING

1. The Disciplinary Commission ("the Commission") convened via WebEx video conference on Wednesday, 9 January 2019 by way of a non-personal hearing. The Commission adjudicated in respect of charges brought by Norfolk County FA against Robin Webdale as the result of alleged misconduct in a match between Cringleford Veterans and North Walsham Town Veterans on Sunday, 11 November 2018.

THE COMMISSION

2. The members appointed to the Commission were:

- i) John Turner (Council Member of Norfolk County FA)
- ii) Kevin Brown (Independent Member)
- iii) John Day (Council Member of Norfolk County FA)

3. Matt Lemmon (Norfolk County FA) assisted the Commission as Secretary.

THE CHARGE(S)

4. Norfolk County FA charged Robin Webdale as follows:

Breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive behaviour).

5. The particulars of the charge against Robin Webdale are that it was alleged that after being sent off, he approached the referee in an aggressive manner and said "you're fucking finished, fucking finished" before being restrained by several teammates and being ushered away from the field of play and into the changing rooms.

THE REPLY

6. Robin Webdale accepted the charge and confirmed he was content for the matter to be heard in his absence by correspondence.

THE RULES

7. Pursuant to the FA Handbook 2018-19 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 AND STANDARD OF PROOF

8. In this instance the burden of proof is on the County. The applicable standard of proof is the civil standard of the balance of probability. The balance of probability standard means that the Commission is satisfied an event was more likely than not. Therefore, if the evidence is such that the Commission can say “we find it more probable than not” the burden is discharged, but if the probabilities are equal it is not.

THE EVIDENCE

9. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all the evidence and submissions; however, the absence in these reasons of any particular point, evidence or submission, should not imply that the Commission did not take such point, evidence or submission into consideration when the Members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.

10. The documents before the Commission comprised of: the misconduct charge notification letter, the referee’s report dated 11 November 2018, a further email from the referee in response to an email sent to him by Norfolk County FA on 16 November 2018, the response to the charge and administrative correspondence between Norfolk County FA and the Club Secretary of North Walsham Town Veterans.

11. The Referee’s report indicated that Robin Webdale was cautioned for dissent and sent to the sin bin in the 64th minute. Before leaving the field of play, he used offensive and insulting and abusive language to the referee. He was then dismissed from the field of play whereupon he approached the referee in a very aggressive manner and made threats to the referee’s well being. Robin Webdale then said “you’re fucking finished, fucking finished” before being restrained by three or four of his teammates and ushered away from the field of play and into the changing rooms.

12. Neither Robin Webdale nor North Walsham Town Veterans submitted any response to the charge, other than responding via the Whole Game System. The Commission also noted that no response had been received from the club in respect of a further email sent to the club on 19 December 2018.

FINDINGS

13. The Commission studied the evidence very carefully, being conscious of the burden and standard of proof. The Members noted that Robin Webdale had responded by accepting the

charge and considered that the referee had submitted a full and detailed report based on what he had witnessed on the day.

14. The Commission Members reminded themselves that for the charge to be proven, on the balance of probabilities, the following questions had to be taken into consideration, namely:

- i) Did Robin Webdale act as reported by the referee?
- ii) Did this conduct amount to a breach of FA Rule E3?

15. The Commission first considered the alleged actions of Robin Webdale and noted that he had accepted the charge in its entirety. The Commission reminded itself that the original actions including the offensive, insulting and abusive language had been dealt with by means of a red card and therefore were not part of this misconduct charge. The Commission further considered the report submitted by the referee and found this to be a well written and very clear account of the allegations. The Commission noted that Robin Webdale had approached the referee on the field of play in an aggressive manner and had been restrained by his own players. The Commission also noted that the referee had been concerned as to what might happen after the game. For these reasons, the Commission found it more likely than not that Robin Webdale did commit the threatening action alleged by the referee after the sending off.

16. In summary, the Commission unanimously found the charge against Robin Webdale to be proved.

PREVIOUS DISCIPLINARY RECORD

17. The Secretary advised the Commission that Robin Webdale had four cautions on his record and the standard charge arising from this match.

SANCTION

18. The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by The FA.

19. The Commission found this to be an unacceptable action causing the referee to feel threatened. The Commission further accepted that no actual contact was made.

20. The Commission noted that the recommended sanction for a proven offence is a 12 match suspension and up to a £100 fine. In considering the sanction to impose, the Commission took into account the fact that the referee clearly stated that he had been approached by Robin Webdale in an aggressive manner and had felt threatened and concerned by the actions. The Commission noted that neither the participant nor the club had submitted a written response to the charge despite being reminded by Norfolk County FA. By way of mitigation, the Commission considered that the participant had accepted the charge, had no previous misconduct charges on his disciplinary record and took account of his age.

21. Taking all of the circumstances into account and remembering the recommended sanction guideline for this offence, the Commission unanimously decide to impose the following sanction :

- i) Robin Webdale is fined the sum of £75.
- ii) Robin Webdale is suspended from all football activity for eight matches.
- iii) Robin Webdale is severely warned as to his future conduct
- iv) North Walsham Town receive seven penalty points on their Club disciplinary record.

APPEAL

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

JohnTurner
Kevin Brown
John Day

11 January 2019